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A Review of FTA Section 5310 Program's State Management Plans: A Legacy Program in Transition

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Technical Report

A Review of FTA Section 5310 Program's State Management Plans:

A Legacy Program in Transition

Alexandra Enders and Tom Seekins

February 4, 2009

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Executive Summary

Transportation decisions can enhance or limit community participation and employment opportunities. Historically, the lack of transportation has been consistently reported as one of the most significant barriers to community participation, particularly by rural people with disabilities. A person with a disability affecting his or her mobility in the community may have to base housing and employment choices primarily on transportation connectivity. Lack of transportation may force an individual with a disability to relocate to an area with available transportation services, and/or never consider living in a location with inadequate transportation.

The 1970 amendments to the 1964 Urban Mass Transportation Act (Urban Mass Transportation Act of 1970, P.L. 91-453) established as national policy that:

...elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.

This national policy statement pre-dated the Americans with Disabilities Act (ADA) by twenty years. Since its passage in 1990, the ADA has guided national policy toward integrated accessible public transit and changed the nature of transportation services. The Federal Transit Administration's Elderly and Persons with Disabilities Program (section 5310) has been in place since 1975 and has been particularly important in filling gaps in accessible transportation services for seniors and people with disabilities. The Research and Training Center on Disability in Rural Communities conducted a transportation policy analysis to [1] learn more about the similarities and differences among states in their approach to, policy content of, emphasis on, and organization of transportation services planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities; [2] identify current practices, approaches, and innovations; and [3] serve as a resource to allow state policymakers, administrators, and advocates to learn from and build on each other's work.

We reviewed state management plans that were in place prior to the August 2005 passage of the Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU, Public Law 109-59) to establish a consistent baseline among states which can be used to measure the program's impact and progress in achieving national goals.

We framed this analysis within a post-ADA context, assuming (as stated in the 1970 national policy) that the desired outcome of the §5310 program in this century is an integrated public transportation system accessible to all, including people with disabilities and elderly individuals.

Surprisingly, our review of state §5310 program management plans identified considerable ambiguity about expected program outcomes, and even about which services and systems are expected to be coordinated. Almost 20 years post-ADA, we were surprised to find ourselves raising the issue about state interpretations of whether or not "special" transportation services are included in development and coordination of public transportation systems.

The section 5310 program has two major parts. Though the second part, a state grant program, gets most of the attention, the important first part provides the authority for the Federal Transit Administration (FTA) to support public transportation services planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities within its other capital assistance grant programs. The section 5310 state grant element, (a)(2), is a "safety net" which states can use to fill gaps when section 5310(a)(1) transportation services are unavailable, insufficient, or inappropriate. Neither federal statute nor FTA guidance define these words, which are used to determine need. Their interpretations probably have changed considerably in the past 38 years. Some states consistently have used their federal allocations to address rural transportation needs, while others have used these dollars to fill other public transportation system gaps. This report shows that states have many different interpretations of how to focus and distribute FTA's Elderly and Persons with Disabilities Program grant resources. This important small federal program has evolved over the years. It is important to remember that the first 5310 program state grants were awarded in 1975, 15 years before the ADA mandated investment in accessible transportation.

As the §5310 program has evolved over the last 30 years, states have taken different approaches, and each appears to follow one of three pathways. This may not be readily apparent, because states may use similar words (e.g. "coordination") to refer to different activities. They base implementation on differing assumptions and measure success with different implicit outcome measures. Some states (e.g. Iowa) have used section 5310 funds to build inclusive, accessible transportation systems for the general public. This is more common in rural areas where no public transportation had been available. Where human service agencies for seniors and people with disabilities provided the only available transportation, states may have developed or are developing a general public transportation on the backbone of the §5310 program (e.g. Idaho, Nevada). States with some limited transportation may have used §5310 to supplement rural and/or regional transportation systems (e.g. North Carolina, Iowa, Rhode Island). States with more-developed public transportation systems use §5310 to fill general transportation gaps and to support human service agencies that are still an important resource in filling those gaps (e.g. California, Maryland, Ohio).

Our review may raise more questions than it answers. Some are basic questions at the heart of national policy goals. For example: Should we invest in turning human service agencies into transportation providers, or in developing the capacity of public entities to provide/coordinate transportation for the entire community? What transportation should be coordinated? Are special separate transportation systems acceptable?

The essential question may be how to address *special needs*. Do you plan, design, and implement transportation systems (or any system) to include the special needs of elderly individuals and individuals

with disabilities? Do you focus on developing separate systems (e.g. human service transportation models that are not functionally part of the public transportation system)? A case can be made that:

1. People may have special needs, but we should define the needs functionally.
2. Special attention and investment may be needed to develop and operationalize generic systems designed to incorporate a broad range of functional needs.
3. Systems with categorical eligibility requirements may be inherently segregated and therefore ineligible for public tax dollar support. It is not the nation's policy to invest in discriminatory systems, even those that are well intended or coordinated.
4. As the concepts of special needs, special services, and universally-designed generic systems mature and evolve, and as the availability of resources fluctuates, we must continually re-evaluate the use of separate systems as a safety net for addressing unmet special needs.

Solutions must reflect the “national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services” (PL 91-453, 1970). Programs that distribute public subsidies should continually reassess mechanisms for meeting needs in areas where transportation is unavailable, insufficient, or inappropriate. The system should not be static or self-renewing – it should continually re-evaluate what is achievable in the most integrated setting (subsidized, if necessary) and what still may need support as a separate, eligibility based program. Our analysis highlights the need for targeted strategies to speed the transformation from segregated (albeit coordinated) human service transportation to integrated transportation systems for all.

RESULTS

We had been warned that “There is so much variation in how states operate their Sec. 5310 programs that it sometimes seems that this really is a network of 56 separate, federally assisted mobility programs, operated by states, territories, and other federal possessions” (Zeilinger, 2002, p.9). We found more variation than expected in both the structure and the content of state plans. The results section provides data and tables about the management process. The full technical report includes detailed descriptions of:

- Program goals and objectives; management orientation/models; roles and responsibilities; coordinating roles and responsibilities; relationships with Metropolitan Planning Organizations; and overall impressions of each state's model and overall impression of the coordination model.
- Eligible subrecipients; criteria for public bodies and coordinators of services; sign-off letters and assurances; state-determined options and exclusions.
- Local share and local funding requirements; matching funds; and state funding.
- Project selection criteria; methods for distributing funds; eligible capital expense; the application process; subrecipients selection process; costs; and leasing as an option.

- The annual Program of Projects development and approval process.
- Coordination mechanisms; insurance, liability, responsibility, and related assurances; coordination incentives and disincentives.
- Private sector participation; civil rights; section 504 and ADA reporting, vehicle accessibility; and other provisions (e.g. school bus use).
- Public involvement and advisory committees.
- State program management: accountability, procurement, useful vehicle life, utilization criteria; ownership/title and labeling, property management, state reporting requirements, the review process, state administrative expenses.
- State definition(s) of disabled and elderly; criteria for establishing need; operational criteria for “unavailable, insufficient, or inappropriate”, transit needs surveys.
- Distributive equity; equitable distribution of section 5310 rural-urban transportation resources; geographic equity, maps/GIS/GPS.

The appendices include each state’s pathway, noteworthy practices identified in the SMPs, FTA charts of state funding levels, statutes and federal guidance documents, a glossary, and list of acronyms.

We make 45 policy recommendations regarding [1] program development in an evolving transportation program; [2] identifying needs; [3] fair and equitable distribution; [4] data collection and reporting; [5] resource distribution patterns; [6] outcome measurement; and [7] management. We also include recommendations for further research and key indicators for progress/change.

Major findings:

[1] Operational definitions/criteria. The program’s primary rationale is to provide capital assistance for transportation when public transportation is “unavailable, insufficient, or inappropriate”. We found that the lack of operational definitions for these key terms is an important factor leading to ambiguity in interpretation and implementation, and may lead to inequitable distribution. Only one state, California, operationally defined these terms.

[2] System tensions. Over the life of the §5310 program, policy makers have increased emphasis on “coordination” of transportation systems and services. But our analysis shows there is disagreement on even basic issues (e.g. which transportation should be coordinated?). This question relates to the apparent tension between the objectives of human service transportation and public transportation systems. It questions the program’s underlying assumptions and desired outcomes, as well as the ambiguous and sometimes conflicting interpretations of its purpose. States differ in program management areas such as determining: who can ride in a section 5310-funded vehicle; whether transportation services are integrated or segregated; which community members are excluded; whose transportation needs are addressed; how ride priorities are established. For the most part, there did not

seem to be any mention of how states specifically identify, address, and manage the underlying tensions, in any of the SMPs reviewed. It appears that cost and utilization issues may be significant contributor to these tensions.

[3] An evolving system? One might assume that states would use this federal capital assistance grant program as both a safety net and a mechanism for continuous quality improvement – redefining which additional areas need support because existing public transportation is still “unavailable, insufficient, or inappropriate”. Our SMP review showed this to be true in some states, but not in all. Some states’ priority on replacement vehicles could be considered as perpetuating a separate segregated system, when in reality a more integrated approach may have now reached “evolutionary viability”. Some states (e.g. Kentucky) appear in each funding cycle to explicitly question whether recognized needs could be met in a more inclusive, integrated way.

SMPs for Colorado, Illinois, Iowa, Nebraska, and other states seem to be based on a vehicle management approach, targeting §5310 funds as supplemental money to fill transportation gaps in communities which are not yet accommodating all transportation needs of the elderly and people with disabilities. It appears that their approach is to address needs by using existing public and private transportation systems, only using §5310 funds to fill system gaps.

[4] Distributive equity. The §5310 program is administered at the state level. There are no population or geographic requirements, so states may distribute funds equitably statewide, based on unmet needs. However, not all states appear to take advantage of this flexibility. State management plans have statements about equity, but few include operational definitions (e.g. in the selection criteria). Equity may be a stated objective, but without operationally defined criteria it is difficult to measure or achieve.

In some states, if there is a single human service agency that could provide separate special transportation in the service area of a public entity (e.g. a §5311 provider), that public entity may be ineligible for §5310 funds — unless the entity is also the designated coordinator. New York’s approach to coordinated rural transportation is interesting – New York DOT can reclaim an agency’s §5310 vehicle (the §5311 provider will pay the agency for its remaining percentage of the match) and bring it into the coordinated rural transit system to serve all seniors, individuals with disabilities, and the general public.

Some states appear to take de facto equitable distribution for granted. For example, West Virginia will not use §5310 funds to expand services in a county with a public transit provider. The state apparently considers expanded services part of the transit system’s ADA responsibility, and the “insufficient” designation doesn’t apply. Funds can be used to expand services in West Virginia counties without a public transit provider. Since counties without any public transit provider are probably more rural, this policy promotes more equitable distribution of funding and responsibility.

[5] Role expectations. When both federal and state transportation agencies (e.g. Illinois, Colorado) have policy and resource distribution expectations that subrecipients will function as part of the overall transportation system, transportation providers are likely to comply. Colorado’s application emphasizes that “evaluation of coordination is, to a large extent, an evaluation of an entire community’s coordination success, not just that of the applicant.” However, if a state DOT treats the §5310 program

as a distinct or special program targeted primarily to selected agencies, the applications appear to focus on providing transportation to an agency's clients. These sub-recipients may be less likely to be involved in integrated coordinated systems.

State DOT administrators manage large numbers of vehicles. They keep the vehicles running and safe. They do not seem concerned with who should be served – their core values say everyone should be. It appears that it may be the human service transportation administrators who are adding additional complexity, for example with eligibility criteria for who qualifies for public subsidy, and attempting to identify the “truly needy.”

[6] Building a culture of coordination. Coordinated transportation is a goal of the section 5310 program. We found that some states (e.g. Alaska) appear to have a bias toward coordination, but allow for situations where it is impossible (e.g. where there is no other transportation entity with which to coordinate).

Some states appear to have ways to facilitate conversion to integrated public transportation systems which also build models for coordination. Michigan provides support mechanisms for developing specialized services into countywide transportation services for everyone. Counties with only specialized services are eligible to apply for regional funds. If the regional program is successful, at the completion of the three-year demonstration period the specialized services program is ‘folded into’ the countywide service provided to the general public, and the service becomes eligible for formula funds.

[7] Process measures are not outcome measures. We found that the section 5310 program lacks appropriate outcome measures to provide data about whether seniors and people with disabilities actually get to their desired destinations on time. US DOT’s existing process measures are usually inadequate for capturing the story from the consumer’s perspective. This results in an inability to provide adequate data to describe existing transportation gaps and determine what is “unavailable, insufficient, or inappropriate”. The current process measures may only work where there is no public transportation system, and it is unlikely that there will ever be one.

[8] Insurance liability. Insurance coverage for liability includes vehicle replacement cost, and passenger and driver liability issues. We found no SMP which addressed the broader issue of generic liability responsibility, nor was there guidance on how lead agency models or other arrangements share responsibility when they allow sharing and other agency use.

[9] Accessible vehicles – capital investment as a resource management issue. States still use federal funds to purchase non-accessible vehicles, despite current emphasis on accessibility. Many states require that the vehicles purchased must be accessible, but then allow exceptions and have criteria for waivers. Seven states (almost 14%) — California, Delaware, Illinois, Maine, Minnesota, Pennsylvania, Rhode Island — do not allow accessibility waivers. In these states §5310 funds can be used **only** to purchase accessible vehicles. Most states have exceptions related to “the system/service, viewed as a whole”. States take a variety of approaches to the “equivalent service” criterion for wheelchair accessibility, and some states appear to have lower thresholds than others.

[10] Accessible emergency transportation resources: an example of resource management as community capacity building. States appear to have the option to use §5310 supported vehicles during emergency response and recovery phases. We found that few states appear to use section 5310 resources in extraordinary situations (e.g. emergency evacuations). Kentucky and Nevada include this in their SMP and operations. States usually do not include vehicles purchased with federal §5310 funds, especially those operated by human service organizations, in their inventory of public transit vehicles. One consequence of this is that these publically supported vehicles, in particular the lift-equipped vehicles, may be overlooked as available resources in emergency situations.

CONCLUSION

The road has taken many twists and turns as we've traveled from the 1970 national policy "that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services" to the 1990 Americans with Disabilities Act and increased federal investments in public transportation for all Americans. As transportation systems and services evolve, it is increasingly important to clarify the direction they are taking at the community, state, and federal levels.

From a management perspective, implementation of the small "safety net" FTA transportation grant programs from 1975's legacy Special Needs of Elderly Individuals and Individuals With Disabilities Program (49 U.S.C. 5310) to the 2005 New Freedom Program (49 U.S.C. 5317) could be streamlined. From a programmatic perspective, these programs could be better integrated. Managing the different requirements of multiple "siloes" state and federal programs seems inefficient.

Programmatically, our state management plan review suggests that a consolidated management and application approach appears to integrate systems better. Supporting and maintaining separate segregated transportation services is both inefficient and ineffective when it is possible to plan, design and implement integrate public transportation systems which are planned, designed, and implemented to meet the needs of the broadest range of riders, including people with disabilities and older individuals. If a public transit system can incorporate more integrated accessible service elements, shouldn't it be given the first option to do so? Currently, to be eligible for section 5310 funding, the public body may be required to certify to the State that there are no non-profit organizations in the area that are readily available to carry out the service. An alternative would be the option which some states exercise to transfer section 5310 funds to section 5307 or section 5311. SAFETEA-LU, the most recent transportation act, strengthened protections, so that transferred §5310 funds can only be used "for projects selected under the Section 5310 program, not as a general supplement for those programs. A State that transfers Section 5310 funds to Section 5307 must certify that each project for which the funds are transferred has been coordinated with private nonprofit providers of services" (Federal Register, March 23, 2007).

The section 5310 program is a valuable, though relatively small, program which may have reached the limits of bureaucratic tweaking. It may need a thorough review in the context of other federal transportation programs to align it more consistently with national integrated transportation policy goals. A program that distributes public funds in areas where transportation is unavailable, insufficient,

or inappropriate must continually re-evaluate what can be done in the most integrated setting (subsidized, if necessary) and what still may need to be provided by a separate, eligibility based system which is a safety net for the community. Programmatically, it may seem risky to dismantle the current tangled web of procedures and requirements until there is something better with which to replace them. However, states which are not headed in a direction of integrated accessible transportation for all may need to shift focus even before new guidance is issued. The full technical report identifies many models which could be used for “conversion planning”.

The report includes a lengthy discussion about demographic categorization because it affects who is and who is not served and identifies where unmet needs are. Demographics issues bring us back to the central question of “unavailable, insufficient, or inappropriate” and add “unavailable, insufficient, or inappropriate” for whom?

Advocating for performance based outcomes could be a powerful and evolving role for human service agencies involved in transportation. As these agencies develop flexible, coordinated, integrated public transportation systems, they could collaborate to develop and use outcome measures that more closely match the agencies values, and the full range of their clients’ transportation needs in the community.

As transportation systems and services evolve, it is critical that they measure outcomes not only in numbers of rides and vehicles, but also in shared values. We need to agree on both why and what to coordinate. As the “pathways” concept described in this technical report repeatedly emphasizes, we need a shared vision of where the “vehicles of modern participation” are headed in policy and practice. Otherwise, it is unlikely they will reach the intended destination: efficient and effective integrated transportation for all.

RECOMMENDATIONS

Policy Recommendations

1.0 Program Development in an Evolving Transportation Program

1.1 Congress should review the framework, background, and premise of the section 5310 program, providing direction for FTA to supply programmatic guidance on the goals of this and other evolving transportation programs.

1.2 Congress should specifically clarify that the intent of transportation coordination is among all providers, including human service providers, in an integrated public transportation system; and the FTA and other federal agencies which support transportation programs should provide guidance for the states so they can fully operationalize congressional intent.

1.3 States should place §5310 goals into context of overall agency transit goals, and be required to describe this relationship in the state management plans.

1.4 Establish national, state, and local expectations for "conversion planning." FTA and other federal agencies should work with States and advocates to develop mechanisms that not only permit, but also

actively facilitate the section 5310 program to evolve. Mechanisms should be developed to reward states and local communities when they increase transportation system accessibility, integration, and accountability.

1.5 Each federal and state funding cycle should include a requirement for analysis and identification of federal and state codes and regulations, as well as local practices which create barriers that interfere with the development of more inclusive, integrated public transportation service systems. A model practices center should be established to assist states.

1.6 In order to prevent perpetuating siloed programs which lack flexibility, Congress and federal agencies should re-evaluate statutes and guidance, especially policies which allow a funding stream to continue indefinitely in its initial form.

1.7 Both federal and state agencies should develop transportation program evaluation goals which reflect the programs's actual objectives.

1.8 SMPs should include discussion of how tension between human service transportation and the rest of the transportation system is recognized, addressed, and managed.

1.9 Both federal and state transportation agencies should explicitly express the expectation that grant subrecipients will act as part of the overall transportation system.

2.0 Identifying Needs

2.1 FTA should develop guidance, and states should develop operational definitions of the three essential criteria for establishing need -- transportation which is "unavailable, insufficient, or inappropriate".

2.2 FTA and other federal agencies should provide incentives and resources for conducting state transit needs surveys, using standardized categories, geographies, and terminology.

3.0 Fair and Equitable Distribution

3.1 FTA should develop operational guidance on how the fair and equitable distribution of funds in the section 5310 program could be evaluated at the state and community level. This should be done in collaboration with other federal agencies, states agencies, and advocates. It may be an issue that the Transportation Research Board could assist with.

3.2 SMPs should describe the resource distribution process inside the regions when a regional distribution approach is used.

4.0 Data Collection and Reporting

4.1 Section 5310 program data should be included in the National Transit Database. Data reporting modules for §5316 and §5317 grant programs could be developed at the same time.

4.2 FTA should work with States to develop categorical consistency for section 5310 rider categories.

5.0 Resource Distribution Patterns

5.1 States should develop mechanisms to include data on the service areas of section 5310 subrecipients for accurate portrayal of geographic distribution of transportation system resources.

5.2 States should develop mechanisms to include data on accessible vehicles, including those supported by section 5310, for accurate portrayal of geographic distribution of transportation system resources.

5.3 States should include the address and zip code of each §5310 subrecipient in the Program of Projects (POP) which the state submits annually to the regional FTA office. Where regional entities are involved, the physical location of sub-subrecipients should also be included.

6.0 Outcome Measurement

6.1 FTA and other federal agencies, together with States and advocates should work together to develop a set of agreed upon performance based criteria to move beyond vehicle/ride oriented procedural measures, to actual outcome measurement.

6.2 FTA and other federal agencies should require and provide guidance on how the section 5310 program can be periodically evaluated at the local community level, i.e. where the rides happen, not where the program is managed.

6.3 FTA and other federal agencies, working together with States and advocates, should develop evaluation measures of transportation's impact on local community participation.

7.0 Management: *Most of the following recommendations (7.1 through 7.5) are intended for the FTA and other federal agencies, working together collaboratively with States and transportation advocates:*

7.1 Increasing Incentives, Reducing Barriers

7.1.1 Federal statute and FTA guidance should use positive language to encourage broader transportation system coordination and integration.

7.1.2 Identify what could be improved at the federal level that would enable the states to be more efficient without imposing more reporting requirements on the state or on sub-recipients.

7.1.3 Reduce administrative tangles created by Federal requirements.

7.1.4 Identify where and how generic state and local laws, regulations, policies, or generic lead agency regulations create incentives or disincentives to coordination or program participation, especially policies which could not just be administratively modified, but would require a formal change in a law or regulation.

7.1.5 Provide incentives, and remove disincentives to building a culture of coordination.

7.1.6 Rural models should be used for building rural coordination.

7.2 Managing the Selection Process

7.2.1 SMPs should include the State's criteria for making decisions and project selection criteria, including scoring/ranking. When items are included in the plan, instead of just in the application, it makes them less arbitrary and subject to administrative change.

7.2.2 States should consider use of a minimum score cut off threshold.

7.2.3 Require subrecipients to assure that the organization is not prohibited from coordination activities.

7.2.4 States should be required to assure that the source of matching funds does not place restrictions on transportation services or limit system coordination.

7.3 Improving Fiscal Management Capacity

7.3.1 Develop a planning tool, with models and metrics for evaluating the cost benefits, opportunities, etc., which would be useful to an agency considering adding transportation services

7.3.2 Develop a tool for evaluating applicant's financial management capacity, which would be useful to members of selection panels and advisory boards, who do not have a business background.

7.3.3 Include the full scope of insurance issues, including liability and responsibility. Conduct a study, at least literature review, and a set of consensus guidance documents which are vetted by insurance industry that go beyond simply a requirement for insuring the federal interest in the vehicle.

7.3.4 Identify issues related to vehicle tax related costs, including ways they can be considered part of the actual cost of the vehicle acquisition.

7.3.5 More guidance and FTA "blessing" for coordination oriented title transfers would be useful.

7.4 Resource Management

7.4.1 States should require grantees to develop and submit a vehicle replacement plan.

7.4.2 Use in emergency management, response and recovery. A provision should be included in the allocation of the federal section 5310 funds, which would require sub-recipients to agree to the use of these federally supported vehicles for emergency response and recovery.

7.4.3 Purchase of accessible vehicles should be the norm.

7.5 Logistics

7.5.1 FTA should enforce the requirement that the SMPs and related public documents developed under the FTA grants be available in electronic formats.

7.5.2 States should be required to notify subrecipients that the subrecipient is receiving federal funds from the §5310 program, and perhaps to have some way to also inform passengers of the source of federal support, especially when the vehicle does not look like a part of the local public transit fleet.

7.5.3 FTA could cross reference its guidance documents, so the flow between the guidance chapter on State Management Plans, and the other six chapters could better fit into a more logical outline.

Recommendations for Further Research

This research project was sponsored by the U.S. Department of Education's National Institute on Disability and Rehabilitation Research, as part of a Rehabilitation Research and Training Center grant on Disability in Rural Communities. It provides baseline methods and results, and recommendations. Additional research related to the issues raised in this technical report requires federal leadership in order to be consistent with federal goals. Agencies within the USDOT, whose primary mission is transportation, would most logically provide federal leadership. USDOT support could be augmented by collaboration with agencies named in Executive Order 13330 on Human Service Transportation Coordination which established the Federal Interagency Coordinating Council on Access and Mobility (CCAM): Transportation, Health and Human Services, Education, Labor, Veterans Affairs, Agriculture, Housing and Urban Development, and the Interior; the Attorney General, and the Commissioner of Social Security. The CCAM also includes the National Council on Disability. Other federal agencies also have a stake in integrated accessible transportation. For example, the Department of Homeland Security should be involved as it is responsible for emergency preparedness and response. Transportation is an important element in all evacuation plans. The federal Interagency Committee on Disability Research (ICDR), which coordinates disability research across federal agencies, does not currently have a subcommittee on transportation, but plays a role in these issues. The Office of Management and the Budget (OMB) which assesses the programmatic effectiveness of federal programs, and the Government Accountability Office (GAO) both have a strong interest in how federal programs addresses the nation's transportation goals.

The following recommendations are therefore targeted primarily to federal agencies, starting with the U.S. Department of Transportation:

Research identified in the policy recommendations. Many of the policy recommendations implicitly, and in some cases explicitly, identify the need for additional research. Federal leadership in these activities is needed to provide consistency in achieving federal goals. As this technical report shows, there is currently a lack of consistency among the states, even when states are using almost identical language to describe activities like coordination. There are many areas which remain vague and ambiguous, making it difficult to understand how well national transportation goals are being achieved.

The three policy recommendations related to outcome measurement (6.1-6.3) will need targeted research to establish consistent evaluation measures. Participatory action research would be particularly appropriate in developing performance based criteria which move beyond vehicle/ride oriented procedural measures, to actual outcome measurement; for developing protocols for analyzing and

evaluating transportation's impact on local community participation; and for developing measures to evaluate fair and equitable distribution of funds at the state and community level. (3.1)

While some of the questions may be basic: who gets what, where, and when (and of course the corollary – who still does not, and why not) – the answers may require more thorough analysis of the complex issues involved. From a management perspective, the bottom line should be to improve system integration and efficiency and to reduce complexity.

Policy recommendation 1.5 calls for a model practices center which could assist states with analysis and identification of federal and state codes and regulations, as well as local practices which create barriers that interfere with the development of more inclusive, integrated public transportation service systems. It could also assist with conducting targeted research which is responsive to state management needs.

Resource distribution patterns are particularly important in transportation. Research is needed which can assist states to develop dynamic mechanisms to include data on the service areas of section 5310 grantees for accurate portrayal of geographic distribution of transportation system resources. (5.1). As states develop mechanisms to include data on the full array of accessible vehicles, including those supported by section 5310, in their transportation inventories (5.2), other applications, including emergency preparedness, should be incorporated collaboratively both intra-state and interstate.

Many of the management recommendations will need research, e.g. developing more sophisticated planning tools, with models and metrics for evaluating the cost benefits, opportunities, etc., which would be useful to an agency considering adding transportation services (7.3.1), and developing tools for evaluating applicant's financial management capacity, which would be useful to members of selection panels and advisory boards, who do not have a business background. (7.3.2)

An analysis of the programs in the seven states which do not allow procurement exceptions to the requirements for accessible vehicles is needed. It should compare these seven states to the states which have waivers. The study should emphasize understanding the benefits derived from full accessibility, to ascertain whether (18 years post-ADA) there is actually any rationale for still allowing exceptions. (7.4.3)

Even the development of incentive mechanisms to reward states and local communities when they increase transportation system accessibility, integration, and accountability (1.4), and resources for conducting state transit needs surveys, will need agreed upon standardized categories, geographies, and terminology (2.2) which should be derived from research activities done collaboratively with states, and not just written in a vacuum that overlooks state administrative reality.

Additional research recommendations: Further analysis is needed to identify targeted strategies which can increase the speed of the transformation from segregated (albeit coordinated) human service transportation, to systems which focus on integrated transportation for all. (1.4) Several examples of specific research areas are included in the full report, Recommendations Section B.

Key Indicators for Progress/Change.

Beyond the baseline study. This analysis was designed as a baseline study. While the same items will need to be included for direct comparison in any subsequent studies, the technical report identifies additional issues, strategies, and questions that should also be included.

Post SAFETEA-LU State Management Plan analysis: Recommendations about key indicators for progress/change. We had planned to review state management plans written before and after the passage of SAFETEA-LU. Because TEA-21, the previous transportation act, had 12 extensions, SAFETEA-LU was not signed into law in a timeframe that would allow us to analyze pre- and post-effects of the new legislation.

It will be important to do both a follow-up analysis of post SAFETEA-LU state management plans, and a follow-up community based survey of the impact the statutory changes are making in integrated transportation for elderly individuals and people with disabilities. As of November 2007, all states are required to have an updated SMP based on FTA Circular 9070.1F on file in their regional FTA office, which reflects the changes SAFETEA-LU made in the program. (USDOT-FTA, 2007c) This suggests that a future study may be able to collect SMPs for review with less effort than was needed for this pre-SAFETEA-LU review.

To assess progress/change in post SAFETEA-LU State Management Plans, a few SMP elements might serve as **particularly important indicators to assess progress/change**:

[1] Need. SMP includes specific criteria for establishing need, i.e. there are operational definitions for each element of transportation which is otherwise: unavailable, insufficient, or inappropriate; as well as a specific description of how state program management is being used to address those gaps.*

[2] Performance measures. SMP includes a description of performance indicators which

- indicate whether or not destination categories are used to prioritize rides
- differentiate between programmatic (human service) destinations and destinations of the riders' choice
- categorize and count riders so they can be accurately aggregated nationally*
- clearly describe how the state's definition of disability differs from the FTA definition

[3] Coordination. SMP includes details for reducing "silo" effects: clear descriptions of program relationships among state and federal sponsored funding programs, and how program funding is coordinated so it will fill gaps in order to make transportation more available, sufficient, and appropriate for elderly individuals and people with disabilities; how the coordinating bodies are integrated into the plan.

[4] Public involvement. Clearly includes the transportation using public (riders), not just the transportation providing "public".

[5] State inventory of accessible vehicle stock.

- SMP describes how they are increasing the number of accessible vehicles in the fleet, and reducing the number of accessibility waivers.
- SMP describes how vehicles are included in state inventory, so location and vehicle characteristics are readily available across agencies (e.g. for use in emergency evacuation).

[6] Sub-allocation of §5310 funds. In states which use a regional or lead agency model, descriptions of operations and resource distribution below the regional or lead agency; i.e. the sub-allocation of §5310 funds, and how sub-sub recipients interface in local coordination efforts.

[7] Fair and equitable distribution. Operational description of ways equity is included in the process; including a description of the MPO-rural planning relationship.

[8] Evidence of simplifying, streamlining, system integration strategies.

[9] Proposal evaluation: project selection criteria. Inclusion of score sheet and scoring criteria included as part of the plan.

[10] Eligible capital expenses. Detail on alternatives to typical capital expenditures; exclusions noted.

* Needs national guidance in order to promote consistency in indicators, measures, outcomes, etc.

Review should note if any of these items, or parts of items would require prior change in federal or state law/guidance – or if state could just administratively begin using these elements in the state management plan.

Introduction: An Evolving Transportation Program

“It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.” Urban Mass Transportation Act of 1970, P.L. 91-453

1. Importance of the problem/need for conducting the research

Lack of transportation is a significant barrier to community participation, particularly for rural people with disabilities. An individual’s transportation choices may enhance or limit his or her community participation and employment opportunities. People with mobility impairments may need to base housing and job choices primarily on the availability of transportation. Inadequate transportation may force an individual with a disability to move to an area with better transportation

services (see sidebar 1, Rural Transportation Barriers.)

The state, regional, and community plans required for receipt of federal funds affect how and where federal money is spent to accomplish national goals (see sidebar 2, State and Government Sector).

This transportation policy analysis: 1) discusses similarities and differences among states in their approach to, emphasis on, and organization and content of “transportation services planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities”; 2) identifies varied practices, approaches, and innovations; and 3) allows state

Sidebar 1: Transportation Barriers

“Although some model programs have been established in rural areas, a significant discrepancy in funding to such areas means that public transit in general, much less accessible public transit, is in grossly short supply. The human cost is great, resulting in many problems, including institutionalization of people with disabilities solely as a result of the lack of adequate transportation to medical appointments” (National Council on Disability [NCD], 2005).

Sidebar 2: State and Local Government Sector

“Most transit systems are owned and operated by public agencies that are created by state and local governments” (GAO, 2008b).

“The state and local government sector consists of 50 state governments and 87,525 local governments. These local governments include 3,034 county governments, 19,429 municipal governments, 16,504 townships, 13,506 school districts, and 35,052 special districts.” Local governments include the District of Columbia and exclude Indian tribes and outlying areas. “State and local governments fund a broad range of services such as public safety, housing, education, and public transportation programs.

“State and local governments collect receipts and receive federal funds to provide services to their constituents. In 2006, state and local governments received \$1.9 trillion in total receipts. Taxes, such as property taxes, sales and excise taxes, personal income tax, and corporate income taxes, make up a large component of these receipts—fully \$1.2 trillion. In addition, the federal government provided over \$400 billion to state and local governments in the form of various grants (including Medicaid), loans, and loan guarantees. These federal funds accounted for approximately 22 percent of state and local government total receipts. State and local governments also obtain revenues from several other sources, such as income receipts on financial assets; certain receipts from businesses and individuals (such as vehicle and licensing fees); and, in some years, from surpluses on government-run enterprises that provide services such as energy, liquor, lotteries, and public transit” (GAO, 2008b, pp 6-7.)

policymakers, administrators, and advocates to learn from and build on each other's work.

It is not enough to examine only federal policy. States and localities have significantly increased control over federal resource distribution. (See sidebars 3 and 4, Transit Funding Facts, and sidebar 5, Importance of State Decision-making.) However, we know little about the comparative structure, content, or status of state transportation plans and policies related to people with disabilities in rural areas, or how these plans and policies relate to community assessment and planning, resource distribution, and implementation activities.

We focused on state management plans for the Federal Transit Administration's (FTA) Elderly and Persons with Disabilities Program (section 5310). It has been particularly important in filling gaps in accessible transportation services for seniors and people with disabilities.

To establish a consistent baseline among states which can be used to measure impact and progress in achieving national goals, we reviewed state management plans that were in place prior to the August 2005 passage of SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users, Public Law 109-59).

2. Background information

A *legacy* may be something of value passed on to the next generation. However, a legacy may also be something from the past that is now outdated (e.g., legacy computer software). Formerly-useful legacy programs may have had numerous iterations, needing to be reinvented and updated to reflect evolving capacity and expectations. When policy and practice are locked into earlier structures, programs cannot evolve to address current situations, protections, responsibilities, and resources.

The FTA Elderly and Persons with Disabilities Program (section 5310, formerly 16(b) 2) has evolved since the first federal grants to states in 1975. The goal of this federal grant program, managed by the states, is "to improve mobility for the elderly

Sidebar 3: Transit Funding Facts

"Transit funding comes from two major sources: public funds allocated by Federal, State, and local governments; and system-generated revenues earned for the provision of transit services. In 2004, \$39.5 billion was available from all sources to finance transit investment and operations. Federal funding was \$7.0 billion, State funding was \$7.8 billion, local funding was \$13.7 billion and system-generated revenues were \$11.1 billion." (National Surface Transportation Policy & Revenue Study Commission, Demographic & Economic Trends, 2008).

Sidebar 4: Transit Funding Facts

"Federal funding for transit comes from the general revenues of the U.S. Treasury and fuel tax revenues deposited to). Eighty-two percent of the transit funds authorized for transit by SAFETEA-LU (\$37.2 billion) will be derived from the MTA" (National Surface Transportation Policy & Revenue Study Commission, Demographic & Economic Trends, 2008).

Sidebar 5: Importance of State Decision-making in Distribution of Federal Funds

"State Departments of Transportation decide how the majority of federal transportation dollars are spent. The funding process for highways can be described in three steps: Congress gives states contract authority levels, also known as apportionment, for each program; 2) Congress gives states an obligation limit, which is not differentiated by program; and 3) states decide where to spend this year's obligation limit – in which programs (e.g., Interstate Maintenance, Surface Transportation Program), and on which projects. States must have contract authority in order to spend the obligation limit" (Surface Transportation Policy Project, 2002).

and persons with disabilities throughout the country. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of the elderly and persons with disabilities in all areas – urbanized, small urban, and rural. The program requires coordination of federally assisted programs and services in order to make the most efficient use of Federal resources” (US Department of Transportation (USDOT FTA 1998, C 9070.1E, Chapter I, (2) Program Goal). The statute, 49 U.S.C. §5310, and guidance circular FTA C 9070.1E are in Appendix B (Note: Updated USDOT FTA guidance circular C 9070.1F incorporates statutory changes made in SAFETEA-LU. All states were required to have updated state management plans based on this updated guidance in place by November 2007.)

The section 5310 program has two major parts. Though most of the attention is usually placed on the second part, the first part is important because it provides the authority for FTA to support “public transportation service planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities” within its other capital assistance grant programs.

[1] The first part, 49 U.S.C. § 5310(a)(1) grants the Secretary of the US Department of Transportation statutory authority to “make grants and loans to state and local governmental authorities to help them provide mass transportation service planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities. The provisions of Section 5310(a)(1) are implemented in the course of administering FTA's ongoing capital grant programs authorized by Sections 5307, 5309, and §5311.” (USDOT FTA 1998, C 9070.1E, Chapter I,)

[2] The second part, 49 U.S.C. §5310(a)(2), gives the Secretary of Transportation authority to make grants to the chief executive officer of each state for allocation to:

- a) private nonprofit corporations and associations for the specific purpose of assisting them in providing transportation services meeting the special needs of elderly persons and persons with disabilities when the transportation service provided under Section 5310(a)(1) is unavailable, insufficient, or inappropriate;
- b) public bodies approved by the state to coordinate services for the elderly and persons with disabilities; or
- c) public bodies which certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service.

The state grant element, (a)(2) of the §5310 program, is the “safety net” which a state can use to fill the gaps when “transportation service provided under Section 5310(a)(1) is unavailable, insufficient, or inappropriate”. Some states have consistently targeted their allocations to addressing rural transportation needs, while others have used these federal dollars to fill other gaps in public transportation systems. As this report shows, there are many different interpretations among the states in how the FTA’s Elderly and Persons with Disabilities Program grant resources can and should be focused and distributed.

Trying to understand the “safety net” §5310(a)(2) program, without placing it in the context of state’s generic §5310(a)(1) program strategies is ill-advised. Concentrating only on the “special” elements of the transportation system, but not referencing the accessibility improvements made within integrated transportation systems, would be an unbalanced approach to assessing and planning for transportation system change. Trying to understand the §5310(a)(2) program, without placing it in the context of the §5310(a)(1) programs would be like overlooking the enormous changes that the 1990 Americans with Disabilities Act (ADA) made in public transportation systems, and just focusing on the ADA’s effects on complementary paratransit services. ADA's most significant impact has been the increased accessibility of transportation systems, particularly the accessibility of transit vehicles, rolling stock, and facilities - lifts on buses, accessible subway systems like BART, METRO, MARTA, etc. The percentage of ADA lift- or ramp-equipped transit buses has increased from 52 percent in 1993, to 98 percent in 2006. (USDOT, 2008) It seems likely that more people with disabilities ride on accessible regular transit systems, than ride on paratransit. But often today “ADA paratransit” receives more attention, as expectations have changed in the 18 years since the passage of the ADA, and we have almost come to take built-in accessibility for granted in larger U.S. metropolitan transportation systems.

The §5310 program is somewhat unusual for the FTA, because it targets a specific population group (elderly and people with disabilities), and it is available for all geographic areas in a state, regardless of the area’s population or density. Many FTA transportation programs are targeted to a geographic area with a specific population threshold (e.g. under 50,000 people; 50,000 to 200,000 people; over 200,000 people). Each of which has a management structures specific to each population size. Other FTA programs which are not targeted to a specific geographic area, often include a formula for distribution of funds. For example, JARC (§5316) and New Freedom (§5317) reserve 20% of grant dollars for nonurbanized areas. The §5310 program has no minimal set aside reserved for designated geographic areas.

The §5310 program has several other unique elements, including the ability to fund the cost of contracted services as a capital expense. Statutory language “for the specific purpose of assisting them in providing transportation services meeting the special needs of elderly persons and persons with disabilities” allows the flexibility of purchased transportation services, not just vehicle related procurements, to be considered capital expenses, not operating expenses. “Unique among Federal transit grant programs, this expanded capital eligibility was originally designed to allow private non-profit agency/grantees to purchase transit service in lieu of purchasing a vehicle, an incentive to take advantage of available private sector resources, such as service provided by taxicab firms and private non-profit agencies” (OMB, 2007). In addition, the state can establish vehicle useful service life criteria which may be different than the federal criteria. The administrative requirements for a state's public body sub-recipients are more flexible than those for local government grantees in the areas of financial management systems, procurement, and equipment.

3. Our approach and how it relates to the problem

The provisions of Section 5310(a)(1) are implemented in the course of administering FTA's ongoing capital grant programs authorized, for example, by Sections 5307, 5309, and 5311. This policy review necessarily focused on the activities authorized by §5310(a)(2) which focus on areas where public transportation service is “unavailable, insufficient, or inappropriate”, since that is what most of the section 5310 State Management Plans (SMP) emphasize, and what federal guidance appears to require.

This small but important program has been evolving over the years. It is important to remember that the first section 5310 program federal grants to states were awarded 15 years before the passage of the Americans with Disabilities Act in 1990; i.e. 15 years before there was nationwide mandate for investment in transportation accessibility. It also predates the FTA’s rural transportation grant program (now section 5311) by 4 years. Conceptually, the transportation services supported by the §5310(a)(2) portion of this federal grant program were intended to provide a safety net to fill the gaps when transportation services provided under Section 5310(a)(1) are “unavailable, insufficient, or inappropriate”. Interpretations of these words, which are undefined in either federal statute or FTA guidance, have probably changed considerably in the past 38 years.

4. Terminology and acronyms

A list of acronyms, transportation terminology and definitions, including disability definitions, is in Appendix A.

Although each state has its own acronym for the state’s Department of Transportation, in order to reduce acronyms, we use “DOT” generically to refer to the state’s transportation agency. The actual state acronym is used in the direct quotes from the state management plan (SMP) or application packets. For the most part, when referring to the federal U.S. Department of Transportation, we use FTA (Federal Transit Administration) since it is the entity within the U.S Department of Transportation responsible for administering the §5310 program. We use USDOT when referring to the federal Department of Transportation more broadly.

We will use the word “public transportation” in this report instead of “mass transportation” unless using a direct quotation from a state management plan. While “mass” was the language used in the Transportation Equity Act for the 21st Century (TEA-21) which was the transportation act in effect for the period we were analyzing, SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) replaced the term "mass" with "public" (See Appendix A)

5.0 Contextual framework for this review: Integrated transportation for all

In a general transit system, no one tells the passengers where they can and cannot go. Anyone can ride the “bus” (train, ferry, etc), to go wherever they want to go, constrained only by the route, schedule, and

fare structure. Ride opportunities are not prioritized by destination; for example, medical appointments do not receive higher priority than a trip to the shopping mall.

We have framed this analysis within the context that the desired outcome of the §5310 program is integrated public transportation accessible for everyone, including people with disabilities and elderly individuals. And that “special” transportation services, whether ADA paratransit, or special needs transportation supported by the section 5310 Elderly and Persons with Disabilities Program, are an element, a service, included in public transportation systems.

The legal responsibility of public transportation systems has evolved since the passage of the 1990 Americans with Disabilities Act. It can no longer be argued that people who have disabilities which functionally results in “special” mobility needs, are not part of the general public. The ADA settled that issue. People with disabilities are part of the general public, and have the same civil rights to ride public transportation as any other member of the general public. This right was actually defined in law 20 years prior to the ADA. On October 15, 1970, Public Law 91-453 amended the Urban Mass Transportation Act of 1964 by adding a new section, Planning and Design of Mass Transportation Facilities to Meet Special Needs of the Elderly and the Handicapped which set national policy:

Sec.16(a) It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.

In public transportation, eligibility may need to consider membership in a protected class, for example coverage under the ADA, in order to obtain certain types of system services, for example paratransit service. But it has been national policy since 1970 “that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services”. Eligibility for public transportation does not require ADA protection, or that people assume a designated role, for example to identify themselves as the client of a particular agency, or to be a student, a patient, or a parishioner in order to get a transportation service. Table 1 provides examples of the limits that exist when transportation availability is based on the person performing in a certain role (student, patient, etc.) or maintaining eligibility in a certain classification (hotel guest, parishioner, agency client, etc.). In these situations, when the individual moves outside their designated role in the transportation relationship, they also lose their access to transportation, which for the most part is targeted to their role or membership classification.

Table 1. Relationship of passenger’s role and transportation eligibility

An individual is eligible for transportation service only when he/she has one identified role, for example:

Service agency type	Role or classification needed for transportation eligibility
Schools	students; travel to and from school, and other school related activities
Human Service Agencies	clients; travel to and from agency services; and other agency related activities; and agency approved purposes
Health Care Facilities	patients; travel to and from emergency and scheduled medical services
Hotels	hotel guests; shuttle to and from airports, shopping or a designated circumference from the hotel.
Churches	parishioners; travel to and from worship services, and other church sponsored activities

(Source unknown. This table may be a direct or adapted quote, and if so the source cannot be identified. The report author may have written it or adapted it from another source. If you developed this concept, please contact report authors so proper attribution can be made.)

Making transportation available primarily to agency clients forces people into service agency “silos” in order to obtain transportation. This type of “silo transportation” makes it difficult for non-drivers to participate in community functions which are outside the bounds of the transportation services for which the individual is eligible. How do non-drivers participate when public transportation is unavailable, and their “role” (if they have one) does not conform to their desired destination? When a person is not fortunate enough to have family or friends who can drive them, what happens when they cannot afford or do not have access to routine use of taxicabs to meet their transportation needs? While these are significant issues in non-public transportation systems shown in Table 1, they become particularly problematic when the boundaries overlap with public systems, and affect rider eligibility in public transportation systems supported with tax dollars.

5.1 What transportation is supposed to be coordinated?

Over the lifetime of the §5310 program, policy makers have increasingly emphasized “coordination” in transportation systems and services. The question of coordinated transportation increasingly raises the question: What transportation is supposed to be coordinated? This question in turn, points to the apparent tension between the objectives of human service transportation and public transportation systems. It calls into play assumptions about the desired outcomes of the program. Is the intent of the §5310 program to strengthen and coordinate human services transportation, or is the intent to make public transportation systems incrementally more universally designed to include the mobility needs of the elderly and persons with disabilities in transportation systems throughout the country?

Congress established goals and requirements of coordination in the most recent transportation act SAFETEA-LU, and added clarification to the question of “What transportation is supposed to be coordinated?”, by requiring the local development of the Coordinated Public Transit-Human Services Transportation Plan. The USDOT explains the “Relationship between Coordinated Planning and Metropolitan and Statewide Planning” in FTA guidance C 9045.1 Appendix G. Each Metropolitan Transportation Plan (MTP) or Statewide Long-Range Transportation Plan has a 20-year planning horizon. FTA guidance for Coordinated Public Transit-Human Services Transportation Plan states that “Projects or Strategies serving human service transportation needs over the 20-year planning horizon should be referenced in the MTP, by direct inclusion or by explicit reference to the Coordinated Plan.” (USDOT, 2007b) While the issue has been recognized in SAFETEA-LU, how it is being operationalized at the local level remains to be seen.

5.2 Pathways: States have moved in different directions as the §5310 program has evolved

As the momentum toward coordination strengthens, it is important to understand how each state has been looking at coordination. Has it been focusing on human service transportation or on coordination and integration of all parts of their public transportation system? Have §5310(a)(2) funded projects been considered part of the public transportation system? Have people with disabilities been considered part of the general public? How a state has interpreted this seems in part to drive the pathway it has taken in administering its §5310 program.

Each state’s pathway toward coordination and systems integration has developed over the last 30 years. The first §5310 grants were awarded in 1975. Assume all states started managing their grants using a vehicle fleet management approach in what was typical at the time, in an “agency serving its own clients” model. Assume all states have evolved from the initial program, in part because the enabling transportation legislation (and hence FTA guidance) has changed; in part because states have used this small program in a wide variety of different ways to support local transportation goals. As the program evolved, each state has developed its own pathway. The nature of the resources available in a state may have driven the pathway the state has used. Some states, such as Iowa, have used their federal section 5310 funds to build inclusive, accessible transportation systems for the general public. This has tended to happen in rural areas where there was no public transportation available. When the only transportation available was provided by human service agencies for seniors and people with disabilities, a general public transportation system may have developed or is being developed, on the backbone of the §5310 program (e.g. Idaho, Nevada). In states where there may have been some limited transportation, §5310 may have been used to supplement rural and/or regional transportation systems (e.g. North Carolina, Iowa, Rhode Island). In states where public transportation was more developed, §5310 is being used to fill the gaps still remaining in the general transportation systems, and to support the human service agencies which are still an important resource in filling those gaps (e.g. California, Maryland, Ohio).

The questions to ask today would be: Can the state's transportation systems get people to where they need to go on the current pathway? Is this the path the riding public wants the state/community to continue to be on? If the riding public wants integrated public transportation accessible for everyone, including people with disabilities and elderly individuals, and that is not the pathway the state is using in its management of the §5310 program, it is unlikely these federal resources will be used to develop a fully integrated transportation system. Metaphorically, it's easy to see that if your destination is Portland Oregon, but the "pathway" you are moving along is headed northeast from Washington DC toward Portland, Maine, you may have to make some course corrections in your "pathway" and direction of travel in order to reach the Portland in Oregon.

Based on a review of the SMPs, it appears that states are essentially on three different pathways (see Results section 1.0 and Figure 1). This may not be readily apparent, because even when using similar language, states may not mean the same things because they are basing implementation on different sets of assumptions, and using different implicit outcome measures for success. In addition, even in states which appear to be taking coordination very seriously, there may be a large embedded base of agencies which still need to transition from a client/agency based human service transportation services orientation to a coordinated county/MPO/regional orientation of integrated transportation for all. Further analysis is needed to identify targeted strategies which can increase the speed of the transformation from segregated (albeit coordinated) human service transportation, to systems which focus on integrated transportation for all.

5.3 How *special needs* are addressed is the core issue

You can have *special needs*, but can you get them met in a *non-special* way? The concept of special needs is changing. In emergency preparedness, the special needs categories include at least half the population, and perhaps as much as 80% (Kailes & Enders, 2007). The case could be made that every human being has some kind of special need. The issue is not the need, which can be described in functional terms. The issue is how the needs are addressed: via a special system only for individuals meeting certain categorical eligibility criteria, or as part of a more universally designed system which as many people as possible can use because it was also "planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities". Special attention may be needed to find ways to adequately address special needs with non-special systems.

A case can be made that:

- People may have **special needs**, but the needs should be defined functionally.
- **Special attention** and investment may be needed to develop and operationalize generic systems designed to incorporate a broad range of functional needs.
- **Special systems**, with categorical eligibility requirements, may be inherently segregated systems, which should not be developed with public tax dollar support. As a nation, it is not policy to invest in discriminatory systems, no matter how well intended or coordinated they might be.

- The safety net for addressing unmet special needs through separate special systems should be continually re-evaluated, as the concepts of special needs, special services, and **universal designed generic systems** continue to mature and evolve; and as resource availability fluctuates.

How special needs will be addressed is the crux of the matter – do you plan, design, and implement transportation systems (or any system) to include the special needs of elderly individuals and individuals with disabilities? Or do you focus primarily on developing special separate systems (e.g., human service transportation models) that are not functionally part of the public transportation system?

A special system may not be the best way to address special needs. However, it has often been easier to just categorize people as having “special needs” and to set them aside for the human service system to handle, than for the transportation systems to plan for including them. In a post-ADA world, that approach has changed, and the balance has shifted. But the legacy remains entrenched in the transportation systems, services, vehicles, and equipment put in place to address special needs before the 1990 American with Disabilities Act was implemented. “Special” may be the right word in a directive which requires an applicant to “certify that **special** efforts are being made in their service area to provide transportation that persons with disabilities can use” (Kentucky State Management Plan, emphasis added). But a special system is often no longer the most effective way to provide transportation.

If you do not want to argue this from a social justice and a civil rights perspective, this same argument can be made from resource efficiency model. It is maximally efficient to realign resource allocation to continually address the public good in the most efficient, effective way. And special, segregated, systems may no longer be the most efficient or effective way to provide services.

Some of the ambiguity about coordination and programmatic direction could be resolved by asking states to include a description in their state management plans about how their goals and management plans are addressing both parts of the §5310(a)(1) and §5310(a)(2). Thereby linking the public transportation system with the safety net services designed to address its still existing gaps.

5.4 How is transportation *need* defined?

“Unlike many other inter-jurisdictional assistance programs of the federal government, existing and potential mass transit needs are not distributed evenly across the states, but instead tend to be much more concentrated. Any movement toward allocating federal transit formula funds on a basis unrelated to need would run counter to the purpose of the program.” (USDOT FTA, 2000).

Since the resources available to the §5310 (a)(2) program are limited, they are allocated on the basis of relative need. Federal statute specifies three aspects of need for the §5310 transportation grant program: need is said to exist when transportation is *unavailable, insufficient, or inappropriate*.

Who determines need? What criteria are used? How does this guide planning processes? Is the need defined by the internal operations of human service agencies, or by community needs assessment with an emphasis on community participation? Even when the perspective is more individually focused, is the perspective on an individual's full life or just on their role as a service agency client?

There is no universal definition or criteria for the §5310 program's primary rationale: when public transportation is unavailable, insufficient, or inappropriate. This creates ambiguity — what is the operational meaning of these terms?

[1] *Unavailable* public transportation is somewhat easier to operationalize – no one has any transportation. In some states, particularly those with large unserved rural areas, §5310(a)(2) funds may be the backbone of a general rural transportation system which is “planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities” and therefore eligible for §5310(a)(2) funding. The ADA could provide relief in areas where transportation was available for others, but not for people with disabilities.

[2] The term *insufficient* is relative and implies that there are not enough available resources to meet existing needs. This leads to questions of how we define transportation needs, and who defines them. Some states and local jurisdictions reference transportation needs surveys.

[3] The hardest term to operationalize is *inappropriate*. When do people with special needs need special separate services, instead of universally designed or better developed mass market services? Should riders with diagnostic labels (e.g. mentally retarded), age, or other characteristics be excluded and existing transportation be considered inappropriate? Sometimes the term “inappropriate” seems to be applied to the individual, rather than to the transportation services.

5.5 There is a difference between special needs and *unmet* needs

Unmet refers to resource distribution and resource timing. Special needs may require specialized attention to equipment access, routes, distance, civil rights protections, etc. From a functional mobility needs perspective, as shown in Table 2: Met and Unmet Functional Mobility Needs for Personal Transportation, functional needs which are met and functional needs which are unmet can be either special or not special. However, determining the degree to which functional needs are met or unmet is not evident in the way that most states' application proposals address the issue of an applicant's needs justification. Application language often seems to focus on unmet needs. It is unclear whether these are an agency's unmet transportation needs or the clients' unmet functional mobility needs, and whether these are special transportation needs. The unintended consequence of equating special needs with unmet needs makes all unmet needs special. However, sometimes special needs are addressed very well, and probably many unmet needs are not special. The focus on managing only special needs makes it is easy to lose sight of the overall intent. All unmet needs get lumped together and results in trying to use special segregated services to address all of the unmet needs, and/or ignoring other unmet needs. When unmet needs and special needs are equated, it may be difficult to recognize integrated

options to address either or both of the needs categories. Focusing on special needs may lead to de facto special segregated solutions.

Table 2. Met and Unmet Functional Mobility Needs for Personal Transportation

Example: person with a disability who uses a wheeled mobility device

Functional Needs: Transportation/Community Mobility examples				
Met Needs			Unmet Needs	
Not Special		Special	Not Special	Special
Not Disadvantaged, Vulnerable, At-risk				
Person with a Disability	has ride: personal vehicle and/or access to accessible public transit	personal vehicle has wheelchair lift or ramp (if needed); has options to add other custom features	needs ride: no personal vehicle and/or no access to accessible public transit	any vehicle used may need lift, ramp, and/or stowage space for mobility device
Person without a Disability	has ride: personal vehicle and/or access to public transit	has options to add custom features	needs ride: no personal vehicle and/or no access to public transit	
Disadvantaged, Vulnerable, At-risk				
Person with a Disability	has ride: personal vehicle and/or access to accessible public transit	personal vehicle has wheelchair lift; may need driver	needs ride: no personal vehicle and/or no access to accessible public transit	any vehicle used may need lift, ramp, and/or stowage space for mobility device; may need financial subsidy
Person without a Disability	has ride: personal vehicle and/or access to public transit	may need driver	needs ride: no personal vehicle; and/or no access to public transit	may need financial subsidy

When the unmet transportation needs are the agency's, rather than the rider's, additional barriers to integrated transportation systems can emerge. It's easy to avoid looking for other, more integrated ways to assist individuals to address their transportation needs, if those alternatives might reduce the agencies overall transportation resources. It's easy to imagine the tension an agency faces: 'if we let our clients ride the other vehicles, then we could lose our vans, which we use for other things too – or we might drop below a level where we can keep transport service running'. It's another variation of the old sheltered workshop, special school, residential institution argument. A critical mass of targeted individuals, kept in separate service settings, is needed to maintain service facilities and personnel. This tension can create major impediments to realignment of community transportation resources, and barriers to developing access to transportation, without eligibility requirements, for anyone who needs (or wants) to use it. An agency's inherent self interest may make it more difficult for it to see that perpetuating a separate system could be impeding its clients' ability to have transportation that will help them go when and where they want. Categorical and/or role eligibility requirements for using the transportation system are a strong indicator that it is a special and probably segregated system. It may be more focused on the agency/service program needs than on either the special or the unmet transportation needs of riders who are seniors and/or people with disabilities.

In some cases, people may not be able to afford to ride public transportation. This is an unmet need, related to poverty, whether or not one has a disability or is elderly. Table 2 includes this dimension by adding a category "Disadvantaged, Vulnerable, At-risk". Economic consideration might need to be made – fare subsidy based on categories of economic need can be addressed as part of overall poverty reduction initiatives. But in many cases, the segregation that people with disabilities have experienced in transportation is not just based in economics -- they simply are not allowed on the bus because it is not physically accessible or because they are excluded based on a diagnosis (e.g. *mentally retarded*) and not eligible for senior (only) transportation. They may want to go to the shopping mall, the movies, or the community swimming pool, but rides are only available to and from the service agency programs.

Is it okay to have special separate systems? For example, some senior groups appear to want their vehicles reserved solely for older Americans. When private vehicles are paid for with private funds, then owners can decide who gets to ride. Some examples are shown in Table 1, but even in many of these situations, accessibility is protected by the ADA – a hotel cannot decide not to provide hotel guests with disabilities equivalent transportation services it provides to hotel guests without disabilities. However, when the funding, subsidy, or support comes from public dollars, the criteria are essentially different, and need to reflect the "national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services" (Urban Mass Transportation Act of 1970, 1970). Programs designed to distribute public subsidies should be continually reassessing mechanisms for addressing needs in areas where transportation is unavailable, insufficient, or inappropriate. The system should never be static or self renewing – it should continually be re-evaluating what can be done in the most integrated setting (with subsidy if needed), and what may still need to be supported in a separate, eligibility based system.

5.6 Choice: Beyond civil rights or human services

"Special needs transportation" seems to focus on getting rides for disabled people who cannot drive themselves, and seems to have a functional orientation. Cost may be included as an issue, and may be addressed by reduced fares for people with disabilities who meet eligibility criteria. "Transportation disadvantaged" has an economic ability perspective, and includes people with disabilities who cannot afford private transportation. There are other groups of people who cannot drive, e.g. people who have lost their driver's license, but they rarely seem to be included in the lists which seem targeted to the "deserving poor" or the "truly disabled" or "frail elderly" categories. It's interesting that the person who has lost a driver's license seems to be overlooked almost in the same way as environmentally/socially conscious riders – people who can, but don't, drive private vehicles.

Transit often presents competing goals in planning and implementation. Public transit serves two markets: those who are transit dependent and those who are making a transit choice. However most of the emphasis in §5310 seems to be on the transit dependent. The typical generic attitude toward public transit (see sidebar 6, Stigma of Public Transit) – why would anyone ride the bus if they could drive their own vehicle – still seems pervasively embedded in policy. The idea that a person with disability or an older person would choose to use public transportation as a socially conscious, or even prudent budget choice, does not seem to be incorporated into policy. With higher gas prices, this bias against the use of public transit may change, at least for as long as fuel prices stay high.

The environmental arguments, so prevalent in other areas of transportation, seem to be peculiarly missing in the human services transportation arena, or discussions of transportation disadvantaged populations. There does not seem to be much attention to the idea of people with disabilities having a choice about using public transit as, for example, a voluntary measure for reducing the negative environmental effects of single occupancy vehicles, congestion, etc.

The larger issue poses questions about the ADA's protection of the right to use taxpayer-funded transportation services: "I should be able to choose to use or not use public transit that other members of my community use." This, it seems, is the premise for paratransit, but not for some other transit

Sidebar 6: Stigma of Public Transit

"Automobile travel is considered prestigious, while alternative modes such as walking, cycling and public transit are often stigmatized" (Ory & Mokhtarian, 2005). A survey of commuters found that their decision to drive rather than use other modes resulted more from symbolic than from functional motives (Steg, 2005). The stigma of alternative modes was illustrated in 1986 when, during parliamentary debate, British Prime Minister Margaret Thatcher said, "A man who, beyond the age of 26, finds himself on a bus can count himself as a failure." These comments are particularly callous because they were made when there were about 0.35 private vehicles per capita in the UK (compared with about 0.42 vehicles per capita now, and about 0.75 vehicles per capita now in the US), implying that a major portion of the Prime Minister's constituents were "losers".

"The stigmatization of walking, cycling and public transit travel also has indirect effects. These modes experience significant economies of scale, so reductions in their demand reduce their quality of service and reduce the incentive for multi-modal land use patterns. For example, if driving is considered more prestigious than other modes, businesses will locate to maximize access by automobile rather than other modes" (Litman, 2007).

programs. It's the difference between civil rights and human services approaches. However, the civil rights approach only applies to those people with disabilities protected by the ADA, not to all people with disabilities.

The Association for Programs in Rural Independent Living (APRIL) tells transportation advocates that a civil rights approach to transportation will not work if there is no vehicle available to ride. It is important to remember that community transit options are necessary so an individual with a disability is offered an array of transportation choices. While it is important to have a bus available and being able to access the bus is important, there is still work to be done until there is a choice of transit options not based on a prioritized human service need. Programmatic eligibility and civil rights protection are not the same.

6. Policy research questions

We looked for answers to the following policy research questions In our comparative review and analyses of Section 5310 state management plans and policies:

[1] What is the status of national and state goal implementation? How do goals vary among state management plans?

[2] What structure and content differences exist among state plans?

[3] Do state management plans include sufficient detail to inform state policymakers and advocates about their program's status compared to other states?

[4] What noteworthy practices, exemplary and alternative implementation models could be adopted in other states?

[5] Are there policy and practice patterns that may have positive or negative consequences for rural people with disabilities?

[6] How do state management plans differ before and after the passage of SAEFTEA-LU?

All of these questions, particularly questions 1 and 2, focus on *learning more about the similarities and differences among states' approaches to, content of, emphasis on, and organization of "transportation services planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities"*. Question 4 focuses on *identifying and analyzing practices, approaches, and innovations*. Questions 3, 4, and 5 provide information to *allow state policymakers, administrators, and advocates to learn from and build on each others' work*.

Method: Comparative State Management Plan Analysis

1. Source of Data

We used state management plans (SMPs) as the primary source of data for this study. “The state management plan (SMP) is a document which describes the state's policies and procedures for administering the Section 5310 program. Each state is required to have an approved SMP on file with the appropriate FTA regional office and to update it regularly to incorporate changes in program management or new requirements.

“The SMP's primary purposes are to serve as the basis for FTA to perform state-level management reviews of the program, and to provide public information on the state's administration of the Section 5310 program. It may also be used internally by the state as a program guide for local project applicants. If the state has relevant documentation that provides the same information requested for the SMP, that documentation may be included by reference, as an attachment” (USDOT FTA 1998, C 9070.1E Chapter VII). “The SMP is intended to facilitate both state management and FTA oversight by documenting the state's procedures and policies for administering the Section 5310 program. The SMP should be a document which is useful to the state and sub-recipients, as well as to FTA” (USDOT FTA 1998, C 9070.1E Chapter VII). “At a minimum, this document must include the state's program objectives, policies, procedures, and administrative requirements, in a form readily accessible to potential local sub-recipients, state staff, FTA, and the public” (USDOT FTA 1998, C 9070.1E Chapter VII).

We had expected that we would be able to readily obtain all of the SMPs in electronic format, especially since the FTA requirement that “All public documents developed under a grant from FTA must be prepared and submitted in electronic format.” has been in place since October 1998. However, we were only able to obtain the SMP in electronic versions for 40 states, some from the DOT website, some directly from the state coordinator. Nine SMPs were only available as hard copy paper documents which were mailed to us.

Some data were available from all states. We reviewed 49 SMPs, from the 50 states and the District of Columbia. For 2 states we used the application forms and instructions. Regional and federal FTA administrators assisted in the collection of some of the documents. The SMPs ranged from 1998 to June, 2005. All were developed prior to the passage of SAFETEA-LU in August, 2005. The SMPs ranged in length from less than one page (in a larger combined program document) to 117 pages with extensive appendices. While we did not have all of the appendices, the SMPs indicate a range of 0 to 34 appendices. The FTA allows the states to include the SMP for the Section 5311 program in the same document. Twenty eight SMPs cover only the section 5310 program; 11 covered both §5310 and §5311; 6 also covered other FTA programs (e.g. Alabama's SMP covers all FTA plans in "rural and small urban areas") as well as §5310 and §5311. Four SMPs also included related state programs in addition to federal FTA programs.

Both Delaware and North Carolina include the §5310 program in their §5311 SMP, so the §5311 SMP was used for this review. The North Dakota SMP was reported to be very old, out of date, and not representative of the program. The state coordinator did not want to send the document; and the updated document would not be adopted until after the passage of SAFETEA-LU (our cut off date), so no SMP from North Dakota was included in the review. However, we did have an application packet which provided a small amount of data. Alaska was also in the process of writing a new SMP, but agreed to send the older, out of date document if we noted that it does not fully reflect the Alaska program. The coordinator suggested using the current consolidated application packet, since it already contained many elements which would be included in Alaska’s new SMP, and we agreed.

Not all SMPs reviewed were complete (e.g. Nebraska sent section V. Section 5310 Program Management, which is part of a larger document, which was unnamed and not sent). It notes at the top “(some 5310 program guidance is included in other sections)”. Oklahoma’s SMP is a subchapter of some larger document, which may include more details. Wyoming said they did not have an SMP, but did send an undated document titled “Chapter III” in lieu of an SMP; there is no reference to it’s source document. SMPs often have appendices, but not all states sent them. For example, Wisconsin’s SMP was only 6 pages long – most of the information was probably in the appendices which were not sent and not available online. The application form is sometimes included as an appendix. However, if there was a more recent application form available, we used it if it was date prior to August 2005, rather than the one included with the SMP. Twenty-eight (28) states had the application packets online.

2. Measurement and Assessment Instrument

FTA requires that each SMP provide information for each of 12 topics. We included these elements as core variables in this assessment. We used the 1998 FTA Guidance C 9070.1E to develop a basic review template. The review document had two parts, [1] Section 5310 State Policies: State Management Plan Checklist, which included the 12 core data elements (listed below), and [2] Policy Review: 5310 State Management Plan-By the Numbers, which collected numbers of sub-recipients, federal dollars obligated and transferred, state definitions for useful life, vehicle procurement, matching funding, ownership, as well as definitions of disability and lowest age to be considered as elderly. (Both parts of the review template are included in Appendix C.) FTA guidance language for each item is included at the beginning of the results for each element. In addition, the entire FTA guidance document is included in Appendix B.

1. Program Goals and Objectives
2. Roles and Responsibilities
3. Eligible Sub-recipients
4. Local Share and Local Funding Requirements
5. Project Selection Criteria and Method of Distributing Funds
6. Annual Program of Projects Development and Approval Process
7. Coordination
8. Private Sector Participation

9. Civil Rights
10. Section 504 and ADA Reporting
11. Other Provisions
12. State Program Management

In addition, we systematically collected data from the available documents (described below) on:

13. States' definition(s) of disabled and elderly
14. Criteria for establishing need as "unavailable, insufficient, or inappropriate"
15. State determined options and exclusions for vehicle use
16. Public involvement, advisory committees
17. Distributive equity: geographic & other

Our policy review included focus on the distribution of rural-urban transportation resources in the federal §5310 program. Each SMP was reviewed to determine if a goal of geographic equity was included, and if mechanisms (e.g. criteria in the selection process) were described which would support rural-urban equity in distribution. We framed our analysis with data related to the State's distribution of people, funding, vehicles, and the spatial distribution of the network. Data sources external to the SMP are noted. All §5310 allocation numbers come from decennial census population figures, and are not based on the state's definition of disability, therefore we used number and percentages of non-urbanized people with a disability in each state, from 2000 Census, analyzed by RRTC. (See Appendix D) We also used data on the total number of miles of roads (from USDOT, see Appendix E); sub-recipients/network: number of active §5310 sub-recipients (from an RRTC database), with distribution mapped by zip code and county (see Appendix F).

18. Funding. Federal funds (section 5310, and flexed to section 5310) obligated in FFY 2002, FFY 2003, FFY 2004, as reported by USDOT; as well as the FTA's 1996-2006 overview (see Appendix G).

Finally, we noted:

19. Overall impressions of the state model
20. Overall impression of the coordination model, including incentives and disincentives

In the early stages of the review, it became apparent that states were on different transportation "pathways". A pathway was described for each state. We also developed a form and noted the role the state's MPOs appeared to be playing in the 5310 program. In addition, noteworthy practices were also collected. As data was entered into an Access database after all reviews had been completed, additional noteworthy items were identified for some states, especially states which had been reviewed early in the process. This enabled us to pick up practices which may not have initially appeared noteworthy, but actually were noteworthy within the context of what was in all the other SMPs.

3. Procedures

Initially, USPS mail contact was attempted with each designated state coordinator for the §5310 program. Contact information for the state coordinators was supplied by CTAA, and updated as needed. Mail, email, and phone follow-up were made requesting a list of local sub-recipients in the state's active network. These address lists were used for a separate study on the *Allocation and Use of Section 5310 funds in Urban and Rural America* (Seekins, Enders, Pepper, & Sticka, 2007). We also requested a copy of the state's current SMP, application packets, and other relevant supporting documents since they frequently include detailed information about how the section 5310 program is implemented. (Note: The FTA guidance circular says that if the state has relevant documentation that provides the same information requested for the SMP that documentation may be included by reference, as an attachment.) Some states include the local application packet and instructions as part of SMP, usually as an appendix. Application packets, whether or not they are included in the SMP, can be extensive. More and more of them appear to be available online. One state, Virginia, appears to conduct the entire process online, and a password (which we did not have) is required to log-in to the system, even to obtain an application form. In addition, we requested the scoring sheet and review criteria used for selecting each state's grant sub-recipients. We also asked the state coordinators to answer 5 questions about their state program. Georgia, Idaho, Illinois, Vermont, and Wyoming state coordinators provided additional information, either in writing or on the phone or both, which provided supplemental data which was not found in the written SMP, data which we included in the review. The North Carolina 5311 coordinator provided information on how 5310 is wrapped into the state's rural transportation program. While North Carolina was excluded from our grassroots study, North Carolina was included in the SMP review.

For the most part the SMPs were reviewed, grouped by federal region, to see if there might be some similarities based on guidance from the regional FTA staff. No similarities or trends were found, with the possible exception of federal region 10, where there were similarities in how Alaska, Washington and Oregon integrate the §5310 program into their state transportation systems.

Perhaps the lack of federal regional similarities should not have been surprising, since after completing the SMP reviews, we learned from the July, 2007 Transportation Research Board (TRB) *Research Results Digest 320: Current State Issues with Implementing Federal Transit Administration (FTA) Section 5310 and Section 5311 Programs* (Table 1, p. 3) that one of the issues reported by state DOTs under "Communications/Consistency" was their concern that "FTA regional offices provide program guidance that is inconsistent."

To review an SMP, the author read the SMP in its entirety; making notes in the recording instruments as she encountered them. For some items, it was just noted if the item was included. For others, we used a consistent standard that it had to go beyond the boilerplate language found in the FTA guidance. However, some of the boilerplate in the FTA guidance seemed to appear rarely in the SMPs themselves – and seemed notable when it did. It was surprising that states did not incorporate more of the FTA

guidance language. Reviews often required re-reading SMPs several times to understand them clearly and to cross reference sections of each SMP. In addition, as the review proceeded, new categories for observation emerged. These categories were discussed with colleagues to determine if they should be added to the assessment instrument. When new categories were added, it became necessary to review previously scored SMPs for the presence of evidence reflecting the new category.

Results

1.0 Pathways

Research question 1. What is the status of implementation of national and state goals? How do goals vary among state’s management plans?

SMPs represent an array of stages and approaches used to implement federal and state transportation goals. While constant in the focus on elderly individuals and people with disabilities, differences in program implementation and the management process is apparent when reviewing state management plans.

In reviewing all the SMPs, it is apparent that not all states are headed in the same direction, that there are several routes, each with somewhat different “destinations.” As the section 5310 program moves toward greater coordination and away from just providing vehicles for a single agency’s clients, we identified three different routes, or “pathways” that the states are following to address current transportation needs of elderly individuals and people with disabilities.

Each of the three basic pathways reflects assumptions about the desired outcomes of the program, and provides some insight into programmatic intent. There is still considerable ambiguity on the issue of intent, despite the fact that it has been national policy since 1970 *“...that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.”* (Urban Mass Transportation Act of 1970) Is the intent of the 5310 program to strengthen and coordinate human services transportation, or is the intent to make public transportation systems more universally designed to include the community mobility needs of the elderly and persons with disabilities in transportation systems throughout the country?

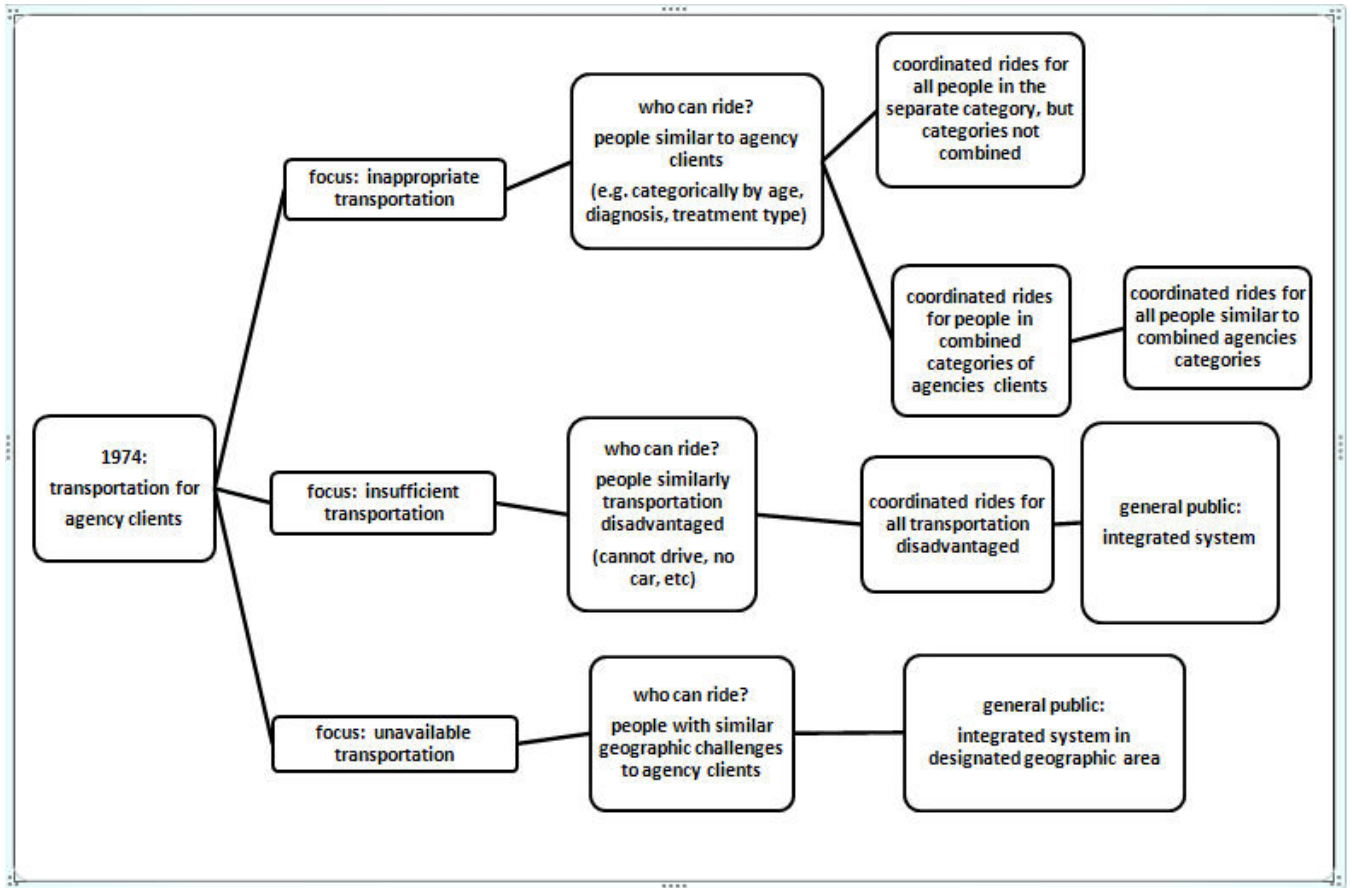
The three primary pathway directions: [1] service to agency clients, [2] general transportation system, [3] general rural transportation, seem to correlate to the basic purposes of the §5310 program: providing capital assistance when other public transportation is unavailable, insufficient, or inappropriate.

- Transportation is unavailable: can lead to: integrated rural transportation system
- Transportation is insufficient: can lead to: integrated general transportation system
- Transportation is inappropriate: can lead to: transportation services to agency clients

Figure 1 depicts a rough sketch of the pathways, from the perspective of ride eligibility. As described in Introduction section 5.2, each state’s pathway toward coordination and systems integration has

developed over the last 30 years, since the first §5310 grants were awarded in 1975. Assume that all states started managing their grants using a vehicle fleet management approach in what was typical at the time, in an *agency serving its own clients* model. Assume all states have evolved from the initial program, in part because the enabling transportation legislation (and hence FTA guidance) has changed; in part because states have used this small program in a wide variety of different ways to support local transportation goals, and improve the availability, sufficiency, and appropriateness of integrated public transportation systems. As the program evolved, each state has developed its own pathway. Some states have retained the human service agency transportation service model. This pathway can lead to rides for people similar to the agency's clients (e.g. similar ages, such as seniors or children; similar diagnoses, such as developmental disability; or similar treatment type, such as mental health center clients); and from there to coordinated rides for all people in the separate category, but not the categories combined (e.g. seniors and people with developmental disabilities do not ride together). Alternatively, this pathway can lead to coordinated rides for people in combined categories of agencies; which in turn can lead to coordinated rides for all people similar to the combined agencies categories. Other states have developed a pathway which focuses on insufficient transportation, and expanded eligibility beyond agency clients to people who were similarly transportation disadvantaged. This pathway can lead to coordinated rides for all transportation disadvantaged people, and then to an integrated system for the general public, which also is "planned, designed, and carried out to meet the special transportation needs of the elderly and persons with disabilities". A few states have developed a pathway which focuses on unavailable transportation in rural areas, and expanded eligibility beyond agency clients to people with similar geographic challenges. This pathway can lead to an integrated system for the general public in a designated rural geographic area, which also is "planned, designed, and carried out to meet the special transportation needs of the elderly and persons with disabilities".

Figure 1. Pathways



While SMPs usually include goals and objectives, it is not always clear where the program is headed. Trying to understand the state’s pathway based only on the state management plan was in most cases highly subjective. Further review and discussion with state coordinators would be needed to appropriately address the question. But since the concept is so essential to understanding the section 5310 grant program, and the ambiguity in key areas such as coordination, we are including preliminary findings here. See Appendix H for brief state by state pathway description).

Some SMPs provide more information than others, and some states, e.g. Iowa, are so far along their pathway, and so clear in their intent, that the pathway is clear. (See Recommendation 1.3, for reasons we are recommending that states should place §5310 goals into context of overall agency transit goals, and be required to describe this relationship in the state management plans.)

Some state SMPs, e.g. Illinois and Alaska, say they only use §5310 when other funds are not available—filling in the gaps. This appears to lead to use in multiple pathways, if the state is considering all of them as potential places to use §5310 funds. Combined with flexibility in what can be funded, as Alaska does, this could be the closest approach to meeting original legislative intent, and fostering innovation and demonstration (Illinois is primarily vehicle oriented, which would close some opportunities, like

vouchers). This may be most true in states which manage the programs together, and select which pot of money best matches the need and request.

While there appear to be three primary pathway directions, there were also subsets and combinations of target directions. It seemed like there might be a relationship between the number of sub-recipients receiving §5310 funds in a state, and the degree to which the state's pathway focuses on agency clients. We looked to see if states which had higher numbers of sub-recipients might be more agency focused. This assumption turned out to be not true. We have however included the numbers of sub-recipients after each state name in this section to show the range (1 to 403) of sub-recipients among states.

Sixteen states appear to focus exclusively or primarily on human service agency clients. At least 8 of these states appear to be focused exclusively on a human service agency approach: AZ (101); CT (70); DC? (92); MD (28); MO (182); NM (51); VA (140); WI (59). Five of these 16 states target services to agency clients, but also may include the general public: GA (31); MS (45); MT (70); NJ (105); TN (89). Three of these 16 states target services to agency clients but may also include the rural public: AL (150); NH? (28); UT (101).

Of the 25 states that appear to be headed toward some type of integrated public transportation systems, two states target rural public transportation systems exclusively. North Carolina's and, possibly, Maine's funding goes into the §5311 program (8). The pathway in at least 13 of these 25 states was toward general public/rural & small urban public transportation systems: DE (44); ID (52); IL (234); LA (150); MN (139); NE (48); NV (43); NY (259); SD (49); TX (246); PA (143); WA (10); WV (71). Ten of these 25 states appear headed toward fully integrated general public transportation systems: AK (11); CO (60); FL (204); IN (89); IA (16); KS (78); KY (18); MI (70); OH (403); OR (54).

Vermont, which also has a supplementary program, appears to be on all three pathways simultaneously. Rhode Island has a statewide system, and uses §5310 for paratransit services within general public transportation system. SMPs from the remaining 8 states were unclear, or did not provide enough information to guess at a pathway. Four of the states in the tables have question marks, and could be a different model, though the SMP seems to provide enough information to tentatively assign them to a specific category.

Our pathway assignment for any particular state may or may not be accurate. But there is no question that there are multiple pathways, all using programmatically similar language while headed in different strategic directions. The pathways concept makes it easy to predict that there would be significant challenges in communicating about, managing, administering, and transforming this small but important program. Federal administrators, state coordinators, local transportation providers, and transportation advocates may not actually be referring to the same thing, even when they use the same words. Additional issues related to goal implementation are included in the following sections.

2.0 Plan characteristics

Research question 2: What structure and content differences exist among state plans?

Research question 3: Do the state management plans include sufficient detail to inform state policymakers and advocates about the status of their programs in relation to other states?

There was more variation than expected in the both the structure and the content of state plans. While there is considerable detail in many plans, there are areas that need improvement. This section presents **the data and tables about the management process.**

State management plans seem to be written with the assumption that one is familiar with how that state operates its transportation systems and programs. Each state seems to assume that the regional FTA office will understand the state's overall transportation model and terminology. Since some FTA programs may operate with more similarity than the §5310 program, that may be a fair assumption. But for the §5310 program, which has such a high degree of state customization, it can be difficult for an outsider to understand the assumptions that the state DOT people are making about how transit operates within their state jurisdictions. It is difficult to understand some SMPs without resorting to a search of the state's DOT site to see what their language is referring to. For example, California refers to Regional Transportation Planning Agencies (RTPAs) which make the decision on §5310 applicants locally. But the California SMP does not include the number of them nor a map – though this is available on the California DOT (CalTrans) website. A list is available, as well as definitions in a Section 5310 Glossary found online, which does not seem to be part of the SMP or appendices, or application forms.

In many states, to understand the process, especially related to distribution of resources, you cannot read the SMP alone. You need to follow the money to understand who controls it (and the relationship between state and local entities); who competes for it, and how and where it can (and cannot) be transferred among programs. And that information is not always apparent in the SMP.

The §5310 program needs to be placed in the context of other state transportation grant programs, especially since §5310(a)1 refers to these other grant programs. Regional FTA oversight and state management reviews probably includes the entire array of available information. However, applicants and the public may not have the same access to the related documents and background material that the regional FTA staff would have.

Some plans are explanatory documents, which include background information which would help non-FTA folks to understand them (e.g. Iowa's SMP includes history and changes made in the program and its administration). The background information is useful in following a state's evolution in developing transportation services for people with disabilities.

Many, but not all, plans included sufficient detail to inform policymakers and advocates from other states. The application form and instructions were often needed to obtain operational details. Some states had additional information on their websites, which was not included in the SMP, and hence

could not be included in the analysis. This section also presents the **data and tables related to variation in programmatic content**.

The language from FTA guidance document (C 9070.1E, Chapter VII State Management Plans, October 1, 1998; full guidance document is in Appendix B) is included in italics at the beginning of the first 12 items in this section.

3. STATE MANAGEMENT PLAN CONTENT. While there is no prescribed format for the SMP, the plan should address the following topics and provide the information as requested for each topic below:

2.1 Program goals and objectives

1. Program Goals and Objectives. Describe the philosophy and policy underlying the state's management of the Section 5310 program. Include a description of any process which exists for establishing long-term goals for providing transportation service to elderly persons and persons with disabilities in the state.

2.1.1 Program goals and/or objectives. Forty-five states included program goals and/or objectives in their SMP. The primary orientation/management focus may be less than clearly stated. However, since it provided a framework for reviewing the SMP, and we tried to assign a category for all states (N=51). Twenty states appear to focus on coordinated community transportation, 24 on efficient use of transportation resources, 9 primarily on fleet management, 1 on economic development, 1 on “transit as a viable transportation choice” and 1 simply on improved transportation for elderly & people with disabilities. Ten states appear to have a dual focus, and their numbers were counted in both categories. There was not enough information in 11 of the SMPs to understand the primary orientation. However in 6 states an estimate could be made. There was no way to even guess about the other 5 states.

States which have combined management plans generally draw from the overall goals of the state DOT’s Transit department. State transit goals are usually more integrated and broad than goals focused only on one program element, such as §5310. While other states may have similarly broad goals, it is difficult to infer them from a narrowly written SMP written only and specifically for the §5310 grant program.

Although not a required element, nor even stated as such, the “philosophy” of some states is evident in the application process requirements: for example, Delaware includes questions about available transportation alternatives. Oregon includes an expectation that agencies will use regular transit for part of service. Both Kentucky and Nevada require an assurance that grantees not restrict their ridership from using mass transit when available. Included in the assurances Nevada grantees must agree “...no person with a disability is denied access to mass transportation for the general public if the person with a disability is capable of using that system, even if the grantee also provides special service to persons with disabilities” (Nevada SMP, p.77). Kentucky includes similar language in 2004 State Management Plan, Chapter VIII-6, under its 504 protections.

Efficient use of transportation resources seems to be an underlying objective in almost half of the SMPs. Some states focus on integrating management of FTA programs as a way to leverage resources in a way

which best serves the state. A few SMPs clearly state the administrative decision for the best way to most efficiently use transportation resources. For example, in addition to the typical objectives (mobility, coordination, etc) Kentucky includes as objective (2) “Decrease the dollar level of other program funds (e.g., Title III) which must be expended on vehicle purchase in order that these funds may be reallocated to support vehicle operational costs” (though this does not seem to be in the SMP, it is in the application guidelines).

Iowa uses a different approach, and clearly states its rationale in the SMP:

...voluntarily reserving formula funding that could be used for support of operations to fund capital purchases which could just as well be funded out of discretionary funds was needlessly denying transit services to lowans needing transportation. As a result, the state and the transit association agreed to support the maximization of operating support so long as sufficient capital funding could be obtained through the earmarking process to meet on-going capital needs (SMP, pp. 9-10). At present most sub-recipients choose to use their formula funds for support of transit service costs. With this being the case, the §5310 funds are targeted to systems that purchase such services from sub-providers, and §5311 funds are targeted first to systems that provide their services directly. To the extent that any system proposes to use its §5310/§5311 allocation for purchase of rolling stock that will operate in part within an urbanized area, §5310 funds will be utilized. If facility improvements are programmed with the formula funds, §5311 funding will be used.

2.1.2 Equity. State must certify to the FTA that allocations of grants to sub-recipients are made on a *fair and equitable* basis. However, no criteria are provided for the concepts of fair and equitable. We found 26 SMPs which mentioned transportation equity. While we were primarily looking for equity in geographic distribution, we also included consideration of economic and programmatic equity. At least one state noted racial/ethnic equity.

Some states appear to invest their section 5310 funds primarily in rural transportation. For example, Nevada’s Transit Program Goal: “To provide coordinated public transit in any small urban area, rural community and Indian reservation which desires such a service and where such service is feasible” (SMP, p.3). North Carolina goes one step further, and allocates all §5310 funds for use in the §5311 (non-urbanized) program, which is allowable under federal guidance in the last 90 days of the fiscal year.

The two states (Alabama and West Virginia) with restrictions on the frequency of grant applications appear to be using this mechanism to increase equitable distribution. Alabama says “Successful applicants are subject to a one-year sit out rule in order that funding may be distributed equitably” (SMP, p. 21). West Virginia says “any previous applicant funded by the last two grants, must set out

one funding cycle” (SMP, p.4). The SMP states that West Virginia does this because of funding limitations, and would reconsider if there were additional funding.

2.2 Roles and responsibilities

2. Roles and Responsibilities. Specify the agency designated by the Governor to administer the Section 5310 program. The respective roles and responsibilities of the state agency and its subdivisions, other state agencies or review boards, local governments, private providers, local applicants, and other involved parties should be clearly explained.

The Department of Transportation administers the §5310 program in most states. However, Georgia transferred management in 1988 from the state DOT to the Dept. of Human Resources, Transportation Services Section. The Oklahoma Dept. of Human Services, Aging Services Division has administered the program since its inception in 1976. The Virginia Department of Rails and Public Transportation, Rural Transit Section administers the §5310 program. The state DOT spun off this agency in 1992.

Forty-three SMPs include a description of the state’s roles and responsibilities. SMPs from the remaining states were unclear, or provided no information.

2.2.1 Management orientation/models. At least 10 states appear to have an integrated management orientation, which brings together all FTA and state transit programs. These states appear to look at other available resources first, and only use §5310 funds when the support cannot be found in another grant program – which seems to meet the intent of both parts, (a)(1) and (a)(2), of the section 5310 grant program: Alaska; Colorado (expectation of integrated planning and management at the local, regional levels; not clear if §5310 and §5311 were integrated, but they might be); Delaware (one integrated system for entire state); Iowa; Michigan; Nevada; North Carolina; Oregon (SMP, p.1); Rhode Island (one integrated system for entire state); Utah (integrated management plan, but not clear if programs are integrated).

Seven states appear to have a strong regional management orientation: California (Non-DOT: RTPA: Regional Transportation Planning Agency which can be Local Transportation Commissions, MPOs, or statutorily created agencies); Connecticut (15 Regional Planning Agencies); Florida (7 DOT regional offices); Iowa (Non-DOT:16 regional transit systems); Maine (8 regions, generally based on counties); Texas (25 DOT regional offices); Vermont. Some states, like Arizona, refer to an existing regional development/planning entity (e.g. COG – council of government); regional entities in many states are COGs, but could be other groups, and have another name.

Eight states appear to have a strong county orientation: Alabama: county commission sign off, outside the 12 MPOs; Florida: Community Transportation Coordinator (CTC) for each county, with 7 regional DOT districts; Hawaii (each island is a county); Maryland; New Jersey; North Carolina (but says its moving toward regional orientation); Ohio; South Carolina.

Four states have atypical management models. See descriptions for Iowa, Rhode Island and Delaware in Table 3, Regional Models. North Carolina allocates all \$5310 funds for use in the \$5311 (non-urbanized) program.

Table 3. Regional models and regional entities are involved in 17 states.

Arizona	4 MPOs and 4 COGs, regional council of governments
California	Decision-making appears to be initially decentralized to regional entities, but the relationships are not clearly detailed; it is unclear if the RTPAs (including the MPOs) are working from some base formula, or if they are competing with each other for awards. Selection criteria are consistent across all regions
Connecticut	15 Regional planning agencies, competition seems statewide. It appears that selection criteria are consistent across all regions
Delaware	Entire state functions as one region. The Delaware Transit Corporation, a division of Delaware DOT, is the public transit provider, and the “mobility manager” for the entire state.
Florida	7 regional DOT offices. It appears that selection criteria are consistent across all regions.
Georgia	12 regional transportation offices, seems to have a county orientation; funds are “equally distributed between Planning and Service Areas (PSAs) as defined by the Division of Aging Services” PSAs have relatively equal service populations. It appears that application and selection criteria are consistent across all regions.
Hawaii	County transportation agencies (each island is a county) and the Oahu MPO; local authorities seem to have responsibility for almost all details, including public involvement, public transportation plan, coordination, etc. However they appear to have no voice in the selection process. Unless the “director of transportation” is the local director, not the HDOT director.
Idaho	State is divided into 6 transportation districts, each with a Regional Public Transportation Authority, and a Regional Public Transportation Advisory Committee. It appears that selection criteria are consistent across all regions.

Iowa	Administers the program through 16 regional transit systems which are the §5310 sub-recipients. Funding is allocated to regions. (There are only 16 addresses for §5310 sub-recipients). The 7 small urban (under 50,000) systems also appear to be involved. It's unclear how the MPOs fit in, or if they are even eligible for §5310 funding. The 16 regional entities appear equally distributed across the state. Each of these coordinated transportation systems is open to the general public. Operations are opaque below the regional level, and apparently regional entities have considerable latitude in operating coordinated programs – but it is not clear from the SMP how this works. Selection criteria are determined by regional entity, and may not be consistent across all regions.
Kansas	Coordinated Transit Districts are the backbone of the system; no mention of how resources are allocated among CTDs, or if they are; or if they are competing among an overall state pool of funds. There is not enough detail in SMP to understand how the CTDs operate.
Kentucky	18 Designated Lead Agencies, broad range of agency types, including Red Cross, Transit agencies, Community Action agencies; (there are only 18 addresses for §5310 sub-recipients); this may be a relatively new approach, application notes “proposed coordination process”
Maine	Each of the 8 regions, defined generally along county lines, must provide for “maximum feasible coordination of funds among all state agencies that sponsor transportation in the region” in their Biennial Operation Plan. Funds are allocated among regions by a formula based on population, miles of road, and number of square miles. Operations are opaque below the regional level. It's unclear how the 4 MPOs fit in, or if they are even eligible for §5310 funding.
Missouri	Funds are initially reserved for each of the urbanized areas based on population. MPOs receive 54.5%, and make decisions about sub-allocation. The remaining 45.5% is for the balance of the state. (Note: Missouri receives about \$1.8 million a year in §5310 funds; the 3 smaller MPOs may not get enough share to fund a vehicle annually.) MPOs seem able to establish their own scoring and criteria; the SMP included the nonurbanized criteria.
Ohio	Two categories: “urbanized” and “nonurbanized” counties. 17 MPOs review urbanized, Ohio DOT reviews applications for nonurbanized counties (and perhaps for rural areas of urbanized counties?). Funds are allocated based on the number of (1) elderly population, (2) disabled population, and (3) access to subsidized public transportation based on vehicle miles of subsidized transit/population of the area; no MPO receives an allocation of less than the cost of one vehicle. Selection criteria are consistent across all regions, though MPOs can add restrictions.

Rhode Island Entire state functions as one region. Entire state transit system run by RIPTA, a quasi-public body. §5310 funds used for the paratransit system, that supplements the general public system. Paratransit is run as a brokerage system. RIPTA owns the vehicles, and leases them to contracted carriers.

Texas The administrative flow appears to be Texas DOT → 25 Texas DOT regional districts → transit authorities → other local public bodies, private non profits organizations, Indian tribes, operators of public transportation services, including for profit operators. (SMP p3) Allocation formula: 25% of available funds distributed equally among the Texas DOT districts. 75% of funds distributed to districts on the basis of latest census figures for disabled and elderly population. DOT regional districts offices make all decisions and create the program of projects (POP). It appears that application kit is consistent across all regions. It is not clear if selection criteria are consistent across all regions, but since the district offices are acting as the administrator, the criteria may be consistent statewide.

Vermont May be a regional model. Unless we were sent the wrong list of sub-recipients, there are (12) §5310 sub-recipients and (12) §5311 transportation operators. One element of the §5310 program (there are 3 elements) is closely tied to the §5311 program; all purchases must be made by the §5311 transit system, and a formal arrangement must exist between any §5310 sub-recipient and the §5311 transit provider (there are 12 regional systems). This is the only program described in the joint §5310-§5311 SMP.

2.2.2 Coordinating roles and responsibilities. Because coordination was an important element of our review, we specifically looked for coordinating mechanisms and relationships in this section. Thirty-seven SMPs include descriptions of state level coordinating mechanisms, legislation, review boards, and state policies which encourage or mandate coordination at local level. Forty-one include descriptions of coordinating with MPO's; §5310 sub-recipients; government agencies and nonprofit organizations that receive other federal funds for transportation services, in plan development and selection of projects.

2.2.3 Metropolitan Planning Organization (MPO) relationship. States appear to have a wide range of relationships with the Metropolitan Planning Organizations. A table in Appendix I shows the number of MPOs in each state which are involved in the §5310 program, and their role in the process. All data was gleaned from the state SMP, but not all SMPs were clear about these relationships, so it should be rechecked within the state and the MPO. Some of the relationships were a “best guess” based on available information. However, from the SMP alone, it was not possible to determine the MPO relationship in 10 states; in one of them the MPO was not mentioned. Even in states which seem to have only minimal MPO involvement, the SMP usually at least mentioned that the §5310 projects were included in the TIP (transportation improvement plan), since this is an FTA requirement.

In 8 states, the MPOs do not appear to be involved in state distribution of §5310 funds, or their areas were not eligible for §5310 funds. In 17 to 21 states, the MPOs do an initial review, or signoff only. In Idaho, North Carolina, and perhaps Washington, MPO input is requested in evaluating the process and or serves in an advisory role. In 7 to 8 states, the MPOs evaluate the §5310 proposals. In up to 5 states, the MPO has a direct role in selecting §5310 sub-recipients. In Missouri, the MPOs appear to determine the grantees. In some states, the MPO does more than one of these activities.

2.3 Eligible sub-recipients

3. Eligible Sub-recipients. Describe which entities are eligible to apply for funds, and describe any state eligibility requirements that are more restrictive than Federal eligibility requirements. Include criteria used to determine which public bodies are approved by the state to apply for Section 5310 funding as coordinators of services for elderly persons and persons with disabilities, as well as criteria used for public bodies certifying that there are no nonprofit organizations readily available in an area to provide Section 5310 service.

2.3.1 Eligible sub-recipients. Forty-eight of the SMPs (and/or application packets) described which entities are eligible to apply for funds:

- 48: Private nonprofit corporations
- 39: Government agencies, where no nonprofit is available
- 42: Coordinating bodies
- 11: §5311 agency
- 17: Other (includes restrictions, exceptions)

Some examples of *other*: Mississippi will fund client specific programs, but only at 50%, not 80%; New York funds public bodies only in state designated rural counties, (i.e. counties with less than 200,000 people); Wisconsin law allows school bus use.

Two states have restrictions on frequency of grant applications:

- Alabama : “Successful applicants are subject to a one-year sit out rule in order that funding may be distributed equitably” (SMP p 21).
- West Virginia: “any previous applicant funded by the last two grants, must set out one funding cycle” (SMP p.4). The SMP states that WV does this because of funding limitations and would reconsider if there were additional funding.

Three states specifically mention faith-based organizations as eligible entities (Arizona; North Carolina [SMP p.14]; Washington, DC [SMP p.2]). In New York, “Sectarian organizations may be eligible, but vehicles may not be used to transport members of a church or congregation exclusively for religious services” (SMP, appendix A, page 5).

At least 19 states specifically mention Indian Tribes, though not always in the eligible entities section, which when relevant (i.e. there are tribal entities in the state) is a required SMP element:

- Alabama (SMP p 19, 21)
- Alaska (app. instructions, p. 7: “where no nonprofit is available”; Part 2 p.37)
- Arizona (p. G-1)
- Colorado (SMP p.25)
- Idaho (p.10, county needs profiles include specific needs on Indian reservations)
- Kansas (SMP p. 2, 9, 10) apparently there are specific FTA reporting requirements when a tribe gets an award, related to “congressional delegation requirements”)
- Maine (SMP p.4)
- Michigan
- Montana (p.15, Office of Indian Affairs on selection committee)
- Nevada (p.3, transit goal includes tribal reservations) p.46 and throughout
- New Mexico (p.10, partnerships with tribal governments)
- New York (SMP p. 3)
- North Carolina (§5311) p.9 the only recognized tribe in NC is a §5311 sub-recipient
- Texas (SMP p. 3)
- Oregon specifically includes “One of the goals of the §5310 program is to encourage Indian Tribes to access funding for their programs. Several tribes participate regularly in the §5310 program.” (SMP p.18)
- Utah (SMP p.1)
- Vermont (SMP p.3, p.11-12 notes there are no recognized Indian reservations in Vermont)
- Washington (p.4) Office of Indian Affairs included in list of advisors; app. p.2
- Wisconsin (application packet letters)

2.3.2 Public bodies criteria (*criteria used for public bodies certifying that there are no nonprofit organizations readily available in an area to provide Section 5310 service*).

Only 17 SMPs included operational criteria for public bodies certifying that there are no nonprofit organizations available. Several states add *willing* to the criteria of *other available providers* (i.e., if there are available providers, they must be willing to provide the service). For example:

- Arizona (p.G-23)
- Arkansas (app, p.10)
- California (SMP p.9, for public entities)
- Hawaii
- Mississippi (SMP p 5 – also adds “cost-effective”)
- Oklahoma (SMP p. 15) where “no private or public transportation provider is interested in providing or planning the service”

- Texas (SMP p3) where current service provider is not “ready, willing, able”
- Colorado (SMP p 8) public body “or as the only willing and able operator providing transportation to the elderly persons and persons with disabilities.”

2.3.3 Coordinators of services criteria *(criteria used to determine which public bodies the state approves to apply for Section 5310 funding to coordinate services for elderly persons and persons with disabilities).*

SMPs did not routinely include criteria for being designated a coordinating body. When criteria were included, it was usually FTA boilerplate language. Some states do include criteria (e.g. Colorado includes criteria in the application guidelines [p.7]). Louisiana (SMP p.6) has detailed criteria and process:

Public bodies will be considered for designation as Coordinators of Services if the following criteria are met:

- a. the public body is currently receiving Section 5307 or Section 5311 assistance to operate a public transportation system;
- b. activity reports from the existing agencies indicate a need for better utilization of vehicles;
- c. two or more agencies in the service area are currently providing transportation to elderly persons and persons with disabilities; and
- d. the public body has the capability to coordinate public transportation services within the geographic area of service.

2.3.4. Sign off letters and assurances. Many states require that an applicant write to all urban and rural transportation providers, and private non-profit and private for-profit operators within its service area, to verify that the proposed service cannot be provided by equipment already in service. Applicants include copies of these letters & response with the application. Table 4 includes examples:

Table 4. Sign off letters and assurances examples.

Idaho	applicants must provide a Letter of No-Conflict from urban and/or regional public transportation provider; and if a senior center, also from Aging and Adult Services
Indiana	“The Provider Notification Letter requests assurance from public and private transit operators in the service area that the services they provide are not designed to meet the needs of elderly persons and people with disabilities as proposed in your section 5310 application” (application, p. 8)

Michigan	“Obtain individual sign-offs from each public and private transit and paratransit operator in your service area, stating that the services they are providing or are prepared to provide are not designed to meet the special needs of elderly persons and persons with disabilities within your service area....” (application instructions, p.22).
Oklahoma	“each applicant must allow private for profit or public transportation providers an opportunity to provide the same proposed service and opportunity to help plan a proposed system” ... “if no private or public transportation provider is interested in providing or planning the service. The applicant must obtain a letter to that effect...” (SMP p.15).
West Virginia	“When requesting expansion vehicles, all public, private and paratransit operators in an agency's proposed service area must be sent a sign-off form by registered mail. The registered mail receipts must be included in an agency's application packet. Each provider has 30 days to respond to the request. Failure of an agency to reply to the request is considered to be a "no" objection to the proposed transportation service.” Application (p. A-12) further clarifies that this means all rural and small urban transit providers, all taxi companies, and all paratransit providers in the proposed service area (SMP p. 12).

In several states (e.g. Connecticut, Michigan and Indiana; West Virginia resolution letter includes the same idea, but somewhat softer) it seems that organizations might be putting themselves at risk of an ADA lawsuit by signing such a letter (see Discussion Section 2.6).

2. 4 Local share and local funding requirements

4. Local Share and Local Funding Requirements. Describe any state policies on provision of local matching share. Include a description of any state programs which provide matching funds for Section 5310.

2.4.1 Matching funds. Forty-eight SMPs include information on local share (match) and local funding requirements. Table 5 shows categories.

Table 5. Differences in required local match percentage

Number of states	Amount of matching funds required
5	no local match required
5	10% local match required (state provides other 10%)
1	17% local match required for ADA vehicles (Oklahoma)

36	20% local match required (8 of these also have an additional factor (e.g. see the 50% match below, and 17% above, and note about transferred funds))
1	22.5% (Arizona)
1	40% (Nebraska)
1	50% if vehicle used solely for agency clients (Mississippi)

Note. There may be a different match used for transferred funds. For example, the Oregon SMP notes “The match rate for projects funded from STP transfer funds to the §5310 program is 89.73/10.27 percent, which is the Federal Highway Administration match ratio for STP funds.”

As shown in Table 6, twenty one states have a source for matching funds. Seven SMPs indicated there was no state source of matching funding. Six SMPs did not provide enough information to know if there was a state source. One SMP identified a source which may be a companion funding program, not a source of matching funds. SMPs from the remaining states were unclear, or provided no information.

Table 6. Twenty-one states provide some or all of required matching funds:

Alaska	Alaska Mental Health Trust Authority funds (AMHTA) may be used as matching funds in some cases.
Arizona	LTA II, state transit funding to local governments. Funds were available through grants from local governments. Powerball lottery funds an important source; (complex discussion on p G-2,3 of Program Guidelines & Application); this source may no longer be available
Connecticut	Awards a \$35,000 grant (\$28,000 from FTA, \$7,000 match from State Public Transportation Appropriation) successful applicants have to make up any difference. The 2004 application seems to indicate that the state funds were tentative “if State funds become available, the state may fund some, or all, of the non federal share” but the state and federal share together cannot exceed \$35,000 per vehicle.
Delaware	State provides full match.
Florida	State funds may be used for half the match (applicant: 10%, state 10%) for eligible capital costs.
Georgia	State may provide full match. Dept of Human Resources requests a state appropriation for matching 20%
Illinois	State may provide full match. Provisions of the Illinois Compiled Statutes (30 ILCS 740/3-1.02) – provides entire match; sub-recipients only expected to add match when the state funds run out.

Iowa	State Transit Assistance (STA) for purchase of contracted services (which is the primary use of §5310 funds in Iowa)
Kansas:	For non-capital expenses: \$4000 or 20% of the total operating deficit for the entire agency, whichever is less, is provided to each sub-recipient of the §5310 program annually from State funds; 10% of the special city and county highway fund may be allocated for public transportation, including §5310 and §5311 match (but it also states that for capital expense, local sub-recipients need to provide 20% of the cost – not clear if they can use these highway funds? (SMP p 16)
Kentucky	State funds may be used for up to half the match (applicant: 10%, state 10%) Unclear if all this funding comes from Toll Credits, or if toll credits are an additional supplemental fund.
Louisiana	“State funding to local government under Parish Transportation Fund may be used as local match” (SMP p.8); unclear if it means if can only be used by public bodies, or that it is distributed through local government.
Maine	State funds used for half the match (applicant: 10%, state 10%)
Michigan	State provides the 20% match for most items (SMP p. 18)
Nevada	State funds used for half the match (applicant: 10%, state 10%). allocated from interest earned on state highway funds (authority: Nevada Revised Statutes (NRS) 408.271)
New Jersey	State provides full match. Source: casino tax
North Carolina	State funds used for half the match (applicant: 10%, state 10%), quarter of the 20% for other things (p.20-21, 23)
Oregon	Primary source: cigarette tax
Tennessee	State funds used for half the match (applicant: 10%, state 10%)
Vermont	State funds used for half the match (applicant: 10%, state 10%) (SMP p.20)
Washington	State may provide full match. Applicants not required to provide local match; WSDOT can use state rural mobility funds, paratransit/special needs funds (p.7-8)
Wyoming	Transportation Enterprise Fund can be used for match.

ADA related vehicle capital costs only require a 10% match. However, few SMPs or applications appear to promote use of the lower rate. Texas includes it (SMP p.5), as does Oklahoma (SMP p.12). In addition, Oklahoma (app. guidelines p.5) states that an “ADA vehicle” only requires a 17% match. Colorado’s SMP

specifically states why it does not use the lower allowable rate: SMP p.8 (4.2 Matching Ratio Levels) “CDOT's Rules set the maximum federal participation in capital equipment expenses at 80% and the minimum local share at 20%. The Act allows the Department to offer a maximum federal participation level of 90% for equipment purchased to comply with the Clean Air Act (CAA) or the Americans with Disabilities Act (ADA). The Department has chosen not to use this higher level because it believes it is not cost efficient to make adjustments in grants to allow for two different match ratios.”

At least two states require a higher match. Arizona: 20% match and 2.5% administrative fee; Nebraska: 40% match. Mississippi requires a 50% match when the applicant is going to use the vehicle to serve only agency clients.

Washington and Oregon SMPs raise the issue that the source of match may inhibit coordination, and place restrictions on local match: Washington: (SMP p.8) “no use restrictions may be put on the equipment by the funding source”, app. p.6 “matching funds may not have any restrictions placed on them which would restrict services” app. Appendix B p.8 indicates that this is a federal requirement. Oregon: (app. p.6) “If the source of match causes the use of the project to be limited to a specific group of clients or purpose, identify the limitation. If the constraint limits or prohibits coordination with other transportation providers, the project may not be funded.”

Administratively, states vary widely on the timing of when in the process the matching funds must be remitted to the state, or in the case of Massachusetts to be paid directly to manufacturer. See results section 2.12.2., state program management, for more details.

2.4.2 State funding. At least seventeen states may have a complementary funding stream which supplements or parallels the §5310 program. These funding streams go beyond providing matching dollars, to expand the reach of the §5310 program. States use a wide range of approaches, as briefly noted in Table 7. Also check Appendix J, Noteworthy Practices for details.

Table 7. States which have a complementary funding stream

Alaska	Alaska Mental Health Trust Authority (AMHTA)
Arizona	makes STP funds available to supplement §5310 in rural areas (p.G-2)
Idaho	Vehicle Investment Program (VIP) supplements §5310
Kentucky	may have an additional fund in addition to toll credits
Maryland	Maryland Statewide Special Transportation Assistance Program (SSTAP)
Massachusetts	Mobility Access Program (MAP) § comes from state transportation bond funds

Michigan	specialized services assistance program (in 1997 \$3.6 M) emphasis appears to be on public transit coordination with area agencies on aging, but other organization can participate (Act 51, p.15); funds are for operating assistance, can be used for purchase service and/or lease vehicles to provide service; shall not be used for capital items; includes a volunteer driver voucher program (application instructions, p.17,18)
Montana	Transportation Assistance for the Disabled and Elderly (TransADE)
Missouri	Missouri Elderly and Transportation Assistance Program (MEHTAP)
New Jersey	state casino revenue funding for transportation
North Carolina	Human Services Transportation program, for human services transportation in “urban counties (all §5310 funds are used in the §5311 (nonurbanized) program)
Ohio	State funded Ohio Coordination Program (SMP p.3) provides operating funds for coordination projects
Oregon	State's Special Transportation Fund Program provides financial support to designated counties, transit districts and Indian tribal governments for special transportation services benefitting seniors and people with disabilities. The majority of the STF money (75%) is allocated on a population-based formula. The remaining funds are distributed by the Public Transportation Discretionary Grant Program. Funds come primarily from cigarette tax.
South Dakota	“state public and specialized transportation assistance funds” may be available (SMP p. 18)
Vermont	There appear to be 3 separate 5310 related programs, and at least 2 separate applications, administered by different state agencies. Administration for at least one, Vtrans Elders & Persons with Disabilities Transportation, is in the Dept of Aging and Disabilities. Appears the purchase of service funds are either from \$2M in flex funds, and/or a state fund.
Washington	Can state rural mobility funds, paratransit/special needs funds be used beyond the matching dollars? (p.7-8)
Wisconsin	adds funds to program, much like Idaho does (almost \$1M in FY 2004, app p.5)

It is important to note that there may be more information available from the state, and inquiries should be made about additional resources and restrictions that might influence the availability of transportation options. For example, Arkansas has an “innovative lease program” TransLease, described

on the DOT website, which provides a line of credit for an interest free loan to cover the match for §5310 and §5311 when no other funding is available – with a installment repayment amortized over the life of the vehicle. However, it’s not mentioned in the Arkansas SMP or application, so was not included in this study.

2.5 Project selection criteria and method of distributing funds

5. Project Selection Criteria and Method of Distributing Funds. Describe the state's criteria for selecting projects and distributing funds among various applicants. Whether the state uses a formula for allocation, imposes its own limitations on use of the funds, or uses an entirely discretionary selection process, the policy rationale and the methods used should be explained. This description should cover the state's procedures for assuring equity of distribution of benefits among eligible groups within the state, as required by Title VI of the Civil Rights Act.

All states appear to include the required anti-discrimination sections and assurance about civil rights protections, primarily as boilerplate language.

2.5.1 Project selection criteria and method of distributing funds were found in 45 SMPs. Thirty-seven use a discretionary selection process. At least eight, and perhaps as many as 11 states (see Table 8), use an apportionment/allocation formula. There is a wide range of approaches used. Some decision-making is distributed, with the state DOT deciding on projects in the nonurbanized areas, the MPOs deciding on projects in their areas; or some variation; or it may be the MPO and some form of RPO, with the state coordinating the decision-making and having final decision. Some states apportion the funds, as well as the decision-making to designated regions – in these states the process is opaque below the regional level. Within most of the states which use an allocation formula, some form of discretionary selection process appears to be used within the region.

Table 8. State apportionment/allocation formulae

California	Decision-making appears to be initially decentralized to regional entities, but the relationships are not clearly detailed; it is unclear if the MPOs and RTPAs are working from some base formula, or if they are competing with each other for grant awards. Selection criteria are consistent across all regions.
Florida	7 regional DOT offices. Funds allocated to districts based on the “most recently available statistics for the elderly population and population of disabled persons (if available) in each district. It appears that selection criteria are consistent across all regions.
Georgia:	12 regional transportation offices, seems to have a county orientation; funds are “equally distributed between Planning and Service Areas (PSAs) as defined by the Division of Aging Services” PSAs have relatively equal service populations.

Idaho	State is divided into 6 transportation districts. Distribution based on proportion of elderly and people with disabilities. It appears that selection criteria are consistent across all regions.
Iowa	“All available §5310 and §5311 funds not reserved for transportation planning support, intercity bus assistance or to supplement the state-wide capital earmark are sub-allocated among the eligible sub-recipients based on a formula utilizing transit performance statistics from the most recently completed fiscal year. The formula first separates the amount of funding to be distributed to small urban systems versus regional systems by comparing the "net public deficit" (unrestricted support and contract revenue from non-client sources) for all small urban systems to that for all regional systems. The individual allocations to small urban systems are then determined, based 50 percent on the percentage of total small urban ridership accomplished by that system and 50 percent on the percentage of total small urban revenue miles provided by that system. The individual allocations to regional systems are determined based 40 percent on that system's percentage contribution to total regional transit ridership and 60 percent on that system's percentage contribution to total regional revenue miles. The formula calculations are made in December for the following fiscal year. The performance statistics used are from the most recently completed year. A graphic representation of this formula is displayed on page 11 and a print-out of the results of the FY2001 allocation process is shown on page 12.” (SMP, p.10)
Kansas	Coordinated Transit Districts are the backbone of the system; no mention of how resources are allocated among CTDs, or if they are.
Maine	Funds are allocated among 8 regions by a formula based on population, miles of road, and number of square miles.
Missouri	Apportionment approach may be a unique variation, though Ohio has some similarities. “In order to insure that all areas of the state receive fair access to the program, funds are initially reserved for each of the urbanized areas on the basis of population. Allocations are: St. Louis - 30.3%, Kansas City - 15.1%, Springfield - 3.8%, Columbia - 1.7%, St. Joseph - 1.3%, Joplin - 1.3%, and Jefferson City - 1%. The percentage of funding received by a particular MPO is based on the 2000 Census population figures. The remaining 45.5% is for the balance of the state. If during any funding cycle these urbanized areas do not utilize their reserved amounts, they will be redistributed throughout the state.” (SMP p.2-3) (Note Missouri receives about \$1.8 million a year in §5310 funds. 1% would be about \$18,000 – perhaps not enough to fund a vehicle). MPO’s seem to be able to establish their own scoring and criteria; the SMP included the nonurbanized criteria.

Ohio	Uses two categories, “urbanized” and “nonurbanized” for counties. Seventeen MPOs review urbanized, Ohio DOT reviews applications for nonurbanized counties. (And perhaps for rural areas of urbanized counties?). Funds are allocated based on the number of (1) elderly population, (2) disabled population, and (3) access to subsidized public transportation based on vehicle miles of subsidized transit/population of the area. No MPO receives an allocation of less than the cost of one vehicle. Selection criteria are consistent across all regions, though MPOs can add restrictions. The rural review is described, but the MPO review is not.
Texas	25% of available funds distributed equally among the 25 Texas DOT districts; 75% of funds distributed to districts on the basis of latest census figures for disabled and elderly population.
Vermont	may have an allocation formula among the 12 section §5311 transportation operators (?)

A few states put limits on number of applications or vehicles; on the total dollars amount awarded per year; or place restrictions on frequency of grant applications. For example, Arkansas will only accept one application from an organization, for one vehicle; Minnesota only funds one vehicle per applicant per grant year. Other states also appear to do this, but may not state it in management plan. In Pennsylvania, the federal share to a single applicant cannot exceed \$200,000 (SMP p. 4). Connecticut appears to be the only state that provides a standard grant amount. It awards a \$35,000 grant (\$28,000 from FTA, \$7,000 from State Public Transportation Appropriation) successful applicants have to make up any difference. The 2004 application seems to indicate that the state funds were tentative “if State funds become available, the state may fund some, or all, of the non federal share” but the state and federal share together cannot exceed \$35,000 per vehicle. Two states restrict the frequency of applications. Alabama: “Successful applicants are subject to a one-year sit out rule in order that funding may be distributed equitably” (SMP p.21). West Virginia: “any previous applicant funded by the last two grants, must set out one funding cycle” (SMP p.4). It does this because of funding limitations, and would reconsider if there were additional funding.

2.5.2 Eligible capital expenses. In 15 states, funds do not appear to be restricted to vehicle purchase, or a similar strict interpretation of *capital expense*. Twenty-five states do not appear to use the option which the FTA makes available which allows the state to include the acquisition of transportation services by a contract, lease, or other arrangement, as a capital expense. Four state appear to narrow the FTA guidance even further, and 5 SMPs are unclear about allowable capital expenses.

Table 9 shows the number of SMPs which include, exclude, or do not mention, the five different options which the FTA allows under the category of eligible capital expenses.

Table 9. Distribution of eligible capital expenses options

Eligible capital expenses options	Included	Excluded	Not mentioned
Acquiring transportation services (e.g. purchase of service; user side subsidies - vouchers)	16	6	20
Lease from sub-recipient to other local providers	27	1	16
Meal delivery	31	2	15
Vehicle use for other populations	39	2	4
Vehicle use by other agencies	32	1	9

2.5.3 Application process. In our grassroots survey, there were a significant number of survey respondents who did not think they got §5310 funds, but who were on state lists as §5310 sub-recipients. The Oregon state coordinator said that sub-recipients would not recognize the language "section 5310", because of the way the application and allocation process operates. Alaska has a combined application format, and the state agency decides which money to use for each award. We looked at the SMPs and applications to see if sub-recipients were specifically applying for funds identified as coming from §5310 funds. The answer was yes in 31 states; no in 3; and it was unclear in 8 others. We tried to determine if it was clear to applicants that they were applying for federal funds, but there did not seem to be any way to determine that. Sub-recipients in some states may not realize they are receiving federal capital assistance dollars.

Washington (p.8) and Oregon (in title of application package) appear to have a biennial application cycle. Colorado's SMP discusses using, at its option, a multi-year application process (SMP p.9). Other states may also include this, but it was not clear, or may have been only mentioned as an option, and not the regular protocol. Michigan may have a 3 year application (2005 application instructions), but it was not clear if the applicant is to plan for 3 years, or if the funding request is for three years.

Several states used a consolidated application method. Washington (SMP p.10); Oregon (Specialized Transportation Discretionary Projects – §5310 & §5311, state funds); Alaska (§5310, JARC, AMHTA); Illinois (§5309, §5310, §5311, state funds in a consolidated procurement application), and Iowa.

One of the reasons this was unclear, is that *consolidated application* can also mean one agency applies for a group of agencies, as is done in Kentucky. Oregon allows it. Other states may also use this approach, but it was not clear in the SMPs. The money trail looks like it could get complicated quickly in these approaches. For example, Vermont's §5310 vehicle acquisition funding is closely tied to the §5311 program; all purchases must be made by the §5311 transit systems, and a formal arrangement must

exist between any §5310 sub-recipient and the §5311 transit provider (there are 12 regional systems). In states (Iowa, Florida, Maine, Texas) which apportion their §5310 funds, as well as the decision-making, to designated regions, the application process for local providers is opaque below the level of allocation. That is, there is no way to ascertain from the SMP how the funds are sub-allocated, or any details about the sub-recipients implementation of an application and selection process.

A few states have a two stage application process. In Washington (SMP p. 10), and Tennessee (SMP p.9), only applicants who will be recommended for funding have to submit all the certifications, assurances. Colorado approaches this the other way round. It has threshold criteria (SMP p.10-11) which identify if the applicant is eligible to apply. Other states have variations of this initial screening for eligibility, but Colorado's appears more detailed and procedurally consistent. For eligible applicants, three criteria categories (financial justification, service justification, and coordination) are then used by an Interagency Advisory Committee (IAC) to evaluate the proposals. Applicants with scores of at least 1.45 out of a possible 3, are then scored on their capital equipment request. The equipment need score counts for 60%, the evaluation committee's scores for 40%. So coordination only counts for an overall 16%. While the scoring methodology is highly detailed and included in the rules, there is no explanation why capital equipment would count for more than the qualitative assessment of coordination, service, and finances.

2.5.4 Sub-recipients selection process. Thirty-four SMPs describe the state's policy rationale and methods; 8 do not; 9 are either unclear or have no data. Twenty-five SMPs include the composition of the selection panel. Sixteen SMPs do not specify who makes the final sub-recipient funding decision. Of those that do, the decision is made by: designated agency staff (5); selection panel (3); state Transportation Commission (8); or other (9). It is likely that in many states where the decision is made by high level entities (e.g. governor, State Transportation Commission, head of the state DOT), it may just be a signoff formality for a decision made at a lower administrative level.

Criteria and definitions seem to be an essential element of program eligibility and implementation. Many important criteria are undefined, and apparently open to state, regional, or local interpretation.

Thirty-eight states included the selection criteria and/or a score sheet used in the applicant proposal evaluation. We noted the number of points given for coordination, which ranged from 0 to 42% of the overall score. Transportation equity (geographic, economic, programmatic, etc) in some form, for either project selection criteria and/or method of distributing funds appeared to be included in 22 of the SMPs.

It would be helpful to know what percentage of applications is actually funded, but that information is generally not included in the SMPs. Some states do refer to how competitive their competition for §5310 funds is. One state said only a third of applications are funded, while Wyoming said it funds all applications and does not have a selection process or criteria.

At least six states (see Table 10) include a minimum score cut off threshold, ranging from 37% to 70%. This can have important implications for coordination, especially where points for coordination are given a high value. In such a case, a proposal which scored high in everything but coordination could not

be funded. Illinois will not fund any proposal which scores zero for coordination, despite the rest of the score.

Table 10. Examples of States Which Use a Threshold Scoring Criteria

Colorado	Threshold score (1.45 out of 3) (48%) for an application to be funded (Rules, VII.) “There was consensus that applicants with scores below 1.45 might have serious deficiencies and would not likely be appropriate candidates for funding.” (SMP p. 13)
Illinois	Cut off threshold of 13 out of 20 (65%) (SMP p. 3/4.2.1.1) which they will not fund below. If the coordination score is zero, the applicant is ineligible for funding, even if overall they score above 13. (SMP p. 3/4.2.1.1)
Louisiana	60% minimum score needed for funding. The rationale (SMP p.10) is “to establish a minimum threshold reflective of acceptable project merit ...Applications which do not score at least 60% are considered insufficient to merit funding for one or more reasons.”
Minnesota	Applications scoring less than 70% are not forwarded to the DOT (SMP p 5)
Ohio	Funding threshold is 75 out of 120 points (62.5%)
Wisconsin	Minimum acceptable score of 100 out of 270 possible points. (37%)

2.5.5 Costs. Many states seem to include at least basic fiscal capacity questions as part of application selection criteria – e.g. does the organization have the funds available for the match, and is it able to operate the service and maintain the vehicle. It seems that providing a detailed set of cost considerations and guidelines would be very helpful for an agency considering adding transportation services (especially for a start up or expansion), in preparing the application, and for the reviewers objective consideration. New York includes a rationale for the summary of project costs: “the purpose of this budget is to make you aware of the cost implications of your proposal, and to provide reviewers with budget information needed to evaluate your application. For the items below, please include the annual costs for your entire proposed elderly and/or disabled transportation service” (SMP Appendix A, p 18-19). It includes the typical total estimated annual costs: salary, overhead (garage, office, heat, electric, licensing registration costs, etc), insurance, maintenance and repairs; administration and reporting costs; cost for leasing vehicles and/or contract carrier service. It also adds a requirement to include per passenger trip cost, as well as the lowest cost of service obtained from private for-profit operators.

Tax related costs: Sales/excise tax on vehicles can be a significant amount of money, which needs to be considered in the actual cost of the vehicle acquisition. It is unclear whether some states might allow taxes to be included in the sub-recipient grant. States approach it in different ways, for example:

Washington, DC, notes that the applicant must pay the 7% DC excise tax on the entire actual purchase price of the vehicle, making it clear that the sub-recipient needs to be able to cover this costs; Oklahoma requires recipient to pay full excise tax, noting that it may be substantial (app. guidance p. 5); in West Virginia, the state keeps title and ownership during useful life – this exempts agency from paying the 5% tax on original cost (app, p. A-9) At 80,000 miles, the state transfers title to agency, and the agency pays the 5% tax based on current value of vehicle. Washington provides a sales tax exclusion in statute: “Vehicles with a capacity of 15 passengers or less (including the driver), that will be used for vanpooling or transporting persons with special transportation needs, are not subject to sales tax per RCW 82.08.0287” (SMP p. 18).

Municipal license plates: Indiana “Many grantees qualify for municipal license plates. These are available free of charge to rehabilitation facilities, Community Action Agencies, Area Agencies on Aging and County Councils on Aging.” Contact: local license branch or the Special Sales Division of the State Bureau of Motor Vehicles (SMP p. 15).

Vehicle types: The types of vehicles available for procurement may provide a picture of the types of transportation service supported by the section 5310 program. Several states (e.g. Indiana, Michigan, Oregon, West Virginia) provide cost estimates for various types of vehicles, in order to help organizations estimate costs. It would be difficult to compare state lists, since the type of vehicles varies, sometimes dramatically, from state to state. Passenger size restrictions are interestingly varied. Variation may be related to issues of public safety, liability and insurance, and/or the need for a commercial drivers license (CDL). For example, Michigan does not include 12 passenger vehicles on its list. It lists 7 passenger minivans and 15 passenger vans, and larger buses. Some states, like West Virginia specifically state that they only purchase vehicles with passenger capacity of 15 or less (no CDL is needed for driving a vehicle which carries less than 15 passengers). Some states, like New York, seem only to purchase 12+ passenger buses. Some states, like Montana, no longer provide 15 passenger vans at all, due to the rollover risk (source: informal discussion with state coordinator).

An example from West Virginia estimates costs of 12 passenger vans (2004, for 2005 application):

- Converted, 1 w/c space (1w/c, 7 others, 1 driver): \$41,339
- Converted, 2 w/c space (2w/c, 5 others, 1 driver): \$41,956
- No conversion (12 others, 1 driver): \$39,266

(Narrow body cutaway vans were about the same prices, but have room for 1 less passenger; cutaway vans were about \$9,000 more, but have room for 12 passenger + w/cs; 12 passenger minivan: \$21,000)

And another, from Oregon:

- Modified vans and mini-vans, (3-7 passengers): \$38 to \$45k
- Non-modified vans, mini-vans, station wagons, and sedans (3-14 passengers): \$18 to \$25k
- Small bus: less than 30 feet (8-26 passengers); small vehicles (8-12 passengers): \$38 to \$45k

- Medium vehicles (12-18 passengers): \$45 to \$60k
- Large vehicles (18+ passengers) : \$60 to \$85k
- Full size transit bus: over 30 feet: (20-40+ passengers) standard floor: \$125 to \$175k
- Low floor: \$200 to \$300k

2.5.6 Leasing as an option. We specifically looked for states which exercise the option of acquiring transportation services by a contract, lease, or other arrangement, and specific mention of leasing as an eligible capital expense. As noted in Table 9. Distribution of Eligible Capital Expense Options, 16 SMPs include acquiring transportation services (e.g. purchase of service; user side subsidies - vouchers), and 27 include a lease from sub-recipient to other local providers.

The leasing issue can be difficult to identify, primarily because the word *lease* can mean two different things:

1. Can the agency lease a vehicle for its own use, instead of buying it?
2. Can the agency lease a vehicle they have obtained through the §5310 program to a for profit agency?

The first approach is sometimes permitted, usually with the DOT's explicit permission needed, and a cost justification. In some states however (e.g. Louisiana, SMP p.7) it appears to be expressly prohibited.

The second approach includes provision for the model which Alaska uses to allow a sub-recipient to lease a vehicle to a for profit taxi company. This is an interesting approach to developing community transportation capacity. The initial project in Homer reports that the cab company has subsequently purchased an additional accessible taxi on their own. Apparently the taxi company had learned there is value in providing rides with an accessible vehicle.

This approach may be an unintended (positive) consequence of the flexibility built into the §5310 program. It allows innovation and community capacity development. The sub-recipient either receives funds to purchase services from a private vendor – who then has a built in market. Or they lease a vehicle to the private vendor which can be use to provide rides, and a risk-free way to experiment with incorporating accessibility into their fleet.

There are at least 13 states where the Alaska accessible taxi leasing model seems allowable; i.e. the SMP specifically states that the vehicle can be leased to a for profit entity, but the sub-recipient must retain control and responsibility, etc.; the lessee operates the vehicle on behalf of the sub-recipient and provides transportation as described in the application. There are some interesting variations (e.g. in Michigan this only applies in non-urbanized areas, because “New 5310 agencies in urbanized areas are required to lease the vehicles to the transit agency”).

- Alaska
- Connecticut (SMP p.23, p.24)

- Illinois (?) Strongly vehicle focused, but allows third party subcontracting – would they allow a taxi company? Mini-van paratransit with ramp is one of allowed vehicles on the list (app., p. 10)
- Indiana (SMP p 11) may lease to a private or public transportation provider
- Louisiana (SMP p. 31) “By a private for profit operator, by lease or other contractual agreement with the applicant organization to provide the services identified in the grant application.”
- Michigan “Vehicles acquired by nonprofit agencies may be leased to private for-profit companies and public agencies where such companies could not otherwise provide required services and where such arrangements result in more efficient and effective service for elderly persons and persons with disabilities.” However, this only applies in non-urbanized areas, because “New 5310 agencies in urbanized areas are required to lease the vehicles to the transit agency.” (app. instruction, p. 22) New agencies are those not receiving 5310 funds before August 30, 1994.
- Minnesota (Application, Program info, p 3)
- Nebraska (SMP p.3)
- New York (SMP, Appendix A, p17)
- Oklahoma (SMP p.11)
- Pennsylvania (application, p. 7)
- South Dakota (SMP p. 6-7) Included in the eligibility list “3. By a private for-profit provider, by lease or other contractual agreement with the private nonprofit organization only for the services identified in the grant application. Vehicles acquired by nonprofit agencies may be leased to private for-profit companies or public bodies where such companies could not otherwise provide required services and where such arrangements result in more efficient and effective service for elderly persons and persons with disabilities”;
- West Virginia (SMP, Appendix A, application p.A-8)

In Wisconsin it seems to be allowable to prohibit use of vehicles for other revenue producing service, which would seem to be a strong disincentive for the for profit cab company, especially in rural communities. Wisconsin Application (p.56), Appendix 2 - Leasing Grant Vehicles: “To a private, for-profit organization. Vehicles may not be used by the lessee for other revenue producing service.”

Additionally there are some other variations on the leasing concept. In Kentucky’s lead agency model, the lead agency leases vehicles to other eligible agencies: “It is the [transportation] Cabinet's policy to promote coordinated transportation services to assure full-time vehicle utilization by several human service agencies within an area. Therefore, only one agency (Lead Agency) in an area will be funded, and be designated as the Section 5310 recipient for that location. The designated Section 5310 recipient, or Lead Agency, assumes the responsibility for coordinating any future requests for service in their area from any other group. Those agencies already funded are listed in Exhibit H. Lead Agencies will hold title to vehicles in their area and lease them to approved eligible agencies.”

In Michigan: “New 5310 agencies in urbanized areas are required to lease the vehicles to the transit agency. New 5310 agencies are those that did not receive 5310 funds before August 30, 1994. The transit agency will provide or arrange for service in cooperation with the coordination committee.” (Application instruction, p. 22) It is not clear if this applies only when the responsible entity is leasing a vehicle to another entity, or if this is for all vehicles grants in urbanized areas. If the latter, it would be a clear urbanized-nonurbanized distinction; and a way to improve transit agency coordination with human service programs.

2.6 Annual Program of Projects development and approval process

6. Annual Program of Projects Development and Approval Process. The state's process and timetable for soliciting, reviewing, and approving applications for local projects to be included in the state's annual program of projects should be described. Instructions to potential sub-recipients on how to prepare local project applications may be included. In addition, describe any policy the state has for transfer of Section 5310 funds to Section 5311 or 5307 programs, and for transfer of flexible funds.

Forty SMPs described the Annual Program of Projects Development and Approval Process, many in great detail. The others may describe the process in a section of a larger document which was not available to us, but was either unclear or missing in the material we had for review.

We looked for a description of how funds are transferred among transit programs. Eighteen SMPs described the transfer of §5310 funds to §5311, 8 SMPs described other transfers to or from §5310, for example Flex, §5307, §5309. Idaho’s SMP implied they did not transfer §5310 funds to other programs, since there was not enough for existing §5310 demands. However, the state coordinator indicated that this had changed, and funds were being transferred to §5311 (rural) projects.

FTA data on federal funding appropriation and actual funding obligation provides some insight about transfers (see Appendix G for state by state numbers for 2002, 2003, 2004, and a 1996-2006 Overview.) When a state’s obligation amount is zero, or a much smaller amount than the appropriated amount for the year, it could be assumed that the state transferred §5310 funds out of the §5310 program, since it is unlikely that any state would decide not to use its appropriated funding. The FTA data tables also include the amount of funds flexed in a fiscal year.

Transfers and flexed funds may not always be clearly stated. For example, the 2002 FTA Statistical Summary, p.58, notes that “In FY 2002, \$84.9 million was appropriated for the Section 5310 program, including a transfer of \$45.8 million for ADA service in Los Angeles”. However, we did not find mention of it anywhere in the California SMP. This is a large transfer of funds to a single agency (which in itself conflicts with a policy stated in the California SMP); one might have expected some discussion of it as a management issue in the SMP.

2.7 Coordination

7. Coordination. Describe how the state coordinates with other agencies at the state level and encourages and enhances coordination at the project level. This could include a description of any state

level coordinating mechanisms, legislation, review boards, and state policies that encourage or mandate coordination at the local level.

Thirty-six SMPs included descriptions, or at least the boilerplate language from FTA guidance about maximum feasible coordination, starting with other local providers receiving FTA assistance, then other agencies and organizations which receive federal funds for transportation.

Eighteen SMPs included descriptions of program relationships, i.e. §5310 program relationship to other transportation programs, including any of the federal discretionary programs: §5311, RTAP; JARC; TANF; 5307; flexible federal funds: STP (surface transportation funds); state programs.

Because coordination was an important element of our review, we specifically looked for coordinating mechanisms and relationships in more than one place. In the section on Roles and Responsibilities we found that 37 SMPs include a description of their role in state level coordinating mechanisms, legislation, review boards, state policies which encourage or mandate coordination at local level. Forty-one include a description of their role in coordinating with MPO's, §5310 sub-recipients, government agencies, and nonprofit organizations that receive other federal funds for transportation services, in plan development and selection of projects.

2.7.1 Coordinating mechanisms In this section, Table 11 includes examples of the ways coordination can be operationalized. Twenty-six SMPs included descriptions of state level coordinating mechanisms, legislation, review boards, and state policies which encourage or mandate coordination at local level. Some lacked detail.

Table 11. Nineteen Examples of Coordinating Mechanisms:

Arkansas	Coordination Council; 1993 “Arkansas Public Transportation Coordination Act”. Covers all transportation. It is not clear how §5310 program fits in. (SMP p.4)
Arizona	Encourages the use of an “umbrella agency” by applicants – i.e. a coordinated application of two or more agencies
Connecticut	The application packet includes an appendix with a 2 page description of various coordination models, which provides guidance on what is possible with coordination.
California:	Social Service Transportation Improvement Act, Social Service Transportation Advisory Council in each county or counties operating under a joint powers agreement (SMP p. 24).

Florida	Florida Commission on Transportation Disadvantaged; 11 “local clearinghouses”; RPC Regional Planning Councils; Community Transportation Coordinator in each county (chapter 427 Florida statute 427.015(1)) approved by the Commission, to ensure that coordinated transportation services are provided to the transportation disadvantaged in a designated service area
Georgia	13 regional transportation coordinators. Unclear whether coordination extends to general transit systems, or if it is only focused on human services transportation.
Indiana	Requires all applicants to participate in an existing Transportation Advisory Committee (TAC), or to establish one
Iowa	Sub-recipients are the 16 Regional Transit Systems. All of Iowa's public transit systems have been designated by the state to be responsible for the coordination of publicly funded passenger transportation services, including services to elderly persons and persons with disabilities.
Kentucky	Only one agency (Lead Agency) in an area will be funded, and be designated as the Section 5310 recipient for that location. The designated Section 5310 recipient, or Lead Agency, assumes the responsibility for coordinating any future requests for service in their area from any other group.
Maine	Biennial Operation Plan (BOP) within each of the 8 regions must provide for “maximum feasible coordination of funds among all state agencies that sponsor transportation in the region”; cannot receive funds without being included in BOP. Under BOP regulation, all providers receiving funds must coordinate.
Nevada	4 Regional Transit Coalitions have been established. DOT is encouraging the Coalitions to become the grantees for their region.
New Jersey	County Transportation Coordinating Committee (one per county); Council on Special Transportation; advisory committees. A 4 page document “Coordination Efforts in New Jersey” was included with the history and development of the coordinated transportation in New Jersey which provides much more detail than the SMP.
New York	Rural Public Transportation Coordination Assistance Program (RPTCAP) established in State law.

Ohio	SMP describes examples of coordination approaches, and requirements for documentation. Statewide Transportation Coordination Taskforce. Section 5310 funded projects required to work in compliance with transportation work plans in State funded coordination program (part of Ohio Works First). Two step by step guides to developing and implementing coordinated transportation services.
Oregon	“Where possible, transit providers should be providing at least a segment of the transportation services required by local service agencies” (p.24).
Rhode Island	Paratransit Task Force charged with coordination.
South Dakota	Coordinated Transportation Initiative, a joint effort of the State Department of Human Services, Social Services and Transportation, seeks to create a single entity in each community. SMP describes how the process is operationalized (see Noteworthy Practices, in Appendix J)
Utah	Coordination of Sections 5310 and 5311 providers is mandatory in applicable areas; includes signoff of area providers.
Vermont	State law (24 V.S.A., Chapter 126, 5090 Human Service Transit) requires that the Secretary of the Agency of Human Services (AHS) shall direct agency programs to purchase client transportation through public transit systems in all instances where public transit services are appropriate to client needs and as cost efficient as other transportation.
Washington	All applicants are expected to coordinate. The SMP’s Appendix H provides a coordination checklist to identify agencies and organizations applicants could coordinate with. Training workshops during application process used to enhance coordination.

In addition, Michigan provides an example of using funds to assist in the transition of specialized services to more broadly integrated public transportation service model. While not a section 5310 element, the joint application form includes the Regional Transportation Program, with:

Note to Specialized Services Agencies: Counties that only have specialized services are eligible to apply for regional funds for service that meets the above definition. Up to 20 percent of the proposed new service can be used to provide local service in addition to the existing specialized service transportation. In those cases, if the regional program is successful, at the completion of the three-year demonstration period, the specialized services program would have to be “folded

into” the countywide service being provided. This service would be eligible for formula funds and would have to be advertised, open door service available to the general public. Details of this possible eventual merger should be addressed in the regional coordination study (Application instructions, p. 27).

Funding for coordination studies are available, and support mechanisms for developing specialized services into countywide transportation services for everyone. This could be an important rural regional model for consideration.

Several states appear to have coordinated community transportation built into the “culture” of the agency and systems. Though there may be others, this attitude was apparent in the SMPs for Alaska, Colorado, Delaware, Florida, Indiana, Kansas, Michigan, New Jersey, Oregon, Washington State.

In 2003, there were apparently 5 states which provided financial incentives for coordination, according to an Ohio Governor’s press release, 2-24-2004 in a commendation for the Ohio DOT receiving national recognition for excellence in improving transportation for older adults, people with disabilities and low-income families. However, we could not identify the other 4 states from the SMPs. But we did note that: Ohio provides up to \$400,000 set aside for coordinated projects (SMP, p. 1). Texas uses any redistributed funds to provide “to individual projects identifying an exemplary commitment to a coordinated transportation network” (SMP p.7). Montana includes it in program objectives (SMP p.10), but specific incentives were not mentioned anywhere; perhaps they are included within its supplemental TransADE program. South Dakota allows an additional 20 points (on top of the maximum 275 points possible) for “special or unique conditions which warrant additional points” (SMP, score sheet). These may be an incentive for coordination. Lead agency models, such as those noted in Table 12, usually encourage or mandate coordination at the local level.

Table 12. Lead Agency Models. Some examples of lead agency models include:

Kentucky	“It is the Cabinet's policy to promote coordinated transportation services to assure full-time vehicle utilization by several human service agencies within an area. Therefore, only one agency (Lead Agency) in an area will be funded, and be designated as the Section 5310 recipient for that location. The designated Section 5310 recipient, or Lead Agency, assumes the responsibility for coordinating any future requests for service in their area from any other group. Those agencies already funded are listed in Exhibit H. Lead Agencies will hold title to vehicles in their area and lease them to approved eligible agencies.”
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Michigan	<p>“Applications from the county or multicounty region must be submitted with the support of the local coordination committee, by one coordinating agency. In urban areas, this coordinating agency must be the transit agency. In order of priority the coordinating agency must be one of the following:</p> <ol style="list-style-type: none"> 1. A public transit agency; or if no public transit agency exists; 2. A governmental agency; or, 3. An existing §5310 agency; or, 4. A nonprofit corporation representing specialized services interest. Please contact the coordinating agency for your area if you intend to apply” (application instructions, pg 22).
South Dakota	<p>“The South Dakota Coordinated Transportation Initiative is a joint effort of the State Department of Human Services, Social Services and Transportation. Coordination has been defined as an arrangement for the provision of transportation services in a manner that is cost effective, efficient and reduces fragmentation and duplication of services. The major purpose of coordination is to increase vehicle utilization and ridership, thereby helping local agencies to meet a greater number of needs by pooling resources. The Transportation Initiative seeks to create a single entity in each community which:</p> <ol style="list-style-type: none"> 1. Coordinates existing community agencies receiving funds from state government for transportation services and public transit operators. 2. Acts primarily as the hub of transportation services to all segments of the community population, not to specialized segments of citizens. The applicant is willing to structure its activities in order to effect coordinated transportation with other agencies and private transportation providers. 3. Has a governing board comprised of community leaders from businesses, local government, riders, transportation providers and human service agencies. 4. Demonstrates that existing equipment operated by public or private providers are being fully utilized, with adequate attention being paid to the needs of elderly persons and persons with disabilities, and the §5310 vehicles are required to provide special services beyond those already accommodated. 5. Applicants are required to describe how the service it proposed to provide will be coordinated with existing public and private services. If another public or private agency currently provides transportation service similar to that proposed by the applicant, the applicant must explain why the proposed service will not be duplicative. Applicant will seek and will consider proposals by private operators to provide necessary services under contract” (SMP p 4-5) II. Coordination.

West Virginia	“The Division funds only one agency per county that provides transportation services for a particular client group. These local agencies meet and come to an agreement on which one will apply for a Section 5310 vehicle. The agreed upon agency becomes the permanent Section 5310 applicant for that client group. The Division will not consider any application from an area that has not met this requirement” (SMP p. 11).
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2.7.2 Insurance, liability, and responsibility. The purpose of the insurance requirement for §5310 sub-recipients appears to be to protect the 80% federal interest in the vehicle (LA App. guidelines, p.16). The Louisiana SMP language is fairly typical, though somewhat more concise and broad in scope. It describes the concept. “When vehicles or other equipment are operated by any agent other than the applicant organization in the grant application, control and responsibility for the operation of the vehicles or other equipment must remain with the original recipient unless transfer of the control and responsibility is to another eligible organization that has been authorized by DOTD” (LA SMP p 31).

From our grassroots survey, we learned that insurance was a major barrier to coordination. Insurance coverage for liability is far broader than just vehicle replacement cost, and includes passenger and driver liability issues. We did not find any SMP which addressed the broader issue of generic liability responsibility. Nor did we find any guidance on the issue of how responsibility is shared in the lead agency models or any other arrangement where sharing and other agency use is allowed.

Although it was not part of either of these states SMPs, Patrick Reinhart (personal communication, November 7, 2008) noted that both Oregon and Washington have developed a shared insurance pool for transportation providers, and that Alaska was looking at ways it could be done there.

2.7.3 Assurance that the organization is not prohibited from coordination activities. The RTC: Rural’s grassroots study, *Allocation and Use of Section 5310 Funds in Urban and Rural America*, (Seekins, et al., 2007) found a reason given for lack of coordination was that the organization’s Board did not allow it, or their insurance did not permit it. Therefore, we looked for assurances in the SMPs and application packets which would address this issue. New York specifically addresses this issue in its application package: “(12) Certification That Coordination Barriers Do Not Exist. An applicant seeking assistance to acquire transportation equipment must agree as follows. NYSDOT may not provide assistance for transportation facilities until the Applicant enters into this Agreement by selecting Category “11” on the Signature Page at the end of this document. The applicant certifies that is not restricted in the coordination of transportation services as required by Part 1D, E, or F, of this application because of any internal policies or regulations.”

2.8 Private sector participation

8. Private Sector Participation. Describe the state's procedures for providing for maximum feasible participation by private mass transportation providers.

Since this is required by FTA, 47 of the SMPs include it, if only in boilerplate language. Some states provide additional detail. Some states, for example Alabama, are very private sector oriented: "Financial advantage of subsidized equipment cannot be used to bid against for-profits for third party contracts. Private enterprise may eliminate the need for subsidized equipment or improve efficiency of operations where public assistance is appropriate" (Alabama app., p.10).

One of the surprising findings when doing this review was that the "public" in "public involvement" often seemed to mean the "transit provider public". Public involvement, public comment, appeals, etc. sometimes the selection process seems to be focused toward the selection of operators so it does not discriminate or financially harm other operators.

South Dakota was refreshingly candid about this, and includes a section specifically titled: Protection of Existing Operators (SMP p. 5-6). This seems a more clear and accurate way to describe the process of including existing public and private transit and paratransit operators. It also makes clear the target audience for the public notices, and why the notices are required. "Public involvement" seems at best a euphemism, at worst a misnomer, when it is actually not public involvement, but involvement (and protection) of existing transportation operators. It would be clearer if this function were described accurately as protection of existing transportation operators, and public involvement could be understood as outreach to and involvement of the riding public (i.e. transportation users). With the current language (obscure to anyone not in the transportation business) it appears that public involvement is considered as having been achieved when it is primarily the transportation providers who are the targeted "public".

Although taxi companies are private sector operators, they are not considered "private mass transportation providers". Data on a model which facilitates the participation of for profit private sector taxi companies has already been presented in results section 2.5.6 - Project Selection Criteria and Method of Distributing Funds.

2.9 Civil rights

9. Civil Rights. Describe how the state meets Federal civil rights requirements and monitors sub-recipients to ensure compliance with the requirements of Title VI, EEO, and DBE. The state management plan must include the program-specific Title VI requirements detailed in Chapter VI, paragraphs 1b(3)(a)-(d), including the state's efforts to assist minority applicants and to include sub-recipients serving significant minority populations. (Inclusion in the state management plan may satisfy certain requirements for one-time submissions in the civil rights areas.)

For the most part, these are standard, boilerplate assurances. Forty-seven of the SMPs included language on civil right requirements.

2.10 Section 504 and ADA reporting

10. Section 504 and ADA Reporting. Describe the state's method for monitoring sub-recipients' compliance with Section 504 and ADA regulations and for processing the plans, reports and certifications submitted to it under the provisions of those regulations.

For the most part, these are standard, boilerplate assurances. 46 of the SMPs included language on Section 504 and ADA Reporting.

2.10.1 Vehicle accessibility. In this section, we also included specific review related to the issue of vehicle accessibility. Many states include a statement that the vehicles purchased must be accessible. For example, Montana specifically states “Montana does not use FTA funds to purchase non-accessible vehicles” (p.32), but then allows exceptions, and the SMP has criteria for waivers. Connecticut requires all vehicles be accessible in accordance with procedures established by ConnDOT, which probably means there are exceptions (2004 application, p.2). If there were any exceptions or waivers permitted, we coded them as NO, indicating that an inaccessible vehicle could be purchased, even though the SMP may have had a statement saying the state does not use FTA funds to purchase non-accessible vehicles.

Table 13 lists the seven states (almost 14%) which do not allow accessibility waivers. In these states §5310 funds can be used **only** for the purchase of accessible vehicles, without exception:

Table 13. States which require vehicle accessibility

California	(SMP p. 11)
Delaware	“in all cases, vehicles will be lift equipped” (guide, p.5)
Illinois	only lift or ramp equipped vehicles are procured
Maine	Human Rights Commission has regulations more stringent than the federal 504 regulations (SMP p. 17)
Minnesota	MnDOT practice to use §5310 funds solely for the purchase of lift-equipped buses (they do not purchase vans) (SMP p. 4)
Pennsylvania	requirement stated (application p. 4); and the programs name reflects this: Transit Capital Assistance for Purchase of Accessible Small Transit Vehicles”
Rhode Island	It appears that only lift equipped vehicles are purchased, no exceptions.

Most states have exceptions, related to *the system/service, viewed as a whole*. States take a variety of approaches to the *equivalent service* criterion for wheelchair accessibility; some (e.g. Tennessee, Montana) require that sub-recipient must have and maintain an accessible vehicle within its organization; others permit shared use or purchase of service for accessible rides. Exceptions tend to be primarily if the recipient has other accessible vehicles, but sometimes, it's broader, if there are other accessible vehicles in service area. Most will not allow the sub-recipient an exception because their ridership does not need an accessible vehicle, unless they already have an accessible vehicle. Generally, replacement of a lift equipped vehicle must be with a lift equipped vehicle if there is not another one in the fleet.

Some states appear to have lower thresholds than others: for example, Washington DC only requires equivalent service for sub-recipients requesting a non-accessible vehicle with capacity greater than 16, including the driver (SMP p.9); and Louisiana: "you will not be allowed to select a vehicle without a wheelchair lift unless 50% of your present fleet is handicapped accessible, less than 5 years old and has less than 100,000 miles" (app. guidelines, p.26).

Twenty-two SMPs include criteria for certification of an Accessibility Waiver. And an additional eight appear to have a waiver procedure (e.g. Connecticut) but do not provide details. The other 14 state SMPs were unclear, although North Carolina may be fully accessible, since all of the \$5310 funds are used in the \$5311 program. In addition, we noted that 13 SMPs included more details about programmatic accessibility requirements related to the ADA.

2.11 Other provisions

11. Other Provisions. Describe the process by which the state complies with other Federal requirements such as environmental protection, Buy America provisions, pre-award and post-delivery reviews, restrictions on lobbying, prohibition on exclusive school transportation, and Drug and Alcohol Testing.

2.11.1 School bus use. For the most part, these are the standard assurances which must be included, and sometimes make up the bulk of the SMP. However, the use of school buses merits attention, particularly because it is a rural issue, and because at least five states' SMPs (Alaska, Indiana, Iowa, New York, Wisconsin) include it and Oregon appears to allow it. Alaska includes coordination with school bus transportation (p.29). Apparently Iowa integrates school bus services into coordination. It appears that the FTA's post-SAFETEA guidance has clarified that Head Start is a social service and not a school program:

FTA C 9070 1.F. VIII. Other Provisions. 17. School Transportation. Title 49 U.S.C. 5323(f) prohibits the use of FTA funds for exclusive school bus transportation for school students and school personnel. The implementing regulation, 49 CFR Part 605, does permit regular service to be modified to accommodate school students along with the general public (so called "tripper service"). For the purpose of FTA's school bus regulation, Headstart is a social service, not a

school program. Rules for the Headstart program limit the types of vehicles which may be used to transport children participating in the Headstart program. FTA recipients may operate multi-functional vehicles which meet the safety requirements for school transportation, but may not provide exclusive school service.

However we are unclear if this is sufficient to address the concerns raised that language in SAFETEA-LU would cause trouble for Iowa and Wisconsin coordination activities. There has been no change in the prohibition on providing exclusive school bus services.

7. School Bus Regulations (from Oregon SMP) Reference: 49 CFR Part 605; 49 USC 5323 (f)

The §5311 and §5310 sub-recipients are prohibited from providing exclusive school bus service unless the service qualifies and is approved by the FTA Administrator under an allowable exemption. In no case can federally-funded equipment or facilities be used to provide exclusive school bus service. Head Start transportation is considered human service transportation and not school bus service.

Sub-recipients may carry children to school as part of a public transportation program, including services provided before and after school, if provided as part of regularly scheduled service open to the general public and when the service is identified in the published schedule. Such services are commonly called "Tripper Service."

ODOT does not allow subscription programs for carrying school children on general public systems, if by doing so the general public is excluded. Responsibilities of sub-recipients:

- a. Sign a certification of compliance pertaining to School Bus regulations.
- b. Report on any tripper services provided in the annual application and the pre-grant questionnaire;
- c. Redesign service if needed to meet the definition of 'tripper service.'
- d. Read the School Bus regulations if sub-recipients are exploring opportunities to share vehicles and resources in their local communities.

Public Transit Division monitors compliance by:

- a. Obtaining certifications of compliance from all sub-recipients;
- b. Reviewing applications for funding;
- c. Reviewing the pre-grant questionnaire pertaining to School Bus regulations;
- d. Performing on-site program reviews to assess compliance;
- e. Providing technical assistance as needed to sub-recipients.

Utah (§5311, SMP p 7-4):

The prohibition against the use of federally-funded vehicles, equipment, or facilities does not apply to tripper service. Sub-recipients may provide school tripper service. Tripper service is regularly scheduled mass transportation service open to the public which is designed or modified to accommodate the needs of school students and personnel. Such service must be open to the public, must serve regular transit stops, and must be delineated on route schedules and maps. School signs must not be displayed on the vehicles. Head Start transportation is also allowed, as it is considered human services transportation and not school bus service.

Wisconsin: “While the general guidance applies, “Section 346.48(2)(c), Wisconsin Statute allows for a school bus to be used for the purpose of transporting the elderly and persons with disabilities in connection with any transportation assistance program for the elderly or disabled” (SMP p.6). The application states that the sub-recipient can order a yellow vehicle: “School Bus Protections, Requirements and Enforcement - All applicants must submit a certification with its application that it will not engage in school bus operations, exclusively for the transportation of students and school personnel in competition with private school bus operators. Compliance with such requirements is monitored through the application review process.”

2.12 State program management

12. State Program Management. Describe how the state administers its program management responsibilities in such areas as procurement, financial management, property management, vehicle use, maintenance and disposition, accounting systems, audit and close-out. In addition, include any state procedures for management or financial reviews and project monitoring or on-site reviews. Describe any standards set by the state for matters such as productivity, cost-effectiveness, or service standards. Detail any state reporting requirements.

Forty SMPs include details on State Program Management (procurement, financial management, vehicle use, maintenance and disposition, accounting systems, audit and closeout). In many SMPs, this is the bulk of the material included in the SMP.

2.12.1 Accountability. All SMPs may need to be built on a vehicle management structure for fiscal accountability, especially since a vehicle oriented fleet management approach is still used as the basis for reporting and outcomes. Whether or not there is more than just this basic fleet management structure required as a backbone is a primary question, and seems to indicate the level of bureaucratic creativity of the state DOT in addressing public transportation needs. Some states SMPs seem to reflect a more traditional fleet management approach, among them Arizona, Hawaii, Illinois, Missouri, New Mexico, and Virginia.

2.12.2 Procurement. Forty-three SMPs describe procurement process requirements. Twenty-nine states require use of a centralized procurement process, although in Alaska a waiver to this requirement appears possible. Eight states allow sub-recipients to use a centralized procurement process, but do not require it. In six states the sub-recipient is responsible for procurement. Four states use an alternative process (e.g. in Vermont, capital items are procured through the §5311 operator; in Kansas the CTD council manages the bidding process). Four states indicated multiple options (e.g. in Tennessee the procurement process used depends on vehicle type). In at least one state there appeared to be conflicting information between the SMP and the application packet. SMPs from the remaining states were unclear, or provided no information. For example, Massachusetts requires the match to be paid directly to manufacturer, and is not clear who is responsible for actual procurement.

Administratively, states vary widely on when in the process the matching funds must be remitted to the state, or in the case of Massachusetts to be paid directly to manufacturer. Some (e.g. New York) require matching funds to be on deposit in a state account before a vehicle is ordered; while other states do not require the match until the vehicle is to be released to applicant. In our grassroots study, we learned from respondent that some states require the matching funds be remitted a year before the vehicle is available to the applicant, with no benefit accrued during that time. From SMP review we learned that Indiana requires matching funds at the time the vehicle order is placed, and the state keeps any interest earned on grantee's share of the funding, though they do refund any unused local share (SMP p.14). California requires that the 20% match be deposited before any equipment is ordered (p.13). It is placed in an interest bearing account, and any excess is refunded to the agency after all costs are closed.

2.12.3 Useful vehicle life. State definition of useful vehicle life in large part determines replacement cycle. Twenty-two SMPs report useful life criteria identical or very similar to the federal criteria. The §5310 program is somewhat unique in that it allows states to establish their own criteria for useful vehicle life, and 19 states exercise this option. For example, Colorado does not use years and miles; it uses a market value of more than \$5,000 to establish federal interest (SMP p.30, 32).

When the federal interest expires, the Department will return the vehicle title or ownership documents to the grantee and will cancel its lien. While the grantee is free to dispose of the vehicle at its discretion, it must be noted that the Department's position is that the vehicle should continue to provide Section 5310 service if it is in adequate condition. In particular, the Department's preference is that such vehicles be rehabilitated prior to replacement.

Furthermore, the Department will generally not give priority to any requests for replacement vehicles if such vehicles are intended to replace vehicles that were sold after losing their federal interest and not rehabilitated.

Minnesota uses a fair market value of less than 10% of the original purchase price (excluding removable equipment, taxes and licensing), below which the state does not retain an interest in the vehicle (app

info, p.15). Illinois includes a table of its state defined useful life standards, along with a table showing vehicle replacement standards in the section where it describes the requirement that grantees develop and submit a vehicle replacement plan. SMPs from the remaining states were unclear, or provided no information.

2.12.4 Utilization criteria. There is an implicit question that usually goes unasked and unanswered, but is important to consider: Why would an agency want to allow its vehicles to be used by others when additional use will increase the vehicle’s mileage and need for replacement? Several states, listed in Table 14, appear to have developed utilization criteria within the application/replacement process which provide disincentives for an agency to maintain low usage to lengthen the time until replacement and additional match dollars are needed.

Table 14. Passenger Service Hours. Some states focus on passenger service hours, for example:

California	will not consider an application with expected use lower than 20 hours/week
Massachusetts	priority for 8 hour/day, 40 hour/week service (SMP, p.5)
New Hampshire	“The DOT does not want to acquire vehicles that will not be utilized extensively. Do not apply unless your agency has sufficient funds to operate a vehicle at least 30-40 hours per week or a working agreement with other eligible agencies to ensure such a level of use” (Application guidelines, p. 4).
New York	vehicle is expected to provide for a minimum of 1000 passenger one way trips each 6 months for a 7 passenger vehicle, 8-11: 1500 passenger one way trips; 12+: 2,000 passenger one way trips (SMP, p.7); however application seems focused on buses, with 12+ passenger bus being the smallest vehicle listed
Ohio	minimum expectation at least 6 hours/day; 10,000 miles/year
Tennessee	reviewers look for at least 25 hours actual passenger service per week (SMP, p.12)
Washington	“Sub-recipients of capital grants for vehicles are expected to attain a minimum of 100 passenger service miles per week, per vehicle; or 100 one-way passenger trips per week per vehicle” (SMP, p.21).
West Virginia	vehicle must have at least 80,000 miles on it at time of application to be considered for replacement (SMP, p.4)

Others (e.g. Ohio) add utilization criteria to useful life criteria. Ohio expects 10,000 miles/year and 6 hours a day, and adds a useful life category for vans: 4 yrs and 100,000 miles OR 120,000 miles. West Virginia reserves the right to remove a vehicle from any agency that puts less than 10,000 miles a year

on their vehicle. Based on low usage, old vehicles with low mileage (e.g. 10 years and 48,000 miles) will not be eligible for replacement. While other states also use this option, West Virginia includes operational guidelines.

2.12.5 Ownership/title and labeling. Most (29) states hold the lien on the vehicle title during its useful life. Missouri notes that it places the title in a safe in DOT office. In five states, the state holds the title; Georgia does this for insurance purposes. Additionally, there is a range of other approaches to ownership. In Iowa, the sub-recipient transit system holds title. Rhode Island’s statewide transit system, RIPTA, owns the vehicles and holds title. South Carolina is the lien holder for entire life of vehicle and does not release lien at end of useful life. Tennessee vehicles are titled to grantee, with no mention of lien. Table 15 lists examples of states which allow a government entity to hold title or co-title in order to benefit the sub-recipient.

Table 15. Vehicle Title. A few states allow a government entity to hold title or co-title.

Idaho	Allows sub-recipient to list a local government entity as the registered owner if a contract is developed, and state DOT approves. This allows the sub-recipient to take advantage of better rates to meet Idaho insurance requirements.
Nebraska	Allows co-titling (SMP, p. 3)
Oklahoma	Allows vehicles to be co-titled, with prior written approval, with other state or local governmental agencies if it can provide direct benefit (bulk insurance rates, bulk purchase of fuel, maintenance, and supplies) [SMP p.16]. Oklahoma state legislation provides that these vehicles may bear a tax-exempt tag, available at a nominal cost (this is apparently different from excise tax) [App.guidance, p. 5].
West Virginia	State keeps title and ownership during useful life – this exempts agency from paying the 5% tax on original cost (app, p. A-9) At 80,000 miles, the state transfers the title to the agency and the agency pays the 5% tax based on current value of vehicle.

Logos and labeling: Some states have requirements about logos on vehicles purchased with §5310 funds. For example, in Alaska there was a requirement that grey vans must carry the AMHTA (Alaska Mental Health Trust Authority) logo, but after community complaints (probably due to the stigma attached to vehicle identified as part of the Mental Health system in its logo) changed to: “all new vans (AMHTA, JARC, §5310) must be white, and the logo (on a decal) for all vans will say: Community Transportation.” In Louisiana: “Louisiana Transit” logo with parish name and agency’s phone number (sponsor’s name may **not** be displayed on van – emphasis included, application guidelines, p.26). In West Virginia “all vans will be white and carry the eight point star logo of the sec §5310 program (Logo: West Virginia Transit Assistance Program); and the agency name – but the agency can choose not to display their name check for page number and details.”

2.12.6 Property management. It is not clear from most SMPs how or even if vehicles purchased with §5310 funds are included in the state transportation inventories. Some states specifically mention a statewide transportation inventory (e.g. Florida Transit Vehicle Inventory Management Procedure). Idaho Vehicle Management System (VMS) includes all vehicles purchased with FTA funds or operated by providers with public funds. Iowa’s Public Transit Equipment and Facilities Management Systems (PTMS) inventories anything over an initial value of \$5000, updated annually in July. North Carolina uses the PTMS Public Transportation Management System. South Dakota’s SMP (p.10 Program of Projects Development, The Planning Process) says:

The SDDOT assists in determining elderly persons and persons with disabilities needs for service areas. This assistance includes an inventory of existing public transportation services, the total estimated demand for elderly persons and persons with disabilities transportation and the estimated number of vehicles of a given capacity to satisfy the unmet demand.

It does not indicate how they develop and maintain this inventory. Tennessee has the Public Transportation Assistance Program (p.4); Washington is unclear if this is part of PTMS (SMP p 19-20), Public Transportation Facilities and Equipment Management System. West Virginia’s Automated Vehicle Inventory System (AVIS) is used to “establish a permanent property record for each piece of equipment purchases under an FTA grant” (SMP, p. 17). The Texas PTMS (SMP, p. 26, monitoring schedule) says, “TxDOT maintains an inventory of all grant related vehicles, which is linked to the computer files of the vehicle Titles and Registration Division” (SMP, p. 23).

2.12.7 State reporting requirements. Thirty-seven states mention specific reporting requirements. Eighteen require quarterly reports, with five of these having additional requirements (e.g. a semi-annual report). Eleven require a monthly report. Four require a semi-annual report, with an additional two states requiring semi-annual reports in addition to quarterly reports. Six require annual reports. Three states require reports periodically or upon request. More than one state notes that points are deducted from project scoring for “habitual late monthly reporting” (e.g. Louisiana [SMP, p.9]). This was not consistently tracked in our review, but it may be an issue to consider in overall guidance.

2.12.8 Review process. Review process can mean two different things: (1) programmatic review of sub-recipients operations and vehicles, and (2) the process of proposal development, review, selection, procurement, and delivery.

On site review by the state DOTs ranges from inspection every year to every four years, with three years being most common. Some states note that they may conduct reviews unannounced or a short notice.

Wisconsin requires annual vehicle inspection by the Wisconsin State Patrol and an annual vehicle certification report (app., p.5.). Minnesota recipients must pass an annual vehicle inspection (a form is included in SMP’s application packet) by MnDot and the Dept of Public Safety staff. It’s unclear whether

this is through a regular statewide protocol, or if the DOT is actually making a particular effort to annually conduct on onsite review.

The length of time for the review process of proposal development, review, selection, procurement, and delivery appears to have considerable variation among states. It is unclear what specifically accounts for the differences in time. Some states appear to alert applicants to the time frames in which they work. For example, Indiana notes that the process may take up to two years from application to receipt of vehicle (SMP, p.1). Other states appear to be closer to one year, at least from the process schedule that is included in some SMPs and/or applications. It would seem that describing the typical timeframe would be an important element to include in an SMP, as well as strategies for streamlining the process.

2.12.9 State administrative expenses. Most states appear to claim the standard 10% of the federal grant as allowable administrative funds. For example, Wisconsin: “Up to 10% of the total fiscal year apportionment will be reserved by the department for administrative costs” (SMP p.5). Indiana: “INDOT may use up to 10% of the state's annual Section 5310 allocation for state administration and technical assistance” (SMP p.7).

A few states – Iowa,(SMP, p.2); Michigan (SMP, p.18); Montana (SMP, p.15); North Dakota) indicate that they do not use federal funds for state administrative costs, and appear to use their entire grant allocation for programmatic purposes. Alabama allows administrative funds to be transferred to capital activity (SMP p.18). Nevada says that only minimum administrative funds are requested, so the bulk of funds can be used for acquisition, and that DOT has authority to transfer administrative funds to capital activity (SMP, p. 42, p.61). California state law allows only 5%, rather than the allowable 10% (SMP p.4).

There are apparently methods for capturing more than 10% of the federal grant for administrative costs. Colorado: “The maximum amount that the Department may allocate for state administration is 15% of the total Section 5310 funds” (SMP p.8). However it is unclear if this refers to a percent of the internal state budget, to the percentage of funds from the federal grant which they use for program administration costs, or if it’s simply a typo, reflecting the administrative percentage allowed in the section 5311 program.

Louisiana appears to use capital expense funds for vehicle procurement, testing, inspection and acceptance cost, matching them with 20% in state funds; this appears to be over and above the state administrative caps. Louisiana “The Department of Transportation and Development is eligible to apply for capital expense funds for vehicle procurement, testing, inspection and acceptance cost. Up to 80% of the cost for such capital expense shall be derived from Section 5310 funds” (SMP, p. 7-8).

Illinois:

IDOT also reserves a share of the annual Section 5310 program apportionment to contract with consultants for the preparation of vehicle specifications, bid review and other technical services in connection with IDOT's Consolidated Vehicle Procurement program. Typically, this amount

represents less than five (5) percent of annual apportionments (SMP 3/4.2.1.3 Other Acquisition Costs).

This appears to be over and above the standard 10% reserved for administrative costs. Since these administrative costs can apparently be covered by the non-administrative portion of the grant, it is surprising more states do not use this practice. It is not clear where mention of these types of expenses is included in FTA guidance. But if these are included as capital expenses, then the 20% match Louisiana uses for these costs would seem to be necessary.

Prior to the passage of SAFETEA-LU, there seemed to be some confusion about the state's responsibility for providing matching funds for the state's allowable level federal funds retained for administrative costs. The Texas SMP specifically states that "The department must provide a 20% match for any federal administrative monies" (p.3). Several other states (e.g. Alabama (SMP, p.18); Idaho; Hawaii (SMP, p.13); Kentucky (SMP, Chap. V); Nevada (SMP, p. 40) also indicate that they match their 10% federal allocation of allowable administrative costs with 20% state funding.

FTA's post-SAFETEA-LU programmatic guidance C 9070.1F (USDOT FTA 2007c) specifically states that "Program administration costs may be funded at 100 percent Federal share." (Page III-3 "7. State Administrative Expenses. Up to 10 percent of the State's total fiscal year apportionment may be used to fund program administration costs including administration, planning and technical assistance. Program administration costs may be funded at 100 percent Federal share").

According to the FTA, this was also true prior to SAFETEA-LU. However, the previous guidance, FTA Circular 9070.1E , (USDOT FTA 1998) does not appear to include this clarification:

Chapter 2. General Program Information

6. State Administrative Expenses. Up to \$25,000 or 10 percent of the state's total fiscal year apportionment, whichever is greater, may be used as the Federal share of program administration costs (Section 5310 administrative funds). Program administration costs or expenses consist of those costs or expenses incurred by the state in implementing and managing the entire Section 5310 program, including previously funded projects, if necessary. Thus, Section 5310 administrative funds are not specific to one grant, but may help to pay the ongoing administrative costs of previous Section 5310 projects that require further staff effort. FTA treats the limitation on Section 5310 administrative funds as applicable to Section 5310 funds apportioned to the state over time, not necessarily to the apportionment for a particular fiscal year. FTA encourages the states to include all the available Section 5310 administrative funds they intend to use routinely in each annual grant application. However, a state may accumulate

the "entitlement" to Section 5310 administrative funds over several years to augment the funds available for a special administrative need in a subsequent year. The period over which unused Section 5310 administrative funds are accumulated may not exceed three years. If a state includes program administration expenses in excess of the 10 percent or \$25,000 limitation in its grant application, it should document the unused Section 5310 administrative funds from prior years available to augment the amount of Section 5310 administrative funds in the current apportionment.

The guidance in Chapter 2. General Program Information. 8. Federal/local Matching Requirements. "a. General. The Federal share of eligible capital and program administrative costs may not exceed 80 percent of the net cost of the program. The local share of eligible capital and administrative costs shall be no less than 20 percent of the net cost of the program...." may have been interpreted in some states to mean that there was a 20% state match required for State Administrative Expenses. I believe it means that there is a 20% match required for the sub-recipients allowable program administrative costs, and does not refer to State Administrative Expenses (a point which the 9070.1F guidance seems to clarify).

In addition, we systematically collected data on:

2.13 States' definition(s) of *disabled and elderly*

FTA definition for disability:

Individual With a Disability means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use effectively, without special facilities, planning, or design, public transportation service or a public transportation facility (49 U.S.C. 5302(a)(5)).

Basis for FTA apportionment

FTA allocates funds to the States by an administrative formula consisting of a \$125,000 floor for each State (\$50,000 for smaller territories) with the balance allocated based on 2000 Census population data for persons aged 65 and over and for persons with disabilities (Department of Transportation, Federal Transit Administration FTA Fiscal Year 2005 Apportionments, Allocations and Program Information; Notice. Federal Register, December 29, 2004, p.78212). NOTE: this has not changed post-SAFETEA-LU.

States use a variety of definitions to determine eligibility; however, none uses the definition in the transportation act or the decennial Census which determines apportionment. This will be described more fully in the Discussion section (also see disability definitions in Appendix A).

Thirty states include a definition of disability in the SMP. Thirteen of the state definitions are similar to the FTA definition, although Colorado and Washington include additional factors. Ten definitions use, or are similar to, the ADA definition of disability. Three states use their own definitions. Nevada includes multiple definitions (FTA-like, ADA-like, and its own). Iowa's transit is open to everyone so apparently does not need a definition, although there is mention that regional systems can use their own definitions.

Thirty states include the age threshold used to identify an elderly individual. The most common age threshold is age 60 (22 states). The threshold is age 65 in four states (CT, MI, NH, PA). Two states (OK, WI) use age 55. Wisconsin applicants may adopt a higher age limit, but not above 65. Mississippi gives two numbers, 55 and 60. Iowa's transit is open to everyone, so apparently does not need an age threshold.

Three states include eligibility criteria for riders. In Georgia, it is determined locally; Idaho has a ride priority based on destination (i.e. purpose of trip); and in Iowa the system is open to the general public.

2.14 Criteria for establishing need

2.14.1 Operational criteria for *unavailable, insufficient, or inappropriate*. The goal of the federal §5310 grant program, managed by the states, is

....to improve mobility for the elderly and persons with disabilities throughout the country.

Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of the elderly and persons with disabilities in all areas — urbanized, small urban, and ruralOne of the primary uses of the funds is to make grants to a. private nonprofit corporations and associations for the specific purpose of assisting them in providing transportation services meeting the special needs of elderly persons and persons with disabilities when the transportation service provided under Section 5310(a)(1) is unavailable, insufficient, or inappropriate.

Since the criteria that existing transportation service is unavailable, insufficient, or inappropriate is central to the §5310 grant program, we specifically looked for statements that described [1] how the state was interpreting and operationalizing the criteria for needs; [2] criteria sub-recipients were instructed to use to document transportation need; and [3] the criteria for how public agencies certify there is no available non-profit entity.

Criteria for establishing need does not appear to be a required element of the SMP, beyond a statement such as “Section 5310 authorizes federal capital assistance grants to meet the special needs of elderly persons and persons with disabilities where public mass transportation services are unavailable, insufficient or inappropriate”. If only the FTA “boilerplate” guidance language were used to describe need, we coded the question as “No”. Only 14 SMPs include criteria for operationalizing how they interpret when transportation is otherwise unavailable, insufficient, or inappropriate. California’s criteria are very detailed, and included in the Noteworthy Practices section (see Appendix J).

When we began to see that few states appeared to have criteria for establishing and/or documenting need, we adjusted our expectations, and re-coded SMPs already reviewed. We considered a statement such as “Identify shortcomings of existing services and how your project will overcome them” as acceptable. However, the requirement in an application to “document/describe need and/or urgency” was not counted as evidence of criteria, unless it was accompanied by some type of qualifiers which resembled objective criteria. Just because an agency (subjectively) believes its clients need a service urgently, does not necessarily mean that existing community transportation services are unavailable, insufficient, or inappropriate.

Twenty SMPs include criteria for how sub-recipients document transportation need. For example, in Louisiana: “grant will not be approved unless you can demonstrate that the existing services in your geographic service area are insufficient, inappropriate, or unavailable. Attach additional sheets if needed”. Though they do not provide criteria for insufficient, inappropriate, or unavailable, they do expect the applicant to discuss transportation need within the generic federal framework.

Seventeen SMPs include criteria for how public agencies certify no available non-profit entity. Differences in jurisdictions are apparent (e.g. in Arkansas, the public agency “must include a letter from the major or a county judge” [SMP, p. 5]).

12.14.2 Transit needs surveys were described in a few of the SMPs, including Idaho, Utah, and South Dakota. Idaho included a resource inventory by county, in the SMP appendix. South Dakota describes Service Area Needs Studies in its section on Program of Projects Development (SMP, p.10-14).

2.15 State determined options and exclusions

In several categories, we noted if the state SMP was more or less restrictive than FTA guidance. Generally this was not a useful distinction. New Jersey expands on the FTA guidance, and includes a goal: #4 “Demonstrate... though the development of standardized state of the art vehicle specifications the maximum safety, comfort and design features available in the marketplace” (p.6).

Twenty-five SMPs included a state determined option (e.g., geographic distribution), state mandated minimum ridership or other use variables, minimum accessibility, etc. Nevada, Kentucky, and Tennessee include specific language about use of §5310 funded vehicles in emergencies:

- Kentucky. “All FTA recipients are required by the KYTC to cooperate and coordinate with emergency management agencies in their area during natural or manmade disasters. FTA vehicles may be used to transport people and/or equipment as directed by KYTC” (2004 State Management Plan, Chapter VIII-9).
- Nevada. “FTA grantees are required by the NDOT to cooperate and coordinate with emergency management agencies in their area during natural or manmade disasters. FTA vehicles may be used to transport people and /or equipment as directed by NDOT” (2001 State Management Plan. Section VIII-14, p. 85).
- Tennessee:
 - Local, state, or national emergencies excepted, Section 5310 Program vehicles are generally not to be used exclusively or substantially for any other purpose if that function detracts from the primary Section 5310 service or mission (SMP, p. 5)...Excluding emergency circumstances where no other alternative exists Section 5310 vehicles are not to be used on a regular basis for emergency medical (ambulance) transport service.... Emergency use of vehicles should be reported to the Office of Public Transportation (SMP, p.12).

However, in keeping with the Good Samaritan Act, a section 5310 vehicle can be used as a private passenger vehicle might be used...to transport critically ill or injured people when no other resource is available, and not transporting would result in an otherwise avoidable injury or fatality.

Thirteen SMPs included state determined exclusions. These can range from "out of state trips strictly forbidden" (West Virginia) to “does not fund coordinating bodies or public agencies” (Maryland). A few states specifically allow *reasonable restrictions* on clientele, age, destination or other parameters:

- Arizona allows reasonable restrictions:
 - ...as a practical matter, agencies may have local policies placing *reasonable* restrictions on clientele age or other parameters; e.g. a senior center which would not normally be expected - or otherwise have the expertise – to regularly provide transportation to children or seriously mentally ill (SMI) passengers....As a practical matter, age and other parameters may however be addressed in local agency policies which might restrict service to certain categories of persons on the basis of that agency’s primary clientele and/or the expertise that agency may typically be expected to have. For example, a senior center may generally restrict regular accommodation of children or

developmentally disabled (DD) or seriously mentally ill (SMI) individuals who are not also 60 years of age or older or for whom specialized care needs unique to a particular illness or disability cannot be reasonably expected to be accommodated. Conversely, an institution providing specialized care to disabled infants, for instance, might restrict its transportation services to favor only those passengers and their adult attendants who specifically “fit” that program’s mission; i.e. that institution would not reasonably be expected to regularly accommodate the needs of the “general senior population. Keeping in mind these “common-sense” operational exceptions, awarded entities must comply with all non-discrimination laws and regulations (Eligibility Overview p G-4).

Arizona also limits eligibility for people with temporary disabilities. It allows people with temporary disabilities only if they do not displace a senior or people with disabilities (appendix, p.22). It may be the only state to make this type of exclusion. This narrows the FTA definition, which specifically includes people with temporary disabilities:

Individual with a Disability means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use effectively, without special facilities, planning, or design, public transportation service or a public transportation facility (49 U.S.C. 5302(a)(5).

- New York. Sectarian organizations may be eligible, but vehicles may not be used to transport members of a church or congregation exclusively for religious services (SMP, appendix A, p. 5).
- North Carolina. Appendix C of the North Carolina §5311 SMP: Transporting Passengers to Vote Policy (08-11-2004) states that “federal and state funded vehicles may not be utilized for transportation to a place of voting or voter registration when the express purpose of the trip is to carry voters or potential registrants”, though:

Transportation to a place of voting or voter registration is allowed when provided under the normal route structure/service design of the system, with the service open to any member of the general public, and not provided exclusively for the purpose of voting or voter registration.

We asked the FTA where this was prohibited in federal guidance. The Chief Counsel’s office (personal communication, January 15, 2005) was not aware of any federal prohibition, and believes this may be a North Carolina state prohibition.

- Tennessee: Senior centers are not required to transport children or people with serious mental illness (SMP, p.2).

2.16 Public involvement, advisory committees

We differentiated between:

1. *public notification* which seems related to identification of local service/provider capacity; and
2. *public involvement* which is more related to identification of community transportation need, system efficiency, and outcomes beyond simple “ridership” data.

Fourteen SMPs included information about public involvement that went beyond basic notification requirements and notification of transit providers. SMPs from the remaining states were unclear, or provided no information about public involvement.

As mentioned in Result Section 2.8, one of the surprising findings when doing this review has been that the “public” in “public involvement” often seemed to mean the “transit provider public”. “Public involvement” seems at best a euphemism, at worst a misnomer, when it is actually not public involvement, but involvement (and protection) of existing transportation operators. It would be clearer if this function were described accurately as protection of existing transportation operators, as South Dakota does, and public involvement could be understood as outreach to and involvement of the riding public (i.e. transportation users). With the current language (obscure to anyone not in the transportation business) it appears that public involvement is considered as having been achieved when it is primarily the transportation providers who are the targeted “public”. Post-SAFTEA-LU guidance appears to have addressed this issue, to specifically require what most people might consider the public, in the locally developed, coordinated public transit-human services transportation plans.

Even prior to SAFTEA-LU, some states were already using the concept of public involvement in the way we had assumed it was being used – the transportation riding public. For example:

Indiana:

INDOT requires all applicants to participate in any existing Transportation Advisory Committee (TAC), or establish a TAC should none exist. Many areas already have groups that perform the functions of a TAC. These groups are acceptable as long as they have the proper representation and perform the activities required of a TAC. The local TAC should consist of representatives from all sectors interested in the delivery of transportation services to elderly persons and persons with disabilities. Suggested representation includes:

1. Private for-profit and private non-profit transportation operators
2. Public non-profit transportation operators

3. Public transit providers
4. Social service agencies
5. Local elected officials
6. Consumers of elderly/disabled transportation services
7. Local and/or regional planners (SMP p 3-4).

The application, pp 5-6 provides additional details, and examples of potential members.

Thirty-two SMPs mentioned advisory committees, either for public transportation, transportation coordination, specific to the section 5310 program, or related to the topic. Table 16 lists states with advisory committees. They may not all include the riding public, although some (e.g. Indiana, Montana, New Jersey) are community oriented and specifically include consumers. Some function in more than an advisory role, and have specific responsibility and authority. SAFETEA-LU requires that the locally developed, coordinated public transit-human services transportation plan be developed through a process that includes representatives of public, private, and nonprofit transportation and human services providers and participation by the public, so we expect this will be much longer list in any review of SMPs developed after SAFETEA-LU.

Table 16. States with one or more advisory committees (pre-SAFETEA-LU)

Arizona	Ad hoc Technical Advisory Committees in 4 areas
Arkansas	Coordination Council; Transitional Employment Assistance Coalitions
California	Social Service Transportation Advisory Council
Colorado	SMP Advisory Committee; Coordinating Council for Human Service Coordination; Interagency Advisory Committee; Transportation Advisory Committees (local)
Florida	Florida Commission for Transportation Disadvantaged
Hawaii	Transit Technical Assistance Committee
Idaho	Public Transportation Advisory Council; 6 regional public transportation advisory committees
Indiana	Transportation Advisory Committees (see description in Results section 2.16)
Louisiana	Interagency Transportation Coordination Committee

Maryland	Interagency Committee on Specialized Transportation; Maryland Coordinating Committee on Human Service Transportation
Massachusetts	Advisory groups to local projects; Interagency Advisory Committee
Michigan	Local Advisory Council(s); Specialized Services Coordination Team
Mississippi	Interagency Transportation Committee
Montana	Transportation Advisory Committee (TAC) required in each transportation service area (includes local transportation providers and community volunteers)
New Hampshire	Interagency coordination working group
Nevada	Advisory Committee for Transit (no riders included)
New Jersey	Advisory Committee on Transportation for Elderly & Handicapped; Citizen Advisory Committee; Council on Special Transportation; County Transportation Coordinating Committee
New York	Interagency Review Committee?
Ohio	Statewide Transportation Coordination Taskforce
Oregon	Public Transportation Advisory Committee
Pennsylvania	Interagency §5310 Task Force; includes representative from "disabled community"
Rhode Island	Paratransit Task Force (public members on task force)
South Carolina	State Level Coordination Taskforce; Interagency Transportation Coordinating Council
South Dakota	Coordinated Transportation Initiative Group
Texas	District level committees (25 districts)
Utah	Statewide Coordinating Council on Human Service Transportation Committee
Vermont	Elderly & People with Disabilities Transportation Committee
Virginia	Human Service Transportation Technical Advisory Committee
Washington	Local Coordination Coalitions; Agency Council on Coordinated Transportation

West Virginia	STAC, Special Transit Advisory Committee
Wisconsin	Transportation Coordinating Committees (county)

Some SMPs include the composition of the committees, for example, a list of the members/agencies involved. While many states tend to focus the agency representatives on the advisory/review boards on Human Services Transportation, some include other entities (e.g. the 2004 Louisiana SMP includes the §5311 program manager). While we do not include it in the review, it should be noted that Louisiana’s 2006 SMP added a representative from the Office of Rural Development. This is an example of committee composition changing to reflect state goals and priorities. “A Review Committee of representatives from several appropriate agencies reviews, evaluates and scores applications utilizing a point system (LA SMP, p.4). The Review Committee is comprised of the DOTD Section 5310 Program Manager, the DOTD Section §5311 Program Manager or designee and representatives designated by the respective departmental Secretaries or Chief Executive Officers from the following state agencies:

- a. Governor's Office of Elderly Affairs
- b. Department of Social Services, (2 Representatives)
- c. Department of Health and Hospitals, (2 Representatives)
- d. Department of Labor
- e. Governor’s Office of Disabilities Affairs
- f. Governor’s Office of Rural Development (added in the 2006 SMP update)

Surprisingly, only 4 states specifically mention Centers for Independent Living (CILs) or Statewide Independent Living Councils (SILCs). Alaska listed the Statewide Independent Living Council as a key coordination community transportation supporter (Part 2, p.18), and includes the SILC as a key partner (p. 46, program instruction) and in the Program Instructions (p.46) specifically includes the SILC as part of the PEC - Proposal Evaluation Committee. Idaho includes the SILC (SMP, p.11). North Carolina requires CIL “or equivalent” representation on its transportation advisory board (p.10-11, §5311 SMP). We know from other RRTC projects that not all of North Carolina is covered by a CIL service area. In Vermont, the CIL is included as one of the groups sent reports to review.

2.17 Distributive equity: geographic & other

Distance and relatively sparse populations outside dense urban centers adds challenges to the geographic distribution of transportation resources. While all SMPs include anti-discrimination sections and assurance about civil rights protections, as required by any program receiving federal assistance, geographic distribution of transportation services, an important distributive element, is not protected under current laws and regulations. Language about *fair and equitable distribution* and maximum coordination of public transportation are boilerplate in most plans, and most do not describe how they define, operationalize, or evaluate these concepts. Many SMPs have statements about equity, but

unless there are some operational features (e.g. in the selection criteria), equity may be an objective that is difficult to achieve. Just because notices are sent to agencies across the state cannot be considered equitable distribution.

2.17.1 Equitable distribution of section 5310 rural-urban transportation resources. An important element of our analysis focuses on the equitable distribution of rural-urban transportation resources in the federal section 5310 program. Each SMP was evaluated to determine if a goal of geographic equity was included, and if mechanisms (e.g. criteria in the selection process) were described which would support rural-urban equity.

As well as collecting and analyzing data related to the state's distribution of people, funding, vehicles, we developed a map of §5310 providers to better understand the spatial distribution of the network (see Appendix F for the map and Appendix D for a fact sheet: *State by State Comparison: 3 Ways to Count Rural People with Disabilities, 2007* which includes the numbers of non-urbanized people with disabilities). These are data sources external to the SMP review, which were initially developed for the RTC: Rural study, *Allocation and Use of Section 5310 Funds in Urban and Rural America* (Seekins, et al., 2007).

Our map of §5310 providers made it easier to see the actual geographic distribution of sub-recipients the states reported as still being active in the network – that is, they operate vehicles supported with federal §5310 funds. Population numbers, miles of roads, and levels of FTA funds received in 2002, 2003, and 2004, were also used to set the context for SMP review (see Appendices D, E, and G).

Issues of geographic equity might be included in other parts of state transit planning, and not included in the §5310 SMP. Michigan provides an example: While not a section 5310 element, the joint application form includes the Regional Transportation Program, with:

Note to Specialized Services Agencies: Counties that only have specialized services are eligible to apply for regional funds for service that meets the above definition. Up to 20 percent of the proposed new service can be used to provide local service in addition to the existing specialized service transportation. In those cases, if the regional program is successful, at the completion of the three-year demonstration period, the specialized services program would have to be 'folded into' the countywide service being provided. This service would be eligible for formula funds and would have to be advertised, open door service available to the general public. Details of this possible eventual merger should be addressed in the regional coordination study (application instructions p. 27-30).

Funding for coordination studies are available, and support mechanisms for developing specialized services into countywide transportation services for everyone.

Some state SMPs emphasize geographic issues. For example, Alaska discusses the size of towns, noting that “many of Alaska’s communities are too small to make a coordinated public system practical” (part 1. P.8). Nevada: vehicle review includes “compatibility with the area, service needs, and operating conditions” (SMP p.29, and throughout).

Three states specifically mention that “the only funds available to nonurbanized areas are federal”: Alabama (SMP p. 18); Nevada says the same thing – but matches the §5310 grants with state dollars; New York says “the only transportation funds in rural areas for elderly and people with disabilities, while there are other sources in urban areas” (SMP, p.2).

The section 5310 program is unique in its geographic coverage. Funds are available to all geographic areas, regardless of the population density. Arizona SMP appears to focus on rural areas, which are defined on p.G-9, and precludes awards to programs eligible for 5307 (p.G-12). How does this fit with MPO eligibility – maybe they cover rural areas within the MPO? (See MPO relationships table in Appendix I.) In Ohio these embedded rural areas may be covered by the state’s review. In several states it is unclear if the state is only reviewing the non-MPO applicants. It was unclear if MPOs were even eligible for §5310 funding in Iowa, or what the relationship was between the MPOs and the regional transit authorities. This is an important issue that surfaced in many state SMPs. What is the SMP covering – only the state’s non-urbanized areas? Are the urbanized areas covered independently? The SMP is supposed to cover entire program, not just the part, usually the nonurbanized areas, in which some states may be playing a more active role. But is this how it works on the ground?

Two states — Nevada (Lake Tahoe area), and North Carolina — mention interstate issues. One state, West Virginia, prohibits trips outside the state (though some exceptions are allowed). For the most part, interstate travel and issues were not addressed, which is surprising, since transportation systems and MPO jurisdictions sometimes cross state lines.

There still appears to be inconsistent and sometimes confusing use of language used for defining and describing *rural*. Washington state defines *small urban* as 50,000-200,000 people (WA Application package, Appendix A, Glossary of Terms, p.50). Many states, such as South Dakota, Colorado, and Illinois, use the technically correct *non-urbanized* language to refer to areas of less than 50,000 people. Some states, such as Iowa and Nevada use the term small urban for areas under 50,000 people. Some states define rural as under 50,000 people, (e.g. Arizona [Appendix, p. 25]; Mississippi [p.12, uses rural and non-urbanized synonymously in §5311]; Oklahoma [SMP, p.7, definitions, uses rural and non-urbanized synonymously – but then defines *urban* as a population of more than 50,000 people and appears to change to *urbanized* in a flyer sent with material]; South Dakota [but they also refer to non-urbanized]; and Vermont [SMP, p.3]).

Non-urbanized, small urban and rural can be used interchangeably. Even in 2001, Connecticut and Illinois used the standard *non-urbanized area* language and equated it with *rural and small urban* in the SMP definition sections. The terminology must have been available by 2001. It is unclear why all states did not adopt it, or why it was still an issue in comments for SAFETEA-LU guidance update.

In addition, some states have unique geographic categories. For example New York identifies *rural counties* as having under 200,000 people; if there is an urbanized area (i.e. a densely populated area with more than 50,000 people) in the rural county, the public bodies there are probably not eligible for §5310 funds.

2.17.2 Maps/GIS/GPS (global positioning systems). Transportation agencies often have sophisticated GIS/mapping capacity, and can produce detailed maps of almost anything related to transportation from highways to freight and transit facilities locations, as well as jurisdiction boundaries and service area. Some are using real time GPS technology in ITS (intelligent transportation systems) to display the current location of buses and trains. However the §5310 program does not seem to take much advantage of this capacity. Few SMPs included maps of service areas or sub-recipient locations. The Arizona DOT includes a map of §5310 service locations. Some states (e.g. California, Louisiana, Ohio, Oklahoma, South Dakota) have maps online, jurisdictions, program distribution, funded programs, etc. – but do not include them in the SMP.

Some State DOTs have maps of their Regional Transit administrative units. At least 3 SMPs included such maps: Iowa, Illinois, and Maine (an appendix D depicting regions was noted in SMP, but we did not have the actual appendix). The California SMP needs such a map, has one available online, but does not include it in SMP.

At least a few states require a map of the proposed service area in the application (e.g. Washington's joint application package [app., p.17]; Minnesota requires a service area map of proposed route [app. Instructions, p. 6]; New Mexico; and Wisconsin [application checklist]).

Also see Results Section 2.5, which includes data on allocation of funding, and Table 8. State Apportionment/Allocation Formulae. Note also that Connecticut has a unique approach for equitable distribution of funding. It awards each successful applicant a maximum \$35,000 grant (\$28,000 from FTA, \$7,000 match from State Public Transportation Appropriation, when funds are available).

2.18 Funding

Federal funds (§5310, and funds flexed to sec §5310) obligated in FFY 2002, FFY 2003, FFY 2004, as reported by USDOT are included as charts in Appendix G. These data were consistently used to supplement the information in the SMPs.

Use of flex funds was observed from reviewing the funding obligations for FFY 2002-2004. Several states use flex funds, but do not describe them in the SMP. For example New Mexico and Idaho SMPs say or imply they do not transfer §5310 funds, but from the funding obligation sheets, especially when the total is listed as 0 for the year, they appear to be transferring §5310 funds to another (likely the §5311) program, but do not describe the transfer. California flexes about \$50 million dollars per year into the section 5310 program, but it is not described in the SMP. We were told that these funds are used to support the LA paratransit program (personal communication, C. Zeilinger, February 2, 2004). This was

further corroborated by the 2002 FTA Statistical Summary, p.58 notes that “In FY 2002, \$84.9 million was appropriated for the Section 5310 program, including a transfer of \$45.8 million for ADA service in Los Angeles”. Finally, we noted:

2.19 Overall Impressions of the State Model, as shown in Table 17.

Table 17. State Models

State models	# of SMPs where this is the single or primary approach	# of SMPs that combine this approach with one or more other models
Regional distribution model	2	4
County focused model	2	3
Community driven - focused on integrated community transportation support	20	7
Vehicle/fleet maintenance – traditional capital asset management	4	2
Agency driven – focus on addressing the needs of the client base of service agencies	3	2

We had also included an approach/model: *individual – focus on meeting the transportation needs of individuals*, but it was not found in any state.

2.20 Overall impression of the coordination model, including incentives and disincentives

The state’s overall approach to coordination will influence innovation. We noted an overall impression of coordination activities: 24 appeared permissive about what types of activities could be included in coordination activities; 4 appeared neutral; none appear to restrict coordination. SMPs from the remaining states were unclear, or did not provide information to form an impression.

Coordination does not appear to mean the same thing in every state. We tried to get a sense of each state’s coordination target. No SMP targeted only §5310 recipients. Twenty two states primarily target other transportation service providers & local governments; 12 appeared to have broader coordination targets, e.g. entire community, or all transportation disadvantaged people. Two had some other focus, for example coordination among aging or DD providers. SMPs from the remaining states were unclear, or provided no information.

Twenty three states included enough information about scoring criteria to determine the maximum number of points given to coordination in the application scoring process. The range was 0 to 42%.

Results section 2.7.1 Coordination, includes results on how coordination is being operationalized. Table 11 in Results section 2.7.1 provides examples of coordinating mechanisms (i.e. *how* states are coordinating). Table 18 below provides examples of *why* states coordinate transportation (i.e. policies states use to encourage sub-recipients to increase coordination). The table includes examples of incentives (and a few disincentives) to coordination.

Table 18. Examples of Incentives and Disincentives for Coordination

Alaska	Vehicle must work in a coordinated system, even if the recipient is not currently a part of the system, but may be within vehicle’s useful life. (part 2, p.34)
Colorado	Emphasizes that “evaluation of coordination is, to a large extent, an evaluation of an entire community's coordination success, not just that of the applicant.” (SMP p. 12)
Delaware:	Only funds agencies willing to participate in a coordinated system
Idaho	Idaho state code; requirement to coordinate services in application package
Illinois	An applicant that scores zero on coordination is ineligible for funding no matter what their total score is.
Indiana	All applicants must participate in a Transportation Advisory Committee, or create one.
Iowa	State law; coordination of funding streams
Kansas	All applicants must go through CTDs (Coordinated Transit Districts) which are the backbone of the program, so coordination has been built into the “culture” since the early 1990's.
Kentucky	“KYTC has coordinated non-emergency Medicaid, Public, Department of Blind, Vocational rehabilitation transportation services since June 1998. The quality of services has improved while containing costs.”
Maine	Under Biennial Operation Plan (BOP) regulation for the 8 regions, all providers receiving funds must coordinate; and cannot receive funds without being included in BOP.
Maryland	State legislation has existed since 1975 for the Interagency Committee on Specialized Transportation. The Maryland Coordinating Committee on Human Service Transportation has some form of sign off authority.

Michigan	Act 51, Public Acts 1951 requires coordination of specialized transportation services. It does not appear that a non-coordinated service could get funded. Applicants must serve as the coordinating agency in a county or multi-county region; in urbanized area “new” agencies (after 1994) are required to lease the vehicle to the transit agency. A coordination plan update must be submitted with application.
Minnesota	Applicants that demonstrate a coordinated effort are given priority.
Mississippi	Has local coordinating mechanisms in place. Coordination is included in the ongoing monitoring process.
Montana	State funding source (TransADE) used to increase, expand services and/or coordination of services.
Nebraska	Application must include demonstration of working relationship with local public and private transportation providers, and coordination of existing transportation resources with the service area.
New Hampshire	DOT can take vehicle away, or require coordination, if hours of service are less than 30-40/week. If agency cannot generate these numbers, they will have to find an eligible agency to coordinate with.
New Jersey	Funding for coordinated specialized transportation system in each of the 21 counties is a goal of the Casino Revenue Program.
New York	Shared vehicle use is mandated. There is a clear statement that “cooperation among organizations does not constitute co-ordination”. RPTCAP, a rural coordination program, is established in state law. Application must include a certification that coordination barriers do not exist.
Ohio	\$400,000 set aside for projects that exemplify multi-agency coordination.
Oregon	“If the source of match causes the use of the project to be limited to a specific group of clients or purpose, identify the limitation. If the constraint limits or prohibits coordination with other transportation providers, the project may not be funded.”
South Carolina	SC-DOT requires that public human service agencies must coordinate transportation services with public transit provider in their area.
South Dakota	“Communities with coordinated transportation system are not guaranteed additional state or federal dollars for transit purpose but they will receive a higher priority for funding from state agencies when dollars for transit vehicles procurements and operating grants are being allocated.”

Tennessee	Higher ratings for applicants who coordinate general public and specialized transportation
Texas	Coordination is required within each district. In addition, “If a TxDOT district office does not need the entire allocation, the commission or the executive director will distribute the balance to the remaining TxDOT district offices in accordance with the distribution formula or to individual projects identifying an exemplary commitment to a coordinated transportation network.”
Disincentives:	
Arizona	While ADOT encourages coordination, it implies that coordination could “detract from the recipients (presumed) primary section 5310 mission” (G-51) and states that §5310 assistance should be a “distinctly separate function” within the organization (G-2)
Georgia:	While there is a strong orientation and criteria for coordination, it appears that agency clients are the primary focus, despite the fact that broader community use appears to be allowable, including community wide fixed route/fixed schedule service. It is unclear how §5310 supported transportation fits into the large fleet managed by the Dept of Human Resources, Transportation Section.
South Carolina	Vehicle use agreements between agencies are discouraged, which could discourage collaborative systems.

3.0 Noteworthy Practices

Research question 4. What noteworthy practices, exemplary and alternative implementation models have been implemented that could be adopted in other states?

Examples of noteworthy practices, exemplary and alternative implementation models are included in Appendix J. It should be noted that a few of the practices noted were included because they were exceptional, to show the very broad range of program implementation, and may not be exemplary for adoption in other jurisdictions. However, they did merit attention, and in that sense are noteworthy.

In addition, we compiled a list of elements from State Management Plans that were written in ways that might be useful to other states (see Appendix K).

4.0 Policy and practice patterns

Research question 5. Are there policy and practice patterns that would have potential consequences (both positive and negative) for rural people with disabilities?

We expected to find trends that would have potential consequences (both positive and negative) for rural people with disabilities. Observations of trends found in analysis are included throughout the results section. Implications of trends, and consequences, are in the discussion section, as well as in the introductory conceptual framework section.

5.0 Has SAFETEA-LU made a difference?

Research question 6. How do state management plans differ before and after the passage of SAFETEA-LU?

We expected to find differences in state management plans written before and after the passage of SAFETEA-LU. Because TEA-21, the previous transportation act, had 12 extensions, SAFETEA-LU was not signed into law in a timeframe that would allow us to analyze before and after effects of the new legislation. The deadline for state submission of updated SMPs was November 2007, with some states receiving extensions. Therefore, this report is an initial baseline analysis, and does not include a longitudinal component.

It will be important to do a follow-up analysis of post SAFETEA-LU state management plans, as well as a follow-up community based survey of the impact the statutory changes are making in integrated transportation for seniors and people with disabilities.

We did examine several of the updated plans, especially those which were completed early in the process, to get a sense of the direction states were taking. However, this material was not included in the review.

DISCUSSION

“The ultimate goal of most transport is accessibility, the ability to reach goods, services, activities, and destinations” (Litman, 2007, p.1-4).

“The two most fundamental questions concerning accessibility measures are for whom and for what” (Baradaran & Ramjerdi, 2001, p. 32).

1.0 Limitations of the Study

Before discussing the findings in detail and providing recommendations, it is important to acknowledge the limitations of this study that should be considered in interpreting its findings. First, only one researcher reviewed the policies. No effort was made to establish reliability between observers. This is, however, the first and most comprehensive assessment of state policy governing the Section 5310 program to the authors’ knowledge. No previous study offered guidance in developing the categories of measurement for assessment. As such, this baseline study offers a foundation on which future studies may be based.

Second, for consistency, we reviewed the state management plans (SMP) based on the available documents: SMP and appendices, application packet and instructions, scoring sheets. Some SMPs are sparse, and do not include some of the more detailed information available on the state DOT websites. For example, from external documents available online, and conversations with a consultant who was conducting an external evaluation of the Ohio 5310 program, it is apparent that the Ohio SMP does not adequately reflect the breadth and scope of activity (C. Lakotas, personal communication 10/2005). Similarly the Kansas SMP is very sparse. If we did not have first hand knowledge that Kansas has a well respected, innovative, integrated §5310 program, it would be difficult to find evidence of it in the Kansas state management plan.

While we did not obtain all the documents we were looking for, we believe that we got good cooperation from state, regional and federal transportation officials, especially since the project was not sponsored by the FTA, and not a requirement for state funding. In part, the gaps may be explained by the increased staff workloads associated with expanding roles and responsibilities, coupled with current staff shortages in the transit sections of many state DOTs. This observation was also supported by an April 2007 Transportation Research Board (TRB) report found that “most states do not have the staff resources needed to adequately manage the federal transit programs. Further, state staff hiring options are limited, even with the availability of additional federal funds” (p.1).

In addition, according to a July 2007 TRB report:

Development of State Management Plans often duplicates state statutes or regulations. SMPs could be useful documents but it is hard to keep them updated (because of staff constraints) and they often duplicate policies and procedures included in state statutes and regulations.

While some states view developing the SMPs as “meeting the federal requirements,” many states see the SMP as a good tool to explain state and federal DOT policies to management and local elected officials. They also see the SMPs as good communication tools between the states and FTA (p.6).

All SMPs reviewed were assumed to have been approved by the regional FTA office. Therefore we did not do a detailed review of content and procedures for State program management items such as monitoring, auditing, closeouts, etc. We did review statements of the civil rights accessibility compliance with section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA). The Texas SMP was labeled “draft”, though it was reported to be the plan the state was using. Other adopted or approved SMPs reviewed may not yet have actually been approved by the FTA regional office. We only learned in a 2007 TRB report:

...FTA does not have an independent process to review and “approve” the SMP until they conduct the State Management Review. This lack of a formal review process creates a false sense to the states that their SMP/management policies are approved when they have not (p.6).

The two cited 2007 TRB documents were not available until after our SMP reviews were completed. The July 2007 TRB report seems to indicate a somewhat different process than the one laid out in FTA C 9070.1E, Chapter VII State Management Plans (USDOT FTA, 1998). Our SMP review was based on the FTA guidance circular, and describes the process:

4. STATE MANAGEMENT PLAN REVISIONS. All states must have an SMP approved by FTA on file with the FTA regional office. An approved SMP remains valid until FTA approves a later plan submitted by the state, or an FTA state management review results in a specific request for a revised SMP, or when significant new program documentation requirements are announced by FTA. The state is strongly encouraged to issue timely revisions to the SMP, particularly when information helpful to minority applicants, sub-recipients, and third party contractors is involved. When major changes to the SMP are proposed, the state should give an opportunity to comment at the minimum to potential sub-recipients of assistance, potential service providers, other state agencies and representatives of other funding sources, and any relevant state associations and professional organizations.

If revisions are substantive but not pervasive, the state may submit changes and additions in the form of page changes which can be approved by FTA and incorporated into the SMP on file. If the SMP is changed significantly, however, the state should submit the entire revised plan to FTA for

approval. The state is responsible for ensuring that FTA has a complete copy of the current SMP. Minor changes and technical corrections may be submitted to FTA to update the approved plan, without the need for additional FTA approval. The state should ensure that its SMP reflects current requirements of this circular, and revise the SMP if necessary.

We assumed that the state management plan we were given or found online, was the current plan on file with the FTA regional office, and considered by the state to be their most recent approved state management plan. However, we did not ask if it was the SMP approved at the most recent state management review, nor did we ask when that review occurred.

2.0 Programmatic Goals and Outcomes in an Evolving Program

With the 1970 amendments to the 1964 Urban Mass Transportation Act, a national policy was established:

...that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy (Urban Mass Transportation Act of 1970, P.L. 91-453).

This policy statement occurred over thirty-eight years ago, and twenty years prior to the passage of the ADA. Since its passage in 1990, the ADA has steered national policy onto the path of integrated accessible public transit, and in doing so, has changed the face of transportation services. People with disabilities have the same right to use and enjoy public transportation as people without disabilities.

The federal section 5310 grant program (established as section 16(b)(2) in response to the policy set forth above), administered by the states since the first grants in 1975, has been important in filling gaps in accessible transportation services for seniors and people with disabilities. Today's accessibility gaps in transportation services, especially in larger metropolitan areas, have narrowed considerably since 1970. In non-urbanized rural areas, especially in areas where there are still no transportation services at all, the transportation picture may still look like it did in 1970 — nothing is still nothing. Accessible transportation services are still evolving, as we can see by the most recent transportation act's (SAFETEA-LU) addition of the New Freedom program (section 5317) which is designed go beyond ADA requirements to address gaps in accessible transportation.

But in what direction is this program headed? There appears to be lack of agreement about an essential underlying issue: Is the focus of §5310 to improve human service transportation and make it as comparable as possible to public transportation, or is it to make public transportation systems work for as many people with *special mobility needs* as possible? If the latter is the case, the question then becomes, what needs to happen to bring more people with special mobility needs into the coordinated public transportation system? To improve the universal design of the public market system, and not create a special system (albeit coordinated) that is separate and self-perpetuating?

We have framed this analysis within a post-ADA context, with an implicit assumption (put forth in the 1970 statement of national policy) that in the 21st century a desired outcome of the §5310 program is an integrated public transportation system accessible for everyone, including people with disabilities and elderly individuals. It is a common belief that section 5310 program's beginnings are traced to 1974 legislation. However, we have only recently found they go back to 1970, within a much broader context.

It is surprising then, that in our review of state management plans for the §5310 program, we have identified considerable ambiguity about expected program outcomes, and even about which services and systems are expected to be coordinated. In a post-ADA environment, we were surprised to find ourselves raising the issue about state interpretations of whether or not special transportation services are included in development of public transportation systems.

Some states appear very clear about this issue. For example, the New York SMP purpose section starts out with.... **“for whom other mass transportation services are unavailable, insufficient, or inappropriate”** (emphasis added) which connotes that the §5310 program is part of mass/public transportation. But not all states are clear. Even the federal coordinating initiative, *United We Ride*, is subtitled *Coordinating Human Services Transportation* which only adds to the ambiguity about intent, although the Federal Interagency Coordinating Council on Access and Mobility (CCAM) policy guidance statements seem very clear about the broader intent of integrated, public, transportation for all. SAFETEA-LU’s increased focus on coordinated transportation and increased funding of both new and existing grant programs means that clear state target outcomes and programmatic objectives are important.

As emphasis shifts to integrated transportation systems serving the general public, seniors, and people with disabilities (e.g. Iowa), we must evaluate how well such systems support riders’ community participation, which is not just getting to senior centers or other human service programs. Evaluation would also identify unserved individuals – the systemic gaps. This feedback could improve service levels and focus on investing in projects that leverage and coordinate integrated transportation systems.

2.1 Coordination. The §5310 program’s coordination requirements require “maximum feasible coordination, starting with other local providers receiving FTA assistance, then other agencies and organizations which receive federal funds for transportation”. Most other FTA funding is for the whole population, so it appears that §5310 coordination is intended for all general public urbanized and non-urbanized transportation services. One might argue that *other local providers* refers only to Section

5310-supported human service agencies but not to public and private FTA-supported transportation providers. However, no state management plan referred to coordination of only Section 5310 sub-recipients. Other federal agencies also fund human services transportation, so the FTA guidance seems to mean that coordinated human service transportation is secondary to coordinated general transportation. Some states' primary focus still seems to be coordinating human service transportation.

May 2007 revised guidance regarding Title 49 U.S.C. 5310, as amended by SAFETEA-LU requires:

...a recipient of Section 5310 funds to certify that projects selected are derived from a locally developed, coordinated public transit-human services transportation plan developed through a process that includes representatives of public, private, and non-profit transportation and human service providers, participation by the public, and representatives addressing the needs of older adults and individuals with disabilities (FTA Circular 9070.1F, USDOT FTA 2007c).

Sidebar 7: Top Down: Coordinating Transportation at the Federal Level

"The need for coordination between ADA paratransit and social service transportation programs, as well as among the social service transportation programs themselves, has increasingly become a focus of attention. In February 2004, the White House issued a Presidential Executive Order (EO) on Human Service Transportation Coordination. The EO calls for action by DOT; the Departments of Health and Human Services, Labor, and Education; and other federal agencies to enhance access to transportation for people who are transit-dependent. The principle behind the EO is that there are too many federally funded transportation services with complex restrictions and regulations, and that multiple federal agencies need to work together to ensure that transportation services are seamless, comprehensive, and accessible" (NCD,2005.) Appendix M charts 62 federal programs supporting transportation services. For program descriptions and links to agencies funding transportation services, visit http://www.unitedweride.gov/1_691_ENG_HTML.htm

It is clear that the intent is coordinated public transit-human services transportation. CCAM's final policy statement on coordinated human service transportation planning makes the same connection (CCAM, 2006). It elevates human service transportation coordination to the same level required by prior transportation legislation. It is puzzling that some states still focus primarily on human service transportation coordination. Executive Order 13330 (2004) emphasis on coordination among the 62 federally-funded human service transportation programs may have been ambiguous (see sidebar 7, Top Down: Coordinating Transportation at the Federal Level). CCAM, United We Ride, and SAFETEA-LU will clarify intent and direction, but we still need to determine whether two systems (human services and public transit) are coordinating services, or if one transportation system is coordinating its varied elements, including publically-funded human services transportation.

2.2 Programmatic tensions in a time of transition. Just as accessible transportation systems have evolved since the 1970's, human service agencies have also been reorienting during the same timeframe. For many disability service systems, the focus has been moving toward community

integration, with outcome measures more oriented toward community participation. This has required a different perspective on how needs are assessed and addressed. The ADA addresses civil rights protections which enhance community participation, such as access to transportation. When the focus is on community participation, attention will be on the needs of individuals as members of the community, not the needs of the service agencies and their clients. The attention includes the community, and not just an agency's sometimes paternalistic emphasis on taking care of only "our people".

As described in Introduction section 5.2 and Results section 1.0, it appears that states use some variation of three different pathways to manage transportation coordination. Even when using similar language, states may not mean the same things because they are basing implementation on different sets of assumptions, and using different implicit outcome measures for success. It is important to understand whether a state has focused on human service transportation coordination or on coordination and integration of its entire public transportation system, as well as whether §5310(a)(2) funded projects are considered part of a broadly configured public transportation system. Also, even in states (e.g. Louisiana) which appear to take integrated transportation system coordination seriously, there may still be an embedded base of agencies which need to transition from a client/agency based human service transportation services orientation to a coordinated county/MPO/regional orientation of integrated transportation for all. These transitions take time, especially in a vehicle oriented grant program where capital assistance investments span several years. It is evident that there is tension between special human services transportation and public transportation systems. Two states included in the assurances grantees must agree to: "...no person with a disability is denied access to mass transportation for the general public if the person with a disability is capable of using that system, even if the grantee also provides special service to persons with disabilities" (Nevada SMP, p.77; Kentucky includes similar language in 2004 State Management Plan, Chapter VIII-6, under its 504 protections). Vermont has a law (24 V.S.A., Chapter 126, 5090 Human Service Transit) which requires the Secretary of the Agency of Human Services (AHS) to direct agency programs to purchase client transportation through public transit systems in all instances where public transit services are appropriate to client needs and as cost efficient as other transportation (application, p. 11). While such tensions are apparent to an external reviewer, state staff and agencies may see them as "business as usual" and not recognize that other states may not handle these stresses the same way. In any of the SMPs reviewed, there was no mention of how states specifically identify, address, and manage the underlying tensions. Some examples of program management tensions include:

Who can ride? Segregated services vs integrated services?

Flip side: Who cannot ride? Why?

Who defines need? Who defines priority? Service agency need or community rider need?

Flip side: Which community riders are excluded? Why?

What can they ride? Requirement to allow agency clients to ride available public transit.

Flip side: What is prohibited? Why?

What are the objectives? And how are outcomes measured? Silos of money, each with different requirements/purposes: objectives of the program (funding support) vs. the rider's community transportation objectives?

Flip side: What types of rides are ignored/denied? Why?

What should be coordinated? Ambiguous/conflicting interpretations of program purpose.

Flip side: What shouldn't/can't be coordinated? Why?

Is active "conversion planning" underway? Lack of agreement about system's direction and progress indicators.

Flip side: What keeps the system from improving, self-evaluating, progressing? Where is it stuck?

The most significant contributor to these tensions may be unspoken issue of costs (see sidebar 8, Coordination of Social Services Transportation). Special services, especially segregated models, usually cost more than fixed route transit services. If human services providers are providing rides that might otherwise need to be handled by a paratransit type provider, there is little incentive for the public transit agency to add the human service agencies' clients into the regular system. "The more riders a fixed-route system has, the cheaper the cost per ride. With paratransit, just the opposite is true" (Johnson & Shaw, 2001, p.16). What happens when people with special mobility needs are considered a profit center? Results section 2.8, public involvement, discusses provisions for the *protection of existing operators* as part of an FTA requirement for providing for maximum feasible participation by private mass transportation providers. Public involvement, public comment, appeals, etc. sometimes the selection process seems to be focused toward the selection of operators so it does not discriminate or financially harm other operators. The requirement for sign-off letters also raises thinly veiled issues of cost and profitability. Results section 2.3.4. describes a requirement that an applicant write to all urban and rural transportation providers, private non-profit and private for-profit operators within their service area, to verify that the service proposed cannot be

Sidebar 8: Coordination of Social Services Transportation

"Before the passage of the ADA, social service agencies provided a significant proportion of non-fixed-route transportation services available to people with disabilities in the United States. While transportation was not necessarily earmarked as a separate funding stream in the budgets of many agencies, for agencies to bring clients in for services, they often had little choice but to become involved in the "transportation business." Because transportation was not viewed as a primary goal in the mission of social service agencies, many were very willing to shift this responsibility to the federally mandated ADA paratransit programs, which to some extent met the transportation needs of agency clients.

"While some transit agencies entered into cost-sharing arrangements with social service agencies after the passage of the ADA, many were unable to recoup the cost of providing this service, apart from the fare charged to all riders. As a result of the integration of social service transportation with ADA paratransit services, there have been significant impacts, both positive and negative, on riders affiliated with social service agencies. On the positive side, riders generally enjoy a higher quality of service in terms of vehicle condition and driver training. Riders who in the past paid little or no fare sometimes are required to pay a fare, and they may not enjoy the same level of intimacy with the drivers or other riders as they did previously. For transit agencies, there have been real cost impacts, as they have had to absorb some of the costs formerly borne by other programs" (NCD, 2005).

provided with equipment already in service, and to include copies of these letters & response with the application. At least one state includes the words "if no private or public transportation provider is interested in providing or planning the service", and others include language like *able and willing* providers. This can be an assurance that the applicant really is filling a gap in transportation. But it can also be relieving other parts of the transportation system from planning and providing integrated, accessible transportation services. This may result in underlying tension, especially with advocates working toward more integrated systems.

There are also cloaked issues about utilization. Results section 2.12.4, utilization criteria, raises a question that usually goes unasked and unanswered: Why would an agency want to allow its vehicles to be used by others when additional use will increase the vehicle's mileage and hasten the need for replacement? Administrative policies which add utilization criteria to the application/replacement process have been effective in adding disincentives to low usage, but that does not mean that tension no longer exists. The other side of utilization, is maintaining high enough ridership levels to maintain the administrative criteria for need, when need is defined by the numbers of riders using the service. This reasonable management practice may have precipitated the related need for an assurance that the human service agency will not prohibit their clients from riding other available public transportation. But again, it does little to really address the underlying tension.

2.3 Ongoing re-assessment: an essential program component. The ADA initiated significant transportation systems changes. Specialized transportation services have evolved and many different options have emerged and continue to emerge. Changes in federal transportation legislation and guidance have been critical to programmatic evolution, as federal policy refocuses funding options and redefines the public good. However, since the initial ADA implementation, the changes seem to be incremental. Programmatic evolution has in many cases been lead by state bureaucratic creativity and initiative. But the changes often stop at state lines. The section 5310 program's flexibility has provided opportunities for some states to take leadership roles in developing innovative programs, while other states seem to be struggling to catch up with changes in federal legislation and guidance.

A continual state of change and re-assessment is a necessary element in this program. Any state that is just doing business as usual is probably not keeping up with the post-ADA environment. However, when there are still unmet needs, it may be difficult to know the best way to approach addressing resource constrained changes, while still protecting the investment of public dollars. As our SMP review has shown, States have used a wide range of approaches: adding more flexibility, more vehicles, working more cooperatively, delegating regionally, changing eligibility requirements.

Section 5310 is an excellent mechanism for building more integrated, coordinated transportation systems which are planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities. The authority to include service planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities in other FTA grant programs (5307, 5309, 5311) comes from Section 5310 statutory language (49 U.S.C. § 5310(a)(1))

which grants the Secretary of the US Department of Transportation statutory authority to make grants and loans to state and local governmental authorities to help them provide mass transportation service planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities. “The provisions of Section 5310(a)(1) are implemented in the course of administering FTA's ongoing capital grant programs authorized by Sections 5307, 5309, and 5311” (FTA circular 9070.E).

As §5307, §5311, and §5309 FTA grant program funding is used to plan, design, and deliver services to meet the needs of elderly Americans and individuals with disabilities, funding available through the second part of 5310(a) can fill the remaining gaps in service. Since these other FTA grant programs are not static, it is questionable why the gaps they leave would be static in response, or why mechanisms (such as the §5310 and the new §5317) used to address the transportation gaps would be static.

There appears to be room to interpret how and where §5310's two parts work together. Texas appears to be identifying the entities listed in §5310 (a)(1):

“State and local governmental authorities to help them provide mass transportation service planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities” as the primary sub-recipients of §5310 funds; and those included in §5310(a)(2) “(A) private nonprofit corporations and associations to help them provide that transportation service when the transportation service provided under clause (1) of this subsection is unavailable, insufficient, or inappropriate; or (B) governmental authorities— (i) approved by the State to coordinate services for elderly individuals and individuals with disabilities; or (ii) that certify to the chief executive officer that no nonprofit corporation or association readily is available in an area to provide service under this subsection, as the alternate sub-recipients (Texas SMP, p. 3).

Primary sub-recipients are “rural, small urban and metropolitan transit authorities (MTA) or entities defined in the Texas Transportation Code as public transportation providers.” These entities may subcontract service delivery responsibilities to other local public bodies, private nonprofit organizations, Indian tribes and groups, and operators of public transportation services including private for profit operators.

“For those areas not covered by a service provider, or in cases where the current service provider is not ready, willing, or able to provide the service, TxDOT may approve an alternate sub-recipient.” The only eligible alternate sub-recipients are those noted in the §5310 (a)(2): private nonprofit corporations; governmental authorities approved by the State to coordinate services for elderly individuals and individuals with disabilities; or that certify to the chief executive officer that no nonprofit corporation or association readily is available.

This is an interesting approach, placing the focus on the public authorities, who in a post-ADA world have responsibility for delivering accessible services. It appears to put the public authority in the role of coordinator, using all available resources to fill gaps in regular general transit and paratransit services. It's different than placing the onus to coordinate on the human service transportation system. Apparently, if the typical §5310 sub-recipients want to participate in Texas, they have to play by the general transit system rules, and not the other way around. This would be a strong message that human service transportation is a subset of general public transportation. It would be interesting to know more about if and how these expectations shape the behavior of the large number of human service agencies participating in the Texas §5310 program.

2.4 Role expectations. Educational theories show that teacher expectations of performance can influence actual performance – the *Pygmalion* effect (Jussim & Harver, 2005). An expectation, in policy and resource distribution, from both federal and state transportation agencies (e.g. Illinois, Colorado), that sub-recipients will act as part of the overall transportation system probably produces transportation providers that behave as part of the overall transportation system. For example, Colorado emphasizes in its application forms that “evaluation of coordination is, to a large extent, an evaluation of an entire community's coordination success, not just that of the applicant.” If, on the other hand, the state DOT treats the §5310 program as distinct or a special program targeted primarily to selected agencies, then the application forms appear to focus on providing transportation to their agency's clients and sub-recipients may be less likely to be expected to be involved in integrated coordinated systems.

2.5 Are special systems inherently segregated systems? Are special separate services acceptable? Some senior groups appear to want to reserve their vehicles solely for senior citizens. When the services are in privately-funded vehicles, owners can decide who to serve. However when the funding, subsidy, or support comes from public funds, this becomes a questionable practice.

States which manage §5310 within general public transportation management (e.g. Idaho, Iowa, Rhode Island, Delaware, others) seem to implicitly acknowledge that this is not just human services transportation. Not keeping §5310 resources separate moves toward integrated transportation, even when the §5310 money is used to operate a paratransit service within an integrated statewide transit system (e.g. Rhode Island). Other states maintain separate pools. If they are separate, are they equal?

The priority on replacement vehicles in many states could be considered as perpetuating the separate segregated system, when a more integrated approach may have now reached *evolutionary viability*. In each funding cycle, should it not be explicitly questioned whether these recognized needs could be met in a more inclusive, integrated form? As an example, the Kentucky SMP points in this direction.

Viewed externally, one would assume that this would be a dynamic system. The system would never be static or self renewing – it would continually be re-evaluating what can be done in the most integrated setting (with subsidy if needed), and what still needs to be supported in a separate, eligibility based system. One would assume then that the public subsidy should be moving along a scale (as described in

the introductory framework section) – continually redefining what was unprofitable and needed subsidy because existing public transportation is unavailable, insufficient, or inappropriate. While this may be true in some states, from our SMP review, it does not appear to be the case in all states.

Segregated systems also raise the issue of stigma: if you have to have a label, such as *mental health system user* to get transportation, will you accept the transportation? The story about the Alaska grey vans (see Noteworthy Practices, in Appendix J) with the Alaska Mental Health Trust logo seems to indicate that people do not want to be labeled. Seniors may be okay with vans labeled *senior*, but mental health clients may not want to ride on a van that indicates they are mental health clients. Note: New Alaska vehicles are now required to be white and display a “Community Transportation” logo decal.

2.6 It is not appropriate to plan, design, or implement a transportation system or service which does not include people with disabilities. Focusing on special needs, even when it led to special segregated solutions, sometimes resulted in a desirable commodity, for example rides in an area where there was no other public transportation available (see sidebar 8). However when the service might be competing for business with the private sector, it appears that the private sector gets to pick and choose which, if any, elements it would consider implementing.

Although we did not consistently track the sign-off letter requirement, they do raise an interesting issue. Results section 2.3.4 provides examples of states which require public and private transit operators in the applicant’s service area to assure, in writing, that the services they provide are not designed to meet the needs of elderly persons and people with disabilities. For example, Michigan:

Obtain individual sign-offs from each public and private transit and paratransit operator in your service area, stating that the services they are providing or are prepared to provide are not designed to meet the special needs of elderly persons and persons with disabilities within your service area (application instructions, p.22).

Some (e.g. Indiana) add a proviso that the existing entity’s services are not designed the same way as the service the applicants proposes to provide.

It seems that central to the argument is the question of: What does *designed to meet the special needs of elderly persons or persons with disabilities* mean? If a system is not including elderly persons or persons with disabilities in its service, (therefore excluding them) is it violating ADA? Even if it’s a private carrier offering transportation services to the public, even as a charter service or taxi company – isn’t it covered by the ADA? This is an interesting argument – if the carrier signs off on the agency’s §5310 request, the carrier is basically saying “we cannot (or do not want to) do this” so it’s okay if you do it. Isn’t this just providing the carrier with a mechanism to continue its own inaccessibility? Why and when does a private carrier get to decide if it would “like to provide” services (West Virginia SMP, application p O-8)? Why is it an option? Businesses do not get to decide if they would “like to provide” access. Why is a transportation provider different?

Massachusetts requires that an applicant request:

...sign-off letters from public and private-for-profit operators in the service area. These letters must state that the services that the for profit or public operators are prepared to provide are not designed to meet the special needs of the elderly, people with disabilities, and others on a space available basis proposed in the application for funding (SMP p.9).

It's difficult to understand why an entity would sign such a letter. It would seem to expose them to an ADA complaint or lawsuit. In a post-ADA U.S., aren't all transportation systems supposed to be planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities? To do less discriminates against these individuals. However, this issue seems ambiguous. In the USDOT's *Questions and Answers, Elderly Individuals & Individuals with Disabilities (section 5310), JARC & New Freedom Programs, Last Updated October 16, 2008*, Question 6 seems to say there are situations when a grant recipient need not include the needs of elderly individuals and individuals with disabilities. The provisions of section 5310 (a)(1) would appear to have covered JARC (Job Access Reverse Commute, now sec.5316) even when it was a demonstration program, and not a formula program available to all states. However, this may be FY 2007 guidance as the program was rolled out. Still, it seems peculiar for USDOT to make an exception at the beginning of a formula grant program for states receiving JARC funds:

6. Q. If the MPO, State DOT or other designated recipient had a JARC plan in place prior to the passage of SAFETEA-LU, what else do they need to do to be in compliance with the coordinated planning requirements to receive JARC, New Freedom, or Section 5310 funds for FY 2007?

A. In order to receive program funds for FY 2007 the MPO, State DOT, or other designated recipient must 1) make an assessment of available services; 2) make an assessment of needs; 3) develop strategies to address gaps for target populations; and 4) the lead agency developing the plan **should also include the needs of elderly individuals and individuals with disabilities in the coordinated plan, unless they do not plan to apply for Section 5310 or New Freedom funding** (emphasis added).

Does "planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities" mean designed exclusively for the target group or designed to include the target group? Better guidance may be needed on the meaning and intent of this phrase. The issue is with the special needs language, which was probably written pre-ADA. Does special mean over and above, or does it mean routine accessibility (e.g. lifts on buses)? Didn't the ADA resolve this?

2.7 Determining acceptability, and willingness to provide transportation services. Most SMPs have boilerplate language for the process of notifying other public and private transportation providers. They seem to ask, “Is this okay with other community transportation providers?” Arizona’s *assurance of acceptability* asks if providers are willing (p.G-23) and able to provide transportation (p.G-28). The issue seems to be who determines acceptability to the industry, not to current or potential riders. The government seems to ask providers if a specific service agency should get federal transit subsidies.

How diligently and consistently do §5307, §5309, §5311 pursue accessibility? Existing operators who say “we can’t or don’t want to do this” and pass the responsibility to specialized human service transportation operators maintain a counterproductive, segregated system. Strong incentives, and coordination and systems integration may address unmet transportation needs efficiently.

In an area with few transit operators, a criterion of willingness occasionally benefits a community. Some states’ specialized human service transportation operators recognize their communities’ unmet needs and become local public transit operators, perhaps focusing first on the transportation disadvantaged. This

seems more typical in rural areas with no alternative transportation or areas with no public transit entity (see sidebar 9, Rural Transportation History). However, waiting for a willing human service agency

Sidebar 9: Rural Transportation History

Historically, the transportation services provided in rural and small urban communities arose from and for special populations - older adults, people with disabilities, and the clients of human service programs. There were few general public transportation systems in rural areas throughout most of the 1970s.

New sources of federal transit funding emerged in the 1970s that enabled human service transportation programs to grow beyond client-based services to meet more of the transportation needs of the community. The funding source known today as the Section 5310 program was established in 1974 to provide funds for purchasing capital (vehicles, two-way radio systems and related equipment) for use by nonprofit organizations providing services to older adults and people with disabilities. What is today known as the Section 5311 program was created in 1978 to fund rural public transportation services.

In the 1980s, many nonprofit organizations that had been providing services to older adults and people with disabilities broadened the scope of their service to include the general public. They became - and remain - recipients of rural general public transit funding today. In some communities, local governments established county or city transportation departments which primarily served people who are sometimes described as ‘transportation disadvantaged’. These groups include low-income individuals, elderly people, people with disabilities, and human service agency program participants.

The passage of the Americans with Disabilities Act in 1990 had a significant impact on the accessibility and usability of transportation services across the country, including services in rural and small urban communities. Meeting the requirements of the law and the regulations issued by implementing agencies also posed challenges for communities and transportation providers.

In small urban and rural communities where traditional fixed-route, fixed-schedule service is provided, transportation services have become much more accessible. This has been achieved through the replacement of older vehicles with accessible vehicles, and the implementation of ADA complementary paratransit services for those who are unable to use the fixed-route service. In other communities, the ADA provision that demand-responsive transportation must provide "equivalent" service to people with disabilities has had a significant impact in increasing the overall service accessibility (Easter Seals Project ACTION, 2006, p.2).

provider is not a systematic way to develop transportation services. Some state DOTs (e.g. Nevada and Idaho) seem more proactive, and Michigan’s funded, organized approach to regional transportation systems development (see Appendix J’s Noteworthy Practices) may produce better results. If other states have similar models, they tend not to include them in section 5310 SMPs, especially SMPs that describe only the §5310 program and no other federal and state grant programs.

2.8 Increasing accessible community transportation capacity – core business and community values drive the state’s pathway.

We looked for models other than vehicle-oriented fleet management models, but came to the conclusion that a fleet management model may not be so limited. The Section 5310 capital assistance program helps buy vehicles. Vehicle management is a core business for state DOTs, involving acquisition, use, safety, and recordkeeping for many vehicles. The process includes costs, vehicle life cycles, fleet size balances, utilization minimums and downtime. SMPs for Colorado, Illinois, Iowa, Nebraska and others seem to be vehicle management models, using §5310 as supplemental funds in communities not meeting all the transportation needs of the elderly and people with disabilities. The approach seems to meet needs with existing public and private transportation systems, if possible, and use §5310 to support any needed specialized service. Colorado evaluates communities’ willingness to coordinate.

This may be an example of public transportation administrators trying to include as much of the public as possible in their ridership. Their concern isn’t who should ride the bus –everyone should – but having enough buses. State DOT administrators manage many vehicles and keep them running safely. They implement the regulations and may adapt more easily to new requirements. Public transportation agencies and systems are highly regulated and are used to providing assurances and certifications. The public wants safe vehicles and the system’s mechanisms protect public safety (e.g. how often are lifts or tie-downs inspected?).

Human service transportation administrators, however, may add complexity (e.g. eligibility criteria; identifying the *truly needy*). The bottom line in transportation seems to be recurrent heavy capital investments. Distributive equity – where and how public funds are invested – seems to drive the system. This creates tensions in rural America, with its low population densities, long distances, and lack of public transportation vehicles. Iowa’s transit plan describes this dilemma (see sidebar 10).

Sidebar 10. Development of Public Transportation Services

“Most major life activities depend upon having personal mobility. The public must have access to transportation in order to obtain education or training, employment, social or health services, and recreational needs. Also access to transportation plays a major role in maintaining older families in their traditional homes and in providing access to health care services and shopping. However, not all Iowans have the same mobility options. Transit service caters to those with limited options, i.e., people who are transportation disadvantaged.

“The development of public transportation services is directly influenced by a number of factors including population, demographics, travel demand, population density, shifts in travel patterns, and local support. Because of this, there is a great variation in the scope, size and level of service provided from one system to another. Fixed-route bus service is characterized in the urban areas. In the regional areas (unlike the clearly defined services in urban areas), the majority of services are subscription and demand responsive services” (Iowa Transportation Commission, 1999).

The ADA changed the transportation bureaucracy — it got lifts added to buses and the rules in place for system variations (e.g. when a system can deviate from fixed routes). In the past, accessible transportation had been the business of non-public transit: human service organizations, private taxis, school buses, ambulances, faith-based organizations. When all these elements — including public transportation systems, public and private transportation operators, and human services transportation operators — get combined, the players involved are coming from different sets of expectations and values, and have different sets of explicit and implicit outcome measures. They may actually be using very similar language, but in fact meaning and interpreting the words very differently. It may be much more difficult to transform the human service system, (especially those invested in bricks and mortar: sheltered workshops, nursing homes, etc.) when it is trying to preserve an investment in specialized services (see Kentucky and Nevada assurances, in Noteworthy practices, Appendix J) instead of working toward an integrated transportation system for all. Adopting a broader perspective of community service is not only desirable, but also possible, as evidenced by the number of states and communities which have built and are building an integrated public transportation system from a core of specialized human service transportation (e.g. Kansas, Nevada, Iowa, etc. see Noteworthy practices, Appendix J).

In states like Alaska where development of coordinated community transportation systems is at the core of the DOT's approach, they are literally building community transportation from the ground up. This may seem a strange approach to metropolitan areas with large public transit fleets. It speaks to how relatively new (30 years) non-urbanized public transportation is in the US, as well as how much of it was based on human services transportation (see sidebar 9 on the history of rural public transportation).

It is interesting to see how Alaska is looking toward regional transportation opportunities. The Alaska application packet instructions does not include §5311, so it's hard to see how that fits into coordinated community systems. There must be a substantial §5311 presence — Anchorage and Fairbanks are the only two boroughs (counties) with more than 50,000 people. Washington and Oregon already seem to be on a similar path (see Noteworthy practices, Appendix J).

Washington state shows interesting differences between our distribution map of §5310 sub-recipients, and the Washington map (from a brochure on their website, so we did not include the data in reported results) of the distribution of public transportation grants (§5310, §5311, state rural mobility, state paratransit). The WA map shows much better distribution, and no county without some form of support. It also shows the shortcomings of just looking at the §5310 program outside of context, especially in a state that has a combined application approach designed to efficiently match resources to local needs. From personal observation in the Northwest, there appears to be a high degree of public transportation coordination, even in remote areas such as the Olympic peninsula. However, according to our map, there are no §5310 providers there. How is Washington coordinating the long rural bus lines? How does Oregon coordinate trips over the Santiam Pass — are these intercity buses, or are they large regional systems, or is coordination made possible because of large county sizes?

Additional relevant information may be provided external to the SMP or application packet, especially in states which have posted a lot of information online. For example, Alaska's web page on Coordinated Community Transportation, <http://www.dot.state.ak.us/stwdplng/transit/coordinated.shtml> provides coordination guidance for communities which have only one human service transportation provider.

Most communities have clinics that can contribute monies for client rides, a governing body that can donate maintenance or fuel, cab companies that can provide discounted rides to persons with disabilities. Coordinated transportation can be provided in many "non-traditional" ways, and members of a coordinated community transportation system can come from the entire business community (such as WalMart in Ketchikan and the cab companies in Homer) and that it is not necessary for there to be a public transportation system in the community.

How does a commitment to coordinated transportation approach happen? Some states like Alaska appear to have a built in bias toward coordination. They appear to assume coordination, but allow for situations where it may not be possible, for example where there is no other transportation entity to coordinate with. What elements need to be present to nurture this approach to community transportation? How did they move from agency based human service transportation to coordinated community transportation? There has to be something about the planning process that pushes toward coordination. And something about resource availability that helps bureaucrats see that they can tap a relatively small program like section 5310 to use it as a core support within a more complex system.

2.9 Are there adequate mechanisms and incentives for facilitating the section 5310 program to evolve? When both elements of §5310: (a)(1) and (a)(2), are being administratively addressed together, then each state's transportation systems and services could be expected to be in an ongoing state of reassessment and *continuous quality improvement*, as transportation systems and services were being planned and designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities. Further analysis is needed to identify targeted strategies which can increase the speed of the transformation from segregated (albeit coordinated) human service transportation, to systems which focus on integrated transportation for all. Federal policies could be used to give states incentives for taking actions that more quickly achieve federal goals such as assuring public transportation can be effectively utilized, by "the elderly and handicapped persons" which have been in place for almost 40 years (Urban Mass Transportation Act of 1970).

Some states have apparent discrepancies between what the SMP says and what the application says. This might happen as a state is evolving and substantially changing its implementation model. As an example, Kentucky may not have had all the details worked out in their new Lead Agency model. It seemed like it may have been quite an abrupt change in administrative model. We may have been reviewing Kentucky's SMP and application in a transition period, since the word "proposed" was used in several places. Similarly, it would be expected that the post SAFETEA-LU changes may not be entirely

worked out in each state. While all states were required to have their post SAFETEA-LU revised SMPs in place by November 2007, the details of the changes may not be fully worked out for several grant cycle, especially if the state is experimenting with ways to change its implementation approach.

2.10 Eliminating barriers to change. There appear to be barriers to systems development built into federal law. For example when using §5317 (New Freedom) funds to expand the system beyond ADA basic requirements, §5310 funds that previously funded services for these gaps in transportation services might be reallocated to fill other service gaps, where mass transportation is still unavailable, insufficient, or inappropriate. However, as currently configured, this approach would be difficult to implement. For example, “Maintenance of Effort: Recipients or sub-recipients may not terminate ADA paratransit enhancements or other services funded as of August 10, 2005, in an effort to reintroduce the services as “new” and then receive New Freedom funds for those services” (USDOT-FTA, 2007b, page III-8).

With the advent of section 5317, which supports additional transportation service which is beyond the scope of the ADA, the balance needs to be carefully monitored to make sure that the ultimate goal is public transportation systems “designed to meet the special needs of elderly persons or persons with disabilities” – the overall intent of the §5310 program. Permitting section 5317 to create a new separate funding stream, without flexibility for integration into an evolving integrated public transportation system, is likely to have unintended negative consequences for system innovation and integration. However, given language is current FTA section 5317 guidance (C9045.1, page III-8), it appears that potential for this is highly likely: “Eligible projects funded with New Freedom funds, may continue to be eligible for New Freedom funding indefinitely as long as the project(s) continue to be part of the coordinated plan”.

2.11 Language. The section 5317 (New Freedom) grant program is new, and will undoubtedly have issues about where the lines are drawn. Questions are sure to be asked (e.g. is the transit agency obligated to address the issue as part of ADA, or is it beyond ADA scope?). Here at least one can get a legal opinion. But for the §5310 (elderly and persons with disabilities) program, unavailable, insufficient, or inappropriate appears to have been left to the states to define, and as our data shows, only a few have provided guidance or definitions for these key terms. Just because an agency believes it has a huge need, does not necessarily mean that transportation is unavailable, insufficient, or inappropriate.

In addition, language – literally the words used -- can discourage broader transportation system coordination and integration. While protections are needed to make sure that these federal dollars are used to improve mobility for the elderly and persons with disabilities, more proactive language could be used to better match federal intent. For example, FTA guidance document sometimes uses negative, reactive language, like “*does not interfere with*”, “*incidental purposes*” to convey the idea that a broader population can be served, or meals delivered, if it does not “*detract from*” the service to core group as described in application – but there are no criteria for what *detract* would mean – displacing someone is sometimes mentioned. For example, Tennessee provides guidance: As a general rule, this means that

no elderly person or person with a qualifying disability may be “displaced” in favor of a non section 5310 rider on the road or in service scheduling.” (SMP p.12) More positive language could be used, which placed priority on use by people with disabilities and seniors, such as the “priority seating” signs in the front rows of public transportation buses. This could both clarify intent, and reduce ambiguity about shared use, and fill empty seats on special purpose vehicles.

Washington’s SMP and combined application package has concise clear language for framing ideas that gets around some of the negative restrictive language used in some of the other states’ SMPs, and also seems to use a lot more words to describe basic concepts. For example, Washington (SMP p20) “Vehicle Use. WSDOT restricts vehicle use to passenger transportation services. Vehicles must be used in service that is designed to meet the needs of elderly and persons with disabilities.” This is FTA guidance language “mass transportation planned, designed, and carried out to meet the special needs of elderly and persons with disabilities” – why aren’t more states using it the way Washington does?

3.0 Distribution and transportation equity issues

Equity issues come into play when determining competing needs, and the criteria used to prioritize how needs will be addressed. Distributive equity issues arise when there are discrepancies between existing and potential transportation needs, and the resources available to address those needs. This is particularly true of the section 5310 grant program, where the resources available to the §5310 (a)(2) program are limited, and based solely on state population numbers for seniors and people with disabilities. Federal statute specifies three aspects of need for §5310 (a)(2): i.e. areas where transportation is unavailable, insufficient, or inappropriate. These are more ambiguous than criteria used for other FTA programs (e.g. population density, geographic characteristics such as non-urbanized or suburban reverse commute which are tied to a place).

Distributive equity can be evaluated in many ways. There are fundamental political differences between those who believe that equity of opportunity (i.e. access to the goods, service, or activity) is the correct measure, versus those who believe that equity can only be measured by outcomes (i.e. success in the accomplishing the activity, or utilizing the service or goods).

Transportation affects equity of opportunity. Without transportation it is difficult to access key elements of community life, e.g. employment and education. According to Litmann (2006) it therefore meets the most conservative test of equity (i.e. equity of opportunity). Measures of equity of outcome, while important, are beyond the scope of the current analysis.

To understand distributive equity, one needs to document and understand the actual distribution of resources. Results section 2.5.2 includes data on allocation of funding, and Table 6 shows there is considerable range in State Apportionment/Allocation formulae. In a program like the federal section 5310 program, which is designed to provide a safety net and fill existing gaps, it is essential to understand where the transportation service gaps are for seniors and people with disabilities, so scarce resources can best be applied to existing need.

This analysis included a focus on the equitable distribution of rural-urban transportation resources in the section 5310 program. Each SMP was evaluated to determine if a goal of geographic equity was included, and if mechanisms (e.g. criteria in the selection process) were described which would support rural-urban equity. Probably because it is not a required SMP element, we found little specific data on this issue. Even analyzing the rural-urban distribution of section 5310 dollars would probably not provide an adequate picture of distributive equity. The review probably needs to be placed within the context of how much federal and state transportation money is available to rural areas – some SMPs say that FTA funds are the only funds available to rural areas in the state – as well as within the context of the state’s geographic distribution of existing transportation services.

All SMPs include anti-discrimination sections and assurance about civil rights protections, as required by any program receiving federal assistance. Geographic distribution of transportation services, another important distributive element, is not similarly protected. The challenges of distance and relatively sparse populations outside dense urban centers add challenges to the geographic distribution of transportation resources (see Sidebar 11. Where do public transportation funds go?).

The fact that the §5310 program is administered at the state level adds an ability to distribute funds equitably statewide, based on unmet needs, especially since there are no population or geographic requirements that this FTA grant category must meet. However it does not appear that all states take advantage of this flexibility.

State management plans have statements about equity, but few include operational features, e.g. in the selection criteria. Without operationally defined criteria, while equity may be a stated objective, it would be difficult to measure or achieve. Just because a state’s DOT sends out notices to agencies across the state cannot be considered equitable distribution of program resources. We created a map of the distribution of the 4,835 sub-recipients of §5310 funds (included in appendix F), in order to get a better picture of distribution patterns. However, the map was not placed in the context of the other state and FTA supported transportation programs. For example, Washington state shows interesting differences between our distribution map of §5310 sub-recipients, and the Washington map (retrieved May 29, 2008 at http://www.wsdot.wa.gov/Transit/Grants/07-09_competitive.htm) of the distribution of public transportation grants (§5310, §5311, state rural mobility, state paratransit). The Washington map shows much better distribution, and no county without some form of support. It demonstrates the

Sidebar 11. Where Do Public Transportation Funds Go?

“Eighty-seven percent of transit investment requirements are concentrated in urban areas with populations of over one million.”

"Of the 8.085 billion transit trips made in the United States in 2004, 41.9 percent (3.384 billion) were made in metropolitan New York City. Los Angeles boasted the second highest number of trips for any metropolitan area with 606 million trips, or 7.4 percent of the annual total."

"Fifty-four percent of the transit trips made by Americans in 2004 were work trips; 15% school trips; 9% shopping trips; 5.5% medical trips and 9% social trips." (National Surface Transportation Policy and Revenue Study Commission, 2008)

shortcomings of just looking at the §5310 program outside of context, especially in a state that has a combined application approach designed to efficiently match resources to local needs.

3.1 Better distribution data, geographic descriptions, and maps are needed. A consistent way to look at service areas, and to compare the proposed area to the area served by other agencies and by public transit, would be needed to really get a handle on distributive equity. In order to understand resource distribution patterns, it is important to raise the issue of how the data is collected and reported to the state and to the federal sponsoring agencies. More agencies than just the USDOT provide transportation funding to the states. See Sidebar 7, Top Down: Coordinating Transportation at the Federal Level; and Appendix M for the list of the 62 federal programs.

Many applications require the applicant to identify the proposed service area. If this could be standardized at some basic level, there would be a way to identify (and map) unserved and underserved areas across the state and counties.

It is important to know what is included and what is not. A state could do a great job with the areas it is covering, and it might not be apparent from the SMP that not all areas of the state are covered. In states which use regional entities for distribution (e.g. Connecticut) one might assume that all areas of the state are included. This may not be accurate. A 1998 Connecticut General Assembly report on elderly transportation services says that the regional planning agencies do not cover all the towns in the state. The 2001 compliance follow report seems to indicate the situation had not changed (Connecticut General Assembly, 2001). In Iowa, it seems like the MPOs areas may not be eligible for §5310 funding. In neither the Connecticut nor Iowa SMP is it apparent what the relationship between the regional entity and the MPO/TMA is.

States which appear to be addressing the full intent of §5310 (e.g. Vermont where the overall goal of the Section 5310 program is: "To improve mobility for elderly persons and persons with disabilities in both rural and urbanized areas throughout Vermont by enhancing existing available transportation services") also seem to be the most difficult SMPs to decipher. States like Iowa seem to have evolving programs that build on existing available transportation systems, maximize the use of federal funds, and have a considerable amount of flexibility built in procedurally. However, they do not fit within the structure of existing SMP guidance very well. The SMP may be almost completely opaque below the level of regional entities involved, and provide little understanding of the actual decision-making process at the regional/community level.

3.2 Relationship between local and state transportation decisions. The relationship between local transportation decision-makers and state decision-makers is an important element, and multiple state models are apparent as described in Results section 2.2.3 and the MPO Table in Appendix I. In order to be funded, all approved §5310 projects in areas with over 50,000 people, must appear in a local TIP (transportation improvement plan). In some states the DOT seems to focus primarily on the non-urbanized areas, with few details included on how the process is managed within the areas covered by the MPOs. In other states local level participation is described, ranging from MPOs which actually select

the grantees, to states which have strong local Transportation Advisory Committees. However, in many states it appears that the project is included in the TIP without much local involvement. The interaction appears to take place solely between local applicants and the state transit office. While this can lead to uniformity in decision-making, it can also remove the local community from participating in transportation decision-making.

The scoring process, when used to make award strictly on the numerical score could be problematic for promoting equitable geographic distribution. Specific criteria for identifying and prioritizing what is meant by unavailable, insufficient, or inappropriate are needed which target equitable access statewide to transportation services. Just because an agency believes it really needs a vehicle to provide transportation to its clients, does not allow a judging panel to comparatively evaluate proposals from a range of agencies that will geographically balance the opportunity to access transportation statewide. States generally require a description of need, and some description of the service area. But few specifically require details on why existing services are unavailable, insufficient, or inappropriate. New Hampshire requires applicants to “identify the shortcomings of existing services and how this project will address them” (application, p.4) which is more guidance than most states, except California, provide. Some states handle this by only funding projects in rural areas, but that ignores the issue that there are still unmet transportation needs in metropolitan areas, especially outside the central core city.

3.3 Selection priority. In most states, vehicle replacement usually has priority over expansion of transit.

Of the Sec. 5310 funds used for vehicle purchases, FTA reports that 75 percent of these dollars are used to replace older Sec. 5310 vehicles that must be retired from service. These uses leave only a sixth of the program, or a little over \$15 million, available to capitalize any expansion of transit services for seniors and people with disabilities (Zeilinger, 2002, p.10).

Unlike most states which appear to place high funding priority on replacement vehicles, Utah places the highest priority on new service projects, especially in areas where no existing §5310 services are available (SMP p. 6-4). “Proposed viable new service projects receive preferential scheduling, followed by replacement projects and expanded service funding requests, in that order” (SMP p. 6-5). “UDOT assures that equitable distribution of Section 5310 funds be accomplished by annual review of previous years' awards. New service applicants from areas where no existing Section 5310 services are available are normally given priority in the funding process.” While this approach does distribute the funds more broadly, it is not clear if it is also placed within the larger context of distribution of over transportation resources. There may be areas where other resources are available, and where §5310 support may not be needed to fill gaps.

3.4 Establishing need: Transit needs surveys. Establishing need can be operationalized with a transit needs survey, as several states (e.g. Utah, West Virginia) have already done, or Idaho’s resource inventory by county, which was included in the SMP. Surveys and plans which document the existing

needs for rides as well as the existing stock for providing the rides, provide a consistent basis for identifying efficient ways to fill the identified gaps. Perhaps this is already occurring through the planning process, and not detailed in the SMPs. The West Virginia statewide transit needs study (Weaver & Schauer, 2001) was not a part of its SMP. It poses basic questions: How many people have access to public transportation now? How many estimated trips are not being provided currently? How much would it cost to provide public transit so all residents would have some access to public transportation? It's an extensive document, and includes county profiles. South Dakota specifically includes details in the SMP (p.10-14 X. Program of Projects Development) with a detailed section on the planning process, including a description Service Area Needs Studies using "compiled data on elderly populations, total population and trip rate factors originally developed for the State of Iowa, the transportation needs for the mobility-limited elderly persons and non-elderly handicapped." This was not found in most SMPs; even the Iowa SMP did not refer to the "trip rate factors originally developed for the State of Iowa" (see Appendix J, Noteworthy practices).

3.5 Reducing complexity. States (and the FTA) appear to have found creative approaches to add resources to assist public bodies address system accessibility. While this should be lauded, every attempt to reduce the complexity should also be made. For example, to be eligible for §5310 funds, a public body must certify that no nonprofit corporations or associations are readily available in an area to provide services. This seems a pre-ADA concept. If the public body can offer service, why would the community prefer that a private nonprofit agency offer the service instead? That this provision was retained must say something about providing a mechanism to get additional funds to public bodies for providing services (see sidebar 7), and perhaps to sidestep the public body's ADA responsibility to provide service to the entire public, including the elderly and people with disabilities. Perhaps it is time to re-evaluate these issues, and to reduce the need for a convoluted procedure where a nonprofit agency is the title holder of the vehicle, and leases it to a public body (e.g. Michigan); or a public body has to certify there are no nonprofit agencies which offer, or want to offer, transportation (e.g. Colorado, South Carolina).

3.6 Distribution: Who gets what? Our review may have raised more questions than it answers. *Should the investment be made in developing human service agencies into transportation providers, or in developing the capacity of public bodies to provide/coordinate transportation for the entire community?* How does mobility management and the new section 5317 (New Freedom) fit into this? What is "beyond ADA", especially when it is likely that many small agencies do not have the resources to meet their existing ADA responsibilities?

There is an incredible range of flexibility in the §5310 program. As noted in results section 2.17, some states have developed unique approaches to distributive equity. It would be useful to check with Alabama and West Virginia to learn if their restrictions on the frequency of grant applications have been a successful mechanism for increasing equitable distribution. We are not sure what the consequences in other states might be of implementing Connecticut's unique approach in awarding each successful applicant an identical maximum grant. States interested in this approach to equity are encouraged to

contact the Connecticut DOT for more information about how it influences transportation coordination, system efficiency, and more accessible public transportation for everyone.

Some states appear to take de facto equitable distribution for granted, for example West Virginia will not use §5310 funds for expansion of services in a county that has a public transit provider. They apparently consider expanded services part of the transit system's ADA responsibility. Apparently the "insufficient" argument is not used to reduce the public transit system's responsibility. Apparently funds for expansion of services can be used in counties which do not have any public transit provider. Since counties which do not have any public transit provider are probably primarily the more rural counties, this policy promotes more equitable distribution of funding and responsibility. Do other states operationally interpret this issue the same way, but do not report it as such in the SMP? Or might West Virginia be considered a model?

Does the way the distribution of funds flow, influence acknowledged responsibility and the way agencies look for funding? Does this influence whether or not they perceive themselves to be part of the public transportation system? Since the Texas SMP appears to look at both elements of §5310, and they focus distribution primarily through transit authorities, they (the transit agencies) are able to lease the vehicle to a for profit organization without diverting the funds through a non-profit. While it is not in the California SMP, we were told (personal communication, C. Zeilinger, February 2, 2004) that the state used flex funds through §5310 to add considerable resources to the Los Angeles paratransit system. The FTA 2002 Statistical Summary (p.58) notes that "In FY 2002, \$84.9 million was appropriated for the Section 5310 program, and an additional \$58.2 million in flexible funds was transferred into the program, including a transfer of \$45.8 million for ADA service in Los Angeles." *Is this a way to move resources into an entity which has not had the resources to meet their existing ADA responsibilities? Where is the line drawn for system responsibility and external support?*

What percent of applicants get funded each year? Several states say that all applicants which meet federal and state requirements will be funded, depending on availability of funds. Wyoming says it funds all applicants, while California's SMP (p. 3) states that the "Demand for funding of capital items has consistently been 2-3 times greater than available funds". Some states fund all §5310 requests if there is available funding, others fund the highest scored proposals until the money runs out. In years when a state's federal obligation is listed as zero (see appendix G), it is likely the money has been transferred to the FTA section 5311 (non-urbanized) program. How would a state justify transferring funds to §5311 when it was turning down §5310 applications? Does that mean that there are no areas in the state where transportation for people with disabilities and seniors was unavailable, insufficient, or inappropriate? Or does it mean that the otherwise unmet rural transportation needs of people with disabilities and seniors were being fully incorporated into the supported rural transportation systems? The additional guidance provides under SAFETEA that funds transferred from §5310 must still meet its intent, should clarify any ambiguity about the use of these funds in integrated transportation systems. Or will it also introduce more complexity, with convoluted sign off protocols? This valuable, though

relatively small, program may have reached the limits of bureaucratic tweaking, and may need a thorough review to align it more consistently with national integrated transportation policy goals.

When does overall system distributive equity, quality, coordination come into play in turning down an application? If there is a single human service agency in a public body's service area that could provide separate special transportation – it could make the public body (e.g. a §5311 provider) ineligible for §5310 funds, unless the public body is also the designated coordinator. New York's approach to coordinated rural transportation is interesting – New York DOT can take back the agency's §5310 vehicle (and the §5311 provider will pay the agency for its remaining percentage of the match) and bring it into the coordinated rural transit system, providing rides for all disabled, elderly, and general public.

How many vehicles have ever been transferred to another agency because of low-utilization, or for any other reason (e.g. poor maintenance)? For example West Virginia “reserves the right to remove a vehicle from any agency that puts less than 10,000 miles a year on their vehicle” (SMP p. 17).

4. 0 Management issues

4.1 Learning from each other. The FTA has sponsored biennial meetings for the state section 5310 coordinators. However, from SMP review, it would not appear that there is much discussion among state §5310 coordinators. For example some states (e.g. Mississippi) seem to feel they have to justify parallel management for §5310 and §5311 programs, while others (e.g. Iowa) have integrated the management and funding of all their FTA programs, and present a clear explanation of how the funding works together to support larger transit goals. Georgia has a fleet of more than 3,000 vehicles operated by the state human service agency, which manages the §5310 program, one of the only states to operate the program outside the DOT. Massachusetts apparently has a fleet of vehicles (around 400?), but seems to have been able to focus on broader coordinated systems. Both states have local/regional planning bodies. Are there things they could learn from each other?

Some states do seem to share information, and even to incorporate elements of other state management plans, for example there is similar language in a few SMP elements from Kentucky and Nevada. Oregon and Washington seem to have similarities in the way they manage their programs. It's even apparent at the grassroots level. Driving through rural areas of both states, one is constantly impressed with the availability of public transportation (or at least by bus stop signs, and buses on the roads) in both Oregon and Washington. The ubiquitous presence of grassroots transportation resources made me a believer in the consolidated approach to program management that both states use. Whatever it is they are doing is actually getting services to people in the community.

Considerable effort has gone into many of these plans. Online access to electronic versions of state management plans with all appendices, as well as to application packages would facilitate sharing among states. To provide examples, some sample language was identified that might be worth “borrowing” when writing a plan (See Appendix K).

4.2 Operating costs. The §5310 program allows the cost of contracted transportation services to be considered as a capital expense. Statutory language “for the specific purpose of assisting them in providing transportation services meeting the special needs of elderly persons and persons with disabilities” allows the flexibility of purchased transportation services, not just vehicle related procurements. About a third of section 5310 funds are used in this way:

While the Sec. 5310 program continues to be regarded as a transit capital assistance program, FTA data show that a third of its dollars - \$37 million in FY 2002 - are used for purchase-of-service agreements across the country. Of the Sec. 5310 funds used for vehicle purchases, FTA reports that 75 percent of these dollars are used to replace older Sec. 5310 vehicles that must be retired from service. These uses leave only a sixth of the program, or a little over \$15 million, available to capitalize any expansion of transit services for seniors and people with disabilities (Zeilinger, 2002, p.10).

The Iowa SMP (2002, p.9) is very clear about its strategy for Use of 5310/5311 Funds for State-wide Capital Needs:

Several years ago a decision was made, in conjunction with the Iowa Public Transit Association, to maximize the availability of those 5311 funds not used for planning for operations support and 5310 funds for support of the cost of contracted services, which, through defined by Congress to be capital, is effectively the same as operating support. This was to be accomplished by relying entirely on Congressional earmarks of discretionary bus capital funding out of the 5309 program for all capital needs. This was a major change in philosophy for Iowa's state administered programs, which had previously involved reserving approximately half of the 5311 funds and all of the 5310 funds to support purchase of vehicles and equipment. It was pointed out, however, that **voluntarily reserving formula funding that could be used for support of operations to fund capital purchases which could just as well be funded out of discretionary funds was needlessly denying transit services to lowans needing transportation** (emphasis added). As a result, the state and the transit association agreed to support the maximization of operating support so long as sufficient capital funding could be obtained through the earmarking process to meet on-going capital needs.

Capital improvements such as buses, facilities, and equipment appear to be very dependent upon federal funding (see sidebar 3). Operating funds can be more difficult to secure. A few other states' SMPs also spell out the options available for operating funds. For example, South Dakota (SMP p. 7 V):

Operating Assistance. Apportioned 5310 funds are not currently available for operating expenses. In urbanized areas, however, operating assistance can be made available to organizations following the existing procedures for administration of Section 5307 formula grants. To determine the availability of these resources, private nonprofit organizations in urbanized areas should contact their Metropolitan Planning Organizations. Rural areas (under 50,000) are eligible for administrative and operating grants under the Section 5311 program. Requests for assistance should be addressed to the Office of Air, Rail and Transit, South Dakota Department of Transportation.

The SMP make this sound more simple than it probably is – but it would be good advice for transit systems who are already eligible. The agency would have to be a §5311 operator, to get §5311 funds, and would be looking for §5310 funds to supplement their operations, as is suggested in point 4 of the coordination initiative (SMP p 4) which:

4. Demonstrates that existing equipment operated by public or private providers are being fully utilized, with adequate attention being paid to the needs of elderly persons and persons with disabilities, and the §5310 vehicles are required to provide special services beyond those already accommodated.

The South Dakota SMP (p.10) also notes:

The private nonprofit organizations are requested to coordinate with local governments during the development of their proposals for transportation services. Many of the local units of government commit funds for capital costs, operating costs or for both. Also, other public or private operators may be willing to contract to provide the necessary services. This documentation is included in the grant proposals.

4.3 Fiscal management capacity. The applicant's financial management capacity is often a key criterion in selection criteria. It would be useful to know how many of the people on the review boards have the business, management, or economic analysis backgrounds to make those decisions. Many states appear to include at least basic fiscal capacity questions as part of their application selection criteria (e.g. does the organization have the funds available for the match, and to be able to operate the service and maintain the vehicle?). It appears that an applicant's provision of detailed cost considerations and

guidelines, as New York state (SMP Appendix A, p 18-19) does in its rationale for the summary of project costs, would be very helpful for an agency considering adding transportation services (especially for a start up or expansion), in preparing the application, and for the reviewers' objective consideration. New York goes beyond the typical total estimated annual costs-- salary, overhead (garage, office, heat, electric, licensing registration costs, etc), insurance, maintenance and repairs; administration and reporting costs; cost for leasing vehicles and/or contract carrier service – and also adds a requirement to include per passenger trip cost, and the lowest cost of service obtained from private for-profit operators.

West Virginia includes *The Competitive Services Board's Principles on Cost Comparisons in Competitive Bidding* (pp O-16, 17, 18) in the application appendix *How to Resolve Objections Manual*.

Note: Easter Seals Project Action has a free resource manual: *Transportation by the Numbers: Getting the Most out of Human Service Transportation*. Designed to assist human service transportation providers and potential providers to better understand costs, benefits and opportunities, determine transportation program expenses and revenues; use knowledge of the transportation program bottom line; conduct further analysis of a transportation program; analyze costs of contracting for transportation services. It includes Excel files to develop and data on annual and quarterly expenses, revenues and program performance.

4.4 Insurance liability and responsibility. The purpose of the insurance requirement for §5310 sub-recipients seems to be to protect the 80% federal interest in the vehicle. The Louisiana SMP language (application guidelines, p.16) is fairly typical, though somewhat more concise and broad in scope. It describes the concept:

When vehicles or other equipment are operated by any agent other than the applicant organization in the grant application, control and responsibility for the operation of the vehicles or other equipment must remain with the original recipient unless transfer of the control and responsibility is to another eligible organization that has been authorized by DOTD (LA SMP p.31).

Insurance coverage for liability is far broader than just vehicle replacement cost, and includes passenger and driver liability issues. We did not find any SMP which addressed the broader issue of generic liability responsibility. Nor did we find any guidance on the issue of how responsibility is shared in the lead agency models or any other arrangement where sharing and other agency use is allowed. Apparently Oregon and Washington both have developed a shared insurance pool for transportation providers (personal communication, P. Reinhart, November 9, 2008) but there was no mention of it in either state's management plan.

Liability and broader insurance coverage issues are included in public transit agencies operations – but may or may not be routinely included in transportation services operated outside transit systems. Respondents to our grassroots survey (Seekins, et.al, 2007) identified insurance as a major barrier to coordination. *How are agencies handling insurance, especially liability insurance, when other agencies, and individuals not their employees are operating the vehicles in a shared “collaborative” arrangement?* This is broader than just vehicle costs. Suppose the vehicle is in a liability accident, and the title holder is sued, even if they were not operating the vehicle at the time of the accident, and there is a state lien on the vehicle. Who is liable: the operator, the operator’s agency, the title holding agency, and the state lien holder agency? Are there protocols written in the coordination toolkits on how vehicle insurance, particularly liability insurance can best be addressed? Allocation of operating costs seems a much easier issue to address. With good trip data, costs can be apportioned among agency clients. *However, when seniors and people with disabilities, are riding in their role as part of the general public (i.e. they are not a part of an agency’s eligible clientele) and the coordinating partners are all non-profit agencies (i.e. they are not public bodies acting in their role as designated transportation coordinator) – who is responsible for the costs of transporting the general public, including people with disabilities and elderly in the general public?* Surely it is reasonable to expect discussion of these issues in a state management plan.

4.5 Outcome measures: quantity, quality, distribution. State management plans may need to be built on a vehicle fleet management structure for fiscal accountability. A vehicle management approach appears to be universally used for transportation reporting. It uses process measures, related to efficiency and utilization, e.g. the number of rides; the number of riders; number of miles; number of hours in service; number of vehicles on the road, in what condition, where and when they are supposed to be; and, is the paperwork current. There is little mention, and certainly less emphasis, on outcome measured by effectiveness and impact – service availability, quality, and outcomes. While this may work in some large metropolitan transit systems which have additional oversight and public accountability, but in most areas it does not really get at rider performance outcomes, i.e. were people transported to where they wanted to go, when they needed to be there.

4.6 Outcome measures: an evolving role for human service agencies. Advocating and advancing performance based outcomes could be a powerful role for more human service agencies involved in transportation. As they work toward developing flexible, coordinated, integrated public transportation systems, they could collaboratively assist in developing and using outcome measures that more closely match the agencies values, and the full range of their clients’ transportation needs in the community. Appropriate outcome measures would provide data about whether or not seniors and people with disabilities were actually getting where they wanted to go, when they needed to be there. Consumer coalitions and human services agencies (e.g. Centers for Independent Living) currently have to rely on the DOT’s existing process measures, which are usually inadequate for supporting the story when told from the consumer’s perspective. This results in not being able to provide data which adequately describes the existing gaps in transportation, an important missing element when describing transportation that is unavailable, insufficient, or inappropriate. Probably the only place the process measures work is where there is no public transportation system and it is unlikely there will ever be any.

4.7 Outcome measures tied to selection priority. Vehicle replacement usually has priority over expansion of transit.

Of the Sec. 5310 funds used for vehicle purchases, FTA reports that 75 percent of these dollars are used to replace older Sec. 5310 vehicles that must be retired from service. These uses leave only a sixth of the program, or a little over \$15 million, available to capitalize any expansion of transit services for seniors and people with disabilities (Zeilinger, 2002, p.10).

Perhaps vehicle replacement should be tied to performance, as it appears to be in some states. States have the policy opportunity to go beyond the typical measures of numbers of rides, numbers of miles, number of hours in service – basing vehicle replacement on outcome oriented performance based criteria: e.g. efficiency, effectiveness, coordination, ADA conformance.

It would seem apparent that performance measures for the §5310 program should be tied to the key terms of §5310: public transit which is unavailable, insufficient, or inappropriate. Without consistent measures for what constitutes transportation availability, adequacy, and appropriateness, on a comparable basis to the general population, it would seem that §5310 program performance would be immeasurable.

A set of agreed upon performance based criteria is needed to move beyond vehicle/ride oriented measures, to more outcome measurement which identifies both how section 5310 support is filling existing gaps, and also ties together both elements of the section 5310 program (a)(1) and (a)(2). Federal guidance may be required to provide a common framework for states. It could be based on criteria with operationally defined terms, so as not to reduce state flexibility; as well as being consistent with other state management FTA grant programs so as not to increase state administrative burden. At the very least, criteria should not undermine federal goals, and should not contradict or conflict with other programmatic guidance.

4.8 Comparing distribution patterns. Although we used a similar timeframe for SMP comparison, we learned from our grassroots study, *Allocation and Use of Section 5310 Funds in Urban and Rural America*, (Seekins, et. al., 2007) that analysis, even for a specifically identified fiscal year, may not be related to the same sets of vehicles. It is difficult to compare the distribution of resources for any given fiscal year, since the sub-recipient award may be made in one year, but the vehicle not delivered and actually available for transportation until 2 years later. Note that under TEA-21, grants not fully implemented within 2 years are subject to being terminated and funds *de-obligated*. In addition:

...in keeping with the intent of the common rule that states be given greater flexibility in managing and disposing of equipment, FTA elects not to apply to Section 5310 and 5311 its policies regarding useful life standards for vehicles, vehicle replacement, or the requirement to use the straight line depreciation method for determining fair market value and FTA

reimbursement. Instead, FTA holds states responsible for establishing and implementing their own rolling stock requirement for all categories of vehicles acquired under the Section 5310 and Section 5311 programs (FTA circular 9070.1E, Chapter 5, Program Management).

SAFETEA-LU will probably make comparison even more difficult, since the law expanded to three years the period of availability for Section 5310 funds. It may not be possible to tie the annual appropriation for the section 5310 program to a “quantity” of vehicles, and the benefits (outcomes) achieved in their use. This makes it difficult to say how much it would cost to produce a specific “quantity” of public benefit in any given annual appropriation.

4.9 Issues in programmatic transition. When changing pathways, or even when realigning resources within an established pathway, preparation which reflects shared values is needed. It is important that transportation decision-making involve all stakeholders – not just administrators and operators, but also riders and the general public.

Why? When a state or community moves in the direction of more efficient integrated transportation systems, it may initially meet with resistance from local riders if they are not actively included in the transition process. For example, a community van service operated with federal funds by a non-profit agency in Missoula, Montana provided “ 900 low cost rides each month to elderly and disabled people” (*Missoulian*, May 30, 2008, pp B1-2) was phased out in 2008, and a comparable new service integrated into the operations of the local public transit agency, Mountain Line. Missoula’s local Specialized Transportation Advisory Committee had made the recommendation to phase out the Community Needs Van Services and phase in the Senior Van Service with Mountain Line. The lead transportation agency had done extensive staff training, and was prepared to address local needs. But the riders were apparently not included in the process and were very upset because they believed they were losing transportation they relied on. The local newspaper article told the story of the riders who felt their needed ride service would be taken away. As a reason for the change, the front page story cited state department of transportation officials saying that “Federal money wasn’t flowing to the right places”. A later article (July 31, 2008) clarified that rural (probably §5311) money had been used to support this program – a legacy to a time more than 10 years earlier when Missoula was still a non-urbanized area.

Shared values are important for conveying the reasons changes are being made. If everyone involved, from administrators to riders, understands the pathway the state and community are on, it will be easier to convey that message to the media and the general public. The reason to make these transportation system changes is not because it corrects the administrative flow of federal grant funds. The reason to make the changes is to provide accessible transportation services which can reach more riders. In this case, it meant that transportation services for elderly individuals and people with disabilities within the city of Missoula will be more efficient and better integrated; and the agency that had been operating the community van service can expand its vanpool and carpool operations into the more rural areas of the region. This is not a strategy for “spinning” a story to the press. It’s a strategy for developing shared

values and direction. If all the stakeholders have a common goal, the story will be different. It would not focus on “old people losing their rides” – it would focus on how community transportation systems were being improved as a win-win situation.

How does one evaluate whether unmet transportation needs could be better addressed within a more integrated, coordinated transportation system? Michigan provides an opportunity to try out a Regional Transportation Program in counties that only have specialized services. Funding for coordination studies are available, and support mechanisms exist for developing specialized services into countywide transportation services for everyone (see Noteworthy Practices, Appendix J). It would be useful to know more about how this program is evaluated for ongoing successful implementation.

4.10 Resource management issues. *Are vehicles purchased with §5310 funds routinely and consistently considered part of the state transportation vehicle inventory?* States maintain current inventories of public transportation vehicles and other resources. Results section 2.12.6 suggests that vehicles and services funded by section 5310 grants are not uniformly included in these inventories, and that this may be related to whether or not the state views the section 5310 program vehicles as part of the public transportation system, or if they are accounted for as part of a separate inventory.

Some states do include section 5310 supported vehicles. For example, the Iowa SMP (p. 23) states that:

5310/5311 sub-recipients must prepare a Property Inventory Form for all vehicles and equipment with an initial value over \$5,000.00. This inventory must be updated each year as of July 1. Inventory information for each system will be maintained by the Office of Public Transit. When equipment is disposed of, the disposition information is added to the inventory.

It goes on to say that “The inventory information on revenue vehicles is of critical importance, as it provides the basis of the prioritization of rolling stock needs through the Public Transit Management System (PTMS).

This approach may be easier in a state like Iowa, where the §5310 funds are distributed through transit or transit-like entities, which have already have routine reporting requirements. It is not clear how well it works for states where most of the sub-recipients are human service agencies and not viewed as part of the public transportation system. It would be interesting to understand how the Georgia human services agency manages its large fleet of vehicles and transportation services.

It is unclear whether the FTA requires each state to maintain a current inventory of Section 5310 transportation resources. The source of the aggregated vehicle data (including data on accessibility features) which are in the annual FTA statistical summaries is also unclear. It may just be produced from the annual program of projects which states submit for approval to the regional FTA offices.

It is difficult to imagine that state DOTs, with their considerable vehicle fleet management experience, are not including the basics in an inventory system. Some SMPs provide lists of data to be reported, including items like: sub-recipient name, address, phone number, and contact name; vehicle make, year, vehicle identification number, and model; federal grant number and state agreement number; date of last vehicle inspection; certificate of insurance, a copy of the title, and other documents related to the vehicle, as well as descriptors like *revenue vehicle*.

How are transportation service providers identified? Maine's Policy on Privatization (SMP p.11) instructs all agencies responsible for transportation planning (4 MPOS and 10 designated regional planning agencies) in the eight regions to "Develop an inventory of all private operations and their capabilities in their area of operations and invite their participation in the planning process".

Some states provide transit providers' contact information. Others expect applicants to independently identify them (e.g. West Virginia SMP, p.11: "To assist agencies in locating transportation providers, the Division publishes a biennial listing of the states known transit providers. The listing, however, does not relieve the applying agencies from locating other providers on their own"). Idaho did a county inventory available to applicants. The 2005 West Virginia Coordination Study notes that the state has a Transportation Service Provider directory. Other states (e.g. Massachusetts, SMP p.8) require an applicant to "provide a list of all other public and private transit providers in their area and a description of the efforts to coordinate with those providers." A statewide inventory of private and public transportation resources could include or be based on these lists.

States may use this data for other purposes. For example, Massachusetts apparently also uses its lists to allow the state to use the application process as a form of technical assistance. "Agencies which are not selected are notified in writing and given recommendations to improve their grant applications for future rounds as well as to obtain service from existing providers" (SMP p.7).

"Who are the transportation service providers?", and *"Where are the physical resources?"* are different questions. Physical location affects both distributive equity and efficiency. The location of provider agencies can be quite different from the locations of their vehicles and their route footprints. Unlike buildings, vehicle resources can be arranged to improve efficiency and effective distribution. From a resource management perspective, even if vehicles are not listed in a state's transportation inventory database, it would be useful to have consistent, current data on each vehicle's physical location, passenger capacity, and accessibility features (e.g. lifts, tie-downs). The ability to analyze monthly/quarterly/annual reports on ridership, boardings, miles driven, days of service, etc., would help us understand broader utilization patterns. ITS/GIS software used for route planning and efficiency, could help operationalize criteria such as "unavailable" and "insufficient" by analyzing location of vehicles and drivers, and identifying geographic and temporal service area gaps.

However, vehicle accessibility is a more basic issue. A 2004 survey (Seekins et al., 2007) found that 75% of Section 5310 vehicles were lift-equipped. The 2002 Statistical Summaries, FTA Grant Assistance Programs (DOT, 2003, p.59) adds a note to Table 34, FY 2002 Obligations for Elderly and Persons with

Disabilities Program, stating that approximately 76% of purchased vehicles have lifts. Both the FY 2003 and FY 2004 on-line Statistical Summaries use a figure of 76% in a similar note with Table 33. FY 2005 and FY 2006 summary files did not include accessibility notes and percentages.

FTA statistical summaries only provide vehicle numbers in these categories: 30-40 foot buses, less than 30-foot buses, school buses, vans, station wagons. Accessibility data are not provided by vehicle type, but it is likely that all larger buses are accessible and no station wagons are. It is unclear how many vans are lift-equipped, or if FTA has this data. According to a GAO report (9/2007), *Transportation Accessibility: Lack of Data and Limited Enforcement Options Limit Federal Oversight*:

Also, while limited, some dated estimates of accessibility in rural areas and for special service transportation exist. In a survey conducted by the Community Transportation Association of America in 2000, an estimated 60 percent of the transit fleet in rural areas was lift- or ramp-equipped, as compared with 40 percent in 1994. Also, in 2002, approximately 37,700 special service vehicles were used by approximately 4,800 special service providers including religious organizations, senior centers, rehabilitation centers, and other private and nonprofit organizations to transport seniors and persons with disabilities. The majority of the special service providers were located in rural areas. Of the special service vehicles purchased in 2002, about 76 percent were accessible (approximately 28,700 vehicles).

This may indicate that the 76% figure came from a CTAA survey, not from data submitted by states to the FTA. It is unclear whether the FTA has been systematically analyzing vehicle accessibility data within each of the reported vehicle categories. In addition, the number “28,700 vehicles” appears inflated. FTA’s Table H-44 Elderly/Persons with Disabilities Program Obligations for Vehicles, Fiscal Years 1998-2007 (see appendix L) from FTA’s historical data web site provides the number of vehicles, by year, that were purchased with each state’s Section 5310 grant funds. Table H-44 shows that funding for 2,212 vehicles was obligated in FY 2002.

Understanding the distribution patterns of accessible vehicles, including vans, would be useful in determining both [1] the geographic availability of accessible transportation resources (i.e., lift- or ramp-equipped), and [2] gaps created when inaccessible vehicles are purchased with federal funds. Knowing both would help in planning for more fully accessible, integrated transportation systems.

SAFETEA-LU adds a rural transit reporting requirement in the National Transit Database for “recipients and beneficiaries for §5311 Other Than Urbanized Area formula grants while maintaining existing NTD annual reporting requirements for recipients and beneficiaries of Urbanized Area Formula funds”. Asset/infrastructure reporting includes data on transit service vehicles, such as vehicles’ year of manufacture, accessibility, and source of purchase funding. This new uniform data collection helps us understand vehicle fleet accessibility; vehicle size, type, seating capacity; counties served; and source of

purchase funding. It will also provide data on §5310 investments in the rural transit system. However, GAO reports “FTA officials noted that data in the National Transit Database are self reported and FTA officials do not verify the data. Also, the database does not capture whether the lifts are operational” (2007(b), p. 15, footnote 26). States have no similar requirement to report Section 5310, 5316, and 5317 program data to the National Transit Database. This leaves a gap in understanding resource availability, service area gaps, and whether federal funding is distributed in ways which address the criteria of unavailable, insufficient, or inappropriate”.

4.11 Accessible emergency transportation resources: an example of resource management as community capacity building. *Can a state use Section 5310 resources in extraordinary situations (e.g. emergency evacuations)?* Section 5310 vehicles, especially those operated by human service providers, are not routinely included in a state’s public transit vehicle inventory. One consequence is that these publically-funded vehicles, especially lift-equipped vehicles, may be overlooked as emergency resources. This is an incentive to consider using a resource management approach to integrate Section 5310 vehicles (see sidebar 12, Emergency Response).

Major disasters or acts of terrorism can disrupt transit operations and destroy transit agencies’ vehicles and facilities. The loss of transit can worsen the impact of a disaster by impeding a community’s access to relief services, medical care, and jobs (GAO-08-243, February 15, 2008, p.1).

GAO’s 2008 report: *Emergency Transit Assistance: Federal Funding for Recent Disasters and Options for the Future* recommends additional options for providing assistance to transit after a major disaster. Many of them

Sidebar 12. Emergency Response

Three weeks after Hurricane Katrina, the Research and Training Center on Disability in Rural Communities (RTC: Rural) received a request from the Federal Transit Administration (FTA) for data on Section 5310 providers within a 350- to 400- mile radius of New Orleans, approximately a 7- to 8-hour drive time. Using GIS, we found 326 Section 5310 providers in 248 ZIP codes within a 350-mile buffer zone of New Orleans. The 350-mile buffer did not include Houston (it’s important to look at “on the ground” reality, not just hypothetical lines) so we expanded the buffer to 400 miles around New Orleans and found 491 Section 5310 providers in 365 ZIP codes. This is about 10% of the number of Section 5310 subrecipients in the United States. We were able to provide the data within hours of request because we had the ZIP codes of all the Section 5310 providers already entered into a database and checked for accuracy. If we had not had them entered, it would have taken several days to input the data and check for errors.

We mapped the locations within the buffer zone and prepared a map that included a highway data layer to indicate where the resources were in relationship to major highways. We could also have created an actual 8-hour drive-time map, not just a 400-mile “as the crow flies” buffer.

The FTA request appeared to be a retrospective assessment of transportation capacity. However, if the locations of these lift-equipped transportation resources (which are not generally included in public transportation inventory data) had already been included in the emergency management systems databases, the vehicles could have been called upon to assist in the evacuation of New Orleans. Given that school buses sat in flooded New Orleans parking lots, perhaps these accessible resources would also have been underutilized if the vehicles had been included in response efforts. Since the Section 5310 vehicles probably were never included, these transportation resources could not even claim to be underutilized. People who needed lift-equipped vehicles for transportation to, from, or between emergency shelters did not get the rides they needed (Enders & Brandt, 2007, p.225).

involve changes in laws, regulations, and guidance.

States already appear to have the option to include §5310 supported vehicles during emergency response and recovery phases. Two states, Kentucky and Nevada, include it in their SMP and operations, using nearly identical language. See results section 2.15, and Appendix J, Noteworthy Practices.

The resources and capacities needed during an emergency response, with few exceptions, are not special purpose, stockpiled resources used only in emergency situations. They are part of the general fabric of community capacity, resources, and skills – critical assets that can be called upon, transferred and/or repurposed during an emergency. Communities do not maintain fire and police services only for use in a widespread emergency. Hospitals do not exist only for use in an emergency. Vehicles are not reserved solely for use in an evacuation. Currently since §5310 supported vehicles are not typically included in the transit asset databases, it would be difficult to identify and locate these overlooked resources should they be needed for emergency response.

If §5310 supported vehicles, particularly the lift equipped vehicles, are to be effectively used in a managing disaster/emergency situations – for example for evacuation from a hurricane, flood, or fire area, there are important issues to consider in emergency preparedness planning:

- Can the physical location of the vehicle be identified?
- Can the person responsible for releasing the vehicle be identified?
- Can a driver of the vehicle be identified?
- Is there a mechanism for developing a MOU prior to the emergency?

Currently, the state keeps the list of addresses of grantees. In Florida and Texas, the state does not have addresses and the lists are kept at the district level – 7 districts in Florida, 25 in Texas. This information is not available at the federal level, because it is not transmitted to the federal regional FTA offices. The state or district office reports the name of the sub-recipient organization to the regional FTA office, as part of the annual Program of Projects (POP) but does not include location of the vehicle(s) or contact information.

Implementation models would include developing state and local memoranda of understanding (MOU) mutual aid agreements, and where possible, inclusion in the APTA (American Public Transit Association) voluntary Emergency Response and Preparedness Program. Typically a MOU would involve a public transit agency, but that will not work in rural areas where there is no public transit agency. These details could be worked through in discussion among the transportation and emergency management personnel, including public health emergency management officials.

4.12 Lack of useful enforcement options The question lurked throughout our SMP review, of how the FTA and the states monitor and enforce compliance with statutory requirements. The answer appears to be: with some difficulty. A 2007 GAO report (GAO-07-1126, p.7) discusses:

Lack of useful enforcement options. Officials of DOT modal administrations said they rarely use available enforcement options because the options are too drastic or lengthy to bring about compliance. For example, Federal Transit Administration officials said while they have the authority to withhold grant funds from a public transit system for ADA violations, doing so is a lengthy and complex process that would not be undertaken lightly because it could affect the entire transit system and the mobility of all riders, including those with disabilities. DOT also has the option to refer cases to DOJ for investigation, but has used this option twice to date. There are many steps that DOT must undertake before it can refer a case to DOJ and many conflicts are resolved informally before they are referred. DOT officials told us that other options, such as the authority to levy civil penalties similar to the authority DOT has under the Air Carrier Access Act, would be useful. They said such authority would provide a more focused tool for enforcing ADA compliance than withholding program funds, and the resulting penalties could be used to improve accessibility. DOT already has this ability with regard to air carriers and, between 2000 and 2006, DOT assessed approximately \$8.4 million in penalties. DOT provided incentives for airlines to offset the majority of the penalties by improving accessibility, such as increasing the number of wheelchair-assistance personnel at airports.

5.0 Demographics: What counts? – Data collection & reporting

While demographic categorization may seem like a minor technical issue, the important point about the discrepancies described below is that the variance makes it difficult to understand who is being not being included – and where the unmet or underserved needs are. It again brings us back to the central question of unavailable, insufficient, or inappropriate, this time adding the issue of unavailable, insufficient, or inappropriate to whom?

5.1 Basis for apportionment. Federal FTA appropriations for both §5310 and §5311 are available on a population based allocation formula to each state, based on census demographics. The FTA apportionment, applied consistently across all states for the §5310 program is based on the number of people age 65 and over, plus the number of people with disabilities. According to the FTA program guidance, these numbers are taken from the “latest available U.S. Census Data” (USDOT, FTA, C9070.1E, chapter 2.2). However, the Basis for Apportionment in the notice which the FTA publishes in the federal register is slightly different. The identical paragraph is used in the apportionment notice for both FY 2005 (Federal Register, December 29, 2004; page 78212), and (Federal Register, FY 2007 March 23, 2007, page13881):

FTA allocates funds to the States by an administrative formula consisting of a \$125,000 floor for each State (\$50,000 for smaller territories) with the balance allocated based on 2000 Census population data for persons aged 65 and over and for persons with disabilities.

Beginning in 2006 there have been more current state data available from the US Census' American Community Survey (ACS). It will be important to note whether the decennial census or the annual ACS data will be used as the basis of apportionment. While the decennial census data maintains a constant number for a decade, the annual ACS is more current, and could cause annual fluctuations if there are significant population shifts. It should also be noted that there were changes made to the ACS disability questions in 2008, which could also influence the numbers of people with disability reported in each state.

SAFETEA-LU does not state which data to use for apportionment, simply directing that "The Secretary shall apportion amounts made available to carry out this section under a formula the Secretary administers that considers the number of elderly individuals and individuals with disabilities in each State."

The Census uses a particular definition of disability for statistical purposes. (see Disability Definitions in Appendix A) Because the FTA uses the decennial census numbers, and hence the census definitions of disability for apportionment, it is necessarily using one set of numbers for apportionment, while multiple other definitions may be used for programmatic purposes. As results section 2.13 shows, States use a variety of definitions to determine eligibility; however none use the definition in the decennial census which determines apportionment.

The FTA does have a definition for disability:

Individual With a Disability means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use effectively, without special facilities, planning, or design, public transportation service or a public transportation facility (49 U.S.C. 5302(a)(5)).

However, it appears to allow states to determine their own definition, and a state like Iowa allows the 16 transit regions to develop their own definitions. Thirteen SMPs include definitions similar to the FTA definition, although Colorado and Washington include additional factors. Further, the federal FTA definition of people with disabilities includes "temporary", but at least one state specifically excludes people with a temporary disability. Ten states use the ADA or an ADA-like definition (see Appendix A). 3 states use their own definition, and one, Nevada includes multiple definitions (FTA-like, ADA-like, and its own).

SMP review showed that the age criteria for service eligibility ranges among the states, from 55 to 65, with age 60 being by far the most common (22 states), probably since that is an age criteria for Older Americans Act transportation funding. There was apparently no age criteria guidance in FTA circular 9070.1E, but the new SAFETEA-LU guidance 9070.1F includes a definition of Elderly Individual “includes, at a minimum, all persons 65 years of age or older. Grantees may use a definition that extends eligibility for service to younger (e.g., 62 and older, 60 and over) persons. FTA requires it be set no higher than 65.”

Some states, like Missouri, have internal apportionment formulas to allocate the funds to sub-state geographic units (MPOs, regions). Idaho sub-allocate among 6 transportation regions using the census data. Florida apportions among 7 transportation districts, using the “most recent” data. If they are actually using census data from more recent years, their numbers might be emphasizing aging – since the SMP includes language about the numbers of people with disabilities “if available”.

Since FTA uses decennial census data, when states are apportioning by formula, they are probably using the same decennial Census numbers used by FTA (and census definitions of disability) -- no matter how the state defines disability for programmatic eligibility. However, if the definitions do not match, then they are apportioning based on numbers different than the way they count ridership eligibility, both in needs identification and in ridership counting schemes. For states which consider rural-urban issues, this may also be made more complex, based on which version of rural is being used (rural, non-metro, non-urbanized; see fact sheet at <http://rtc.ruralinstitute.umt.edu/RuDis/Comparison.htm>).

NOTE: OMB distinguishes between statistical and non-statistical (i.e. programmatic, apportionment, etc.) uses of the definitions/classification schemes (see: OMB BULLETIN NO. 03-04, *Revised Definitions of Metropolitan Statistical Areas, New Definitions of Micropolitan Statistical Areas and Combined Statistical Areas, and Guidance on Uses of the Statistical Definitions of These Areas* <http://www.whitehouse.gov/omb/bulletins/b03-04.html>). This is an important differentiation and can influence program eligibility and apportionment of funds below the state level. There are a broad range of programmatic definitions for rural (see RTC fact sheets). They make a considerable difference in what funds a locale is eligible for, and how money is apportioned, etc. It also makes a difference in how one assesses the rural-urban distribution of programmatic resources.

The numbers of people who are elderly and/or have a disability are important for establishing need, measuring distribution, and evaluating programmatic outcome. This discrepancy may matter because programmatic intent (and apportionment) may or may not match what is being targeted and/or supported programmatically. There is a clear difference between statistical and programmatic definitions for disability in the §5310 program. There appears to be no way to obtain accurate numbers for the people programmatically targeted, i.e. using the FTA §5310 definition, since no federal survey uses the FTA definition of disability in their data collection criteria. Therefore ridership criteria, if using either FTA or ADA definitions, are based on different numbers than funding distribution (apportionment to states, and in some cases, sub-apportionment within the state). This also makes overall program

outcome measurement difficult, since there is little interstate consistency in just who is included in which categorical ridership numbers. While this might seem like a minor issue, the important point is that these discrepancies make it difficult to understand who is being not being included – and where the unmet or underserved needs are. And again brings us back to the central question of unavailable, insufficient, or inappropriate, this time adding the issue of unavailable, insufficient, or inappropriate to whom?

5.2 What do the reporting numbers actually mean? The issues raised in the above discussion on apportionment have an impact on how sub-recipients are asked to identify the population which their service will address; how ridership data is categorized and collected; programmatic realignment to address areas where transportation services are unavailable, insufficient, or inappropriate; and outcome measurement as a whole.

5.3 Needs identification. As noted in the previous section, the FTA has a disability definition for §5310, but allows states, and even regions within states, to develop their own definitions. These definitions will have a direct impact on rider eligibility. Several state’s SMP and application packages try to make it clear to applicants that the estimated number of people with disabilities is more than just the number of people who need lift & restraint equipped vehicles. Even in states which provide a definition, it is unclear if the sub-recipients are using it consistently. For example, Colorado uses both an ADA definition, and its own transportation definition: “For transportation purposes, a disabled individual is one who is unable to board, disembark or navigate the transportation system without assistance.” Neither of these are the FTA definition for section 5310, and all of the definitions are open to interpretation. For example, is someone who uses crutches, but who boards the vehicle without assistance, though they may take a bit more time to do so, eligible? Is a mom using a baby stroller, who needs the bus to kneel, or someone to assist in lifting the stroller onto the vehicle, eligible?)

While the state agencies are probably using the decennial census data in a way similar to the FTA, or if using data from another source, are using it consistently, the same may not be true of sub-recipients in their applications proposals. A few states, e.g. West Virginia, specifically request applicants to use 2000 Census numbers to answer questions. On many application forms, it is unclear what geographic area the numbers are referring to. West Virginia again provides clarity, by requesting data “for each county in your service area”.

Clearly, some numbers about individuals who need and would be eligible for transportation services are at best, estimates. While it was not included in any of the forms reviewed, the number of people with temporary disabilities would necessarily be an estimate. And people with functional limitations which are influenced by variables such as cold weather, icy sidewalks, cyclical nature of disability and disease recurrence, availability of assistive technology (a wheelchair or personal van may be in the repair shop), may need transportation service only intermittently.

5.4 Including section 5310 data in the National Transit Database: Can state numbers be aggregated nationally? For reasons ranging from resource management, to performance measurement, it would be

desirable to include all the FTA grant programs in the National Transit Database (NTD). One of the issues in any attempt to include section 5310 data in the National Transit Database, is that states do not all count or categorize ridership numbers in the same way. There appears to be a lack of interstate and even intra-state uniformity. What has been measured may or may not match what is being targeted programmatically, at the federal or state level. This may or may not be equally true in the section 5316 (Job Access Reverse Commute) and section 5317 (New Freedom) programs, which should also be considered.

Reporting requirements for sub-recipients can be complex. When it is too complex, one could question whether the state's data is internally consistent. Are all the sub-recipients reporting about the same people in the same way? People with disabilities may be undercounted. When a person meets the criteria for elderly (usually age 60, but could be 55 or 65), and also meets the criteria for disability – how are they counted in the ridership trip records? Louisiana says to count them as elderly (application guidelines, p 3); Arkansas (daily trip use report) has 4 categories: elderly ambulatory, elderly non-ambulatory, disabled ambulatory, disabled non-ambulatory. This was not reviewed routinely, because the reporting forms were not included in all of the application packages. However there was little consistency in the forms we did review. The use of different classifications and categories (age, definition of disability, if elderly people with disabilities are categorized as disabled or elderly) would make a difference in how numbers are aggregated across the states. Since it's probably easier and clearer to count by age, there are questions about how many older people with disabilities are not reported as having a disability, just as being elderly. West Virginia makes it clear to sub-recipients that an individual rider is disabled or elderly, but not both, and should not count an individual twice. In West Virginia, if a wheelchair user was over age 60, they would be reported as elderly, not as disabled, whether or not they use a mobility device.

How consistent is the state guidance and how consistently is that guidance interpreted and reported by sub-recipients' drivers? This raises questions, like:

- Are they reporting the number of people who use mobility devices? (Colorado has a reporting line for “estimated # of wheelchair trips” noted in the application “which may or may not be the same as ADA/demand responsive trips”). Many states make it clear that a person with a disability is not identical to a person using a mobility device which requires a lift or ramp for vehicle entry, and that other groups of people should also be counted as having a disability.
- One state uses 4 categories, based on age, with and without mobility device; and Colorado has categories for age with and without required assistance. Where does disability get counted? If a person is using crutches and does not need assistance, would they count as “general public”. The numbers may disproportionately represent non-disabled elderly, especially if there is no category for disability in the elderly category.

Some examples:

Colorado (SMP p.20) “The Department requires grantees to track levels of accessibility in their service. This data enables the Department and the grantee to demonstrate compliance with the ADA. CDOT asks all grantees to report trips according to the following categories:

- a) Disabled >60: trips for persons 60 and over who cannot board, disembark or navigate the grantee's system without assistance.
- b) Non disabled >60: trips for persons 60 years of age and over who can board, disembark or navigate the grantee's system without assistance.
- c) Non-elderly/Non-Disabled <60: trips for persons under the age of 60 who can board, disembark or navigate the grantee's system without assistance.
- d) Non-elderly/Disabled <60: trips for persons under the age of 60 who cannot board, disembark or navigate the grantee's system without assistance.
- e) General public trips for all persons who do not fit in the four previous categories.

This is further clarified in the application itself. It states that “For transportation purposes, a disabled individual is one who is unable to board, disembark or navigate the transportation system without assistance.” Colorado uses both an ADA definition, and its own transportation definition. Neither are the FTA definition for §5310.

Other state also use a 4 part scheme, but they may not categorize them the same. For example, Wisconsin uses:

- Elderly, Not Disabled;
- Disabled Elderly;
- Disabled, Not Elderly;
- Elderly and/or Disabled

And also includes a category: general population. The Wisconsin data collection format:

Population in Service Area	Total Number	# Needing Transportation	# Agency will Serve	% Agency will Serve
Elderly, Not Disabled				
Disabled Elderly				
Disabled, Not Elderly				
Elderly and/or Disabled				
General Population				

Other states divide elderly into uses a wheelchair or not; and disability into uses a wheelchair or not; elderly with a disability or not, and disabled under age cutoff; some states (e.g. Illinois) add an “other clients” category.

No state forms were reviewed that used the category “temporary disability” , although the federal FTA definition of People with disabilities includes “temporary”, and this would be a useful data for estimating and planning transit needs.

5.5 Other Estimating & Reporting Issues. In order to develop a framework for determining when transportation is “insufficient”, capacity needs to be considered. This is not a conceptual issue. There is a finite amount of space in a vehicle, and it cannot be physically exceeded. A service animal or mobility equipment, portable oxygen, etc., takes up space, and should be factored into ride needs and rides reported. Should the number of one way trips be factored/weighted by mobility device use? The number of mobility devices should count for something, since they reduce the number of seats on the vehicle, and take up capacity space even if the wheelchair user does not sit in the wheelchair while riding in the van. In evacuation planning, there is a generic formula of counting $\frac{1}{2}$ the maximum vehicle capacity, because experience predicts that the stuff people take along in an evacuation reduces vehicle carrying capacity. Should a similar factor be applied for vehicles when the maximum capacity is reduced by accompanying technology, in order to realistically plan for actual capacity requirements?

State DOT transit departments have other models for trip estimation which might be considered in managing the section 5310 program. They make sense in states which are on an established pathway of integrated accessible transportation for all. For example, Colorado (SMP p.20):

The Department is asking all grantees to estimate trip destinations on the annual report form, in order to collect data for its own annual report. The data may be actual trip numbers or a percentage of total trips. The destination categories will include medical, nutrition sites, education/employment, shopping, social/recreational, adult day care, and other undesignated trips. The Department will allow the data to be collected on an actual trip basis or it may be extrapolated from regularly scheduled (i.e., quarterly) ridership surveys. When the grantee is also a broker, the brokered trip numbers are only included on the reimbursement requests when the income is also reported.

A. Policy Recommendations

1.0 Program development in an evolving transportation program

Recommendation 1.1 Congress should review the framework, background, and premise of the section 5310 program, providing direction for FTA to supply programmatic guidance on the goals of this and other evolving transportation programs.

Noncompliance and gaming the system seem more likely when people do not agree or are unclear about the direction they are headed, especially when they are getting contradictory messages through grant paperwork and reporting requirements. Consistent programmatic guidance at the federal level should clarify that this FTA grant program is included within public transportation systems, and not just to be considered as a special human service program. Reducing ambiguity about programmatic goals, reducing administrative complexity, and building compliance incentives are productive approaches to improving integrated transportation for all. Building consensus about the purpose and values of transportation system capacity building, and a shared understanding about the direction the programs are headed, are useful mechanisms for working together at the state level.

Background: What direction is this federal grant program headed? There appears to be lack of agreement about an essential underlying issue: Is the focus of §5310 to improve human service transportation and make it as comparable as possible to public transportation, or is it to make public transportation systems work for as many people with special mobility needs as possible? The safety net for addressing unmet special needs through separate special systems should be continually re-evaluated, as the concepts of special needs, special services, and universally designed generic systems continue to mature and evolve; and as resource availability fluctuates.

Guidance is needed on the meaning and intent of the pivotal phrase “planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities”. Does it mean designed exclusively for the target group, or designed to include the target group? The language, probably written pre-ADA, turns on the special needs language. Does special mean over and above, or does it mean routine accessibility – for example, lifts on buses.

Maintaining a segregated system because other transportation entities may not want to add service planned, designed, and implemented to include elderly individuals and people with disabilities should not be acceptable. Reinforcing this special needs approach, without strong incentives and expectation for coordination and systems integration is counterproductive in the long run, since it inhibits transportation systems integration.

Also see:

- Introduction Framework sections 5.1; 5.2; 5.3; 5.5
- Results sections 1.0; 2.1

- Discussion sections 2.0; 2.1; 2.2; 2.5; 2.6
- Noteworthy practices: Iowa, Texas, Vermont

Recommendation 1.2 Congress should specifically clarify that the intent of transportation coordination is among all providers, including human service providers, in an integrated public transportation system; and the FTA and other federal agencies which support transportation programs should provide guidance for the states so they can fully operationalize congressional intent.

A core issue is whether two systems (human services system and public transit system) are coordinating their services, or whether one transportation system is coordinating all of its varied elements, including publically supported human services transportation services. While state flexibility needs to be maintained, federal clarity and consistency is needed so state implementation does not inadvertently undermine federal goals.

Collaborative federal-states working groups need to identify the barriers and challenges, as well as what needs to happen to bring more people with special mobility needs into the coordinated public transportation system; and to identify what it will take to improve the universal design of the public market system, and not create a special system (albeit coordinated) that is separate and self-perpetuating.

Background: That there is tension between special human services transportation and public transportation systems is apparent to the point where at least 2 state management plans (Nevada and Kentucky) require an assurance that grantees not restrict their ridership from using mass transit when available. Several SMPs explicitly state that section 5310 funds may not be used to support services that compete with public transit or private-for-profit providers. Vermont, has a state law (24 V.S.A., Chapter 126, 5090 Human Service Transit) which requires that the Secretary of the Agency of Human Services direct agency programs to purchase client transportation through public transit systems in all instances where public transit services are appropriate to client needs and as cost efficient as other transportation.

Some states are very clear about their intent to develop coordinated, integrated, public, community transportation systems, and the use of section 5310 resources as safety net, or as Mississippi describes it: the adjunct role of the program:

While the MDOT acknowledges that the Section 5310 Program focus is on elderly and disabled persons, it is the MDOT's policy that Section 5310 services are to be considered as an adjunct to existing and/or planned public transportation system. Rather than establishing exclusive service for closely qualified clientele, these services are intended to provide a full range of mobility to anyone in the categories of elderly and handicapped (SMP p.92).

Also see:

- Introduction section 5.1
- Results section 1.0
- Discussion sections 2.0; 2.1
- Noteworthy practices: Colorado, Idaho, Illinois, Iowa, Michigan, Mississippi, Nevada, Oregon, South Carolina, Texas, Vermont

Recommendation 1.3 States should place §5310 goals into context of overall agency transit goals, and be required to describe this relationship in the state management plans.

Some of the ambiguity about coordination and programmatic direction could be resolved by asking states to include a description in their state management plans about how their goals and management plans are addressing both parts §5310(a)(1) and §5310(a)(2). This should provide clear picture of how they are strategically and tactically linking the public transportation system with the safety net services designed to address still existing gaps.

FTA should require that both elements of §5310: (a)(1) and (a)(2), be administratively addressed together, and at least described contextually within the SMP, to facilitate a systematic approach to transportation services planned and designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities.

Background: The §5310 program needs to be placed in the context of other state transportation grant programs, especially since §5310(a)1 refers to these other grant programs. Regional FTA oversight and state management reviews probably includes the entire array of available information. However, applicants and the public may not have the same access to the related documents and background material that the regional FTA staff would have.

Program goals and objectives in states which have combined management plans generally draw from the overall perspective of the state DOT's transit department. These usually reflect more integrated and broader mobility goals than those found in any one of the department's program elements, for example isolated goals of the section 5310 program. It makes it easier for all players (administrators, managers, grantees, operators, and the public) to see the bigger picture, when one grant program's objectives are framed within the larger mission and values of the state's transportation agency.

Montana may be a good example of the broader transit agency goals not being as well reflected on paper within the §5310 SMP and the program, which looked on paper to be more focused on human service transportation. However, when looked at along with the other elements of the SMP (it's combined, with other federal and state programs, though §5310 is separate, and there is no description of how the separate funding streams are integrated) the §5310 objective "encourage through the use of incentives the coordination of existing transportation service and human service transportation" makes

more sense. Apparently the incentives are in the TransADE program, since they do not seem to appear in §5310 section of the plan.

Also see:

- Introduction sections 5.2; 5.3
- Results sections 1.0, 2.0; 2.1.1; 2.17.1
- Discussion section 3.0
- Noteworthy practices: Alaska, Idaho, Illinois, Iowa, Nevada, Oregon, Tennessee, Washington

Recommendation 1.4 Establish national, state, and local expectations for *conversion planning*. FTA and other federal agencies should work with states and advocates to develop mechanisms that permit and actively facilitate the Section 5310 program’s evolution. They should develop reward mechanisms for states and local communities that increase transportation system accessibility, integration, and accountability.

This program requires continual change and reassessment. Any state conducting business as usual is probably not keeping up with an evolving transportation environment. The §5310 (a)(2) program can be used as a safety net in areas where a public transit system exists, but a conversion planning process should be in progress. Some states’ priority on supporting replacement vehicles for agencies primarily serving their own clients may be considered as perpetuating a segregated system.

We need further analysis to identify targeted strategies to speed the transformation from segregated (albeit coordinated) human service transportation to integrated transportation systems for all. When there are still unmet needs, it may be difficult to determine how to address the change. This SMP review and the RRTC’s grassroots community study (Seekins, et.al. 2007) made it clear that even states which seem to take integrated transportation coordination seriously may still have an embedded base of agencies which need to transition from a client/agency-based human service transportation orientation to a coordinated county/MPO/regional integrated transportation orientation.

For example, we need more information about the effect of Mississippi’s policy to require a 50% match when an applicant intends to use a vehicle to serve only agency clients. Has Colorado DOT’s “policy to assign lower scores and priority in the Service Justification and Coordination criteria to those applicants who directly or indirectly limit or direct all or a significant part of their service to a particular clientele (e.g., elderly persons, developmentally disabled persons, residents or customers of a particular facility, etc.), unless that service is operated separately from that for which funding is sought” facilitated better integrated transportation systems? How? Targeted interviews with the Colorado DOT and with transportation providers and consumers in selected communities could provide policy and practice details, and recommendations for other state DOTs. It would also be helpful to have more information on Michigan’s Regional Transportation Program experience and outcomes in transforming specialized services into countywide transportation services for all.

It is essential to identify federal, state and local policy barriers and how to best address them. For example when §5317 funds expand a system beyond basic ADA requirements, §5310 funds that previously filled these transportation service gaps might be reallocated to areas where public transportation is still unavailable, insufficient, or inappropriate. However, as currently configured, it would be difficult to implement this approach [“Maintenance of Effort: Recipients or sub-recipients may not terminate ADA paratransit enhancements or other services funded as of August 10, 2005, in an effort to reintroduce the services as “new” and then receive New Freedom funds for those services” FTA circular C9045.1, page III-8].

Also see:

- Introduction sections 5.2; 5.5
- Results sections 2.5.6; 2.20
- Discussion sections 2.3; 2.9; 4.9
- Noteworthy practices: Alaska, Colorado, Iowa, Louisiana, Michigan, Mississippi

Recommendation 1.5 Each federal and state funding cycle should include a requirement for analysis and identification of federal and state codes and regulations, as well as local practices which create barriers that interfere with the development of more inclusive, integrated public transportation service systems. A model practices center should be established to assist states.

The need for consistency/continuity of funding can lead to inflexible regulations and local interpretations which can stifle evolution and efficiency in a developing system. In order to prevent the continuation of segregated transportation programs, federal statute and guidance, state management and implementation, and local practices should be regularly reviewed and assessed for their effectiveness in preventing segregated transportation programs. States should also be asked to identify exemplary practices they have used to improve the integration of public transportation systems, and to discuss them with the federal agency sponsors.

A mechanism should be developed to provide state feedback to the federal agencies about elements in federal statute, regulation, or guidance which interfere with the state’s ability to plan, design, and carry out integrated transportation services which “meet the special needs of elderly individuals and individuals with disabilities”. While part of this function might be addressed in the program reviews carried out by the federal FTA regional office staff every three year, it may be more effective if it was supported through expansion of the existing technical assistance programs (e.g. Project Action, or the National Coordination Resource Center), or contracted through an external organization.

A model practices center, targeted to state agencies, should be established to assist states with barrier analysis, to collect, review, and disseminate best practices; provide technical assistance on operationalizing best practices within the diverse environments states operate in; and foster collaboration and sharing among states.

Also see:

- Introduction section 5.5
- Results section 1.0
- Discussion sections 2.5; 2.7; 3.5; 3.6

Recommendation 1.6 In order to prevent perpetuating siloed programs which lack flexibility, Congress and federal agencies should reevaluate statutes and guidance, especially policies which allow a funding stream to continue indefinitely in its initial form.

Federal statute and guidance, and State management and implementation should be designed to prevent institutionalizing segregated programs. Components of funding streams which support elements of integrated transportation systems should be systematically reassessed on an ongoing basis, as the concepts of special needs, special services, and universally designed generic systems continue to mature and evolve. Allowing one element of the overall system to remain static does not allow for flexibility in deploying resources when the mix changes. For example, permitting section 5317 to create a new separate funding stream, without flexibility for integration into an evolving integrated public transportation system, is likely to have unintended negative consequences for system innovation and integration. However, given language is current FTA section 5317 guidance (C9045.1, page III-8), it appears that potential for this is highly likely: “Eligible projects funded with New Freedom funds may continue to be eligible for New Freedom funding indefinitely as long as the project(s) continue to be part of the coordinated plan.”

This situation is similar to the problems in federal support for rural housing, when cities and suburbs grew out to the areas which were originally rural, and federal resources targeted for rural areas were still qualified for use in what had now become urban areas.

See also: Discussion sections 2.5; 2.10

Recommendation 1.7 Federal and state agencies should develop transportation program evaluation goals which reflect programs’ actual objectives.

As emphasis moves toward integrated transportation systems (e.g. Iowa) which serve the general public, seniors, and people with disabilities, evaluation would include how well transportation system(s) support the community participation of transit systems riders, not just how it supports their ability to get to senior centers or other human service programs. Evaluation would look at who is unable to get transportation services – the gaps in the system – which should feedback to improved levels of services, and where to invest in projects that leverage and coordinate integrated transportation.

Also see:

- Discussion section 4.7
- Recommendations: 2.1; 2.2; 4.2; 5.1; 6.1; 6.2

Recommendation 1.8 SMPs should include discussion of how tension between human service transportation and the rest of the transportation system is recognized, addressed, and managed.

That there is tension between special human services transportation and public transportation systems is apparent to the point where at least 2 state management plans require an assurance that grantees not restrict their ridership from using public transit when it is available. While this is only one challenge, it is an important one. Others include a lack of agreement about system's direction (objectives), and progress indicators (outcomes). What should be coordinated? Who can ride? Which community riders are excluded? Why? Who defines need? Who defines priority – service agency need or community rider need? Segregated services vs integrated services? Is active conversion planning underway? The most significant contributor to these tensions may be unspoken issue of costs and utilization.

While these tensions seem apparent to an external reviewer, the people and agencies in any given state may just take them for granted as a part of business as usual and not recognize that not all states handle these stresses the same way. There did not seem to be any mention of how states addressed and managed these tensions, in any of the SMPs reviewed. In states where little tension exists, it would be easy to address this point. In state where it contributes to the institutionalization of major barriers, it makes no sense not to address and describe how the issues are managed.

Also see:

- Results section 2.1.1
- Discussion sections 2.2; 2.7; 2.8

Recommendation 1.9 Federal and state transportation agencies should explicitly expect that grant sub-recipients will act as part of the overall transportation system.

An expectation, in policy and resource distribution, from both federal and state transportation agencies that sub-recipients will act as part of the overall transportation system probably produces transportation providers that behave as part of the overall transportation system.

In states where this is not currently the case, operational examples, ranging from planning to data collection and reporting should be provided. The behavior of public transportation providers may also need to be modeled, to encourage them to include the human service agencies into their culture. Incentives should be made available. A model practices center may be useful in helping states share approaches that work in this area.

Also see:

- Discussion sections 2.3; 2.4
- Noteworthy practices: Colorado, Texas

2.0 Identifying needs

Recommendation 2.1 FTA should develop guidance, and states should develop operational definitions of the three essential criteria for establishing need -- transportation which is unavailable, insufficient, or inappropriate.

States need operational definitions to guide resource allocation decisions and outcome measurement. If the federal government does not develop consistent definitions, then at least SMPs need to include federal criteria for states to use in operationalizing these terms. This issue relates to developing operational definitions for the fair and equitable of funds.

Background: The federal §5310 grant program's goal, managed by the states, is

....to improve mobility for the elderly and persons with disabilities throughout the country. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of the elderly and persons with disabilities in all areas--urbanized, small urban, and rural....One of the primary uses of the funds is to make grants to "private nonprofit corporations and associations for the specific purpose of assisting them in providing transportation services meeting the special needs of elderly persons and persons with disabilities when the transportation service provided under Section 5310(a)(1) is unavailable, insufficient, or inappropriate".

SMPs don't seem to require criteria for establishing need. States define the criteria for unavailable, insufficient, or inappropriate, and few provide guidance or definitions. An agency's perceived need doesn't necessarily mean that transportation is unavailable, insufficient, or inappropriate.

It is surprising that state agencies which produce detailed criteria for vehicle useful life, maintenance, and reporting don't provide clear criteria for establishing that transportation is otherwise unavailable, insufficient, or inappropriate; or specify (beyond saying "do it") how sub-recipients document transportation need or how public agencies certify that there is no readily available non-profit entity. Clear criteria would provide guidance for coordination and utilization.

Also see:

- Introduction section 5.4
- Results section 2.14.1
- Discussion sections 3.2; 4.7
- Noteworthy practices: California

Recommendation 2.2 FTA and other federal agencies should provide incentives and resources for conducting state transit needs surveys, using standardized categories, geographies, and terminology.

Transit needs surveys can be a useful management tool for establishing need. But they are also useful for understanding geographic distribution of both needs and resources. Section 5310 resources needs to be placed in the context of needs surveys for the entire population, including people with disabilities and elderly individuals.

With the advent of higher gasoline costs, public transit is gaining more attention. Needs surveys may need to be rethought and updated as drivers look for ways to become riders either from economic necessity or environmental conviction.

When combined with needs surveys, the data derived from analysis of service areas and vehicle accessibility can be used to inform decision-making and resource deployment.

Also see:

- Results section 2.14.2
- Discussion section 3.4; 5.1; 5.2
- Noteworthy practices: Idaho, Indiana, South Dakota

3.0 Fair and equitable distribution

Recommendation 3.1 In collaboration with other federal agencies, state agencies, and advocates, FTA should develop operational guidance on how to evaluate the fair and equitable state and community distribution of Section 5310 funds. The Transportation Research Board might assist.

Background: §5310 doesn't define fair and equitable operationally. 2007 §5317 and §5311 guidance operationalizes fair and equitable distribution (below). §5317 emphasizes a competitive selection process; §5311 clarifies tribal and encourages expansion. §5310 guidance doesn't clarify or specify evaluation. This issue relates to operationally defining the criteria for establishing need: unavailable, insufficient, or inappropriate.

§5317 program (USDOT-FTA, 2007b) FTA C 9045.1, Chapter IV- PROGRAM DEVELOPMENT, p.6, 5/1/2007 5.FAIR AND EQUITABLE DISTRIBUTION OF FUNDS. Regardless of the competitive selection process used, it is important to demonstrate that the competition was open and transparent resulting in a fair and equitable distribution of funds. FTA notes that equitable distribution refers to equal access to and equal treatment by, a fair and open competitive process. The result of such a process may not be an equal allocation of resources among projects or communities. It is possible that some areas may not receive any funding at the conclusion of the competitive selection process. Fair and equitable distribution will be addressed in the State Management Review for state administered programs and in the Triennial Review in urbanized areas over 200,000 in population and in other FTA oversight activities. Designated recipients must document the competitive selection process as part of a State/Program Management

Plan (SMP/PMP) and designated recipients in urbanized areas must document the competitive selection process in the PMP (see Chapter VII). In addition, the designated recipient must certify that each year's funds were distributed on a fair and equitable basis.

FTA's guidance for compliance with Title VI of the Civil Rights Act of 1964 applies to the New Freedom Program. To ensure compliance with U.S. Department of Transportation (DOT) civil rights regulations (49 CFR part 21), and the DOT Order on Environmental Justice, FTA requires grantees to document that they distribute FTA funds without regard to race, color, and national origin. Designated recipients shall include strategies for complying with Title VI in their management plan (see the current FTA Circular 4702.1.).

§5311 program (USDOT-FTA, 2007a) FTA C 9040.1F, CHAPTER IV, PROGRAM DEVELOPMENT, p.1, 4/1/2007

1. FAIR AND EQUITABLE DISTRIBUTION. The program of projects the State submits to the Federal Transit Administration (FTA) for approval must provide for fair and equitable distribution of the apportionment in the State, including Indian reservations, as well as maximum feasible coordination with other public transportation services assisted by other Federal sources. The Tribal Transit Program funds set aside for Indian tribes are not meant to replace or reduce funds that Indian tribes receive from States through the Section 5311 program but are to be used to enhance public transportation on Indian reservations and other tribal transit services. FTA encourages the States to use the significant increase in funding for rural transit under the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users* (SAFETEA-LU) to support expansion of transit service to areas not currently served and to improve the level of service or coverage in areas which currently have minimal service.

Also see:

- Results section 2.17
- Discussion sections 2.8; 3.6; 5.1
- Noteworthy practices: New York

Recommendation 3.2 SMPs should describe the resource distribution process inside the regions when a regional distribution approach is used.

States which use regional models should be required to indicate whether the regions cover all or only part of the state, and include additional reporting mechanisms which provide information on intra-region distribution. It would also be useful to have a question: are there any areas of the state which are ineligible for funding? This would be relatively easy to justify in the §5310 program – any area where transportation services were available, sufficient, and appropriate for all elderly and people with disabilities would by definition be exempt from funding consideration. The question then, of how available, sufficient, and appropriate are defined, and by whom would be an important consideration.

Background: In some states, it is difficult to determine what geographic areas the SMP covering. The SMP is supposed to cover the entire program, not just the part (usually the nonurbanized areas) in which some states may be playing a more active role. States which appear to be addressing the full intent of §5310 (e.g. Vermont where the overall goal of the Section 5310 program is: "To improve mobility for elderly persons and persons with disabilities in both rural and urbanized areas throughout Vermont by enhancing existing available transportation services") also seem to be the most difficult SMPs to decipher. States like Iowa seem to have evolving programs that build on existing available transportation systems, maximize the use of federal funds, and have a considerable amount of flexibility built in procedurally. However, they do not fit within the structure of existing SMP guidance very well. These SMPs are almost completely opaque below the level of regional entities involved, and provide little understanding of the actual decision-making process at the regional/community level.

This important programmatic resource distribution information should be included in the state management plan, so it is also subject to the same overall approval process as the other sections of the SMP. While FTA oversight and state management reviews probably includes the entire array of available information, applicants and the public may not have the same access to the related documents and background material that the regional FTA staff would have, so it needs to be available within the SMP.

Also see:

- Results sections 2.2.1; 2.2.3; 2.17.1
- Discussion section 3.1; 5.1
- Other: MPO Relationships Table, Appendix I

4.0 Data collection and reporting

Recommendation 4.1 Section 5310 program data should be included in the National Transit Database. Data reporting modules for §5316 and §5317 grant programs could be developed at the same time.

Without full system data, including section 5310 data, transportation service planning is missing important elements which are needed to determine if the safety net is being used effectively and efficiently. It should be noted that under 49 U.S.C. 5335, FTA may "request and receive appropriate information from any source" for the NTD (Dec 6, 2007 Federal Register, p.68756, p.68954).

Background: Data collection is not new to §5310 sub-recipients, and would not impose an additional burden. At least 37 states already collect data from §5310 sub-recipients (11 monthly, 18 quarterly, 4 semi-annually, 6 annually, 3 upon request) and some require more than one type of report. If the reported data were consistently categorized, ridership composition (age and disability) could be accurately described. The data would be more reliable, and could be aggregated nationally. It would make it easier to identify, locate, and better understand where and when transportation services for the

elderly and people with disabilities are unavailable, insufficient, or inappropriate, as well as where transportation resources were available for coordination.

For reasons ranging from resource management to performance measurement, it would be desirable to include all the FTA grant programs in the National Transit Database (NTD). NTD reporting for the nonurbanized (section 5311) program is already required. Guidelines for the other FTA grant programs could be developed at the same time, in consultation with State DOTs, similar to how rural data reporting was developed. Section 5311 reporting started as a voluntary model, with the first data collected in 2006. The summary form includes data on the number of counties in the state that are currently served, in whole or in part, by §5311.

Some data elements for the §5311 program reflect the unique nature of some rural transit systems, e.g. the number of volunteer drivers; number of personal vehicles in service. Other elements are already closely tied to the §5310, §5316, §5317 programs. For example:

- Service data include the total number of coordinated unlinked passenger trips carried by all vehicles operated outside of the regular schedule. This service is part of a coordinated plan to provide transit service, including social service agency transportation programs, programs for the elderly and medical transportation programs
- Federal Operating Assistance data includes lines for reporting on the §5310, §5316, §5317 funds which assist in paying for capital assistance and operating costs of providing rural transit service.
- Asset/Infrastructure data includes vehicle accessibility.

Background on the National Transit Database:

The National Transit Database (NTD) is the Federal Transit Administration's (FTA) national database of statistics for the transit industry. The NTD is comprised of data reported by more than 600 transit agencies across the US, which is then analyzed and compiled into reports published by FTA and made available to the public on the NTD Program website. The database includes all modes of public transportation utilized on local and regional routes throughout the country, including private and public buses, heavy and light rail, ferryboats and vanpool service, as well as services for senior citizens and persons with disabilities, and taxi services operated under contract to a public transportation agency (USDOT-NTD, n.d. a).

As set forth in 49 U.S.C. 5335, Congress established the NTD to meet the needs of individual public transportation systems, the United States Government, State and local governments, and the public for information on which to base public transportation service planning. The Secretary of Transportation shall maintain a reporting system, using uniform categories to

accumulate public transportation financial and operating information and using a uniform system of accounts. The reporting and uniform systems shall contain appropriate information to help any level of government make a public sector investment decision. The Secretary may request and receive appropriate information from any source (USDOT-NTD, n.d., b).

“Public transportation service planners have consistently advised FTA that public transportation service planning requires current and complete data. Thus, late and incomplete reports have negative and severe impacts on the NTD’s ability to fulfill its statutory purpose” (*Federal Register*, Vol. 72, No. 234, December 6, 2007, p.68759).

Section 3033 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) [Pub. L. 109–59 (August 10, 2005)] amended the NTD provisions under 49 U.S.C. 5335 to require that each recipient receiving Formula Grants for Other Than Urbanized Areas (Nonurbanized Area Formula Grants), or any person that will receive benefits directly from these funds, must be subject to the reporting and uniform systems of the NTD. Section 5335(b) continues to require NTD reporting for recipients of and beneficiaries of assistance from Urbanized Area Formula Grants. In addition, section 3013(b) of SAFETEA-LU amended 49 U.S.C. 5311(b)(4) to require each recipient receiving Nonurbanized Area Formula Grants to submit an annual report containing information on capital investment, operations, and service provided with grant funds from this program. The recipient must include the following information in the report: Total annual revenue; sources of revenue; total annual operating costs; total annual capital costs; fleet size and type, and related facilities; revenue vehicle miles; and ridership. The mandatory reporting criteria will assist FTA in understanding the effectiveness of Nonurbanized Area Formula Grants in improving rural public transportation. These data are similar to those already collected by FTA for recipients of Urbanized Area Formula Grants, but are streamlined for rural recipients (*Federal Register*, Vol. 72, No. 234, December 6, 2007, p.68756).

Reporting data on individual sub-recipients is an element of NTD reporting. In developing the §5311 reporting system, FTA received 2 public comments objecting to collecting and publishing data for individual sub-recipients of Section 5311 Grants. The response, published in the Dec 6, 2007 *Federal Register* (p. 68954) stated that “FTA believes that collecting individual sub-recipient data is in alignment with Congressional intent” and that:

....many of the specific reporting requirements delineated in 49 U.S.C. 5311(4), such as “total annual revenue”, “total annual operating costs”, and “total annual capital costs”, only make

sense in the context of data being provided at the sub-recipient level. Since most recipients of Section 5311 Grants are State DOTs, it seems unlikely that Congress was contemplating that the annual report required by 49 U.S.C. 5311(4) should contain, for example, the “total annual revenue” for a State DOT.”

Further:

In response to the question as to whether FTA intends to publish individual sub-recipient data, FTA does not believe that it has the authority to withhold individual sub-recipient data from the public. Nevertheless, specific data products using the Rural NTD data are still under development. The role of individual sub-recipient data in public data products has not yet been determined by FTA.

The State completes and files a report, compiled from data submitted-20 by sub-recipients. (Note: the form, RU-20, is available as an Excel spreadsheet: <http://www.ntdprogram.gov/ntdprogram/rural.htm>)

The direct recipient, State or Indian Tribe, completes the State Agency Identification form (RU-10) and completes a Rural General Public Transit Service form (RU-20) for each provider of general public transportation service in the other than urbanized areas (non-UZAs) of the State. Internet Reporting automatically generates the Statewide Summary form (RU-30) from the data reported for individual providers (USDOT-NTD, n.d., b).

Also see:

- Results section 2.12.7
- Discussion section 4.10; 5.4
- Noteworthy practices: Texas

Recommendation 4.2 FTA should work with States to develop categorical consistency for section 5310 rider categories.

The numbers of people who are elderly and/or have a disability are important for establishing need, measuring distribution, and evaluating programmatic outcome. Category inconsistencies make overall program outcome measurement difficult, since there is little interstate consistency in just who is included in which categorical ridership numbers. While this might seem like a minor issue, the important point is that these discrepancies make it difficult to understand who is being not being included – and where the unmet or underserved needs are. And again brings us back to the central question of

unavailable, insufficient, or inappropriate, this time adding the issue of unavailable, insufficient, or inappropriate for whom?

In addition to facilitating data reporting for the NTD, consistent categorical data collecting requirements would permit analysis of issues such as:

1. Are there urban rural differences in ridership patterns?
2. Are there discrepancies between programmatic intent (and apportionment) and what is being targeted and/or supported programmatically?
3. How many disabled people also meet the age criteria for “elderly”? (Is state flexibility in the definition of elderly actually needed, especially since other federal programs may use a consistently lower figure? Should the age criteria be consistent with the national Older Americans age criteria?)

Also see:

- Results section 2.13
- Discussion sections 5.1; 5.4

5.0 Resource distribution patterns

Recommendation 5.1 States should develop mechanisms to include data on the service areas of section 5310 sub-recipients for accurate portrayal of geographic distribution of transportation system resources.

In order to analyze the relationship of geographic balance to transportation which is unavailable, insufficient, or inappropriate, SMPs should include an accurate description of service areas, unserved and underserved areas – all placed in the context of overall transportation system resources. An inventory of available services that identifies areas of redundant service and gaps in service is considered a key element of the coordinated human service transportation plans required by SAFETEA-LU.

Many application packets require the applicant to identify the service area. If this were standardized, it would provide a way to identify unserved and underserved transportation areas across the states and within counties. Accurate and uniform geographic service area data could be collected, integrated, and analyzed with GIS (geographic information system) technology. Ideally, the temporal (time) gaps would also be included – some transit services are limited in the times of day they operate, and the criteria of insufficient could include the increasing the times service was available.

Background: Transportation agencies often have sophisticated GIS/mapping capacity, and can produce detailed maps of almost anything related to transportation from highways to freight and transit facilities locations; as well as jurisdiction boundaries and service areas. Some transportation agencies are using real time GPS (global positioning systems) technology in ITS (intelligent transportation systems) to

display the current location of buses and trains. However the §5310 program does not seem to take much advantage of this capacity. Or if it does, the state management plans do not seem to mention it.

Use of consistent boundaries and GIS technology would allow much more detailed geographic portrayal of service areas than those now used, for example, the service areas categories on National Transit Database, rural reporting form RU-20 are: County/Independent City; Multi-County/Independent City; Municipality, Reservation, Other (with a separate box available for a description).

Also see:

- Results section 2.17.2
- Discussion sections 2.8; 3.0; 3.1; 4.8; 4.10; 5.2
- Noteworthy practices: New Mexico, Washington, Wisconsin

Recommendation 5.2 States should develop mechanisms to include data on accessible vehicles, including those supported by section 5310, for accurate portrayal of geographic distribution of transportation system resources.

Understanding the distribution patterns of accessible vehicles, including vans, would be useful data in understanding both [1] the geographic availability of accessible transportation resources (i.e., lift or ramp equipped), and [2] gaps created when vehicles purchased with federal funds are not accessible to all. Both issues would assist in planning for more fully accessible, integrated transportation systems. It would also have the immediate effect of providing accurate information to the state's emergency management system when there is a need for accessible vehicles during, for example, a large scale evacuation.

Also see:

- Discussion sections 3.0; 4.10
- Noteworthy practices: Texas

Recommendation 5.3 States should include the address and zip code of each §5310 sub-recipient in the Program of Projects (POP) which the state submits annually to the regional FTA office. Where regional entities are involved, the physical location of sub-sub-recipients should also be included.

In order to identify the area served and the physical location of the vehicles supported by 5310 funds, more information is needed. Vehicles purchased with federal §5310 funds, especially those operated by human service organizations, are usually not routinely included in the state's inventory of public transit vehicles. One consequence of this is that these publically supported vehicles, in particular the lift-equipped vehicles, could be overlooked as available resources in emergency situations.

Background. The state or district office reports the name of the sub-recipient organization to the regional FTA office, as part of the annual Program of Projects (POP) but does not include location of the

vehicle(s) or contact information. Currently only the state has that information (in 2 states, only the sub-regions of the state: Florida (7) and Texas (25) have it.) States could easily include the information along with the name of the sub-recipient agency which they already submit to the FTA. Because the POP does not now include the address or zip code of the sub-recipient, there is no way to do a geographic analysis, without contacting each state and each of the districts within Florida and Texas. Even then, states like Iowa and Rhode Island do not provide data about where the vehicles are, just where the regional administrative entity is – and each sub-recipient would have to be contacted for a list of vehicle location addresses.

Also see:

- Discussion sections 3.0; 4.10
- Recommendation 7.4.2

6.0 Outcome measurement

Recommendation 6.1 FTA and other federal agencies, together with States and advocates should work together to develop a set of agreed upon performance based criteria to move beyond vehicle/ride oriented procedural measures, to actual outcome measurement.

Performance based criteria are needed which identify both how section 5310 support is filling existing gaps, and also ties together both elements of the §5310 program: (a)(1) and (a)(2). Federal guidance may be required to provide a common framework for states. It could be based on criteria with operationally defined terms, so as not to reduce state flexibility; as well as being consistent with other state management FTA grant programs so as not to increase state administrative burden. At the very least, criteria should not contradict or conflict with other programmatic guidance.

Background: The GAO has raised the question: “Should the federal transportation formula grant programs for state and local governments be revised to better consider factors such as need, performance, capacity, and level of effort by the states and localities?” (GAO, 2005, p. 62). In a 2008 report on restructuring surface transportation programs, GAO’s recommends substituting specific performance measures for the current procedural requirements in order to make programs more outcome-oriented (GAO, 2008d, p.4).

Performance measures for the §5310 program should be tied to the key terms of §5310: public transit which is unavailable, insufficient, or inappropriate. Without consistent measures for what constitutes transportation availability, adequacy, and appropriateness, on a comparable basis to the general population, it would seem that the §5310 program performance would be immeasurable.

"You can't manage what you don't measure" is a business world truism. But sometimes measurement can draw attention away from what is not being managed. When focus is placed on the vehicles, the ride numbers, etc., it is difficult to determine the success or failure of existing services in getting people

where they need to go, when they need to be there. Or to measure the number of people who want to use transit, but cannot get a rides because there are geographic or temporal gaps in existing services.

It is easier to measure who rides the bus than who does not. Measuring easily quantifiable items, like vehicle numbers, and one way rides, can present a different picture of the transportation situation than measures which use more resource-intensive methods, like individual and community transit needs surveys.

Vehicle replacement should be tied to performance, as it appears to be in some states. States have the policy opportunity to go beyond the typical measures of numbers of rides, numbers of miles, number of hours in service – basing vehicle replacement on more outcome-oriented performance-based criteria (e.g. efficiency, effectiveness, coordination, ADA conformance).

See also: Discussion sections 2.0; 4.5; 4.6; 4.7; 5.1; 5.2; 5.4

Recommendation 6.2 FTA and other federal agencies should require and provide guidance on how the section 5310 program can be periodically evaluated at the local community level (i.e. where the rides happen, not where the program is managed).

To understand this small grant program’s impact on individuals and communities, it would be effective to periodically evaluate local programs from the perspective of current and potential riders with disabilities and/or those who meet the elderly criterion.

Has this investment of federal funds actually enhanced existing transportation systems? Is the program effective as a transportation safety net for older people and people with disabilities? Performance should be evaluated to [1] understand the effects of the distribution of federal funding, and [2] ensure that funded projects result in commensurate public benefits. This should go beyond the current procedural assessment of management practices done by the FTA during the state management review.

See also: Recommendations 2.2 and 6.1

Recommendation 6.3 FTA and other federal agencies, working together with States and advocates, should develop evaluation measures of transportation’s impact on local community participation.

In the SMPs reviewed, public involvement often seemed to mean the transit provider public. Public involvement is a euphemism or misnomer when it is not actually the public involved, but involvement (and protection) of existing transportation operators. It would be clearer if this function were described accurately as protection of existing transportation operators, and public involvement could be understood as outreach to and involvement of the riding public (i.e. transportation users). Post-SAFTEA-LU guidance appears to have addressed this issue, and specifically includes what most people might consider the public. Since this is a change in how the process is being carried out, objective criteria are needed to evaluate the degree to which community participation is actually occurring.

Also see:

- Results sections 2.8; 2.16
- Discussion sections 2.1; 2.7; 5.1
- Noteworthy practices: Massachusetts, Michigan

7.0 Management: Most of recommendations 7.1-7.5 relate to collaboration among FTA and other federal agencies and states and transportation advocates:

7.1 Increasing incentives, reducing barriers

Recommendation 7.1.1 Federal statute and FTA guidance should use positive language to encourage broader transportation system coordination and integration.

Proactive language better matches federal intent. For example, FTA guidance uses negative, reactive language such as *does not interfere with* and *incidental purposes* to say that a broader population can be served or meals delivered, if it doesn't *detract from* serving core groups described in the application. While we need to ensure that federal dollars improve mobility for the elderly and persons with disabilities, the language used may discourage greater transportation system coordination and integration. Positive language such as the priority seating signs in the front of public transit buses prioritizes use by people with disabilities and seniors. This clarifies intent, reduces ambiguity about shared use, and fills any empty seats on special purpose vehicles.

See also: Discussion section 2.11 and Alaska logo example in section 2.5

Recommendation 7.1.2 Identify federal improvements that enable states to be more efficient, but that do not impose more state or sub-recipient reporting requirements.

Many of the issues discussed in this analysis could benefit from greater national uniformity. Others could benefit from state flexibility, and uniform state procedures and requirements. Many recommendations require federal leadership, from the central issue of clarifying programmatic guidance on the goals of this and other evolving transportation programs (recommendation 1.1; recommendations 1.2-1.9) to using positive language in federal guidance (recommendation 7.1.1).

States can manage state funded programs regardless of national consistency. Federally funded programs, however, must consider national interests and goals. Increasing consistent data collection and reporting across all states (e.g. recommendations 4.2- 6.1) requires federal leadership.

States vary in how they use the best tools and approaches to improve results and return on investment. Federal leadership needs to consistently address equitable distribution and integrated accessible public transportation (recommendation 5.1 describes the need for accurately portraying geographic distribution of transportation system resources).

GAO recommends making programs more outcome-oriented by substituting performance measures for current procedural requirements (GAO, 2008d, p.4). To address GAO's principle of incorporating performance and accountability into funding decisions, federal leadership must move beyond just vehicle/ride-oriented measures to more qualitative outcome measures based upon performance criteria (recommendation 6.1).

We need regular and ongoing review that reflects the evolution of transportation systems. At the least, the National Transit Database should include Section 5310 program data as soon as possible (recommendation 4.1). Then transportation system deliberations, changes, and transitions will include this small and valuable safety net program.

Recommendations 1.5 and 1.9 include a model practices center to improve state agencies' efficiency through review, analysis, and collaboration.

Also see: Discussion sections 2.10; 2.11; 4.12

Recommendation 7.1.3 Reduce administrative tangles created by Federal requirements.

Understanding that the section 5310 program has evolved over the years makes it reasonable to see that the administrative requirements might periodically need to be streamlined and better integrated with other publically supported transportation systems grant programs. Our SMP review identified several areas which need improvement. However, our findings need to be placed within a larger framework. Expanding responsibilities for managing FTA grant programs are adding administrative duties to state DOTs. New formula grant programs, like New Freedom (§5317) and Job Access Reverse Commute (§5316), in addition to evolving programs like the Elderly and Disabled (§5310) program, and the requirement for coordinated planning, while providing state flexibility, also point to the need for streamlining state grant administration.

[1] "Some states suggest that all state transit programs be consolidated on the federal level in the next reauthorization rather than continuing with a variety of siloed federal programs" (TRB, 2007b, p.11). This would be consistent with our recommendation to frame §5310, and the other grant programs, within the context and goals of the overall transportation system.

[2]: Some states are moving toward one grant agreement for each transit operator which include all state and federal programs requirements and clauses. These often have a consolidated application and associated grant agreements. However, given the differences in federal programs, these consolidated applications and grant programs are difficult to develop (TRB, 2007b, p.10).

[3] A Transportation Research Board project: Human Services Transportation Cost Reporting to Facilitate Cost Sharing Agreements (TCRP G-09) is scheduled for completion 10/08. It should include

recommendations for reducing administrative complexity. It is supposed to include information on state efforts to achieve standardized reporting, distribution process, and portability of funding, etc. Project description retrieved online July 16, 2008 at

<http://www.trb.org/TRBNet/ProjectDisplay.asp?ProjectID=1122>

[4] Reduce the complexity in ridership reporting in a coordinated system. This relates to our recommendations on data collection and reporting, but is here as an example of the need to reduce administrative complexity.

Background: As reported in a *Community Transportation* article “Rural Transit Goes Urban” (Ammon & Killebrew, 2008):

Reporting can also be a stumbling block for systems that provide both rural and urban transportation, because the funding that does come is often dedicated to specific services for specific populations – which must all be monitored separately. There might be a client being served under one compartmentalized funding source on the same vehicle at the same time as one whose trip is paid for by a completely different source. This creates difficulties in system recordkeeping as well as NTD reporting.

[5] States and the FTA appear to have found creative approaches to add section 5310 resources to assist public bodies increase resources to build integrated accessible transportation services. While this should be lauded, every attempt to reduce the complexity should also be made. It is time to re-evaluate these issues, and to reduce the need for a convoluted procedure where a nonprofit agency is the title holder of the vehicle, and in an urbanized area is required to lease it to a public body; or a public body has to certify there are no nonprofit agencies which offer (or want to offer) transportation.

[6] The last example is a peculiar area, specific to the section 5310 program: the complex and convoluted sign off protocols. FTA should clarify the intent of the local sign-off requirement, simplify it, and make it consistent with the ADA.

Background: While there are many areas which could benefit by reduction of complexity, one of the most tangled areas in the section 5310 program are the sign off letters. For example, an applicant must:

Obtain individual sign-offs from each public and private transit and paratransit operator in your service area, stating that the services they are providing or are prepared to provide are not designed to meet the special needs of elderly persons and persons with disabilities within your service area....

Or a public entity must have letters from the human service agencies in their area stating that the agency can not or is unwilling to provide transportation. Or a human service agency must get sign off

letters from all urban and rural transportation providers, private non-profit and private for-profit operators within their service area, to verify that the service proposed cannot be provided with equipment already in service, and to include copies of these letters & response with the application.

Also see:

- Results section 2.3.4
- Discussion section 3.4
- Noteworthy practices: Michigan

Recommendation 7.1.4 Identify where and how generic state and local laws, regulations, policies, or lead agency regulations create incentives or disincentives to program coordination or participation, especially policies which cannot be administratively modified, but require formal legislative or regulatory change.

We designed this policy analysis in order to:

1. Learn about similarities and differences among states in their approach to, content of, emphasis on, and organization of transportation services planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities
2. To identify practices, approaches, and innovative resources
3. To allow state policymakers, administrators, and advocates to learn from and build on each other's work. We need ongoing analysis to explore the range of possibilities and creative state solutions. Several recommendations include a model practices center to help state agencies with review, analysis, and collaboration.

If advocates understand the source of existing practices, they can also more effectively use state protocols to changing outdated policies. Is the authority written in procurement regulations, tax codes, state administrative law, or is it a historical artifact (“we’ve always done it this way”) with no legal mandate? For example: Who decides that selection goes through COGs? Who chooses the selection criteria? Who decides the number of hours a vehicle must be in service to qualify? Who decides the criteria for unavailable, insufficient, or inappropriate? Who determines what constitutes meaningful public involvement and public comment? Who decides when the 20% match must be provided?

Identifying the source of agency policies that create incentives or disincentives to §5310 coordination or program participation often will then require only an internal change in the way the agency implements the program.

Also see: Results section 2.7.1 and Table 11; and Table 18 in Results section 2.20

Recommendation 7.1.5 Provide incentives and remove disincentives to building a culture of coordination.

Analysis is needed to identify how a commitment to coordinated transportation really happens, and to understand the incentives and disincentives that will support change.

Background: Authors write about coordination and have developed many resources (manuals, toolkits, etc.), but what are the essentials? What carrots (e.g. Michigan regional transportation demonstration model), sticks (e.g. Colorado community coordination capacity evaluation), or tested transition models (e.g. Iowa, Kentucky) make coordination desirable?

Some states like Alaska appear to have a built in bias toward coordination. They appear to assume coordination, but allow for situations where it may not be possible, for example where there is no other transportation entity to coordinate with. What elements need to be present to nurture this approach to community transportation? How did they move from agency based human service transportation to coordinated community transportation? There has to be something about the planning process that pushes toward coordination, and something about resource availability that helps bureaucrats see that they can use a relatively small program like section 5310 as a core support of a more complex system.

It is also important to identify how much of this process depends on individuals with a vision for community coordination, who understand how to communicate and sell that vision to the system as a whole. The importance of individual champions should not be underestimated. Understanding the personal characteristics and skills needed could help DOTs recruit the right type of employees and/or advisory board members to facilitate not only coordination activities, but a culture of coordination.

Also see:

- Results section 2.7.1
- Discussion 2.8
- Noteworthy practices: Alaska, Colorado, Iowa, Michigan, Kentucky

Recommendation 7.1.6 Use rural models to build rural coordination.

Identify the critical elements in state models of integrated regional transportation systems that serve rural areas. Waiting for a willing human service agency provider to develop rural transportation services is unsystematic. Some state DOTs take a more proactive approach. Rather than simply relying on an obliging human services agency, Michigan uses a funded, organized approach to develop regional transportation systems. Other states may have similar models, but tend not to be included in the Section 5310 SMPs, especially if the SMP describes only the §5310 program and doesn't include an array of federal and state grant programs.

Also see:

- Results section 2.7.1
- Discussion sections 2.7; 2.9; 3.6
- Noteworthy practices: Alaska, Idaho, Michigan, Nevada, New York

7.2 Managing the selection process

Recommendation 7.2.1 SMPs should include the State’s criteria for making decisions and project selection criteria, including scoring/ranking. When items are included in the plan, instead of just in the application, it makes them less arbitrary and subject to administrative change.

Where possible, FTA defers to states in developing program standards, criteria, procedures and policies. The intent is to “... shift the emphasis from national uniformity to uniformity of procedures and requirements within a state, in order to provide greater flexibility to the states in standardizing the management of related state and Federal programs” (USDOT, FTA, 1998. FTA circular 9070.1E, chapter 5, page 1).

When criteria exist, they are often found in the application forms and instructions, and not included in the SMP. States may be being advised to use this approach, so they can maintain flexibility in making programmatic modifications, without needing to get approval for modifying the state management plan. While this may be administratively easier, from the public’s perspective, can make the process frustratingly confusing and arbitrary.

Also see:

- Results section 2.5.1
- Noteworthy practices: California, Illinois
- Recommendations 2.1; 7.2.2; 7.2.3; 7.2.4

Recommendation 7.2.2 States should consider use of a minimum score cut off threshold.

Some states fund all applications. Others fund a ranked list until funding runs out. At least six states include a minimum score cut off threshold, ranging from 37% to 70%. The rationale seems to be that proposals with serious deficiencies would be inappropriate candidates for funding, even if sufficient funds were available. This can have important implications for coordination, especially where points for coordination are given a high value. In such a case, a proposal which scored high in everything but coordination could not be funded. One state, Illinois will not fund any proposal which scores 0 for coordination, no matter what the rest of the score is.

Also see:

- Results section 2.5.4 and Table 10
- Noteworthy practices: Colorado, Illinois

Recommendation 7.2.3 Require sub-recipients to assure that the organization is not prohibited from coordination activities.

Organizations with Board policies or insurance coverage precluding coordination should be ineligible for Section 5310 funds. At the very least, organizations which have Board policies or insurance coverage which preclude coordination should not have their existing vehicles replaced with §5310 funds.

Background: One the of findings in the RTC’s grassroots study: *Allocation and Use of Section 5310 Funds in Urban and Rural America*, (Seekins, et al., 2007) was that a reason given for lack of coordination was that the organization’s Board did not allow it. Therefore we looked for assurances in the SMPs and application packets which would address this issue. New York specifically addresses this issue in its application package:

(12) Certification That Coordination Barriers Do Not Exist. An applicant seeking assistance to acquire transportation equipment must agree as follows. NYSDOT may not provide assistance for transportation facilities until the Applicant enters into this Agreement by selecting Category “11” on the Signature Page at the end of this document. The applicant certifies that is not restricted in the coordination of transportation services as required by Part 1D., E., or F., of this application because of any internal policies or regulations.

Also see:

- Results section 2.7.3
- Noteworthy practices: Colorado, New York, see NOTE in Tennessee

Recommendation 7.2.4 States should be required to assure that the source of matching funds does not place restrictions on transportation services or limit system coordination.

This is an issue that should be clarified in FTA program guidance, so all states are required to include a similar assurance from their grant sub-recipients.

Background: Washington and Oregon SMPs raise the issue that the source of match may inhibit coordination, and/or place restrictions on local match: Washington: (SMP p.8) “no use restrictions may be put on the equipment by the funding source”, app. p.6 “matching funds may not have any restrictions placed on them which would restrict services” application appendix B, p.8 indicates that this is a federal requirement. Washington appears to be the only state which is interpreting FTA guidance this way. Other states do not include this language. Oregon: (application p.6). “If the source of match causes the use of the project to be limited to a specific group of clients or purpose, identify the limitation. If the constraint limits or prohibits coordination with other transportation providers, the project may not be funded.”

Also see:

- Results section 2.4.1
- Noteworthy practices: New York, Oregon, Washington

7.3 Improving fiscal management capacity

Recommendation 7.3.1 Develop a planning tool, with models and metrics for evaluating the cost benefits, opportunities, etc., which would be useful to an agency considering adding transportation services.

Many states seem to include at least basic fiscal capacity questions as part of application selection criteria (e.g. Does the organization have the funds available for the match, and to be able to operate the service and maintain the vehicle?). It seems that providing a detailed set of cost considerations and guidelines, as New York state does in its rationale for the summary of project costs, would be very helpful for an agency considering adding transportation services (especially for a start up or expansion), in preparing the application, and for the reviewers objective consideration.

Project Action has developed a free resource manual: *Transportation by the Numbers: Getting the Most out of Human Service Transportation* (Easter Seals, 2007). New York, Project Action, and NCST manuals are a good start, but show how far we have to go to get at the underlying issues of looking at human service transportation which places analysis of costs, benefits, and opportunities within the broader context.

NOTE: TRB may already be addressing this issue in TCRP G-09 project *Human Services Transportation Cost Reporting to Facilitate Cost Sharing Agreements*, projected completion date: 10/07/2008, investigator: Jon Burkhardt. Project description retrieved online 7/16/08 at <http://www.trb.org/TRBNet/ProjectDisplay.asp?ProjectID=1122>

Also see:

- Discussion section 4.3
- Noteworthy practices: New York

Recommendation 7.3.2 Develop a tool for evaluating applicant's financial management capacity, which would be useful to members of selection panels and advisory boards, who do not have a business background.

The applicant's financial management capacity is often a key criterion of selection criteria. The composition of review/advisory/selection committees included in state SMPs indicate many review board members may lack the business, management, or economic analysis backgrounds to make those decisions.

Also see: Discussion section 4.3

Recommendation 7.3.3 Include the full scope of insurance issues, including liability and responsibility. Conduct a study, at least literature review, and a set of consensus guidance documents which are vetted by insurance industry that go beyond simply a requirement for insuring the federal interest in the vehicle.

While public transit agencies have liability coverage, nonprofit organizations may not routinely have similar transportation related insurance coverage. From our grassroots survey, (Seekins, et.al. 2007) we learned that insurance was a major barrier to coordination. Insurance coverage includes passenger and driver liability issues, and is far broader than just vehicle replacement cost. We did not find any SMP which addressed the broader issue of generic liability responsibility. Nor did we find any guidance on the issue of how responsibility is shared in the lead agency models or any other arrangement where sharing and other agency use is allowed.

A consensus conference may be needed on the insurance/liability issue – with active insurance industry participation to identify products & strategies that can facilitate coordinated systems, especially those which bring together public bodies, non-profit agencies, faith-based organizations, and the private sector.

Also see:

- Results section 2.7.2
- Discussion section 4.4
- Noteworthy practices: Georgia, Idaho

Recommendation 7.3.4 Identify issues related to vehicle tax related costs, including ways they can be considered part of the actual cost of the vehicle acquisition.

Sales/excise taxes on vehicles can be a significant amount of money, which needs to be considered in the actual cost of the vehicle acquisition. It is unclear whether some states might allow taxes to be included in the sub-recipient grant. States approach it in different ways, for example: Washington DC notes that the applicant must pay the 7% District excise tax on the entire actual purchase price of the vehicle, making it clear that the sub-recipient needs to be able to cover this costs; Oklahoma requires recipient to pay full excise tax, noting that it may be substantial; West Virginia keeps title and ownership during useful life – this exempts agency from paying the 5% tax on original cost. At 80,000 miles, the state transfers title to the agency, and the agency pays the 5% tax based on current value of vehicle.

Also see:

- Results section 2.5.5
- Noteworthy practices: West Virginia

Recommendation 7.3.5 More guidance and FTA blessing of coordination oriented title transfers would be useful.

Most plans include details about the transfer of vehicles. This could be an important element for coordination efforts (e.g. see Nevada's SMP, pg 31) if title needs to be transferred for coordination into a community wide system. Most plans do not mention this reason for transferring title. Most detail resource transfers for grantees which are not using, or do not need, the vehicle for the intended purpose anymore.

NOTE: TRB may already be addressing this issue in TCRP G-09 project *Human Services Transportation Cost Reporting to Facilitate Cost Sharing Agreements*, completion date projected: 10/07/2008, investigator: Jon Burkhardt. Project description retrieved online July 16, 2008 at <http://www.trb.org/TRBNet/ProjectDisplay.asp?ProjectID=1122>

7.4 Resource management

Recommendation 7.4.1 States should require grantees to develop and submit a vehicle replacement plan.

Illinois includes a table of its state defined useful life standards, along with a table showing vehicle replacement standards in the section where it describes the requirement that grantees develop and submit a vehicle replacement plan. Other states may have a similar requirement, but call it something else, and/or did not mention it in the SMP.

While in many states it appears that a vehicle obtained through the section 5310 would routinely be replaced by another grant from the section 5310 program, this assumption may need to be re-evaluated. A vehicle replacement plan would be especially useful if the recommended continual re-evaluation process were put in place, so an agency could plan for the integrated system changes.

Also see:

- Results section 2.12.3
- Noteworthy practices: Illinois, Indiana

Recommendation 7.4.2 Use in emergency management, response and recovery. A provision should be included in the allocation of the federal section 5310 funds, which would require sub-recipients to agree to the use of these federally supported vehicles for emergency response and recovery.

Federally supported projects should routinely support emergency preparedness and response activities, even, or maybe especially when, the projects are not specifically targeted to emergency management.

If use of section 5310 vehicles for emergency response and recovery activities was included as an option for States, there would probably be no need for changes, beyond additional mention of it in guidance from FTA. States already appear to have this option. Two states, Kentucky and Nevada, already have

specific language in their state management plans. We are suggesting that appropriate language needs to be included in each sub-recipient's contract language. We also suggest that memoranda of understanding (MOUs) or some other appropriate instrument be developed and included as part of the process. If use of §5310 resources in emergency response and recovery transit became a requirement for the State's grantees, it could require a minor addition in statutory language in some States. At the least, it would be helpful to more-broadly recognize the issue, inclusion in transit emergency preparedness activities and models for implementation.

Background. Vehicles purchased with federal §5310 funds, especially those operated by human service organizations, are usually not routinely included in the state's inventory of public transit vehicles. One consequence of this omission is that these publically supported vehicles, in particular the lift-equipped vehicles, could be overlooked as available resources in emergency situations. In addition to routine transportation needs, accessible transportation is an important issue in emergency management and emergency response. Individual transportation in a personal emergency is handled by the existing ambulance system. However, in a community emergency, for example, when transportation is needed to move the public out of harm's way (e.g. for public evacuation), a wider range of vehicles (public transit vehicles, school buses, etc.) are called into play.

The location of federally-funded Section 5310 vehicles should be included in transportation data and inventories available to emergency managers. One of the changes needed for grassroots community implementation would be that full contact information (address, phone, email) be made available to FTA, and to emergency management planners, for each sub-recipient and each location where vehicle is kept, so managers can be contacted should the vehicle be needed for transportation of people with disabilities and seniors in the event of an emergency/disaster.

Also see:

- Results section 2.15
- Discussion sections 4.10; 4.11
- Recommendations 5.2 and 5.3
- Noteworthy practices: Kentucky, Nevada, Tennessee
- Appendix F: maps of Hurricane Katrina area distribution of section 5310 vehicles

Recommendation 7.4.3 Purchase of accessible vehicles should be the norm.

Federal funds are still being used to purchase non-accessible vehicles, despite the emphasis on accessibility. Many states include a statement that vehicles purchased must be accessible, but then allow exceptions and have criteria for waivers. However seven states (almost 14%) do not allow accessibility waivers. In these states §5310 funds can be used only to purchase accessible vehicles. Most states have exceptions, related to the system/service, viewed as a whole. States have various approaches to the equivalent service criterion for wheelchair accessibility. Some states appear to have a lower threshold than others.

An analysis should be conducted of the program in the seven states which do not allow exceptions, compared to states which have waivers. The study should emphasize understanding the benefits of full accessibility, and ascertain if there is any rationale for still allowing exceptions 18 years post-ADA. If the FTA continues to fund exceptions, there should at least be uniform guidance on what falls within an acceptable range for waivers.

Also see:

- Results, section 2.10.1 and Table 13
- Discussion sections 4.10
- Noteworthy practices: California, Delaware, Illinois, Maine, Minnesota, Pennsylvania, Rhode Island

7.5 Logistics

Recommendation 7.5.1 FTA should enforce the requirement that the SMPs and related public documents developed under the FTA grants be available in electronic formats.

Online access to electronic versions of state management plans with all appendices, as well as to application packages would better enable sharing among states.

Background. The requirement for electronic format has been in place since the 1998 FTA guidance document, C9070.1E (chapter VII.1). In 2005 there were still states which did not appear to have the SMP available in electronic format.

However, since FTA appears to lack workable enforcement options, even this basic level of compliance may be difficult to achieve.

See also:

- Methods section 1.0
- Discussion section 4.12

Recommendation 7.5.2 States should be required to notify sub-recipients that the sub-recipient is receiving federal funds from the §5310 program, and perhaps to have some way to also inform passengers of the source of federal support, especially when the vehicle does not look like a part of the local public transit fleet.

If local agencies, organizations, and passengers benefitting from the §5310 program are unaware that it is federally funded, it is difficult to develop ongoing support for the program. Our grassroots survey (Seekins, et.al. 2007) revealed a significant number of respondents who thought they didn't receive §5310 funds, but who were on state lists as §5310 sub-recipients.

In states using a combined application format and/or where the state agency decides which grant source to use for each award, the sub-recipients may not know their funding source, or that the funds are federal.

Also see:

- Results section 2.5.3
- Noteworthy practices: Oregon

Recommendation 7.5.3 FTA could cross reference its guidance documents, so the flow between the chapter on State Management Plans, and the other six chapters could fit into a more logical outline.

FTA should convene a working group of state program managers for the 5310, 5311, 5316, and 5317 grant programs. The group should lay out the SMP content guidance so it could act as a template for SMP formatting. While states could still have the option to lay out the SMP any way they wanted to, its likely many would use a format suggested by the FTA if it made the flow more logical, and incorporated all the required elements in a way that was compatible with the management work flow in a state DOT.

Background. Our SMP review forms were set up to follow the 12 points listed in the 1998 guidance document, C90070.1E, chapter VII. Initially it was surprising that no SMP followed the same outline, point after point, of the 12 required topics in this chapter. Retrospectively it became clear that there were issues and items required by the other chapters that either do not fit logically, or are not actually mentioned in the 12 points, which still need to be included because they are included in requirements found in other chapters.

An additional benefit of a more consistent format would be the ability to facilitate sharing of SMPs among states. A consistent layout format would make it easier to find plan elements and descriptions.

Also see:

- Noteworthy practices: Illinois
- Appendix K. State Management Plans: some suggestions for constructing a plan

B. Recommendations for further research

This research project was sponsored by the National Institute on Disability and Rehabilitation Research, in the U.S. Department of Education, as part of a Rehabilitation Research and Training Center grant, Disability in Rural Communities. It provides baseline methods and results, and recommendations. Additional research related to the issues raised in this technical report requires federal leadership in order to provide consistency in achieving federal goals. Federal leadership would most logically come from agencies within the USDOT, whose primary mission is transportation. USDOT support could be augmented collaboratively with agencies who are named in the 2004 Executive Order 13330 on Human Service Transportation Coordination which established the Federal Interagency Coordinating Council on Access and Mobility (CCAM): Transportation, Health and Human Services, Education, Labor, Veterans Affairs, Agriculture, Housing and Urban Development, and the Interior; the Attorney General, and the Commissioner of Social Security. The CCAM also includes the National Council on Disability. However other federal agencies also have a stake in integrated accessible transportation. For example, the Department of Homeland Security, with responsibility for emergency preparedness and response, should be involved, since transportation is an important element in all evacuation plans. The federal Interagency Committee on Disability Research (ICDR), which coordinates disability research across federal agencies, does not currently have a subcommittee on transportation, but plays a role in these issues. The Office of Management and the Budget (OMB) assesses the programmatic effectiveness of federal programs, and the Government Accountability Office (GAO) both have a strong interest in how federal programs addresses the nation's transportation goals.

The following recommendations are therefore targeted primarily to federal agencies, starting with the US Department of Transportation.

Research identified in the policy recommendations. Many of the policy recommendations implicitly, and in some cases, explicitly, identify the need for additional research. Federal leadership in these activities is needed to provide consistency in achieving federal goals. As this technical report shows, there is currently a lack of consistency among the states, even when states are using almost identical language to describe activities like coordination. There are many areas which remain vague and ambiguous, making it difficult to understand how well national transportation goals are being achieved.

The three policy recommendations related to outcome measurement (6.1-6.3) will need targeted research to establish consistent evaluation measures. Participatory action research would be particularly appropriate in developing performance based criteria which move beyond vehicle/ride oriented procedural measures, to actual outcome measurement; and for developing protocols for analyzing and evaluating transportation's impact on local community participation; for developing measures to evaluate fair and equitable distribution of funds at the state and community level (3.1).

While some of the questions may be basic: who gets what, where, and when (and of course the corollary – who still does not get anything, and why not) – the answers may require more thorough

analysis of the complex issues involved. From a management perspective, the bottom line should be to improve system integration and efficiency and to reduce complexity.

Policy recommendation 1.5 calls for a model practices center which could assist states with analysis and identification of federal and state codes and regulations, as well as local practices which create barriers that interfere with the development of more inclusive, integrated public transportation service systems. It could also assist with conducting targeted research which is responsive to state management needs.

Resource distribution patterns are particularly important in transportation. Research is needed which can assist states to develop dynamic mechanisms to include data on the service areas of section 5310 sub-recipients for accurate portrayal of geographic distribution of transportation system resources (5.1). As noted above, USDOT is not the only federal agency interested in this issue. For example, FEMA and other agencies involved with emergency preparedness have a stake in being able to identify accessible vehicle use in emergency response and recovery (7.4.2). (Note: Department of Transportation is both the designated emergency support function coordinator and the primary agency for Emergency Support Function (ESF) #1, Transportation. The support agencies for ESF#1 are the U.S. Departments of Agriculture, Commerce, Defense, Energy, Homeland Security, Interior, Justice, State, General Services Administration, and the U.S. Postal Service.) As states develop mechanisms to include data on the full array of accessible vehicles, including those supported by section 5310, in their transportation inventories (5.2), other applications, including emergency preparedness, should be incorporated collaboratively both intra-state and inter-states.

Research and forethought will be needed to reduce unintended consequences if bureaucratic changes are not going to add more complexity and administrative burden. The operational guidance called for throughout this technical report needs research to support and validate it. For example, the meaning of unavailable, insufficient, or inappropriate language may need not only consensus development, but also cognitive testing to assure that everyone agrees and implements these central concepts consistently.

Many of the management recommendations will need research, e.g. developing more sophisticated planning tools, with models and metrics for evaluating the cost benefits, opportunities, etc., which would be useful to an agency considering adding transportation services (7.3.1), and developing tools for evaluating applicant's financial management capacity, which would be useful to members of selection panels and advisory boards, who do not have a business background (7.3.2).

Some research areas derived from the policy recommendations are related directly to the vehicles, for example, an insurance study that goes beyond simply a requirement for insuring the federal interest in the vehicle (7.3.3). An analysis of the programs in the seven states which do not allow procurement exceptions to the requirements for accessible vehicles is needed. It should compare these seven states to the states which have waivers; the study should include emphasis on understanding the benefits derived from full accessibility, to ascertain if there actually is any rationale for still allowing exceptions, 18 years post-ADA (7.4.3).

Even the development of incentive mechanisms to reward states and local communities when they increase transportation system accessibility, integration, and accountability (1.4), and resources for conducting state transit needs surveys, will need agreed upon standardized categories, geographies, and terminology (2.2) which should be derived from research activities done collaboratively with states, and not just written in an vacuum that overlooks state administrative reality.

Additional research

Transformation. Programmatically, it may seem risky to remove the current tangled web of procedures and requirements until there is something better to replace them with. For example, if FTA just handed down a mandated set of rider categories (4.2) for data collection, it might cause unforeseen problems in state administration. However, states which are not headed in a direction of integrated accessible transportation for all may need to shift focus even before new guidance is issued. Even without additional research, this technical report identifies many models which could be used for conversion planning.

Research on the conversion planning process is needed. Further analysis is needed to identify targeted strategies which can increase the speed of the transformation from segregated (albeit coordinated) human service transportation, to systems which focus on integrated transportation for all.(1.4) For example, it would be useful to have more information about the effect of Mississippi's policy to require a 50% match when the applicant is going to use the vehicle to serve only agency clients. As well as to assess if and how Colorado's DOT has facilitated development of better integrated transportation systems:

...policy to assign lower scores and priority in the Service Justification and Coordination criteria to those applicants who directly or indirectly limit or direct all or a significant part of their service to a particular clientele (e.g., elderly persons, developmentally disabled persons, residents or customers of a particular facility, etc.), unless that service is operated separately from that for which funding is sought...

Targeted interviews with the Colorado DOT, as well as with transportation providers and consumers in selected communities could provide details on this policy and practice, and recommendations for other state DOTs. More information about Michigan Regional Transportation Program experience and outcomes in transforming specialized services into countywide transportation services for everyone would also be beneficial. Further review and discussion with state coordinators would be needed to appropriately address questions related to conversion planning and transformation into an integrated accessible system.

Beyond the baseline study. This analysis was designed as a baseline study. While the same items will need to be included for direct comparison in any subsequent studies, we have identified additional issues, strategies, and questions that should also be included.

Questions to include in the next §5310 state management study:

[1] Documents. When collecting documents for review:

- ask when the most recent state management review occurred.
- ask if the SMP document was the one approved at the most recent state management review
- ask for all of the SMP appendices
- if the SMP is part of the larger document, ask for the entire document
- ask for the application forms and instructions
- ask for the scoring sheets, and criteria, if they are not part of the SMP
- ask for the POP (program of projects)

[2] Interviews. Some plans seem pro forma, other are exercises in bureaucratic creativity. The people who write them are too close to them, and external reviewers relying only on formal documents are too far away. A combination of phone interviews and document review might provide a better way to get at the essence of the operations. SMP document review alone can not fully identify best practices or all disincentives to coordination. Without the ability to fill in the gaps, to collect more information about what the plan is referring to, it is difficult to get a complete picture. A reviewer cannot see what is not there (e.g. the California SMP had no mention of funding for the Los Angeles paratransit system. We only learned of it from an external source).

[3] Track how long the state has been operating a §5310 program – a few states include that info (e.g. Utah has been operating §5310 programs since 1975 (the first year funding was available); one SMP said 1985).

[4] Supplementary funding. We should have specifically asked if there is State funding which either supplements or parallels the §5310 program. We have some data, but that section could be improved. Written material on complementary programs should be collected, if it is not included in the 5310 SMP.

[5] Transfers of funds. It's important to describe how fund transfers fit into development of an integrated accessible system. Some of the states seem to exercise considerable bureaucratic creativity in this area. Some of these may be model practices other states could learn from. More data is needed on the rationale, protocol, and who makes the decisions. How do states reserve the funds for transfer to §5311 if there are more traditional applicants than available funds for sec 5310 support? This could be an important issue for conversion planning.

[6] What percentage of applicants is funded each year? While it would help put the program need into perspective, this information is generally not included in the SMPs. One state said 1/3, while another

(WY) said they fund all applications, so do not have a selection process or criteria. Several states say that all applicants which meet the federal and state requirement will be funded, depending on availability of funds.

[7] Coordinating bodies. Include a question about the criteria for being designated a coordinating body – some states include it, others do not. Usually it's FTA boilerplate and a range of descriptions of how coordinating bodies operate.

[8] Vehicles. We collected limited information about the vehicles themselves. Some states appear to have restrictions on the size and type of vehicles purchased. For example, none of the vehicles provided in Arizona would require the operator to have a commercial driver's license. It would be interesting to note the actual range of vehicles in a state's overall transportation inventory (whether separate or integrated) which were supported in any way with §5310 funds.

[9] Vehicle certification or inspection. When and how often does the DOT physically inspect the section 5310 supported vehicles? Our limited analysis ranges from inspection every year to every 4 years, with 3 years being most common. Wisconsin had arranged with the state's public safety inspection agency to certify the vehicle annually. Minnesota recipients must pass an annual vehicle inspection by MnDot and the Dept of Public Safety staff. How does this compare to how transit buses and accessibility equipment get inspected?

Minnesota recipients must pass an annual vehicle inspection (a form is included in SMP's application packet) by MnDot and the Dept of Public Safety staff. It's unclear whether this is a regular statewide protocol, or if the DOT is making a particular effort to conduct onsite review annually.

[10] Procurement. If the state purchases the vehicles, and the sub-recipients receives no cash, it seems to simplify the process and reduce reporting requirements. What are the incentives to doing it other ways?

[11] Procurement process timing. Differences between our SMP review of the process and grass roots experience of the process; including

- What is the length of time from beginning of application process announcement
- competition/call for proposals → proposal submission → notice of award → bid process → actual receipt of vehicle → putting into service for the first time;
- At what point in the process does the match have to be made? (i.e. money changes hands)

Several survey respondents commented on the time between submitting the match and the time of vehicle receipts, and some plans (e.g. Arizona) mention that the match is collected several months prior to delivery.

[12] Source of operating funds. Since operating funds are an essential element of operating a transportation service, specific information should be collected on how the state considers operating

funds. It is not always clear in the SMP. Some states functionally use sec. 5310 funds as operating funds, though the purchase of service option (e.g. Iowa's SMP is very clear about this). A few states have a complimentary source for funds which can be used for operating funds. There is a demonstration project authorized by SAFETEA-LU on use of 5310 funds for operating funds.

[13] Reporting. We might have tracked this better, if specific questions had been asked, and forms requested. Some states require an annual report (e.g. Colorado) in addition to periodic reports. More than one state has noted that points are deducted from project scoring for habitual late monthly reporting. Is there any other enforcement mechanism?

[14] Reallocation of vehicles. How many vehicles have ever been reallocated/transferred to another agency because of underutilization (e.g. West Virginia "reserves the right to remove a vehicle from any agency that puts less than 10,000 miles a year on their vehicle") or reallocated/transferred for any other reason (e.g. poor maintenance, inadequate reporting).

[15] Training. This should be tracked and available resources identified. It does not seem to be a required element of the SMP. Some SMPs, especially those that included both the 5310 and 5311 programs, mentioned RTAP as a resource. Some states have the advantage of a national level transportation research entity, which can be very useful for conducting studies and providing training. For example, SMPs mentioned North Carolina State University Institute for Transportation Research and Education; Kansas University Transportation Center. A few SMPs mentioned the annual state transportation conference, and transit associations for operators and/or riders.

[16] Resource Availability. Resource materials available to applicants should be noted. For example, some states (e.g. Nebraska, Illinois) include a map of the transportation regions, lists of contact information for MPO and regional entities, etc. Illinois includes urbanized areas reference maps, noting MPO jurisdictional boundaries are subject to change, and what to do about it. Other states do not appear to provide resource lists, and appear to expect the applicants to find this information on their own. One state refers applicants to the phone book.

Resource information may be readily available from the state coordinator, and/or may be available online. It may or may not be included in the SMP/application packet. This cannot be evaluated based only on the document review. It would probably need to be a 2 part question. [1] Can the state coordinator make the information available? [2] Is the information and process available to the public in a timely, easy to use format?

[17] Planning. It is important to place the section 5310 SMP within the context of each state's rural transportation planning process; and where rural issues fit into the overall transportation planning process. The requirement that projects be included in the TIP and STIP makes it important that this process be included, since in some states (especially the regional models) it may be where the primary decisions are made or at least solidly sketched in. Could it be that the more local/regional the model is,

the more important the TIP becomes? And the more likely that rural may be left out unless rural is an important determinant of the regions.

[18] Agency representation. Place SMP analysis in the context of the relationship between agency representation and the pathway and process the state uses. Review board composition reflects direction and provides insight into who has a voice in decision-making. Most seem to focus on Human Services Transportation, but some include other entities (e.g. Louisiana includes the §5311 program manager, and added the Office of Rural Development in its 2006 SMP). Describe the variation in state decision-making. Compile a list, by state of the participants. Compare to pathway. Develop an ideal list, with rationale for inclusion. This would have to be done by the agency's role, since state agency names vary widely.

Related questions to include in the next grassroots §5310 study:

[1] Procurement process. Several respondents added comments on this issue. Include a set of question about the process of applying for a §5310 support:

- length of time from the notice of application, until delivery of the vehicle,
- how long the agency's funds are committed before the vehicle is delivered (i.e. the length of time between the agency giving the state the money, and the day they can first use the vehicle). Some respondents to the survey commented that their funds were tied up for more than a year before they received the vehicle. At least one state puts the funds in an account and refunds any surplus. Indiana does not refund the interest, though they do refund any unused local share.

[2] Source of funds. The cover letter survey should explain that §5310 may not be the name of the transportation grant program that actually funds their vehicle/service. Some states have a coordinated application form and the sub-recipients may not know which grant dollars were used.

C. Post SAFETEA-LU State Management Plan Analysis:

Recommendations about key indicators for progress/change

We had planned to review state management plans written before and after the passage of SAFETEA-LU. Because TEA-21, the previous transportation act, had 12 extensions, SAFETEA-LU was not signed into law in a timeframe that would allow us to analyze pre and post effects of the new legislation.

It will be important to do a follow-up analysis of post SAFETEA-LU state management plans, as well as a follow-up community based survey of the impact the statutory changes are making in integrated transportation for elderly individuals and people with disabilities. As of November 2007, all states are required to have an updated SMP based on FTA Circular 9070.1F on file in their regional FTA office, which reflects the changes SAFETEA-LU made in the program (USDOT-FTA, 2007c). This suggests that a future study may be able to collect SMPs for review with less effort than was needed for this pre-SAFETEA-LU review.

To assess progress/change in post SAFETEA-LU State Management Plans, a few SMP elements might serve as particularly important indicators to assess progress/change:

[1] Need. SMP includes specific criteria for establishing need (i.e. there are operational definitions for each element of transportation which is otherwise: unavailable, insufficient, or inappropriate {item A1 on review form, see Appendix C} as well as a specific description of how state program management is being used to address those gaps. *

[2] Performance measures. SMP includes a description of performance indicators which

- indicate whether or not destination categories are used to prioritize rides
- differentiate between programmatic (human service) destinations and destinations of the riders choice . (Just because the vehicles are providing a lot of rides does not mean eligible riders are getting rides to the places they want/need to go)
- categorize and count riders so they can be accurately aggregated nationally *
- clearly describe how the state's definition of disability differs from the FTA definition (currently states appear to develop their own categorization, and disability may be undercounted)

[3] Coordination. SMP includes details for reducing silo effect: clear descriptions of program relationships among state and federal sponsored funding programs, and how program funding is coordinated so it will fill gaps in order to make transportation more available, sufficient, and appropriate for elderly individuals and people with disabilities (item 7A); how the coordinating bodies are integrated into the plan (items 2A, 2B).

[4] Public involvement. Clearly includes the transportation-using public (riders), not just the transportation-providing public (item C).

[5] State inventory of accessible vehicle stock {item 10}.

- SMP describes how they are increasing the number of accessible vehicles in the fleet, and reducing the number of accessibility waivers.
- SMP describes how vehicles are included in state inventory, so location and vehicle characteristics are readily available across agencies (e.g. for use in emergency evacuation).

[6] Sub-allocation of §5310 funds. In states which use a regional or lead agency model, descriptions of operations and resource distribution below the regional or lead agency (i.e. the sub-allocation of §5310 funds, and how sub-sub recipients interface in local coordination efforts).

[7] Fair and equitable distribution. Operational description of how way to equity is included in the process (items 1B, 5E) e.g. a description of the MPO-rural planning relationship

[8] Evidence of simplifying, streamlining, system integration strategies (e.g. combined application package)

[9] Proposal evaluation: project selection criteria. Inclusion of score sheet, and scoring criteria, included as part of the plan.

[10] Eligible capital expenses (item 5F). Detail on alternatives to typical capital expenditures; exclusions noted.

* Needs national guidance in order to promote consistency in indicators, measures, outcomes, etc. Review should note if any of these items, or parts of items would require prior change in federal or state law/guidance – or if state could just administratively begin using these elements in the state management plan.

Conclusion

The road from the 1970 national policy “that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services” through the 1990 Americans with Disabilities Act, and increased federal investments in public transportation for all Americans, has taken many twists and turns. As transportation systems and services continue to evolve, it is increasingly important to be clear about the direction they are heading at the community, state, and federal levels.

It may be uniquely American to use public funds to support and subsidize the capital costs for vehicle acquisition by human service agencies. I would like to think that it was enlightened Congressional leadership in the early 1970's that understood that seniors and people with disabilities needed to be out in their communities, needed more than just services and meals delivered to their doorsteps. Meals on Wheels provided nutrition (the first home-delivered meal program in the United States started in 1954 in Philadelphia). Senior center lunch programs went beyond nutrition, and also provided interaction and involvement with other people. Someone understood that in order to participate beyond their homes, people needed to have transportation, a way to get there. The section 16(b)2 federal transportation program (section 5310's initial designation) by subsidizing vehicle costs, encouraged human services agencies to get actively involved in transportation services for their clients. The vision of fully integrated public transportation systems had not yet arrived. This was an era when there was still major debate about whether there should be a federal role in funding mass transit in the nation's cities. Support for rural transportation was still years away.

Subsidized vehicle acquisition for human service agencies may still be a laudable public goal. Some agencies may need their own vehicles to provide comprehensive services. Perhaps there should be a separate program just for that purpose, one that does not add requirements for coordinated vehicle use beyond the agency's client base; one that makes a vehicle ready and on-call whenever the agency's clients need a ride; one that is based on the agency's needs as it had been in the past. However, this is not the pathway to a fully integrated public transportation system.

ADAPT provided a different kind of implementation model, also uniquely American at the time, by actively calling for fully accessible integrated public transportation systems, and by making it a civil rights issue (Johnson & Shaw, 2001). Before it was American Disabled for Attendant Programs Today, the original ADAPT stood for American Disabled for Accessible Public Transit. ADAPT's transportation goals were addressed when the 1990 Americans with Disabilities Act (ADA) steered national policy onto the path of integrated accessible public transit. This path is still evolving, as we can see by the most recent transportation act's (SAFETEA-LU) addition of the New Freedom program (section 5317) which goes beyond ADA requirements. But it still has gaps to be filled, and needs the safety net that the section 5310 program can address.

It took the ADA to change the transportation bureaucracy -- to get lifts added to the buses, and the rules in place for system variations (e.g. when the system can deviate from fixed routes). In the past,

accessible transportation had often been left to non-public transit systems: human service organizations, private taxis, school buses, ambulances, faith-based organizations. Under today's umbrella of coordination, when public transportation systems, public and private transportation services, and human services transportation operators work together, they are coming from different sets of expectations and values and have different sets of explicit and implicit priorities and outcome measures. They may be using very similar language, but in fact interpreting the words very differently. Human service agencies which are trying to preserve an investment in specialized segregated services may find it challenging to work toward an integrated transportation system for all. It is however both desirable and possible, as evidenced by the number of states and communities which have built and are building an integrated public transportation system from a core of specialized human service transportation.

Implementation of the small, safety net FTA transportation grant programs, from 1975's legacy *Special Needs of Elderly Individuals and Individuals With Disabilities Program* (49 U.S.C. 5310) to the 2005 *New Freedom Program* (49 U.S.C. 5317) could be streamlined from a management perspective, and better integrated from a programmatic perspective. Managing multiple siloed state and federal programs, each with different requirements, seems inefficient. Especially since one would hope that all these grants programs share a similar overall objective: developing integrated transportation services available to all the nation's citizens.

The core functions expected of the states are expanding, but state administrative constraints mean that state transit department staffing levels are not expanding, even when increased federal funding is available. TRB (2007b) reports the need to streamline grant administration and facilitate consolidated grant agreements, and notes that:

Some states are moving toward one grant agreement for each transit operator which include all state and federal program requirements and clauses. These often have a consolidated application and associated grant agreements. However, given the differences in federal programs, these consolidated applications and grant programs are difficult to develop. Some states suggest that all state transit programs be consolidated on the federal level in the next reauthorization rather than continuing with a variety of siloed federal programs.

Our state management plan review suggests that programmatically, the consolidated management and application approach is noteworthy, and appears to lead to better systems integration. Trying to support and maintain separate segregated transportation services is both inefficient and ineffective, when there is any possibility of developing integrated public transportation systems which are planned, designed, and implemented to meet the needs of the broadest range of riders, including people with disabilities and older individuals. If a public transit system can incorporate more integrated accessible service elements, shouldn't it be given the first option to do so? Currently, to be eligible for section 5310

funding, the public body may be required to certify to the State that there are no non-profit organizations in the area that are readily available to carry out the service. An alternative would be the option which some states exercise to transfer section 5310 funds to section 5307 or section 5311. Protections were strengthened in SAFETEA-LU, the most recent transportation act, so that transferred §5310 funds can only be used “for projects selected under the Section 5310 program, not as a general supplement for those programs. A State that transfers Section 5310 funds to Section 5307 must certify that each project for which the funds are transferred has been coordinated with private nonprofit providers of services” (Federal Register, March 23, 2007).

The section 5310 program is a valuable, though relatively small, program which may have reached the limits of bureaucratic tweaking, and may need a thorough review to align it more consistently with national integrated transportation policy goals. Programmatically, it may seem risky to remove the current tangled web of procedures and requirements until there is something better to replace them with. However, states which are not headed in a direction of integrated accessible transportation for all may need to shift focus even before new guidance is issued. This technical report identifies many models which could be used for conversion planning.

Programs designed to distribute public subsidies should be continually reassessing mechanisms for addressing needs in areas where transportation is unavailable, insufficient, or inappropriate. The system should never be static or self renewing – it should continually be re-evaluating what can be done in the most integrated setting (with subsidy if needed), and what may still need to be supported in a separate, eligibility based system which provides a safety net in the community.

Transportation systems and services evolve. As changes are made, it is critical that they are targeted to outcomes measured not only in numbers of rides and vehicles, but also in shared values. We need to agree on not only what to coordinate, but why we are coordinating. As we have repeatedly discussed in the pathways concept identified in this technical review, without a shared vision, in policy and practice, and well managed direction of where the vehicles of modern participation are headed, it is unlikely they will reach the intended destination: efficient and effective integrated transportation for all.

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Appendices A-N

Appendix A

Acronyms, Terminology, Disability Definitions

Acronyms

§	Section
app.	Application
ADA	Americans with Disabilities Act of 1990
AMHTA	Alaska Mental Health Trust Authority (Alaska)
APRIL	Association for Programs in Rural Independent Living
APTA	American Public Transit Association
BART	Bay Area Rapid Transit (San Francisco Bay Area)
BOP	Biennial Operation Plan (Maine)
CAAA	Clean Air Act Amendments of 1990
CBO	Congressional Budget Office
CCAM	Coordinating Council on Access and Mobility
CDL	Commercial Driver's License
CFR	Code of Federal Regulations
CIL	Center for Independent Living
COG	Council of Governments
CTAA	Community Transportation Association of America
CTC	Community Transportation Coordinator (Florida)
CTD	Coordinated Transit District (Kansas)
DBE	Disadvantaged Business Enterprise
DD	Developmental disability
DHHS	U.S. Department of Health and Human Services
DOL	U.S. Department of Labor
DOT *	Department of Transportation
DUI	Driving Under the Influence (of alcohol or drugs)
EEO	Equal Employment Opportunity
EO	Presidential Executive Order
ESF	Emergency Support Function
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
FFY	Federal fiscal year
FY	Fiscal year
GAO	Government Accountability Office
GPRA	Government Performance and Results Act

GPS	Global Positioning System
HTF	Highway Trust Fund
ICDR	Interagency Committee on Disability Research
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240)
ITS	Intelligent Transportation Systems
JARC	Job Access and Reverse Commute
LTAf	Local Transportation Assistance Fund (Arizona)
MAP	Mobility Access Program (Massachusetts)
MARTA	Metropolitan Atlanta Rapid Transit Authority (rapid transit system)
METRO	Washington (DC) Metropolitan Area Transit Authority's rapid transit system
MPO	Metropolitan Planning Organization
MTA	Mass Transit Account of the Highway Trust Fund
MTA	Metropolitan Transit Authorities (Texas)
MTP	Metropolitan Transportation Plan
NGO	Non-governmental organization
OMB	Office of Management and the Budget
PL	Public law
POP	Program of projects
PSA	Planning and Service Area (Georgia)
PTMS	Public Transportation Management System
PWD	Person with a disability
PwoD	Person without a disability
RIPTA	Rhode Island Public Transit Authority
RPC	Regional Planning Council (Florida)
RPTAC	Regional Public Transportation Advisory Committee (Idaho)
RPTCAP	Rural Public Transportation Coordination Assistance Program (New York)
RTPA	Regional Transportation Planning Agency (California)
RRTC	Rehabilitation Research & Training Center
RTAP	Rural Technical Assistance Program
RTC	Research & Training Center
RTC: Rural	Research and Training Center on Disability in Rural Communities
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users, 2005 (P.L.109-59)
SILC	Statewide Independent Living Council
SMI	Serious mental illness
STA	State Transit Assistance (Iowa)
STF	Special Transportation Fund (Oregon)
STIP	State Transportation Improvement Plan
STP	Surface Transportation Program
TAC	Transportation Advisory Committee (Colorado, Indiana, Montana)

TANF	Temporary Assistance to Needy Families
TE	Transit Element (Colorado)
TEA-21	Transportation Equity Act for the 21st Century, 1998 (Public Law 105-178)
TIP	Transportation Improvement Plan
TMA	Transportation Management Area
TRB	Transportation Research Board
USC	United States Code
USDOT	U.S. Department of Transportation
USPS	U.S. Postal Service

* Although each state has its own acronym for the state’s Department of Transportation, in order to reduce acronyms, we use *DOT* generically to refer to the state’s agency. The actual state acronym is used in the direct quotes from the state SMP or application. For the most part, when referring to the federal Department of Transportation, we used FTA (Federal Transit Administration) since it is the entity within the federal Department of Transportation responsible for the §5310 program. We use USDOT when referring to the federal Department of Transportation.

Terminology

Public transportation. We will use the words *public transportation* in this report instead of *mass transportation* unless using a direct quotation. While *mass* was the language used in TEA-21, SAFETEA-LU replaced the term with *public* for the Section 53XX programs, based on Title III, Section 3002 of the bill (http://www.fta.dot.gov/index_6534.html):

(d) Mass Transportation.--Section 5302(a)(7) is amended to read as follows: ``(7) Mass transportation.--The term `mass transportation' means public transportation.'

(e) Public Transportation.--Section 5302(a)(10) is amended to read as follows: ``(10) Public transportation.--The term `public transportation' means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus transportation or intercity passenger rail transportation provided by the entity described in chapter 243 (or a successor to such entity)''.

* **Allocation:** An administrative distribution of funds for programs that do not have statutory distribution formulas.

* **Apportionment:** The distribution of funds as prescribed by a statutory formula.

Capital: something owned which provides ongoing services. Generally the equipment used in transportation, differentiated from operating costs.

* **Department of Transportation (DOT):** Establishes the nation's overall transportation policy. Under its umbrella there are ten administrations whose jurisdictions include highway planning, development and construction; urban mass transit; railroads; aviation; and the safety of waterways, ports, highways, and oil and gas pipelines. The Department of Transportation (DOT) was established by act of October 15, 1966, as amended (49 U.S.C. 102 and 102 note), "to assure the coordinated, effective administration of the transportation programs of the Federal Government" and to develop "national transportation policies and programs conducive to the provision of fast, safe, efficient, and convenient transportation at the lowest cost consistent therewith."

* **Federal Transit Administration (FTA):** (Formerly the Urban Mass Transportation Administration) operates under the authority of the Federal Transit Act, as amended (49 U.S.C. app. 1601 et seq.). The Federal Transit Act was repealed on July 5, 1994, and the Federal transit laws were codified and re-enacted as chapter 53 of Title 49, United States Code. The Federal Transit Administration was established as a component of the Department of Transportation by section 3 of Reorganization Plan No. 2 of 1968 (5 U.S.C. app.), effective July 1, 1968. The missions of the Administration are 1) to assist in the development of improved mass transportation facilities, equipment, techniques, and methods, with the cooperation of mass transportation companies both public and private; 2) to encourage the planning and establishment of areawide urban mass transportation systems needed for economical and desirable urban development, with the cooperation of mass transportation companies both public and private; 3) to provide assistance to State and local governments and their instrumentalities in financing such systems, to be operated by public or private mass transportation companies as determined by local needs; and 4) to provide financial assistance to State and local governments to help implement national goals relating to mobility for elderly persons, persons with disabilities, and economically disadvantaged persons.

* **Fiscal Year (FY):** The accounting period for the budget. The Federal fiscal year is from October 1 until September 30. The fiscal year is designated by the calendar year in which it ends. For example, FY 1999 runs from October 1, 1998 until September 30, 1999.

** **Fleet:** The vehicles in a transit system. Usually, fleet refers to highway vehicles and rolling stock to rail vehicles (TRB1).

Fleet management is a core business for state DOTs. State DOTs are in the business of managing the acquisition, use, and safety of large numbers of vehicles, rails, ferries for multiple modes of passenger transportation. Costs, vehicle life cycle, fleet size balance, utilization minimums, downtime. Vehicle fleet management systems appear to be universally used for reporting and outcomes: for example, data is collected on the number of rides; the number of riders; number of miles; number of hours in service. Fleet management typically measures efficiency and utilization, not effectiveness and impact.

** **Fleet Vehicles:** 1) Private fleet vehicles: ideally, a vehicle could be classified as a member of a fleet if it is operated in mass by a corporation or institution, operated under unified control, or used for non-personal activities; however, the definition of a fleet is not consistent throughout the fleet industry.

Some companies make a distinction between cars that were bought in bulk rather than singularly, or whether they are operated in bulk, as well as the minimum number of vessels that constitute a fleet (i.e. 4 or 10); 2) Government fleet vehicles: includes vehicles owned by all federal (GSA) state, county, city, and metro units of government, including toll road operations.

Flex funds. Funds transferred among programs, usually from highway programs to transit programs.

Flexible funding was one of the hallmarks of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) that was continued under the 1998 Transportation Equity Act for the 21st Century (TEA-21) and under the SAFETEA-LU. These flexible funding provisions enable State and local governments, transit operators, and metropolitan planning organizations to more effectively meet their unique needs, and facilitate a multimodal approach to meeting transportation needs at both the statewide and metropolitan levels. The flexibility provisions of these transportation acts include: [1] Broad highway/transit eligibility within selected categories of major highway and transit programs; [2] Transfer of funds within the Federal-aid highway program to other programs with broader highway/transit eligibility; and [3] Transfer of funds from FHWA to FTA and vice versa. Retrieved November 26, 2008 at <http://www.fhwa.dot.gov/hep/flexfund.htm>

* **Geographical Information System (GIS):** A system of hardware, software, and data for collecting, storing, analyzing, and disseminating information about areas of the Earth. For Highway Performance Monitoring System (HPMS) purposes, Geographical Information System (GIS) is defined as a highway network (spatial data which graphically represents the geometry of the highways, an electronic map) and its geographically referenced component attributes (HPMS section data, bridge data, and other data including socioeconomic data) that are integrated through GIS technology to perform analyses. From this, GIS can display attributes and analyze results electronically in map form.

* **Global Positioning System (GPS):** A space base radio positioning, navigation, and time transfer system being developed by the Department of Defense. When fully deployed, the system is intended to provide highly accurate position and velocity information, and precise time, on a continuous global basis, to an unlimited number of properly equipped users. The system will be unaffected by weather, and will provide a worldwide common grid reference system. The Global Positioning System (GPS) concept is predicated upon accurate and continuous knowledge of the spatial position of each satellite in the system with respect to time and distance from a transmitting satellite to the user. The GPS receiver automatically selects appropriate signals from the satellites in view and translates these into a three-dimensional position, velocity, and time. Predictable system accuracy for civil users is projected to be 100 meters horizontally. Performance standards and certification criteria have not yet been established.

* **Grant:** A federal financial assistance award making payment in cash or in kind for a specified purpose. The federal government is not expected to have substantial involvement with the state or local government or other recipient while the contemplated activity is being performed. The term *grants-in-aid* is commonly restricted to grants to states and local governments.

* **Metropolitan Planning Organization (MPO):** Formed in cooperation with the state, develops transportation plans and programs for the metropolitan area. For each urbanized area, a Metropolitan Planning Organization (MPO) must be designated by agreement between the Governor and local units of government representing 75% of the affected population (in the metropolitan area), including the central cities or cities as defined by the Bureau of the Census, or in accordance with procedures established by applicable State or local law (23 U.S.C. 134(b)(1)/Federal Transit Act of 1991 Sec. 8(b)(1)).

* **Obligation Limitation:** A restriction, or ceiling on the amount of Federal assistance that may be promised (obligated) during a specified time period. This is a statutory budgetary control that does not affect the apportionment or allocation of funds. Rather, it controls the rate at which these funds may be used.

* **Obligation:** The Federal government's legal commitment (promise) to pay or reimburse the States or other entities for the Federal share of a project's eligible costs.

* **Public Transportation:** Transportation by bus, rail, or other conveyance, either publicly or privately owned, which provides to the public general or special service on a regular and continuing basis. Also known as mass transit and transit.

* **SAFETEA-LU:** Formally known as the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59), this legislation authorizes most federal surface transportation spending through for Fiscal Year 2005 through Fiscal Year 2009. It was signed into law by President George W. Bush on August 10, 2005.

** **Transit System:** An organization (public or private) providing local or regional multi-occupancy-vehicle passenger service. Organizations that provide service under contract to another agency are generally not counted as separate systems (APTA1).

* Definitions are from Glossary of Key Terms; National Surface Transportation Policy and Revenue Commission. Retrieved May 8, 2008 at <http://www.transportationfortomorrow.org/glossary/>

** Definitions are from RITA, Bureau of Transportation Statistics Dictionary: retrieved October 10, 2008 at <http://www.bts.gov/dictionary/index.xml>

Disability Definitions

Census 2000 disability criteria: Individuals were classified as having a disability if any of the following three conditions was true:

1. They were five years old and over and reported a long-lasting sensory, physical, mental or self-care disability;
2. They were 16 years old and over and reported difficulty going outside the home because of a physical, mental, or emotional condition lasting six months or more; or
3. They were 16 to 64 years old and reported difficulty working at a job or business because of a physical, mental, or emotional condition lasting six months or more.

Census, annual *American Community Survey*, disability criteria: Retrieved June 4, 2008 at <http://www.census.gov/acs/www/Downloads/SQuest08.pdf>

These new disability questions will be used for first time in the 2008 ACS:

16.
 - a. Is this person deaf or does he/she have serious difficulty hearing?
 - b. Is this person blind or does he/she have serious difficulty seeing even when wearing glasses?
17. Answer question 17 a – c if this person is 5 years old or over.
 - a. Because of a physical, mental, or emotional condition, does this person have serious difficulty concentrating, remembering, or making decisions?
 - b. Does this person have serious difficulty walking or climbing stairs?
 - c. Does this person have difficulty dressing or bathing?

18. Answer question 18 if this person is 15 years old or over.

Because of a physical, mental, or emotional condition, does this person have difficulty doing errands alone such as visiting a doctor's office or shopping?

FTA disability criteria:

Individual With a Disability means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use effectively, without special facilities, planning or design, public transportation service or a public transportation facility. 49 U.S.C. 5302(a)(5).

ADA (Americans with Disabilities Act) disability criteria (42 U.S.C. § 12102(2); See also 29 C.F.R. § 1630.2(g)). The term disability means, with respect to an individual:

- A. With a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- B. With a record of such an impairment; or
- C. Being regarded as having such an impairment

Appendix B

Statutes (Appendix B-1) and FTA Guidance Circular (Appendix B-2)

Appendix B-1. Statutes

This section includes statutory and codified language from three different federal laws:

[1] Public Law 105-178 (June 9, 1998) TEA-21

Transportation Equity Act for the 21st Century

This codified language (49 USC 5310) governed the Section 5310 program during the period of the State Management Plan review described in this technical report.

[2] Public Law 109-59 (August 5, 2005) SAFETEA-LU

Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users

Codified language guiding the section 5310 program was changed in part by SAFETEA-LU. It is included for your convenience, immediately following the version applicable to the SMP review.

[3] Public Law 91-453 (October. 15, 1970) Urban Mass Transportation Act of 1970

Law amended the Urban Mass Transportation Act of 1964 by adding a new section 16: *Planning and Design of Mass Transportation Facilities to Meet Special Needs of the Elderly and the Handicapped*. This appears to be the first time this language appears in federal law. The current section 5310 grant program is usually cited as first appearing in the 1974 law as section (16)(b)(2); if its included there, its obscure. However, (16)(b) was in the 1970 amendments, along with a requirement for a feasibility study with a report to Congress within the year. In addition, this law included a definition for handicapped person, as well as authorization for set aside funding. Section (16)(a) includes clear congressional statement of national policy:

SEC. 16. (a) It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.

[1] Public Law 105-178, Transportation Equity Act for the 21st Century (TEA-21) enacted June 9, 1998. The law itself had made almost no change to the section 5310 program. The codified language below (49 USC 5310) governed the Section 5310 program during the period of the State Management Plan review described in this technical report.

TITLE 49--TRANSPORTATION

SUBTITLE III--GENERAL AND INTERMODAL PROGRAMS

CHAPTER 53--MASS TRANSPORTATION

§ 5310. Formula grants and loans for special needs of elderly individuals and individuals with disabilities

(a) General Authority — The Secretary of Transportation may make grants and loans to—

(1) State and local governmental authorities to help them provide mass transportation service planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities; and

(2) the chief executive officer of each State for allocation to—

(A) private nonprofit corporations and associations to help them provide that transportation service when the transportation service provided under clause (1) of this subsection is unavailable, insufficient, or inappropriate; or

(B) governmental authorities—

(i) approved by the State to coordinate services for elderly individuals and individuals with disabilities; or

(ii) that certify to the chief executive officer that no nonprofit corporation or association readily is available in an area to provide service under this subsection.

(b) Apportioning and Transferring Amounts —The Secretary shall apportion amounts made available under section 5338 (a) of this title under a formula the Secretary administers that considers the number of elderly individuals and individuals with disabilities in each State. Any State's apportionment remaining available for obligation at the beginning of the 90-day period before the end of the period of availability of the apportionment is available to the chief executive officer of the State for transfer to supplement amounts apportioned to the State under section 5311 (c) or 5336 (a)(1) of this title.

(c) State Program of Projects — Amounts made available for this section may be used for transportation projects to assist in providing transportation services for elderly individuals and individuals with disabilities that are included in a State program of projects. A program shall be submitted annually to the Secretary for approval and shall contain an assurance that the program provides for maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other United States Government sources.

(d) Eligible Capital Expenses — A recipient of amounts under this section may include acquiring transportation services as an eligible capital expense.

(e) Application of Section 5309.— A grant or loan under subsection (a)(1) of this section is subject to all requirements of a grant or loan under section 5309 of this title, and is deemed to have been made under section 5309.

(2) A grant or loan under subsection (a)(2) of this section is subject to requirements similar to those under paragraph (1) of this subsection to the extent the Secretary considers appropriate.

(f) Minimum Requirements and Procedures for Recipients.— In carrying out section 5301 (d) of this title, section 165(b) of the Federal-Aid Highway Act of 1973 (Public Law 93–87, 87 Stat. 282), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (consistent with Government-wide standards to carry out section 504), the Secretary shall prescribe regulations establishing minimum criteria a recipient of Government financial assistance under this chapter or a law referred to in section 165 (b) shall comply with in providing mass transportation service to elderly individuals and individuals with disabilities and procedures for the Secretary to monitor compliance with the criteria. The regulations shall include provisions for ensuring that organizations and groups representing elderly individuals and individuals with disabilities are given adequate notice of, and an opportunity to comment on, the proposed activity of a recipient to achieve compliance with the regulations.

(g) Leasing Vehicles — The Secretary shall prescribe guidelines allowing vehicles bought under this section to be leased to local governmental authorities to improve transportation services designed to meet the special needs of elderly individuals and individuals with disabilities.

(h) Meal Delivery Service to Homebound Individuals — Mass transportation service providers receiving assistance under this section or section 5311 (c) of this title may coordinate and assist in regularly providing meal delivery service for homebound individuals if the delivery service does not conflict with providing mass transportation service or reduce service to mass transportation passengers.

(i) Transfer of Facilities and Equipment — With the consent of the recipient currently having a facility or equipment acquired with assistance under this section, a State may transfer the facility or equipment to any recipient eligible to receive assistance under this chapter if the facility or equipment will continue to be used as required under this section.

(j) Fares Not Required— This chapter does not require that elderly individuals and individuals with disabilities be charged a fare.

Public Law 109-59, Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) enacted August 5, 2005.

NOTE: This is not the statute or codified language in place during the period of the Section 5310 State Management Plan review. The following codified language (49 USC 5310) governing the Section 5310 program was changed in part by SAFETEA-LU. These may have been the largest revisions since the first statutory language appeared in 1970. The current version of the codified language in effect as of January 3, 2006 is included below for your convenience.

TITLE 49—TRANSPORTATION

SUBTITLE III--GENERAL AND INTERMODAL PROGRAMS

CHAPTER 53--PUBLIC TRANSPORTATION

Sec. 5310. Formula grants for special needs of elderly individuals and individuals with disabilities

(a) General Authority. —

(1) Grants.--The Secretary may make grants to States and local governmental authorities under this section for public transportation capital projects planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities.

(2) Subrecipients.--A State that receives a grant under this section may allocate the amounts provided under the grant to—

(A) a private nonprofit organization, if the public transportation service provided under paragraph (1) is unavailable, insufficient, or inappropriate; or

(B) a governmental authority that—

(i) is approved by the State to coordinate services for elderly individuals and individuals with disabilities; or

(ii) certifies that there are not any nonprofit organizations readily available in the area to provide the services described under paragraph (1).

(3) Acquiring public transportation services.--A public transportation capital project under this section may include acquisition of public transportation services as an eligible capital expense.

(4) Administrative expenses.--A State or local governmental authority may use not more than 10 percent of the amounts apportioned to the State under this section to administer, plan, and provide technical assistance for a project funded under this section.

(b) Apportionment and Transfers. —

(1) Formula.--The Secretary shall apportion amounts made available to carry out this section under a formula the Secretary administers that considers the number of elderly individuals and individuals with disabilities in each State.

(2) Transfer of funds.--Any funds apportioned to a State under paragraph (1) may be transferred by the State to the apportionments made under sections 5311(c) and 5336 if such funds are only used for eligible projects selected under this section.

(c) Government's Share of Costs.--

(1) Capital projects.--

(A) In general.--A grant for a capital project under this section shall be for 80 percent of the net capital costs of the project, as determined by the Secretary.

(B) Exception.--A State described in section 120(b) of title 23 shall receive an increased Government share in accordance with the formula under that section.

(2) Remainder.--The remainder of the net project costs--

(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital;

(B) may be derived from amounts appropriated or otherwise made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation; and

(C) notwithstanding subparagraph (B), may be derived from amounts made available to carry out the Federal lands highway program established by section 204 of title 23.

(3) Use of certain funds.--For purposes of paragraph (2)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

(d) Grant Requirements.--

(1) In general.--A grant under this section shall be subject to all requirements of a grant under section 5307 to the extent the Secretary determines appropriate.

(2) Certification requirements.--

(A) Fund transfers.--A grant recipient under this section that transfers funds to a project funded under section 5336 in accordance with subsection (b)(2) shall certify that the project for which the funds are requested has been coordinated with private nonprofit providers of services under this section.

(B) Project selection and plan development.--Beginning in fiscal year 2007, each grant recipient under this section shall certify that--

- (i) the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and
- (ii) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

(C) Allocations to subrecipients.--Each grant recipient under this section shall certify that allocations of the grant to subrecipients, if any, are distributed on a fair and equitable basis.

(e) State Program of Projects.--

(1) In general.--Amounts made available to carry out this section may be used for transportation projects to assist in providing transportation services for elderly individuals and individuals with disabilities that are included in a State program of projects.

(2) Submission and approval.--A State shall submit to the Secretary annually for approval a program of projects. The program shall contain an assurance that the program provides for maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other Government sources.

(f) Leasing Vehicles.--Vehicles acquired under this section may be leased to local governmental authorities to improve transportation services designed to meet the special needs of elderly individuals and individuals with disabilities.

(g) Meal Delivery for Homebound Individuals.--Public transportation service providers receiving assistance under this section or section 5311(c) may coordinate and assist in regularly providing meal delivery service for homebound individuals if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

(h) Transfers of Facilities and Equipment.--With the consent of the recipient in possession of a facility or equipment acquired with a grant under this section, a State may transfer the facility or equipment to any recipient eligible to receive assistance under this chapter if the facility or equipment will continue to be used as required under this section.

(Pub. L. 103-272, Sec. 1(d), July 5, 1994, 108 Stat. 807; Pub. L. 105-178, title III, Sec. 3013(a), June 9, 1998, 112 Stat. 359; Pub. L. 109-59, title III, Secs. 3002(b)(2), 3012(a), Aug. 10, 2005, 119 Stat. 1544, 1589.)

[3] Public Law 91-453 (October. 15, 1970) Urban Mass Transportation Act of 1970 amended section 8 of the Urban Mass Transportation Act of 1964 by adding at the end thereof the following new section: I

Planning and Design of Mass Transportation Facilities to Meet Special Needs of the Elderly and the Handicapped

"SEC. 16. (a) It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.

"(b) In addition to the grants and loans otherwise provided for under this Act, the Secretary is authorized to make grants or loans for the specific purpose of assisting States and local public bodies and agencies thereof in providing mass transportation services which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons. Grants and loans made under the preceding sentence shall be subject to all of the terms, conditions, requirements, and provisions applicable to grants and loans made under section 3(a), and shall be considered for the purposes of all other laws to have been made under such section. Of the total amount of the obligations which the Secretary is authorized to incur on behalf of the United States under the first sentence of section 4(c), 11/2 per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs).

"(c) Of any amounts made available to finance research, development, and demonstration projects under section 6 after the date of the enactment of this section, 11/2 per centum may be set aside and used exclusively to increase the information and technology which is available to provide improved transportation facilities and services planned and designed to meet the special needs of elderly and handicapped persons.

"(d) For purposes of this Act, the term 'handicapped person' means person" any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected."

P.L.91-453 also added a section requiring a feasibility study for such federal assistance, with a report to Congress by October 1971. "SEC. 9. The Secretary of Transportation shall conduct a study of the feasibility of providing Federal assistance to help defray the operating costs of mass transportation companies in urban areas and of any changes in the Urban Mass Transportation Act of 1964 which would be necessary in order to provide such assistance, and shall report his findings and recommendations to the Congress within one year after the date of the enactment of this Act."

Appendix B-2. The Elderly and Persons with Disabilities Program Guidance and Application Instructions

The Federal Transit Administration's pre-SAFETEA-LU guidance [Circular C9070.1E.] used for this SMP review is not currently included on the FTA's guidance pages, but it was still available online on October 10, 2008 at http://www.fta.dot.gov/printer_friendly/grants_financing_4127.html . Note that the post-SAFETEA-LU program guidance [Circular C9070.1F.] is online at: <http://www.fta.dot.gov/documents/C9070.1F.pdf>

Full text of the guidance used for this review *The Elderly and Persons with Disabilities Program Guidance and Application Instructions, C 9070.1E, 10-01-98* is included below, including sections:

- Chapter I: Program Overview
- Chapter II: General Program Information
- Chapter III: Program Development
- Chapter IV: Application Instructions
- Chapter V: Program Management
- Chapter VI: Other Provisions
- Chapter VII: State Management Plans

Chapter I: Program Overview

1. SECTION 5310 STATUTORY AUTHORITY. Under 49 U.S.C. § 5310(a)(2), the Federal Transit Administration's (FTA) elderly and persons with disabilities program, authorizes the Secretary to make grants to the chief executive officer of each state for allocation to:

- a. private nonprofit corporations and associations for the specific purpose of assisting them in providing transportation services meeting the special needs of elderly persons and persons with disabilities when the transportation service provided under Section 5310(a)(1) is unavailable, insufficient, or
- b. inappropriate public bodies approved by the state to coordinate services for the elderly and persons with disabilities; or
- c. public bodies which certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service.

In addition, Section 5310(a)(1) grants the Secretary of Transportation authority to make grants and loans to state and local governmental authorities to help them provide mass transportation service planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities. The provisions of Section 5310(a)(1) are implemented in the course of administering FTA's ongoing capital grant programs authorized by Sections 5307, 5309, and 5311.

The code assigned to the Section 5310 program in the Catalogue of Federal Domestic Assistance is 20.513.

2. PROGRAM GOAL. The goal of the Section 5310 program is to improve mobility for the elderly and persons with disabilities throughout the country. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of the elderly and persons with disabilities in all areas--urbanized, small urban, and rural. The program requires coordination of federally assisted programs and services in order to make the most efficient use of Federal resources.

3. STATE ROLE IN PROGRAM ADMINISTRATION. The state agency designated by the chief executive officer has the principal authority and responsibility for administering the Section 5310 program. The state agency's responsibilities include: notifying eligible local entities of funding availability; developing project selection criteria; determining applicant eligibility; selecting projects for funding; and ensuring that all subrecipients comply with Federal requirements. Eligible nonprofit organizations or public bodies must apply directly to the designated state agency for assistance under this program.

Funds are obligated based on the annual program of projects included in a statewide grant application. FTA does not conduct project-by-project review and approval of each project. The state agency ensures that local applicants and project activities are eligible and in compliance with Federal requirements, that private for-profit transportation providers are provided an opportunity to participate to the maximum extent feasible, and that the program provides for maximum feasible coordination of transportation services assisted under Section 5310 with transportation services assisted by other Federal sources. In addition, the state monitors local projects; ensures that all program activities are included in a statewide transportation improvement program (STIP); and oversees project audits and closeouts. The state certifies to FTA annually that the state and subrecipients have met or will meet all Federal requirements. Once FTA has approved the application, funds are available for state administration and for allocation to individual subrecipients within the state.

Under U.S. Department of Transportation regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 C.F.R. Part 18 (sometimes referred to as the common rule), the state relies on its own laws and procedures in the areas of financial management systems, equipment, and procurement for itself and its public body subrecipients. For private nonprofit agencies, grant management requirements are contained in 49 C.F.R. Part 19, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-profit Organizations." States may have uniform requirements for all of their grantees, both private nonprofit agencies and public bodies, as long as such requirements are not inconsistent with Part 19.

4. FTA ROLE IN PROGRAM ADMINISTRATION. FTA Headquarters is responsible for: providing overall policy and program guidance for the Section 5310 program, apportioning funds annually to the states,

and conducting national program review and evaluation. A national meeting of state program managers is convened biennially.

The FTA regional offices have the day-to-day responsibility for administration of the program. Regional office activities include: reviewing and approving state grant applications; obligating funds; working with states to implement the annual program; providing technical assistance; receiving state certifications and amendments to the program of projects; monitoring and closing grants; reviewing and approving state management plans; and conducting certain oversight reviews, including state management reviews which are conducted every three years or as circumstances warrant.

5. RELATIONSHIP TO OTHER PROGRAMS.

a. Section 5311, the Nonurbanized Area Formula Program. The Section 5311 program makes Federal funds available to the states to assist in the development, improvement and use of public transportation systems in rural and small urban areas. While the overall objectives of the Section 5311 and Section 5310 programs differ (that is, the former is to provide transportation to the general public in non-urbanized areas and the latter is to serve the elderly and persons with disabilities in both rural and urbanized areas), there are parallels which make it desirable for states to consider both resources and plan for their use in a complementary way.

With few exceptions, the two programs are administered by the same state agency. Many Section 5311 subrecipients are private nonprofit organizations, and in some cases a single agency receives both Section 5310 and Section 5311 funding. In other cases, subrecipients of Section 5310 funds seek to participate in coordinated service arrangements which also include Section 5311 funded organizations. FTA encourages participation in such coordinated efforts as long as the coordinated services will continue to meet the purposes of both programs. FTA has made the guidelines for both programs as consistent as possible in order to simplify program administration.

Under Section 5311, the Rural Transit Assistance Program (RTAP) provides for technical assistance, training, and related support services in nonurbanized areas. Section 5310 providers may participate in RTAP sponsored activities, at the state's discretion, as long as the activities are primarily designed and delivered to benefit nonurbanized transit providers.

b. Flexible Funds. Surface Transportation Program (STP) funds, among others, are a source of flexible funds for both highway and transit projects. At the state's discretion, these flexible funds may be used for transit capital projects (which under Section 5310 include acquiring transportation service under contract) that meet the special needs of elderly persons and persons with disabilities.

6. COORDINATION WITH OTHER FEDERAL PROGRAMS.

a. The Council on Access and Mobility. U.S. DOT and the U.S. Department of Health and Human Services (DHHS) have been working together since 1986 to improve the coordination of programs funded by the two departments. The council has recently changed its name from the Joint Federal Coordinating

Council on Human Service Transportation to the Council on Access and Mobility. The council meets quarterly to address transportation coordination issues and regional Federal officials have established regional working groups to undertake a series of regional initiatives addressing specific areas of coordination. States are encouraged to participate in these regional initiatives and to encourage their subrecipients of Section 5310 and Section 5311 funds to participate in coordinated systems at the local level, along with recipients of funds from the programs of DHHS. Concern about Federal barriers to coordination may be brought to the attention of the council through the FTA Regional Administrators. The state annually assures that the statewide program provides for maximum feasible coordination of transportation services funded under Section 5310 with transportation services assisted by other Federal sources.

b. **Coordination Mandate.** TEA-21 includes a new requirement for local governmental agencies and nonprofit organizations that receive assistance from Federal sources other than the FTA for nonemergency transportation services. To the extent feasible, these agencies are now required to participate and coordinate with recipients of assistance from FTA in the design and delivery of transportation services.

c. **Welfare to Work.** States are encouraged to take a leadership role in providing transportation resources for welfare reform initiatives. In addition to FTA and state transit funding, funding is available under Department of Labor jobs programs and Department of Health and Human Services Temporary Assistance to Needy Families (TANF), as described in joint guidance published by DOT, DOL, and DHHS on May 27, 1998.

d. **Public Lands and Indian Reservations.** Under TEA-21, transit facilities within public lands, national parks, and Indian reservations are now an eligible use of funds available for public lands highways, park roads and parkways, and Indian reservation roads (Chapter 2 of Title 23). These funds will be administered directly by the appropriate Federal land management agency (for example, the Bureau of Indian Affairs for the Indian Reservations Roads Program), but they must be included within the state transportation improvement program [49 U.S.C. 5304(c)(6)]. In developing the program of projects for Section 5310, the state should be aware of any transit capital projects tribes may have developed with Indian reservation roads funds.

Chapter II: General Program Information

1. **STATE AGENCY DESIGNATION.** The Governor of each state designates an agency with the requisite legal, financial, and staffing capabilities to receive and administer Federal funds under this program. The designated state agency is the grantee for all Section 5310 funds within the state, and applies to FTA for these funds on behalf of private nonprofit agencies and eligible local public bodies within the state. Designations remain in effect until changed by the Governor by official notice of redesignation to the FTA regional administrators.

2. APPORTIONMENT OF SECTION 5310 FUNDS. Section 5310 funds are apportioned among the states by a formula which is based on the number of elderly persons and persons with disabilities in each state according to the latest available U.S. census data. The annual apportionment for each state is published in the Federal Register following the enactment of the annual DOT appropriations act.

3. FUNDS AVAILABILITY. Section 5310 funds are available to the states only for the fiscal year in which they are apportioned. Any funds remaining unobligated at the end of the fiscal year are added to the next year's program apportionment and are reapportioned among all the states.

4. TRANSFER OF FUNDS.

a. Transfer to Other FTA Programs. Within 90 days of the end of the Federal fiscal year, Section 5310 funds shall be available to the Governor for transfer to supplement funds apportioned to the state under Section 5311(c) for nonurbanized areas, or Section 5307 for urbanized areas under 200,000 population. Section 5333(b) certification requirements apply as appropriate for the program to which funds are transferred. The period of availability for the transferred funds is that of the receiving program: the fiscal year in which the funds are transferred plus two in the case of Section 5311(c) and the fiscal year in which the funds are transferred plus three in the case of Section 5307. Transferred Section 5310 funds may be used only for non-operating costs, and do not change the amount available for state administration under either the Section 5310 program or the receiving program.

b. Transfer of Flexible Funds. Flexible funds may be transferred to the Section 5310 program for use by the state. Transferred funds will be treated under the program requirements applicable to Section 5310. The funds are available for obligation by the state during the year in which they are transferred.

c. Notification of Transfers. The FTA regional administrator must be notified of a state's wish to have funds transferred so that FTA can initiate the transfer. For transfers of Section 5310 funds to the Section 5307 program for UZAs under 200,000 population or Section 5311(c), and for transfers of flexible funds, the notification must indicate the amount of funds transferred and the program to which they are being transferred. If a state knows early in the fiscal year that Section 5310 funds will be transferred to the Section 5307 or 5311 program, the regional administrator should be notified so that FTA can begin processing the transfer, even though the transferred funds would not be available for obligation under the receiving program until the last quarter of the fiscal year.

5. ELIGIBLE SUBRECIPIENTS. There are three categories of eligible subrecipients of Section 5310 funds:

a. Private nonprofit organizations. A nonprofit organization is 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 one which has been determined under state law to be nonprofit and for which the designated state agency has received documentation certifying the status of the nonprofit organization.

b. Public bodies that certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service.

c. Public bodies approved by the state to coordinate services for elderly persons and persons with disabilities.

Local public bodies eligible to apply for Section 5310 funds as coordinators of services for elderly persons and persons with disabilities are those designated by the state to coordinate human service activities in a particular area. Examples of such eligible public bodies are a county agency on aging or a public transit provider which that state has identified as the lead agency to coordinate transportation services funded by multiple Federal or state human service programs.

6. STATE ADMINISTRATIVE EXPENSES. Up to \$25,000 or 10 percent of the state's total fiscal year apportionment, whichever is greater, may be used as the Federal share of program administration costs (Section 5310 administrative funds). Program administration costs or expenses consist of those costs or expenses incurred by the state in implementing and managing the entire Section 5310 program, including previously funded projects, if necessary. Thus, Section 5310 administrative funds are not specific to one grant, but may help to pay the ongoing administrative costs of previous Section 5310 projects that require further staff effort. FTA treats the limitation on Section 5310 administrative funds as applicable to Section 5310 funds apportioned to the state over time, not necessarily to the apportionment for a particular fiscal year. FTA encourages the states to include all the available Section 5310 administrative funds they intend to use routinely in each annual grant application. However, a state may accumulate the "entitlement" to Section 5310 administrative funds over several years to augment the funds available for a special administrative need in a subsequent year. The period over which unused Section 5310 administrative funds are accumulated may not exceed three years. If a state includes program administration expenses in excess of the 10 percent or \$25,000 limitation in its grant application, it should document the unused Section 5310 administrative funds from prior years available to augment the amount of Section 5310 administrative funds in the current apportionment.

Eligible program administrative costs may include, but are not limited to, general administrative and overhead costs, staff salaries, office supplies, and development of specifications for vehicles and equipment. Guidance on eligible costs is in Office of Management and Budget (OMB) Circular A-87.

7. ELIGIBLE CAPITAL EXPENSES. Funds for the Section 5310 program are available for capital expenses to support the provision of transportation services to meet the special needs of elderly persons and persons with disabilities. Examples of capital expenses include, but are not limited to:

- a. buses;
- b. vans;
- c. radios and communication equipment;
- d. vehicle shelters;
- e. wheelchair lifts and restraints;

- f. vehicle rehabilitation; manufacture, or overhaul;
- g. preventive maintenance, defined as all maintenance costs;
- h. extended warranties which do not exceed the industry standard;
- i. microcomputer hardware and software;
- j. initial component installation costs;
- k. vehicle procurement, testing, inspection and acceptance costs;
- l. lease of equipment when lease is more cost effective than purchase (The state must establish criteria for determining cost effectiveness, including non-economic factors such as management efficiency, availability of equipment, and staffing capabilities. While the U.S. DOT regulations at 49 CFR Part 639, "Capital Leases," do not apply to Section 5310 subrecipients, they contain guidelines which may be useful to the state in making the cost effectiveness comparison.); and
- m. acquisition of transportation services under a contract, lease, or other arrangement. Eligible capital expenses may also include, at the option of the subrecipient, the acquisition of transportation services under a contract, lease or other arrangement. Both capital and operating costs associated with contracted service are eligible expenses. User-side subsidies are considered one form of eligible arrangement. The state, as recipient, has the option to decide whether to provide funding for such acquired services. Funds may be requested for contracted services covering a time period of more than one year.
- n. the introduction of new technology, through innovative and improved products, into mass transportation; and
- o. transit related intelligent transportation systems.

8. FEDERAL/LOCAL MATCHING REQUIREMENTS.

a. General. The Federal share of eligible capital and program administrative costs may not exceed 80 percent of the net cost of the program. The local share of eligible capital and administrative costs shall be no less than 20 percent of the net cost of the program. All of the local share must be provided from sources other than Federal funds except where specific legislative language of a Federal program permits its funds to be used to match other Federal funds. Some examples of non-Federal sources of local match which may be used for any or all of the local share include: state or local appropriations; dedicated tax revenues; private donations; and net income generated from advertising and concessions. Non-cash share such as donations, volunteered services, or in-kind contributions are eligible to be counted toward the local match as long as the value of each is documented and supported, and represents a cost which would otherwise be eligible under the program.

b. Exceptions. The Federal share is 90 percent for vehicle-related equipment required by the Clean Air Act Amendments of 1990 (CAAA) or the Americans with Disabilities Act of 1990 (ADA). It is only the incremental cost of the equipment required by the ADA or CAAA that may be funded at 90 percent, not the entire cost of the vehicle, even if the vehicle is purchased for use in service required by the ADA or CAAA. States wishing to apply for assistance at the higher match ratio should consult the FTA regional

office for further guidance regarding methods of computing the incremental cost before submitting an application.

9. CONSOLIDATION OF GRANTS TO INSULAR AREAS. Certain FTA grants to insular areas may be consolidated under the provisions of 48 U.S.C. § 1469a. This provision permits Federal agencies to streamline and consolidate certain grant-in-aid programs available to the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. These insular areas receive Section 5311 apportionments, RTAP allocations, and Section 5310 apportionments annually. Specifically, 48 U.S.C. 1469a permits:

- a. Federal agencies to consolidate any or all grants to each of the insular areas and to waive requirements for matching funds, applications, and reports with respect to the consolidated grants; and
- b. Each insular area to use the consolidated grant funds for any purpose or program authorized for any of the consolidated grants.

FTA implements this consolidation of Section 5310, Section 5311, and RTAP funding into a single grant by transferring funds from one section to another. The insular areas may transfer all or a portion of the funds apportioned for Section 5310, Section 5311, or RTAP, for use under any of these sections. This should improve the efficiency of grant making and grant management for these areas which have small staff resources and receive small amounts of funds under each of these programs. In addition, 48 U.S.C. 1469a(d) allows an agency to waive any local matching share requirements for grants to insular areas. Those insular areas interested in submitting applications for consolidated grants and/or local share waivers should notify the appropriate FTA regional office for application procedures and consolidation requirements. Among other things, the insular area should identify the intended use of consolidated funds and should show that the transportation of elderly persons and persons with disabilities will not be adversely affected. Applications should be submitted in accordance with the appropriate program circular, as determined by FTA.

Chapter III: Program Development

1. PLANNING REQUIREMENTS. Section 5310 projects in urbanized areas must be included in a Transportation Improvement Program (TIP) approved by the MPO and the Governor. With limited exceptions, all Federally funded highway or transit projects, including those listed in a TIP, must be included in a Statewide Transportation Improvement Program (STIP) jointly approved by FTA and FHWA. For purposes of the STIP, the state may group its planned expenditures of Section 5310 funds into statewide projects, such as vehicle acquisitions or services contracted for rural and urban recipients, and state administration costs. States must coordinate with MPOs and local transit providers when selecting Section 5310 projects. For further information on planning requirements, see the FTA/FHWA planning regulations at 23 C.F.R. Part 450 and 49 C.F.R. Part 613.

TEA-21 includes a new requirement that, to the extent feasible, governmental agencies and nonprofit organizations that receive assistance from other Federal agencies for nonemergency transportation

services shall participate and coordinate with FTA recipients in the design and delivery of transportation services and be included in the planning for those services.

2. PROGRAM OF PROJECTS. The state's annual program of projects submitted to FTA for approval lists the subrecipients and indicates whether they are private nonprofit agencies or public bodies, designates whether they serve urbanized or nonurbanized populations, and identifies any Indian tribal agencies. In addition, the program of projects includes a brief description of the projects, total project cost and Federal share for each project, and the amount of funds required for state administration. The total Federal funding level for the program of projects cannot exceed the total amount of Section 5310 funds available. Upon submission of the annual program of projects and other application requirements, FTA will review, approve, and obligate funds for the total amount of funds requested. The projects within the program of projects should be implemented within two years of grant award to the state. Grants not fully implemented within two years are subject to being terminated and closed out by FTA and the remaining funds deobligated.

3. CATEGORIES OF APPROVAL. FTA's approval of a program of projects does not reflect unconditional approval of all projects within the program. Nor does FTA's approval of a program of projects reflect unconditional approval of all prospective subrecipients identified in the program. FTA recognizes that not all projects in a state program of projects may be at the same stage of development, and therefore, not all applications to the state may be complete at the time the state forwards its annual program of projects to FTA. FTA also recognizes that all subrecipients identified in the program of projects may not yet be in compliance with all applicable Federal requirements. To expedite grant award, FTA allows states to separate projects and funds included in its program of projects into three different categories, depending on how completely Federal requirements have been met.

a. Category A. This category includes projects certified by the state as having met all the Federal statutory and administrative requirements for project approval applicable to both the project activities and subrecipient that will carry out those activities. Upon grant award, FTA's approval of Category A projects is unconditional. Upon execution of the grant agreement, the state may start drawing down funds to implement projects in Category A. Most, if not all, of the projects included in the state's program of projects are expected to be in this category.

b. Category B. Projects in Category B are those projects the state anticipates approving during the current year, but which have not met all of the Federal statutory or administrative requirements or are proposed to be implemented by a subrecipient that has not yet met all applicable Federal requirements. When the necessary Federal requirements have been satisfied for a project, FTA's approval of that project becomes unconditional, and the project may be advanced to Category A. Cash drawdowns for that project may commence after the state advances it to Category A. If a state can list all its projects in Category A, it would not list any projects in Category B.

c. Category C. This optional category represents a "program reserve" and is designed to accommodate unanticipated project and program needs. This program reserve may include no more than 10 percent of the total amount of the state's annual Section 5310 apportionment. It is expected that all funds in this category will be allocated either to new projects capable of meeting the applicable

Federal requirements or to budget adjustments in Category A and B projects within twelve months of grant approval. FTA reserves the right to deobligate funds not allocated to specific projects within one year of FTA grant approval.

4. APPROVAL. FTA awards grants on a quarterly release cycle. States submitting a complete and acceptable grant application by the first business day of a quarter will be awarded a grant by the end of that quarter. FTA awards grants and obligates funds for the total amount the state requests for all three categories. FTA grant award constitutes FTA approval of the state's annual program of projects. But FTA approval of the Section 5310 program of projects does not constitute unqualified approval of each project in the program. Grant award does constitute FTA approval of those projects in Category A. Thus the state may draw down Federal funds immediately upon execution of the grant agreement. Grant award also constitutes FTA's approval of those projects in Category B on the condition that all applicable Federal requirements will be met. The state must ensure that those requirements are met and advance the projects to Category A before funds can be drawn down to support those projects. In addition, the grant award obligates Federal funds for Category C projects and constitutes approval of Category C projects, not identified at the time of award, that have met or will meet all applicable Federal requirements. The state, however, is expected to allocate Federal funds awarded for Category C within one year to new or existing projects that have met or will meet all of the necessary statutory and administrative requirements.

5. REVISIONS TO PROGRAM OF PROJECTS. The scope of the grant is the approved program of projects in its entirety. The addition of Federal funds to the approved program of projects is a change in the scope of the approved program of projects and requires an amendment of the grant agreement. Other revisions to the approved program of projects, as set forth below, do not constitute a change in scope.

A. Revisions Not Requiring Prior FTA Notification. Subsequent to grant approval by FTA, the state may make the following revisions, which do not constitute a change in scope, without prior notification to FTA; however, these changes must be reflected in a revised program of projects forwarded to FTA.

1. Deleting projects from the program of projects if the project cost is less than \$250,000 or 10 percent of the total of the program of projects, whichever is greater.

2. Allocating Category C funds to existing projects.

3. Reallocating funds within an approved program of projects among approved projects within a local area or from one local area to another. This includes adjustments of local project funding levels to accommodate changes in vehicles or equipment requirements.

4. Advancing projects from Category B to Category A, provided the projects and prospective subrecipients are in compliance with all applicable Federal requirements, and the state has no information suggesting otherwise.

5. Adding equipment or property transferred from a subrecipient to another subrecipient listed in the program of projects, regardless of whether the items were originally funded from a different grant.

b. Revisions Requiring Prior FTA Notification but not FTA Approval. The state must notify FTA when making the following revisions, which do not constitute a change in scope:

1. Allocating Category C funds to new projects, provided the projects and prospective subrecipients are in compliance with all applicable Federal requirements, and the state has no information suggesting otherwise;
2. Reallocating funds to new projects, provided the projects and prospective subrecipients are in compliance with all applicable Federal requirements, and the state has no information suggesting otherwise; and
3. Deleting or reducing a project by more than \$250,000 or 10 percent of the total program of projects, whichever is greater.

c. Revisions Requiring FTA Approval. The state must obtain FTA approval when advancing to Category A any prospective subrecipient with serious questions of compliance with Federal requirements remaining unresolved.

d. Update of Program of Projects. The most recently updated program of projects submitted by the state to FTA in its annual report or in the course of making revisions will be considered the current approved program of projects, incorporated by reference in the grant agreement.

6. COSTS INCURRED PRIOR TO GRANT APPROVAL. Costs may be incurred under the Section 5310 program prior to FTA approval of a grant. Authority to incur any eligible Section 5310 program costs in advance of possible future Federal participation extends to all funds made available for the program within a particular authorization period. In order for the pre-award costs to be eligible for subsequent reimbursement, the project must have met all FTA statutory, procedural and contractual requirements. Specific information is included in FTA's annual apportionment notice.

7. LABOR PROTECTIONS. Section 5333(b) requires that, as a condition of assistance from FTA, fair and equitable arrangements must be made to protect the interests of employees affected by such assistance. The Department of Labor (DOL) is responsible under Federal law for the administration of Section 5333(b).

Section 5310 gives the Secretary of Transportation the discretion to determine the terms and conditions "necessary and appropriate" for grants under this section. In 1974 the Secretary determined that it was not "necessary or appropriate" to apply the conditions of Section 5333(b) to subrecipients participating in the Section 5310 program. Nevertheless, case-by-case determinations of the applicability of 49 U.S.C. 5333(b) will be made for all transfers of "flex funds" for Section 5310 purposes.

8. PUBLIC HEARINGS. Public body applicants must afford an adequate opportunity for a public hearing, and such hearings must be held if someone with a significant economic, social, or environmental interest in the matter requests a hearing.

Chapter IV: Application Instructions

1. STATE APPLICATION TO FTA. Each state agency should submit an application for its annual apportionment to the appropriate FTA regional office. Grant applications are submitted electronically, and FTA approves and manages grants electronically. Guidance and training for use FTA's electronic system may be obtained by contacting the FTA regional office. The application should include:

a. Standard Form 424. All information required by OMB Standard Form 424, "Application for Federal Assistance," (revised April 1988) must appear or be entered in the appropriate windows of the electronic system. This information must be completed in its entirety, including information pertaining to any delinquent indebtedness to the U.S. Government, and be attested to with the appropriate official's Personal Identification Number (PIN), or signed by the individual indicated on the Authorizing Resolution.

b. Program of Projects. The program of projects should: identify funds for program administration; include a list of agencies that will be funded, with the total amount of funds and Federal share for each agency; list the type and number of vehicles and equipment to be purchased; indicate amount of funds to be used for contracted services; identify tribal agencies; designate whether the agency serves an urbanized or non-urbanized area; and whether the agency is a private nonprofit agency or a public body. Text files and spreadsheets can be imported into the electronic application as part of the project description.

c. Project Budget. A line item budget is submitted for each grant. So that FTA can include Section 5310 capital acquisition in its program reports and analyses of Federal transit funding, grantees are asked to provide details of proposed capital purchases according to the activity codes contained in Exhibit A.

d. Project Implementation Plan. As part of its application, the state should submit a plan estimating significant milestones such as vehicle procurements and agreements with subrecipients, and project completion date.

e. Record of Approved and Rejected Funding Requests. A requirement specific to the Section 5310 program is that the state maintain a record of approved and rejected Section 5310 funding requests that identifies applicants that are minority organizations or that provide assistance to minority communities. In the past, states were required to submit this list with their annual grant application, but states may now keep this information on file for review during a state management or other review.

f. Annual Certifications and Assurances. Before FTA may award a Federal grant, the applicant must provide to FTA all certifications and assurances required by Federal laws and regulations. At the beginning of each Federal fiscal year, FTA publishes and makes available electronically a Federal Register Notice which provides a comprehensive compilation of certifications and assurances to be used in connection with all Federal assistance programs administered by FTA during that fiscal year. The notice requires the applicant and its attorney to certify compliance with the appropriate requirements. The state should attest to all certifications and assurances that apply to any programs under which the state expects to seek FTA assistance during the Federal fiscal year.

2. SUBRECIPIENT APPLICATION TO THE STATE. Before a state agency can provide the FTA with required assurances, the state agency should receive sufficient documentation from all subrecipients to support the assurances. In addition to any other documentation the state agency may require, the state should receive from each subrecipient, either as a one-time submission or with each application, as appropriate:

a. Project Description. The application should include sufficient information for the states to be able to evaluate the eligibility of the proposed project, and the recipient's legal, financial, technical and managerial capability to implement the project and maintain any project property.

b. Certification and Assurances. The subrecipient must provide certifications and assurances required of each grantee (except those applicable only to direct grantees), and all those applicable to the particular project (for example, the lobbying certification if the application exceeds \$100,000). The Section 5310 certification required annually of the state lists the certification and assurances that the state must have on file from subrecipients before a project may be included in Category A. The state may use the FTA annual notice of required certifications and assurances as a model to ensure that all required certification and assurances are obtained from the subrecipients and are worded accurately.

c. Coordination. The application should describe how FTA assisted services are or will be coordinated with other federally funded agencies and private transportation providers in the service area. TEA-21 requires that to the extent feasible, governmental agencies and nonprofit organizations that receive assistance from other Federal agencies for nonemergency transportation services shall participate and coordinate with FTA recipients in the design and delivery of transportation services and be included in the planning for those services.

d. Public Involvement. Public body applicants are required to afford an opportunity for a public hearing; to hold that hearing unless no one requests one; to consider the economic, social, and environmental effects of the project; and to find the project consistent with official plans for the area. The application should document that this requirement has been met (including a copy of the published notice, hearing record, if one was held, and summary of efforts to involve the private sector to the maximum extent feasible, etc.).

e. Civil Rights. If any lawsuits or complaints have been received or acted on, or compliance reviews conducted, since the applicant's most recent Title VI submission, these and other relevant civil rights activities should be described in the application.

Chapter V: Program Management

1. INTRODUCTION. Although the program management requirements for the Section 5310 program are similar to those of other FTA programs, FTA recognizes the unique nature of this program and, therefore, the following guidance is provided to assist the states in carrying out their program. For issues not specifically addressed in this circular or other Federal guidance, refer to FTA Circular 5010.1C, "Grant Management Guidelines."

2. PROGRAM ADMINISTRATIVE REQUIREMENTS. The basic grant management requirements for state and local governments are contained in "Uniform Administrative Requirements for Grants and

Cooperative Agreements to State and Local Governments," 49 C.F.R. Part 18, referred to as the "common rule." The basic intent of Part 18 is to shift the emphasis from national uniformity to uniformity of procedures and requirements within a state, in order to provide greater flexibility to the states in standardizing the management of related state and Federal programs. For private nonprofit agencies (both direct recipients and subrecipients of the state), grant management requirements are contained in "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-profit Organizations," 49 C.F.R. Part 19. The basic intent of Part 19 is to establish nationally uniform procedures and requirements for all private nonprofit organizations.

Under the common rule, administrative requirements for a state's public body subrecipients are more flexible than those for local government grantees in the areas of financial management systems, procurement, and equipment. Detailed discussion of these areas follows below. Part 19 does not allow states to pass down state procedures in these areas to subrecipients which are private nonprofit entities. However, as long as the state procedures are consistent with Part 19, the state may apply the same procedures for all subrecipients.

3. VEHICLE USE. FTA encourages maximum use of vehicles funded under the Section 5310 program. Consistent with the requirements of 49 C.F.R. Parts 18 and 19, vehicles are to be used first for program related needs and, beyond the purposes for which a Section 5310 grant are made, to meet other transportation needs of elderly persons and persons with disabilities, to meet other Federal program or project needs, and finally for other local transportation needs. Vehicles may be used:

a. For Section 5310 Project and Program Purposes. The states should consider how best to meet the needs of all the elderly and persons with disabilities in a particular community in their project selection process. The program must provide for maximum feasible coordination with transportation services assisted by other Federal sources. Subrecipients should be encouraged to the extent feasible to also provide service to elderly persons and persons with disabilities not affiliated with their agency, as well as to the general public on an incidental basis if such service does not interfere with transportation services for the elderly and persons with disabilities. In some situations it may be appropriate to provide Section 5310 assistance to an agency to provide transportation exclusively to its own clients, but even in situations in which it is not feasible for the agency to provide services to those in the community beyond its own clients, that agency must, when practicable, make the vehicle itself available to provide transportation service to other elderly persons and persons with disabilities at times the agency is not using the vehicle for grant-related purposes. The recipient shall use the vehicle in the project or program for which it was acquired as long as needed, even if the project does not continue to receive Federal funding.

b. For other Federal Programs or Project Purposes. During the period the vehicle is used to serve the project or program needs for which it was acquired, the subrecipient shall make it available for use on other projects or programs, as long as such other use does not interfere with the service for which the vehicle was originally acquired. First preference for such other use will be given to other projects or programs sponsored by FTA, and second preference will be given to projects or programs sponsored by

other Federal agencies. Finally, vehicles may be used by non-federally funded providers, first to meet the needs of elderly persons and persons with disabilities, and then to serve the transportation needs of the general public on an incidental basis.

c. When No Longer Needed for Original Project or Program Purposes. If the original subrecipient no longer needs the vehicle for the purposes for which it was acquired, the state may choose to keep the vehicle in use for Section 5310 program purposes by transferring the vehicle to another subrecipient. The transfer may be shown in the program of projects for any active grant. It does not have to be in the grant under which the equipment or property was originally funded. Once the vehicle is no longer needed for Section 5310 program purposes, the vehicle may be used first in connection with other FTA-sponsored activities, and then for activities sponsored by other Federal agencies.

d. For Meal Delivery. Transit service providers receiving assistance under this section may coordinate and assist in providing meal delivery services for homebound persons on a regular basis if the meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers. The number and size of vehicles applied for under Section 5310 must be determined only by the number of passengers to be transported, not meal delivery capacity. Section 5310 funds may not be used to purchase special vehicles to be used solely for meal delivery or to purchase specialized equipment such as racks or heating or refrigeration units related to meal delivery.

4. LEASING VEHICLES ACQUIRED WITH SECTION 5310 FUNDS. Vehicles acquired under the Section 5310 program may be leased to other entities such as local public bodies or agencies, other private nonprofit agencies, or private for-profit operators. Under such a lease, the lessee operates the vehicles on behalf of the Section 5310 subrecipient and provides transportation to the subrecipient's clientele as described in the grant application.

The lease between the Section 5310 subrecipient and the lessee contains the terms and conditions that must be met in providing transportation service to the elderly and persons with disabilities. Because the purpose of the Section 5310 grant is to provide transportation service to the elderly and persons with disabilities, other uses of the vehicle are permitted only as long as such uses do not interfere with service to the elderly and persons with disabilities.

The state, being responsible for ensuring that the terms and conditions of the original grant with FTA are met, must agree, in writing, to each lease between the subrecipient and the lessee. Such an agreement should specify that the leased vehicle shall be used to provide transportation service to the elderly and persons with disabilities, that the vehicle may be used for incidental purposes only after the needs of these individuals have been met, and that the subrecipient or state must retain title to the vehicle.

5. CONTROL AND RESPONSIBILITY. When vehicles or other equipment acquired with Section 5310 funds are operated by an entity other than the subrecipient, control and responsibility for the operation of the vehicles or other equipment must remain with the subrecipient unless transfer of the control and responsibility is made to another subrecipient authorized by the designated state agency to accept control and responsibility for those vehicles or equipment.

6. TITLE TO VEHICLES. State administering agencies may hold title to Section 5310 vehicles or title may be held by the subrecipient. If the state administering agency holds title, contractual arrangements must be made to ensure that the public or private nonprofit subrecipient maintains continuing control over the vehicle to carry out project purposes. In certain cases, it may be beneficial for subrecipients to include other state or local governmental entities in the title to Section 5310 vehicles in order to take advantage of blanket insurance rates or to participate in bulk purchases of fuel, maintenance and supplies available to those governmental entities. The state administering agency may, in its discretion, permit this practice if it results in a direct benefit to the recipient in providing special service, provided that the subrecipient maintains continuing control over the vehicle and the vehicle continues to be used for its authorized purposes. In such instances, the parties involved should enter into written agreements assuring the requisite safeguards and control. In summary, either the state or the subrecipient must hold title, consistent with this paragraph, to any vehicles leased to public bodies or to private for-profit organizations.

7. SATISFACTORY CONTINUING CONTROL. When capital equipment is acquired or improved for use by any entity in providing special transportation services designed to meet the needs of elderly persons and persons with disabilities, provisions must be made to assure satisfactory continuing control of that capital equipment. While the state agency serving as the FTA grantee may delegate these responsibilities to another entity, the state is ultimately responsible for compliance with this requirement.

8. CAPITAL RESERVE ACCOUNTS. Recipients of Section 5310 vehicles are permitted to establish capital reserve accounts to replace existing equipment as long as no FTA funds or proceeds from the sale or lease of FTA assisted property are placed in those accounts.

9. EQUIPMENT MANAGEMENT.

a. General. Under the common rule, a state will use, manage, and dispose of equipment acquired under a Section 5310 grant in accordance with state laws and procedures. Procedures and requirements for public body recipients that are not states and their subrecipients are more explicit. States may elect to adopt the procedures established in 49 C.F.R. Part 18 for other public body subrecipients, or use them as a guide in developing state procedures for equipment use, management, and disposition, but are not required to do so. States may use the same procedures for private nonprofit subrecipients as for public body subrecipients so long as those procedure are consistent with 49 C.F.R. Part 19.

b. Vehicle Useful Life and Replacement Standards. In keeping with the intent of the common rule that states be given greater flexibility in managing and disposing of equipment, FTA elects not to apply to Section 5310 and 5311 its policies regarding useful life standards for vehicles, vehicle replacement, or the requirement to use the straight line depreciation method for determining fair market value and FTA reimbursement. Instead, FTA holds states responsible for establishing and implementing their own rolling stock requirement for all categories of vehicles acquired under the Section 5310 and Section 5311 programs. For these two programs, FTA permits state grantees to:

1. establish their own minimum useful life standards for vehicles;
 2. use their own procedures for determining fair market value; and
 3. develop their own policies and procedures for maintenance and replacement of vehicles.
- Maintenance requirements and insurance coverage must be adequate to protect the Federal interest in the vehicle within the useful life determined by the state.

c. Disposition. States and their subrecipients follow state laws and procedures for disposing of equipment. States are not required to return FTA proceeds from the disposition of equipment, regardless of the fair market value at the time the equipment is sold. States are to follow their own procedures regarding the use of proceeds which may allow certain selling and handling expenses to be kept by the subrecipient if vehicles are sold. All other proceeds must remain in use for mass transportation services. This applies to all equipment currently in use which was purchased with Section 5310 funds. This blanket disposition instruction satisfies the provision of 49 C.F.R. Part 19 requiring private non-profit organizations to seek disposition instructions from the Federal awarding agency.

10. PROCUREMENT. When procuring property, supplies, equipment or services under an FTA grant, the state will follow the same policies and procedures it used for procurement from its non-Federal funds, to the extent permitted by Federal statutes and regulations. While the Federal threshold for small purchases is currently \$100,000, the state may set a lower threshold for itself and its subrecipients. The state may impose state procedures on subrecipients which are public bodies. However, because of differences between 49 C.F.R. Part 18 and 49 C.F.R. Part 19, FTA third party contracting requirements are fewer for states and subrecipients that are local or tribal governments than for subrecipients that are private nonprofit organizations. For the sake of consistency, the state may choose to use the more detailed FTA requirements included in FTA Circular 4220.1D for all subrecipients as part of its state procurement procedures.

In some cases, a state may choose to provide Section 5310 assistance to a subrecipient through an intermediary recipient. For example, for public policy reasons, the state might pass funds to a nonprofit organization through a local public body. The arrangement between the first tier and second tier subrecipient is not a third party contract if the ultimate recipient would otherwise be statutorily eligible under Section 5310 to receive funds directly from the state and the ultimate subrecipient intends to use those funds to pursue its own elderly and persons with disabilities project.

Procurement procedures used by states and their subrecipients, however, must comply with the following specific Federal procurement requirements:

a. States. State procurement practices must comply with a minimum of five specific Federal requirements contained in FTA Circular 4220.1D. These include a five-year limitation on contract period of performance, a requirement for full and open competition, a prohibition against geographic preferences, the use of Brooks Act procedures for procurement of architectural engineering services if the state has not adopted a statute governing procurement of such services, and inclusion in contracts of all Federal clauses required by Federal statutes and executive orders and their implementing

regulations. These clauses are identified in specific Federal regulations cited in FTA's Master Agreement incorporated by reference into the grant agreement. Additional technical assistance for third party contracting is available in FTA's Best Practices Procurement Manual.

b. Subrecipients that are Public Entities. Subrecipients that are public entities such as local or Indian tribal governments must comply with the same Federal requirements governing state procurements. States are responsible for ensuring that subrecipients are aware of and comply with Federal requirements.

c. Subrecipients that are Private Nonprofit Organizations. Subrecipients that are private nonprofit organizations must comply with FTA procurement requirements contained in FTA Circular 4220.1D. States are responsible for ensuring that private nonprofit subrecipients are aware of and comply with these additional requirements.

d. Pre-Award and Post-Delivery Reviews. Procurements for vehicles, other than sedans or unmodified vans, must be audited in accordance with FTA regulation, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 C.F.R. Part 663. Additional guidance is available in a manual, "Conducting Pre-Award and Post-Delivery Reviews for Bus Procurement," published May 1, 1995. The regulation requires any recipient or subrecipient that purchases rolling stock for use in revenue service with funds obligated after October 24, 1991, to conduct a pre-award and post delivery review to assure compliance with its bid specifications, Buy America requirements, and Federal motor vehicle safety requirements. and to complete specific certifications. Purchase of more than ten vehicles, other than unmodified vans or sedans, requires in-plant inspection. In the case of consolidated state procurements on behalf of multiple subrecipients, the in-plant inspection requirement is triggered only if any single subrecipient will receive more than ten vehicles.

e. New Model Bus Testing. Any new bus models must be tested at the FTA sponsored test facility in Altoona, PA, before FTA funds can be expended to purchase them (49 C.F.R. Part 665). This requirement applies to all buses and modified vans, but not to unmodified vans, including vans with raised roofs or lifts installed in strict conformance with the original equipment manufacturer modification guidelines. A new model is defined as a model that has not been used in mass transportation service in the United States before October 1, 1988, or a model that has been used in such service but which, after September 30, 1988, is being produced with a major change in configuration or components. A major change in "configuration" is defined as a change which may have a significant impact on vehicle handling and stability or structural integrity. A major change in "components" is defined as a change in one or more of the vehicle's major components such as the engine, transmission, suspension, axle, or steering.

Purchasers of new model buses should ensure that the manufacturer has complied with the testing requirement by requesting a copy of the bus testing report from the Altoona Bus Testing Center, 6th Avenue and 45th Street, Altoona, Pennsylvania, 16602. The telephone number is (814) 949-7944. Before expending any FTA funds for a new model bus, the purchaser must certify that it has obtained the

report. Information in the reports may be useful to operators early in the vehicle procurement process, for example when writing specifications.

Other requirements related to procurement, including Buy America, debarment and suspension, and requirements for including disadvantaged businesses in contracting opportunities is discussed in Chapter VI.

11. AUDITS. States and subrecipients are responsible for: ensuring that audits are performed pursuant to the requirements as implemented in OMB Circular A-133, revised, "Audits of States, Local Governments, Non-Profit Organizations," (including any future amendments thereto); resolving audit findings; and bringing problems to FTA's attention. FTA has not required an annual financial audit of a subrecipient when assistance is provided solely in the form of capital equipment procured directly by the state. Even if the amount of FTA funds the state passes to a particular subrecipient does not trigger the requirement for an audit, the state should obtain and review A-133 audit reports prepared for subrecipients which are required to be audited because their total Federal funds from all sources exceed the threshold amount of \$300,000.

OMB has issued an audit compliance supplement for FTA grants. It should be noted that while the guidance contained in the supplement may be helpful to auditors, it is specific to the Section 5307 and 5309 programs, and not all of the provisions are applicable to the Section 5310 program. The state may wish to make this program circular and relevant state program guidance available to auditors of its subrecipients.

12. CLOSEOUT. States should initiate project closeout with subrecipients within 90 days after all funds are expended and all work activities for the project have been completed. The states should similarly initiate program of project closeout with FTA within 90 days after all work activities for the program of projects are completed. A final financial status report and a final budget and final program of projects are to be submitted electronically required at the time of closeout. FTA expects Section 5310 grants awarded for a specific program of projects to be completed within two years. Although this circular provides the state a great deal of flexibility in developing and subsequently revising programs of projects, it is not FTA's intent that grants be continually revised or amended in ways which will excessively prolong the life of the grant, and result in a large number of active Section 5310 grants. If small amounts of funds remain in an inactive grant, the state should request that the funds be deobligated and the project be closed out.

13. REPORTING REQUIREMENTS.

a. Annual Program Status Report. By October 31 of each year, the state should electronically submit to FTA for each active grant a program status report (as part of the milestones report) covering the 12-month period ending September 30. These status reports are intended to meet minimal program information needs at the regional and national levels. The report should consist of an updated program of projects and revised budget project for each approved program of projects which contains active

projects. The updated versions should reflect project descriptions, changes in projects from one category to another, and adjustments within budget categories. The updated program of projects can be imported into the project summary section of the status report. If revisions to the program of projects result in changes to the line item budget for the grant, these changes should be submitted as budget revisions. For activity line items for which milestones were established at the time of grant application (for example, for vehicle procurements), revised milestone dates are entered as part of the annual report. If the estimated completion date for the grant has changed, the revised date should be entered. Significant civil rights compliance issues occurring during the year (such as Title VI, EEO, or DBE complaints against the state or subrecipients) should be addressed in the annual narrative report.

b. Financial Status Report. On an annual basis, the state must electronically provide a financial status report for each active grant for the period ending September 30. For the purpose of this report, funds are considered encumbered when agreements are signed with subrecipients. Reports should be prepared using the accrual method of accounting.

c. DBE Reports. Annually, states must submit a statewide DBE program including goals for the utilization of DBEs by the state, if it is over a specified funding threshold, and by subrecipients which exceed the threshold. The threshold is exclusive of transit vehicle purchases. The states must submit contracting activity reports for itself and its subrecipients: semi-annually for the entities required to submit a DBE program with goals, and annually for others. Detailed requirements are described in Chapter VI.

14. FINANCIAL MANAGEMENT.

a. State Financial Management Systems. The common rule requires a state to expend and account for grant funds for itself and its public body subrecipients in accordance with state laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures of the state, as well as its public body subrecipients and cost-type contractors must be sufficient to:

1. permit preparation of reports described in this circular and reports necessary to comply with other program requirements; and
2. permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions applicable to the program.

Private nonprofit subrecipients must comply with the standards for financial management systems provided in 49 C.F.R. Part 19 only if the state provides subrecipients with the funds to purchase vehicles directly. If states purchase vehicles and equipment for subrecipients and subrecipients receive no cash, this requirement does not apply.

b. FTA Payment Procedure. FTA makes all payments by electronic funds transfer, regardless of the amount of money involved.

1. Electronic Clearing House Operation (ECHO) Payments. Most payments are made under the ECHO system, by means of an ECHO Control Number (ECN) assigned to the state. The state agrees to comply with the ECHO requirements contained in the Department of the Treasury Regulations, 31 C.F.R. Part

205, "Rules and Procedures for Funds Transfers," and as established by the "Guidelines for Disbursements" set forth in FTA's ECHO System Operations Manual. In general:

- a. The state may initiate cash drawdowns only when actually needed for immediate disbursement required for project purposes. The state must disburse the funds drawn down according to their Treasury-State Agreement or Subpart B of 31 C.F.R. Part 205. The state's access to the ECHO System may be revoked or suspended, or other remedies may be invoked, if the state fails to expend the Federal funds or to return the funds to FTA within a reasonable period, or is unwilling or unable to establish procedures that will minimize the time elapsing between cash advances and the disbursements.
- b. Costs incurred and available balances are reported annually on an accrual basis, in electronic format on the annual Financial Status Report in FTA's electronic system.
- c. The state agrees to provide for control of and accountability for all project funds consistent with Federal requirements and procedures for use of the ECHO system.
- d. The state may not draw down funds for a project in an amount that would exceed the sum obligated by FTA or the current available balance for the project.
- e. The state shall limit drawdowns to eligible project costs and ensure that subrecipients also follow applicable financial requirements.

State Financial Records. FTA does not maintain detailed financial records on individual projects within a program of projects. Financial records, supporting documentation, and all other records pertinent to a grant must be retained by the designated state agency (and its subrecipients) and must be made readily available to authorized representatives of the U.S. Department of Transportation and the Comptroller General of the United States for a period of three years. The retention period starts on the date the state electronically submits the final Financial Status Report. If any litigation, claim or audit is started before the expiration of the three-year period, the records must be retained beyond the three-year period until all litigation, claims, or audit finding involving the records have been resolved.

The state's financial records should adequately document the computation of the Federal share and the provision of the required local share for each kind of project. The eligibility of any ADA, Clean Air Act, or bicycle projects for which the increased Federal share is claimed should be adequately documented.

15. PROGRAM MANAGEMENT DOCUMENTATION AND REVIEW.

a. State Management Plan. The State Management Plan (SMP) is a document which describes the state's policies and procedures in administering the Section 5310 program. The SMP for the Section 5311 program may be included in the same document. All states are required to have an approved SMP on file in the FTA regional office. Additions or amendments to the SMP must be made and submitted to FTA for approval whenever a state significantly changes its management of the program, or when new program management requirements are imposed by FTA. Guidance on the contents of the SMP is included in Chapter VII.

b. FTA Management Review. FTA's administration of Section 5310 results in relatively little Federal involvement in the day-to-day program activities of the recipients. FTA does not review individual applications from local recipients. In order to ensure that program objectives are being carried out, FTA regional staff, with contractor assistance, conduct periodic state level management reviews of the program, once every three years, or as circumstances warrant. The SMP is the basic background document used in reviewing the state programs. This review includes an inspection of the documentation on file at the regional office, a visit to state offices to examine procedures that the states in administering the program, and includes local site visits to subrecipients. The review assesses the accuracy and adequacy of the SMP, and may result in recommendations for changes to the SMP. Preliminary findings are presented at an exit conference, followed by a draft report. The state has an opportunity to comment on the report and to take corrective actions before a final report is issued. The regional office follows up on corrective actions required in the final report.

FTA periodically conducts State Management Review seminars to help states understand the Federal requirements being reviewed and to provide technical assistance. Contact the regional office for a current schedule of seminars.

FTA also conducts more specific compliance reviews in particular areas, for example, financial management, procurement, drug and alcohol testing compliance, and the various aspects of civil rights compliance, usually in response to a risk assessment or other indication of a possible problem. Reviews of a subrecipient are coordinated with the state.

Chapter VI: Other Provisions

1. CIVIL RIGHTS COMPLIANCE. All recipients and subrecipients of FTA assistance are responsible for compliance with all civil rights requirements applicable to transit-related projects, including the nondiscrimination prohibitions of 49 U.S.C. 5332, and of Title VI of the Civil Rights Act of 1964, as amended; the Equal Employment Opportunity (EEO) requirements of Executive Order No. 11246 as amended by Executive Order No. 11375; FTA's Disadvantaged Business Enterprise program requirements; and the Federal protections for persons with disabilities of Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended (ADA). The specific civil rights obligations of both the state and subrecipients of Section 5310 funds in each area of civil rights compliance are summarized in this chapter. For further guidance, refer to the Federal laws, regulations, and executive orders cited in this chapter. FTA's regional civil rights officers or headquarters civil rights staff will also provide current guidance on request.

a. Review Process. The designated state agency is responsible both for complying with civil rights requirements and for monitoring compliance by subrecipients of Section 5310 funding. The state submits information to FTA and/or FHWA on a regular basis as required by FTA, and maintains information submitted by subrecipients. The state's process for monitoring subrecipients should be included in the state management plan. FTA conducts periodic state management reviews which include

an assessment of whether or not the state appears to have adequate procedures in place to ensure compliance by itself and its subrecipients.

As the result of a state management review, a civil rights review, a complaint investigation, or a routine information submission, FTA may make a determination of compliance or probable noncompliance. If FTA makes a finding of probable noncompliance, technical assistance is provided to resolve outstanding issues informally. If voluntary compliance is not achieved, other administrative remedies may be considered. FTA's approval of a state's program of projects does not constitute unconditional approval of each prospective subrecipient or project within that program, as explained in Chapter III, paragraphs 3 and 5. FTA reserves the right to instruct the state to defer provision of Section 5310 funds to any subrecipient whose civil rights compliance comes into question until FTA finds the subrecipient in compliance satisfactory to FTA.

b. Nondiscrimination. 49 U.S.C. 5332 states that "a person [defined broadly] may not be excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance [from FTA] because of race, color, creed, national origin, sex, or age." The statute gives FTA responsibility and authority for enforcing compliance with this provision and Title VI of the Civil Rights Act of 1964, as amended, by withholding financial assistance or referring the matter for civil action by the Attorney General.

c. Title VI of the 1964 Civil Rights Act. Title VI of the 1964 Civil Rights Act, Section 601, states: 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.

FTA specifies both general requirements and program specific requirements for Title VI compliance. The following requirements supersede conflicting requirement of FTA guidance issued before publication of this circular.

1. DOT and FTA Title VI Standard Assurance. The state submits its assurance to FTA and retains those from subrecipients. While these are one-time assurances, the requirement may also be satisfied by signing the nondiscrimination assurance included in FTA's annual notice of certifications and assurances.

2. General Requirement. The state shall maintain for itself and its subrecipients a description of any complaints alleging discrimination in service delivery filed within the past year together with a statement of status or outcome of each such complaint.

3. Program-Specific Requirements. The state must keep on file a record of approved and rejected funding requests that identifies applicants that are minority organizations or that provide assistance to minority communities. In addition, the following should be documented in the state management plan:

a. A description of the process by which the state develops the annual program of projects submitted to FTA as part of its Section 5310 grant application.

b. A description of the state's criteria for selecting providers to participate in the program, especially its efforts to include subrecipients serving significant minority populations.

c. A description of the state's efforts to assist subrecipients in applying for Section 5310 assistance, especially any efforts made to assist minority organizations or those that serve primarily minority populations.

d. A description of the state's ongoing process to monitor subrecipients' compliance with Title VI, such as site visits to each subrecipient, review checklists, etc.

d. EEO Compliance. The state is responsible both for its own compliance and for assuring FTA that all subrecipients are in compliance with FTA's EEO objectives, in accordance with FTA requirements. If the state or any subrecipient meets the threshold established by FTA (receipt of \$1,000,000 or more in the previous Federal fiscal year, and 50 or more mass transit related employees), it must submit an EEO program. The state may require any documentation it deems necessary from subrecipients to ensure that they do not discriminate in employment on the basis of race, color, creed, national origin, sex, age, or disability. For state departments of transportation and state agencies, DOT, through a memorandum of understanding, has designated FHWA to receive all state EEO programs. Subrecipients that are required to submit an EEO program should submit the program to the state rather than to FTA or FHWA. FTA will review subrecipient programs during a state management review or other compliance review of the state.

e. Section 504 and ADA Program Requirements. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, prohibits discrimination on the basis of handicap by recipients of Federal financial assistance. The Americans with Disabilities Act of 1990, as amended, (ADA) specifies the Federal civil rights of individuals with disabilities as well as imposing specific requirements on public and private providers of transportation. Section 5310 recipients must comply with 49 C.F.R. Parts 27, 37, and 38, implementing the ADA and amending the Section 504 rule. Among other provisions, the regulations: prohibit discrimination against individuals with disabilities; require that vehicles acquired be accessible to and usable by individuals with disabilities, including individuals using wheelchairs (with limited exceptions for demand responsive systems providing equivalent service to individuals with disabilities or a demonstration of inability to obtain an accessible vehicle despite good faith efforts to do so). In addition, recipients of any FTA funds should be aware that they also have responsibilities under other provisions of ADA in the areas of employment, public accommodations, and telecommunications.

f. Disadvantaged Business Enterprise Program. FTA recipients must take necessary and reasonable steps to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform contracts. Certain applicants for FTA funds are required to submit a DBE program and set transit DBE goals.

1. Applicants for funds in excess of \$250,000, exclusive of transit vehicle purchases, are required to prepare and submit DBE programs and to set and submit transit goals for DBE participation. For states, the thresholds apply to all FTA funds the state retains. For subrecipients, the thresholds apply to all FTA funds.

The state meets the program requirement as part of the state DOT's DBE submission to FHWA. Subrecipients submit DBE programs to the state. FTA will look at subrecipient programs during a state management review or other compliance review of the state.

The state must submit a transit DBE goal to FTA if either the state or any subrecipient applies for funds in excess of a threshold. In setting a DBE goal, the state needs to include only the contracting opportunities of entities applying for funds in excess of threshold amounts. States file contracting activity reports with the FTA regional office semi-annually on entities that receive FTA funds in excess of threshold amounts, and annually for other entities (i.e., those not required to set goals).

2. The state is responsible for informing all subrecipients of their responsibility to make a reasonable effort to use DBE firms, providing information to the subrecipients about the availability of such firms, monitoring subrecipient contracting activity for DBE compliance, and reporting to FTA at required intervals on DBE contracting activities.

The state meets the program requirement as part of the state DOT's DBE submission to FHWA. Subrecipients submit DBE programs to the state. FTA will look at subrecipient programs during a state management review or other compliance review of the state. In special cases FTA may allow a project-specific DBE program in lieu of a standard program.

The state must submit a transit DBE goal to FTA if either the state or any subrecipient applies for funds in excess of a threshold. In setting a DBE goal, the state needs to include only the contracting opportunities of entities applying for funds in excess of threshold amounts. States file contracting activity reports with the FTA regional office semi-annually on entities that receive FTA funds in excess of threshold amounts, and annually for other entities (i.e., those which were not required to set goals).

1. SAFETY JURISDICTION. FTA's authority in the area of transit safety is set forth in Section 5329. FTA may withhold further financial assistance from any recipient who fails to correct any condition which FTA believes "creates a serious hazard of death or injury." FTA's authority to investigate and make findings in certain safety-related areas is permissive, not mandatory.

2. DRUG-FREE WORKPLACE. Direct grantees must comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. & sect; 702), as implemented by 49 C.F.R. & sect;§ 29.600 et seq. The requirements, including a drug-free workplace certification, apply only to the states as FTA's direct grantees, not to subrecipients.

3. BUY AMERICA. Section 5323(j) provides that, with exceptions, Federal funds may not be obligated for mass transportation projects unless steel, iron, and manufactured products used in such projects are produced in the United States. Section 5310 recipients and subrecipients must conform with FTA regulations, 49 C.F.R. Part 661, and any amendments thereto. Buy America requirements apply to all purchases, including materials or supplies funded as operating costs, if the purchase exceeds the threshold for small purchases (currently \$100,000).

There are four exceptions to this basic requirement, which may be the basis for a waiver. First, the requirement will not apply if its application is not in the public interest. Second, the requirement will not

apply if materials and products being procured are not produced in the United States in sufficient and reasonably available quantities and of satisfactory quality. Third, the requirement will not apply in a case involving the procurement of buses and other rolling stock (including train control, communication, and traction power equipment) if the cost of components and subcomponents which are produced in the United States is more than 60 percent of the cost of all components and subcomponents of the vehicles or equipment, and if final assembly takes place in the United States. The meaning of final assembly is further described in the FTA guidance on Buy America Requirements, dated March 18, 1997, which applies to all buses manufactured on or after September 1, 1999 and purchased with FTA funds. Fourth, the requirement will not apply if the inclusion of domestic material will increase the overall project contract by more than 25 percent. Requests for Buy America waivers under the non-availability, price differential, and public interest exceptions require FTA approval but the waiver for rolling stock meeting the domestic content and final assembly requirements does not. FTA has issued a general waiver for selected items, including all purchases under the Federal small purchase threshold, currently \$100,000.

TEA-21 included a provision which allows a manufacturer or supplier to correct an incomplete certification or a certification of noncompliance after bid opening under certain circumstances if submission of the incorrect certification was the result of an inadvertent or clerical error.

4. ENVIRONMENTAL PROTECTION. The vehicles, radio and computer equipment and other related equipment items routinely purchased under the Section 5310 program do not involve significant environmental impacts. Those projects are referred to as "categorical exclusions" in FTA's procedures because those types of projects have been categorically excluded from FTA's requirements to prepare environmental documentation. If questions or concerns arise about any unusual projects proposed, the FTA regional office should be consulted regarding environmental requirements.

The Clean Air Act, as amended, establishes many new substantive requirements in order to bring into attainment by prescribed dates those air quality regions which currently violate the national ambient air quality standards. Of these requirements, Section 5310 grantees must be aware of the transportation/air quality conformity review process. In general, transportation plans, programs, and projects must be found to conform with approved state (air quality) implementation plans (SIP) before they can be funded by FHWA or FTA.

Other Clean Air Act requirements may apply to Section 5310 recipients, e.g., phase-in of more stringent bus emissions standards. The FTA regional office can supply up-to-date information on various provisions of the Clean Air Act related to mobile sources.

5. COMMERCIAL DRIVER'S LICENSE. All drivers of vehicles designed to transport more than 15 persons (including the driver) must have a Commercial Driver's License (CDL). Mechanics who drive the vehicles must also have a CDL.

6. PRIVATE SECTOR PARTICIPATION. Section 5323(a)(1) requires that FTA-funded projects provide for the participation of private mass transportation companies to the maximum extent feasible. While FTA

no longer prescribes a particular private sector participation process, the basic requirement stands. The statewide and metropolitan planning process is assumed to adequately address private sector concerns. However, if the state's planning process does not address Section 5310 projects in rural transit areas in sufficient detail to provide adequate notice to potential private operators in those rural service areas, the state may need to adopt supplemental procedures to be able to make the required assurance.

7. RESTRICTIONS ON LOBBYING. Federal financial assistance may not be used to influence any Member of Congress or an officer or employee of any agency in connection with the making of any Federal contract, grant, or cooperative agreement. The state, subrecipients, and third party contractors at any tier awarded FTA assistance exceeding \$100,000 must sign a certification so stating and must disclose the expenditure of non-Federal funds for such purposes (49 C.F.R. Part 20). Other Federal laws also govern lobbying activities. For example, Federal funds may not be used for lobbying Congressional Representatives or Senators indirectly, such as by contributing to a lobbying organization or funding a grass-roots campaign to influence legislation (18 U.S.C. 1352). General advocacy for transit and providing information to legislators about the services a recipient provides in the community are not prohibited, nor is using non-Federal funds for lobbying, so long as the required disclosures are made.

8. DEBARMENT AND SUSPENSION. The purpose of the so-called "integrity" certification required of the state as primary grantee, and the second tier certification required of subrecipients and contractors receiving more than \$100,000, is to ensure that Section 5310 funds are not given to anyone who has been debarred, suspended, ineligible, or voluntarily excluded from participation in federally-assisted transactions. Only contractors and subcontractors that receive contracts in excess of the Federal small purchase threshold (currently \$100,000) must submit certifications. The U.S. General Services Administration (GSA) issues a document titled, "Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs" monthly. The list is available on the GSA website: (<http://www.gsa.gov/index>). The burden of disclosure is on those debarred or suspended. If at any time the grantee or other covered entity learns that a certification it made or received was erroneous when submitted or if circumstances have changed, disclosure to FTA is required.

Chapter VII: State Management Plans

1. GENERAL. The state management plan (SMP) is a document which describes the state's policies and procedures for administering the Section 5310 program. Each state is required to have an approved SMP on file with the appropriate FTA regional office and to update it regularly to incorporate changes in program management or new requirements. An opportunity for public comment should be allowed before significant revisions are made. The state may include the SMP for the Section 5311 program in the same document. Certain contents of the SMP, such as the project selection criteria, should be coordinated with the Statewide Transportation Plan. All public documents developed under a grant from FTA must be prepared and submitted in electronic format.

2. PURPOSE. The SMP is intended to facilitate both state management and FTA oversight by documenting the state's procedures and policies for administering the Section 5310 program. The SMP

should be a document which is useful to the state and subrecipients, as well as to FTA. At a minimum, this document must include the state's program objectives, policies, procedures, and administrative requirements, in a form readily accessible to potential local subrecipients, state staff, FTA, and the public. The SMP's primary purposes are to serve as the basis for FTA to perform state-level management reviews of the program, and to provide public information on the state's administration of the Section 5310 program. It may also be used internally by the state as a program guide for local project applicants. If the state has relevant documentation that provides the same information requested for the SMP, that documentation may be included by reference, as an attachment.

3. STATE MANAGEMENT PLAN CONTENT. While there is no prescribed format for the SMP, the plan should address the following topics and provide the information as requested for each topic below:

1. Program Goals and Objectives. Describe the philosophy and policy underlying the state's management of the Section 5310 program. Include a description of any process which exists for establishing long-term goals for providing transportation service to elderly persons and persons with disabilities in the state.

2. Roles and Responsibilities. Specify the agency designated by the Governor to administer the Section 5310 program. The respective roles and responsibilities of the state agency and its subdivisions, other state agencies or review boards, local governments, private providers, local applicants, and other involved parties should be clearly explained.

3. Eligible Subrecipients. Describe which entities are eligible to apply for funds, and describe any state eligibility requirements that are more restrictive than Federal eligibility requirements. Include criteria used to determine which public bodies are approved by the state to apply for Section 5310 funding as coordinators of services for elderly persons and persons with disabilities, as well as criteria used for public bodies certifying that there are no nonprofit organizations readily available in an area to provide Section 5310 service.

4. Local Share and Local Funding Requirements. Describe any state policies on provision of local matching share. Include a description of any state programs which provide matching funds for Section 5310.

5. Project Selection Criteria and Method of Distributing Funds. Describe the state's criteria for selecting projects and distributing funds among various applicants. Whether the state uses a formula for allocation, imposes its own limitations on use of the funds, or uses an entirely discretionary selection process, the policy rationale and the methods used should be explained. This description should cover the state's procedures for assuring equity of distribution of benefits among eligible groups within the state, as required by Title VI of the Civil Rights Act.

6. Annual Program of Projects Development and Approval Process. The state's process and timetable for soliciting, reviewing, and approving applications for local projects to be included in the state's annual program of projects should be described. Instructions to potential subrecipients on how to prepare local project applications may be included. In addition, describe any policy the state has for transfer of Section 5310 funds to Section 5311 or 5307 programs, and for transfer of flexible funds.

7. Coordination. Describe how the state coordinates with other agencies at the state level and

encourages and enhances coordination at the project level. This could include a description of any state level coordinating mechanisms, legislation, review boards, and state policies that encourage or mandate coordination at the local level.

8. Private Sector Participation. Describe the state's procedures for providing for maximum feasible participation by private mass transportation providers.

9. Civil Rights. Describe how the state meets Federal civil rights requirements and monitors subrecipients to ensure compliance with the requirements of Title VI, EEO, and DBE. The state management plan must include the program-specific Title VI requirements detailed in Chapter VI, paragraphs 1b(3)(a)-(d), including the state's efforts to assist minority applicants and to include subrecipients serving significant minority populations. (Inclusion in the state management plan may satisfy certain requirements for one-time submissions in the civil rights areas.)

10. Section 504 and ADA Reporting. Describe the state's method for monitoring subrecipients' compliance with Section 504 and ADA regulations and for processing the plans, reports and certifications submitted to it under the provisions of those regulations.

11. Other Provisions. Describe the process by which the state complies with other Federal requirements such as environmental protection, Buy America provisions, pre-award and post-delivery reviews, restrictions on lobbying, prohibition on exclusive school transportation, and Drug and Alcohol Testing.

12. State Program Management. Describe how the state administers its program management responsibilities in such areas as procurement, financial management, property management, vehicle use, maintenance and disposition, accounting systems, audit and close-out. In addition, include any state procedures for management or financial reviews and project monitoring or on-site reviews. Describe any standards set by the state for matters such as productivity, cost-effectiveness, or service standards. Detail any state reporting requirements.

4. STATE MANAGEMENT PLAN REVISIONS. All states must have an SMP approved by FTA on file with the FTA regional office. An approved SMP remains valid until FTA approves a later plan submitted by the state, or an FTA state management review results in a specific request for a revised SMP, or when significant new program documentation requirements are announced by FTA. The state is strongly encouraged to issue timely revisions to the SMP, particularly when information helpful to minority applicants, subrecipients, and third party contractors is involved. When major changes to the SMP are proposed, the state should give an opportunity to comment at the minimum to potential subrecipients of assistance, potential service providers, other state agencies and representatives of other funding sources, and any relevant state associations and professional organizations.

If revisions are substantive but not pervasive, the state may submit changes and additions in the form of page changes which can be approved by FTA and incorporated into the SMP on file. If the SMP is changed significantly, however, the state should submit the entire revised plan to FTA for approval. The state is responsible for ensuring that FTA has a complete copy of the current SMP. Minor changes and technical corrections may be submitted to FTA to update the approved plan, without the need for

additional FTA approval. The state should ensure that its SMP reflects current requirements of this circular, and revise the SMP if necessary.

Appendix C

State Management Plan Review Documents

Section 5310 State Policies: State Management Plan Checklist

State: _____
Reviewer: _____
Date: _____

State Management Plan: characteristics

Date of Document (year): _____

Page Length _____ with all appendices _____

Application packet and instructions are included as part of SMP? NO Yes page length: _____

Application packet and instructions are available (separately) for review NO Yes page length: _____

Data from State Coordinator available for review (form sent in, or Sticka phone interview): Yes No

- SMP covers:** 5310 alone
 both 5310 and 5311/RTAP
 5310, 5311 and other federal programs: list programs: _____
 state programs in addition to federal programs: list programs _____

Designated agency is: within DOT: _____
 outside DOT: which agency _____

Regional entities involved: ??? NO Yes: _____

Components	In SMP?	Describe State Implementing Mechanisms for Provisions (beyond routine Federal basics); NOTE PAGE NUMBERS
<p>A. TEA-21. Need. A.1. Criteria for establishing need: transportation otherwise unavailable, insufficient, or inappropriate.</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>	
<p>A.2. Criteria. How subrecipients document transportation need</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>	
<p>A.3. Criteria. How public agencies certify no available non-profit entity</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>	

B. FTA Guidance FTA C 9070.1E Chapter VII: State Management	In SMP?	Describe State Implementing Mechanisms for Provisions (beyond routine Federal basics); NOTE PAGE NUMBERS
1. Program Goals and Objectives	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ???	State <input type="checkbox"/> narrows <input type="checkbox"/> expands FTA guidance
1.A. Primary orientation/management focus	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ???	<input type="checkbox"/> coordinated community transportation <input type="checkbox"/> efficient use of transportation resources <input type="checkbox"/> fleet management <input type="checkbox"/> public safety <input type="checkbox"/> economic development <input type="checkbox"/> other: _____
1.B. Is transportation equity included? geographic, economic, programmatic, etc	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ???	
2. Roles and Responsibilities	<input type="checkbox"/> YES <input type="checkbox"/> NO	State <input type="checkbox"/> narrows <input type="checkbox"/> expands FTA guidance
2.A. Description of state level coordinating mechanisms, legislation, review boards, state policies which encourage or mandate coordination at local level	<input type="checkbox"/> YES <input type="checkbox"/> NO	
2.B. Coordinating with MPO's; 5310 subrecipients; government agencies and nonprofit organizations that receive other federal funds for transportation services, in plan development and selection of projects?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ???	
3. Eligible Subrecipients	<input type="checkbox"/> YES <input type="checkbox"/> NO	State <input type="checkbox"/> narrows <input type="checkbox"/> expands FTA guidance

3.A. Private nonprofit corporations	<input type="checkbox"/> YES <input type="checkbox"/> NO	
3.B. Government agencies, where no nonprofit is available	<input type="checkbox"/> YES <input type="checkbox"/> NO	
3.C. Coordinating bodies	<input type="checkbox"/> YES <input type="checkbox"/> NO	
3.D. 5311 agency	<input type="checkbox"/> YES <input type="checkbox"/> NO	
3.E. Other: note restrictions, exceptions: replacement only, expansion	<input type="checkbox"/> YES <input type="checkbox"/> NO	
4. Local Share (match) and Local Funding requirements	<input type="checkbox"/> YES <input type="checkbox"/> NO	fill in on demographic data sheet
5. Project Selection Criteria and Method of Distributing Funds	<input type="checkbox"/> YES <input type="checkbox"/> NO	describe if State uses: <input type="checkbox"/> allocation formula <input type="checkbox"/> limitations on use of funds <input type="checkbox"/> discretionary selection process State <input type="checkbox"/> narrows <input type="checkbox"/> expands FTA guidance
5.A. Description of policy rationale and methods	<input type="checkbox"/> YES <input type="checkbox"/> NO	State <input type="checkbox"/> narrows <input type="checkbox"/> expands FTA guidance
5.B. Selection panel composition included:	<input type="checkbox"/> YES <input type="checkbox"/> NO	
5.C. Who makes the final decision?	<input type="checkbox"/> YES <input type="checkbox"/> Not stated	<input type="checkbox"/> Designated agency staff <input type="checkbox"/> Selection panel <input type="checkbox"/> State Transportation Commission <input type="checkbox"/> Other _____
5.D. Selection criteria/scoresheet included	<input type="checkbox"/> YES <input type="checkbox"/> NO	Mark number of points for coordination in section G.
5.E. Is transportation equity included? geographic, economic, programmatic, etc	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ???	

<p>5.F. Eligible Capital Expenses: funds restricted to vehicle purchase, or similar strict interpretation of “capital expense”</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ???</p>	<p>State <input type="checkbox"/> narrows <input type="checkbox"/> expands FTA guidance</p>
<p>Option 1. Acquiring transportation services (e.g. purchase of service; user side subsidies - vouchers)</p>	<p><input type="checkbox"/> included <input type="checkbox"/> excluded <input type="checkbox"/> not mentioned</p>	
<p>Option 2. Lease from sub-recipient to other local providers</p>	<p><input type="checkbox"/> included <input type="checkbox"/> excluded <input type="checkbox"/> not mentioned</p>	
<p>Option 3. Meal delivery</p>	<p><input type="checkbox"/> included <input type="checkbox"/> excluded <input type="checkbox"/> not mentioned</p>	
<p>Option 4. Vehicle use for other populations</p>	<p><input type="checkbox"/> included <input type="checkbox"/> excluded <input type="checkbox"/> not mentioned</p>	
<p>Option 5. Vehicle use by other agencies</p>	<p><input type="checkbox"/> included <input type="checkbox"/> excluded <input type="checkbox"/> not mentioned</p>	
<p>6. Annual Program of Projects Development and Approval Process</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>State <input type="checkbox"/> narrows <input type="checkbox"/> expands FTA guidance</p>
<p>7. Coordination Maximum feasible, starting with other local providers receiving FTA assistance, then other agencies and organizations which receive federal funds for transportation</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ???</p>	<p>Describe coordination approach:</p>

7.A. Program Relationships. 5310 program relationship to other transportation programs: federal discretionary programs: 5311, RTAP; JARC; TANF; 5307; flexible federal funds: STP (surface transportation funds);state programs:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ???	Describe:
7.B. Description of state level coordinating mechanisms, legislation, review boards, state policies which encourage or mandate coordination at local level	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ???	Describe:
8. Private Sector Participation	<input type="checkbox"/> YES <input type="checkbox"/> NO	
9. Civil Rights process for monitoring subrecipients	<input type="checkbox"/> YES <input type="checkbox"/> NO	
10. Section 504 and ADA Reporting	<input type="checkbox"/> YES <input type="checkbox"/> NO	
10.A. Requirement that vehicles are accessible	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ???	
10.B. Criteria for certification of Accessibility Waiver	<input type="checkbox"/> YES <input type="checkbox"/> NO	
10.C. Programmatic accessibility	<input type="checkbox"/> YES <input type="checkbox"/> NO	
11. Other Provisions	<input type="checkbox"/> YES <input type="checkbox"/> NO	
12. State Program Management - procurement - financial management - vehicle use - maintenance and disposition - accounting systems - audit and closeout	<input type="checkbox"/> YES <input type="checkbox"/> NO	Fill in on demographic data sheet: - State definition of network - Useful life (determines network & replacement cycle): - Ownership/Liens/Title - Procurement requirements

12.A. Specific State Reporting Requirements	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ???	<input type="checkbox"/> quarterly <input type="checkbox"/> other: _____ <input type="checkbox"/> electronic submission required
C. Public Involvement - Goes beyond basic notification requirements, notification of transit providers - Statements about public involvement throughout the process, including public meetings open to the public? - Note if project selection meetings are open	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ???	
C.1. Advisory Committees - for Public Transportation - for Transportation Coordination - for 5310 - other	List:	
D. State Determined Options (e.g., geographic distribution, state mandated minimum rider-ship or other use variables, minimum accessibility, etc.)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ???	
E. State Determined Exclusions (e.g., not for use in voting drives)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ???	
F. State Model: Overall Impressions <input type="checkbox"/> regional distribution model <input type="checkbox"/> county focused model <input type="checkbox"/> community driven - focused on integrated community transportation support <input type="checkbox"/> vehicle/fleet maintenance – traditional capital asset management <input type="checkbox"/> agency driven – focus on addressing the needs of the client base of service agencies <input type="checkbox"/> individual – focus on meeting the transportation needs of individuals <input type="checkbox"/> other, describe:		

<p>G. Coordination activities: Overall impression</p> <p>G.1. <input type="checkbox"/> permissive <input type="checkbox"/> restrictive <input type="checkbox"/> neutral (will influence innovation)</p> <p>G.2. Coordination counts for _____ % in scoring criteria (_____ points out of _____ points)</p>	<p>G.3. Coordination Target</p> <p><input type="checkbox"/> narrow (e.g. only 5310 recipients)</p> <p><input type="checkbox"/> other transportation service providers & local governments</p> <p><input type="checkbox"/> broad (e.g. entire community, or all transportation disadvantaged)</p> <p><input type="checkbox"/> other:</p>
<p>G.4. Description of Coordination Model:</p> <p>G. 5. Built in incentives to coordination:</p> <p>G.6. Built in impediments to coordination:</p>	
<p>For States with a Regional Approach (including entire state as a region):</p> <p>Description of regions:</p>	
<p>Describe sub-allocation of 5310 funds</p>	
<p>Describe regions' role in selection/distribution</p> <p>Are selection criteria consistent across all regions? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>???</p> <p>Is the regional decision the last word, or is there another level"</p>	
<p>Other:</p>	
<p>H. Overall Reviewer Impressions/Comments</p> <p>REVIEWER NOTES:</p>	
<p>IMPORTANT QUOTES:</p>	
<p>REVIEWER NOTES:</p>	

Policy Review: 5310 State Management Plan (pre-SAFETEA-LU)
-By the Numbers-

State: _____
Reviewer: _____
Date: _____
SMP online at: _____

(NOTE PAGE NUMBERS)

State Characteristics:

- * Number of active 5310 subrecipients (in our database): _____
- * Federal dollars obligated for: FFY 2002 sec 5310 \$ _____ Flex \$ _____
FFY 2003 sec 5310 \$ _____ Flex \$ _____
FFY 2004 sec 5310 \$ _____ Flex \$ _____
- * Description of how funds are transferred among transit programs on page _____
[] includes transfer of 5310 funds to 5311
[] includes other transfers to or from 5310 (Flex, 5309, _____)

Vehicles: Active Network and Useful Life

* **State definition of network:** _____

* **Useful life** (determines network and replacement cycle):

[] federal criteria

[] state defined criteria: _____

* **Ownership:** [] State holds title [] State lien on title during useful life [] Other, describe: _____

* **Procurement:** [] must use centralized state process [] may use centralized state process

[] grantee responsible for purchase [] other, describe _____

* **Are subrecipients specifically applying for sec. 5310 funds?** [] Yes [] No [] Unclear

Funding Sources and Local Match

* Local match percentage: [] 20% [] Other _____

* In-kind permitted? [] No [] Yes. List _____

* Is there a State source for matching funds? [] ??? [] No [] Yes. List _____

Eligibility Criteria for Riders: [] ??? [] Yes. List _____

Definition of disabled and elderly [] ??? elderly = _____ years of age

PWD [] ??? [] FTA [] Other, describe _____

Appendix D

Demographic Factsheet:

State by State Comparison of Rural People with Disabilities

<http://rtc.ruralinstitute.umt.edu/RuDis/Comparison.htm>

Appendix E

USDOT Table: Miles of Roads in Each State

Data Source:

Table 1-1: Public Road Length, Miles by Functional System: 2006

Retrieved 8/9/08, Excel file links from

www.bts.gov/.../state_transportation_statistics/state_transportation_statistics_2007/html/table_01_01.html

Table 1-1: Public Road Length, Miles by Functional System: 2006

State	Interstate	Other principal and minor arterials ¹	Major and minor collectors	Local	Total
Alabama	908	9,269	20,530	65,814	96,521
Alaska	1,081	1,516	2,829	9,361	14,787
Arizona	1,169	5,887	8,121	45,199	60,376
Arkansas	655	6,978	20,325	71,047	99,005
California	2,460	28,500	31,992	107,338	170,290
Colorado	954	9,243	16,253	61,571	88,021
Connecticut	346	2,995	3,200	14,708	21,249
Delaware	41	668	1,052	4,418	6,179
District of Columbia	13	286	156	1,045	1,500
Florida	1,471	13,438	14,287	92,799	121,995
Georgia	1,244	14,127	22,651	80,177	118,199
Hawaii	55	787	829	2,659	4,330
Idaho	612	4,041	10,311	32,141	47,105
Illinois	2,169	14,589	21,724	100,515	138,997
Indiana ²	1,169	8,100	22,684	64,297	96,250
Iowa	781	9,710	31,548	72,045	114,084
Kansas	874	9,706	33,524	96,277	140,381
Kentucky	762	5,931	16,084	55,454	78,231
Louisiana	903	5,587	10,048	44,387	60,925
Maine	367	2,193	5,985	14,238	22,783
Maryland	481	4,077	5,044	21,497	31,099
Massachusetts	573	6,488	4,826	24,051	35,938
Michigan	1,241	14,916	24,503	81,062	121,722
Minnesota ³	913	13,653	29,759	87,984	132,309
Mississippi	685	7,500	15,488	50,735	74,408
Missouri	1,181	10,538	24,903	90,583	127,205
Montana	1,192	6,037	16,221	49,698	73,148
Nebraska	482	8,097	20,730	64,070	93,379
Nevada	571	3,150	4,994	24,988	33,703
New Hampshire	225	1,590	2,754	11,078	15,647
New Jersey	431	6,164	4,150	27,816	38,561
New Mexico	1,000	5,106	8,511	49,179	63,796
New York	1,697	14,612	20,664	76,644	113,617
North Carolina	1,082	9,960	17,467	74,991	103,500
North Dakota	571	5,912	11,778	68,578	86,839
Ohio	1,574	11,399	22,589	89,545	125,107
Oklahoma	933	8,386	25,260	78,506	113,085
Oregon	728	7,077	17,614	38,939	64,358
Pennsylvania	1,758	13,819	19,791	85,924	121,292
Rhode Island	71	918	884	4,655	6,528
South Carolina	843	7,276	15,081	43,042	66,242
South Dakota	679	6,401	19,127	58,022	84,229
Tennessee	1,104	9,195	17,851	63,266	91,416
Texas	3,233	30,069	63,477	208,491	305,270
Utah	936	3,477	7,737	31,619	43,769
Vermont	320	1,322	3,131	9,633	14,406

Virginia	1,117	8,556	14,090	48,568	72,331
Washington	764	8,024	16,680	57,788	83,256
West Virginia	555	3,330	8,730	24,439	37,054
Wisconsin	743	12,683	21,677	79,382	114,485
Wyoming	913	3,593	11,147	12,181	27,834
United States, total	46,630	406,876	790,791	2,772,444	4,016,741
U.S. total (incl. Puerto Rico)	46,895	408,629	792,516	2,784,971	4,033,011

¹ Includes other freeways and expressways.

² Excludes 788 miles of Federal agency owned roads.

³ Includes 274 miles of miscoded non-Interstate functional system length or rural/urban categorization or both.

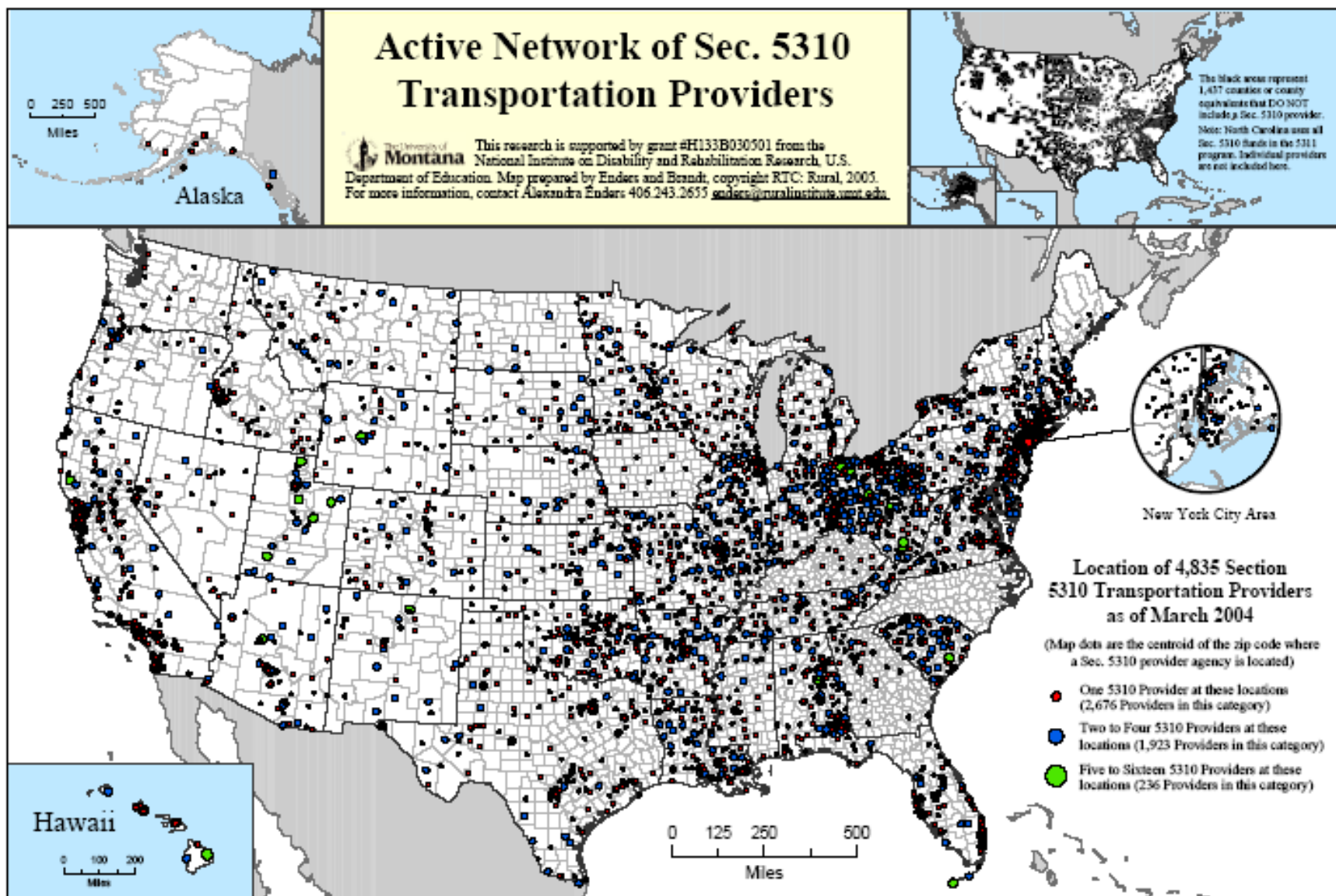
NOTE: The difference in total miles between tables 1-1 and 1-2 results from the Federal Highway Administration's (FHWA) expansion of sample data to derive estimates of road length by different variables. FHWA considers the length totals in this table to be the control totals should a single value be required.

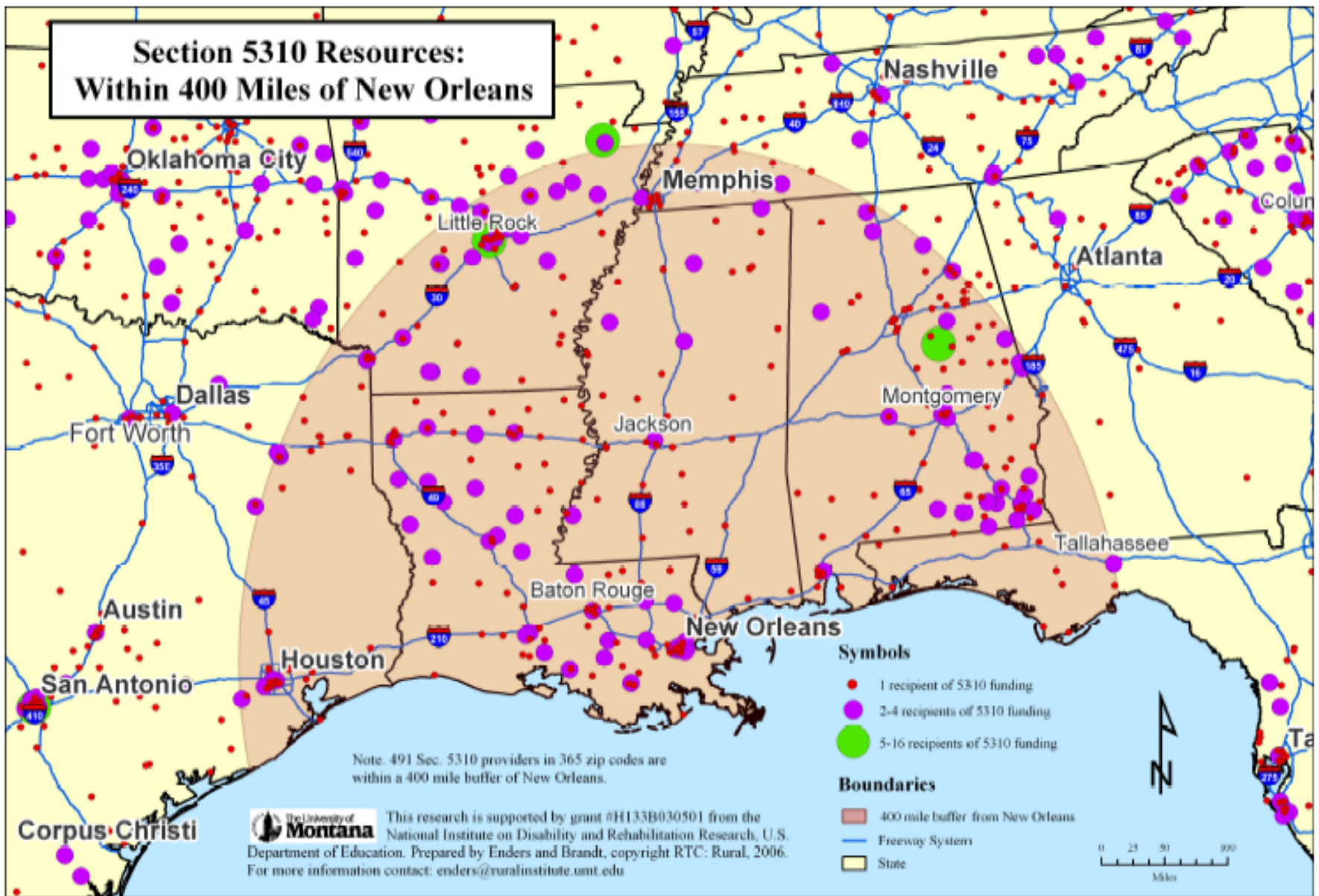
SOURCE: U.S. Department of Transportation, Federal Highway Administration, Highway Statistics 2006, Washington, DC: 2008, Table HM-20.

Appendix F

Section 5310 Maps:

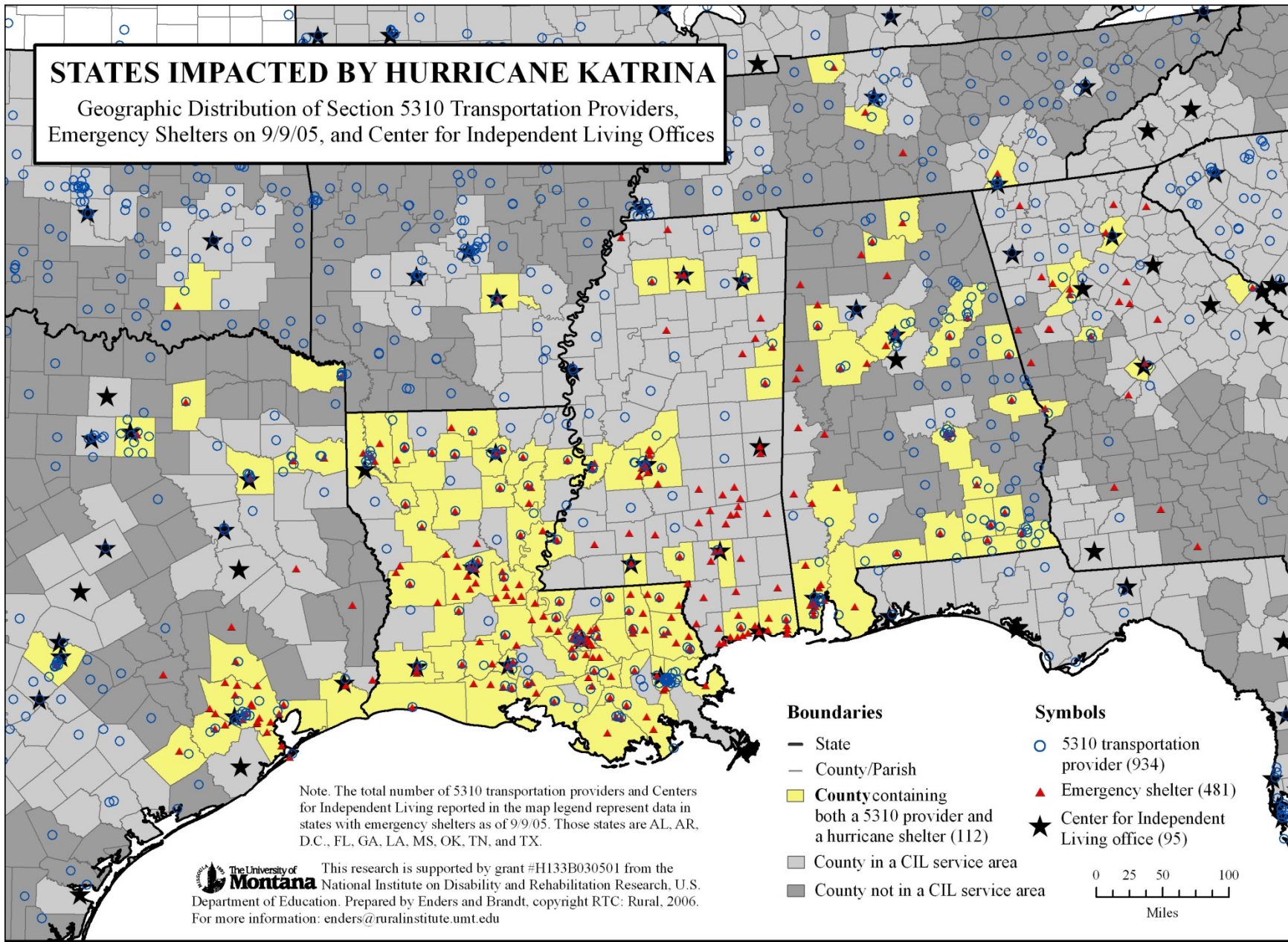
National Distribution: Hurricane Katrina area distribution





STATES IMPACTED BY HURRICANE KATRINA

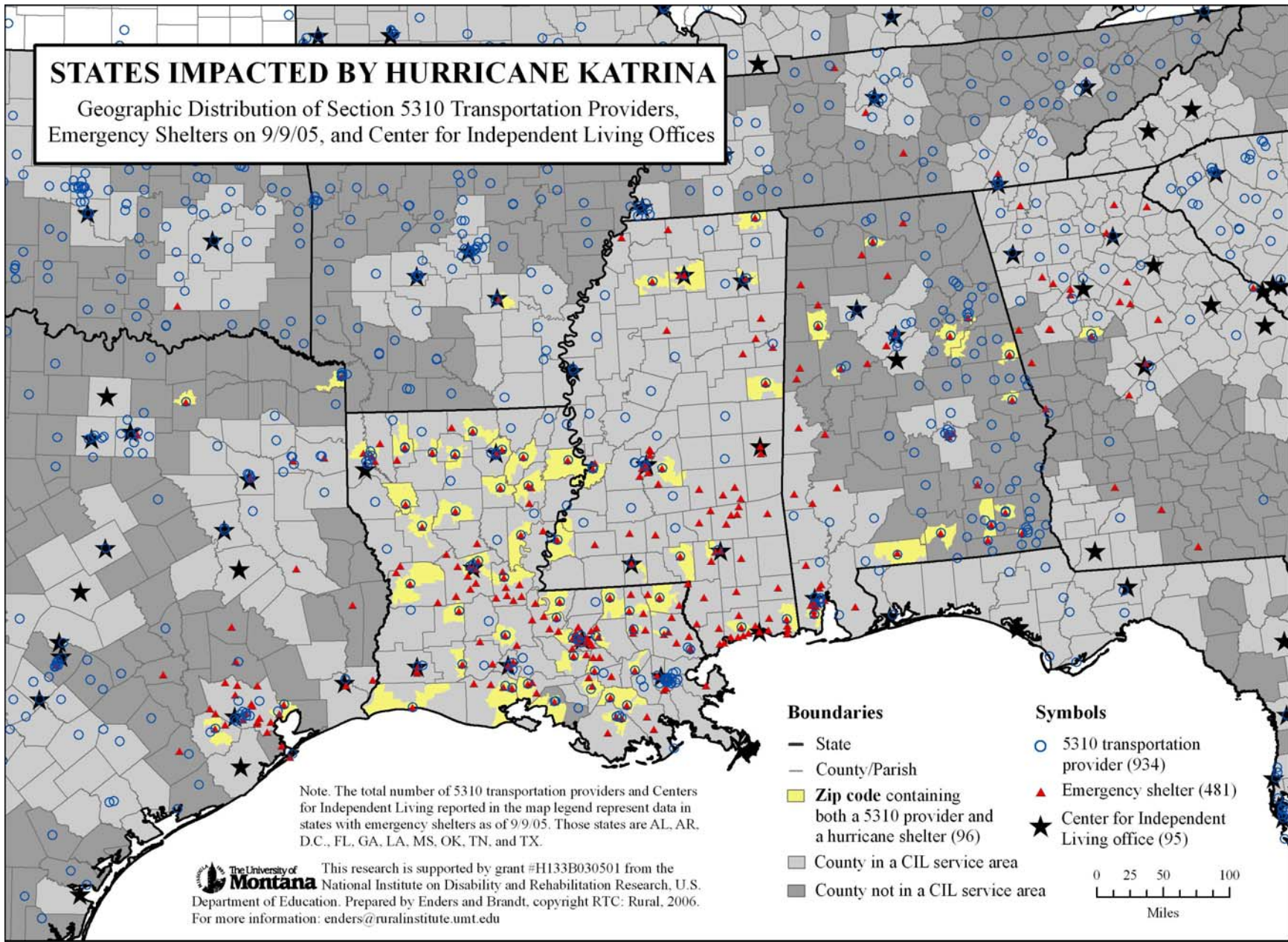
Geographic Distribution of Section 5310 Transportation Providers, Emergency Shelters on 9/9/05, and Center for Independent Living Offices



This research is supported by grant #H133B030501 from the National Institute on Disability and Rehabilitation Research, U.S. Department of Education. Prepared by Enders and Brandt, copyright RTC: Rural, 2006. For more information: enders@ruralinstitute.umt.edu

STATES IMPACTED BY HURRICANE KATRINA

Geographic Distribution of Section 5310 Transportation Providers, Emergency Shelters on 9/9/05, and Center for Independent Living Offices



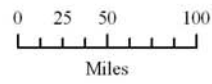
Note. The total number of 5310 transportation providers and Centers for Independent Living reported in the map legend represent data in states with emergency shelters as of 9/9/05. Those states are AL, AR, D.C., FL, GA, LA, MS, OK, TN, and TX.

Boundaries

- State
- County/Parish
- Zip code containing both a 5310 provider and a hurricane shelter (96)
- County in a CIL service area
- County not in a CIL service area

Symbols

- 5310 transportation provider (934)
- ▲ Emergency shelter (481)
- ★ Center for Independent Living office (95)



This research is supported by grant #H133B030501 from the **The University of Montana** National Institute on Disability and Rehabilitation Research, U.S. Department of Education. Prepared by Enders and Brandt, copyright RTC: Rural, 2006. For more information: enders@ruralinstitute.umt.edu

Appendix G

FTA Funding Obligation Tables for Fiscal Years 2002, 2003, 2004; 1997-2007 Overview

Data Sources, FTA Statistical Summaries:

U.S. Department of Transportation, Federal Transit Administration. Table H-8. Elderly and Persons with Disabilities Program Obligations, Fiscal Years, 1997-2007. Excel file retrieved January 6, 2009 from web page FTA Historical Data, click on “Elderly/Persons with Disabilities Program by State” under “Program Summaries (Obligations)”: at http://www.fta.dot.gov/funding/data/grants_financing_7195.html

U.S. Department of Transportation, Federal Transit Administration (FTA). Table 33. FY 2004 Obligations for Elderly and Persons with Disabilities Program. Excel file retrieved January 6, 2009 from web page: FY 2004 Statistical Summary, click on “By State” under “Elderly and Persons with Disabilities Program (Section 5310)” at http://www.fta.dot.gov/funding/data/grants_financing_1096.html

U.S. Department of Transportation, Federal Transit Administration. Table 33. FY 2003 Obligations for Elderly and Persons with Disabilities Program. Excel file retrieved January 6, 2009 from web page: FY 2003 Statistical Summary, click on “By State” under “Elderly and Persons with Disabilities Program (Section 5310)” at http://www.fta.dot.gov/funding/data/grants_financing_1095.html

U.S. Department of Transportation, Federal Transit Administration. Table 34. FY 2002 Obligations for Elderly and Persons with Disabilities Program. Retrieved January 6, 2009 at http://www.fta.dot.gov/funding/data/grants_financing_1491.html

TABLE H-8
ELDERLY AND PERSONS WITH DISABILITIES PROGRAM OBLIGATIONS
FISCAL YEARS 1997 - 2007

STATE	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	10-Yr Total	% of Total	Rank
Alabama	\$971,764	\$2,333,640	\$770,077	\$3,700,000	\$6,541,753	\$3,956,011	\$4,174,462	\$0	\$4,377,848	\$6,375,493	\$2,800,000	\$36,001,048	2.6	7
Alaska	402,194	458,402	413,398	419,315	469,426	476,879	546,658	694,752	745,933	505,961	0	5,132,918	0.4	40
American Samoa	0	0	0	0	0	0	0	0	0	0	0	0	0.0	53
Arizona	859,847	951,875	1,025,265	2,612,627	2,680,931	2,790,987	2,826,879	2,830,427	2,905,473	0	7,138,498	26,622,809	1.9	10
Arkansas	686,774	757,127	813,232	880,019	932,236	1,016,370	1,024,619	1,026,721	1,071,700	1,242,291	0	9,451,089	0.7	33
California	5,150,324	32,416,131	6,324,007	69,546,089	93,227,738	53,908,063	9,434,569	104,351,903	59,091,776	62,279,113	64,194,851	559,924,564	39.9	1
Colorado	672,737	741,333	796,036	861,153	912,066	994,098	1,224,902	692,654	1,505,541	1,402,979	1,481,207	11,284,706	0.8	29
Connecticut	551,320	612,752	552,000	672,000	784,000	870,380	1,031,000	1,000,012	807,625	1,364,251	1,440,108	9,685,448	0.7	32
Delaware	250,635	266,369	278,916	293,852	305,530	324,346	351,670	352,200	363,533	406,515	0	3,193,566	0.2	49
Dist. of Columbia	248,968	264,493	276,873	291,611	303,134	321,700	307,973	308,401	317,549	352,246	366,156	3,359,104	0.2	47
Florida	3,483,837	3,904,479	4,239,930	4,639,244	4,951,449	5,454,489	6,030,405	6,044,201	6,339,460	7,459,275	7,908,221	60,454,990	4.3	3
Georgia	1,252,413	1,393,604	1,506,200	1,640,232	1,745,026	1,913,874	2,283,038	2,288,079	2,395,977	2,805,196	2,969,256	22,192,895	1.6	13
Guam	0	0	0	0	0	0	0	0	0	0	0	0	0.0	53
Hawaii	311,791	335,013	353,839	376,045	393,408	421,383	474,109	0	838,757	687,126	0	4,191,471	0.3	43
Idaho	318,472	342,701	362,024	385,025	403,008	431,983	169,726	127,241	132,106	533,416	558,416	3,764,118	0.3	46
Illinois	2,261,194	2,637,343	2,742,062	2,996,023	3,194,583	3,514,512	3,506,514	1,990,428	5,207,469	4,324,704	0	32,374,832	2.3	9
Indiana	1,198,676	1,333,137	1,440,366	1,568,010	1,667,808	1,828,609	1,861,380	1,865,436	1,952,252	2,281,514	2,413,518	19,410,706	1.4	14
Iowa	736,367	812,931	873,989	946,671	1,003,498	1,095,060	975,895	977,883	1,020,426	1,067,657	1,360,585	10,870,962	0.8	30
Kansas	621,512	683,692	733,280	792,307	838,458	912,819	878,255	0	880,015	917,676	1,060,513	8,318,527	0.6	34
Kentucky	932,380	1,033,488	1,114,120	1,210,112	1,285,158	1,406,077	1,454,080	1,457,184	1,523,636	1,775,663	1,876,704	15,068,602	1.1	21
Louisiana	935,313	1,036,792	1,117,719	1,214,053	1,289,372	1,410,730	1,447,830	854,746	1,626,146	2,254,991	1,251,873	14,439,565	1.0	26
Maine	391,716	425,108	451,756	483,464	508,257	548,202	530,716	531,663	402,556	778,274	659,726	5,711,438	0.4	37
Maryland	939,615	1,041,632	1,122,989	1,219,834	1,295,552	1,417,554	1,537,234	1,540,533	1,611,142	1,878,937	1,986,299	15,591,321	1.1	19
Massachusetts	1,341,980	1,494,388	1,615,932	1,760,612	1,873,732	2,055,994	2,030,290	2,034,741	2,130,002	2,491,294	0	18,828,965	1.3	16
Michigan	2,077,351	2,225,945	2,619,332	2,689,126	3,178,678	3,276,456	3,278,768	3,131,611	3,319,649	3,733,214	4,043,947	33,574,077	2.4	8
Minnesota	952,498	1,056,129	1,138,772	1,237,149	1,314,065	1,292,996	1,160,000	952,002	969,066	2,105,242	787,200	12,965,119	0.9	27
Mississippi	421,712	260,944	790,171	854,719	905,187	811,502	1,027,452	620,848	1,483,393	1,245,808	1,314,415	9,736,151	0.7	31
Missouri	1,215,224	1,351,757	1,460,639	1,590,250	1,691,587	1,854,865	1,779,151	1,783,015	1,865,720	2,179,389	2,305,142	19,076,739	1.4	15

Montana	294,326	315,531	332,442	352,572	368,311	393,670	382,979	0	685,069	540,391	465,011	4,130,302	0.3	45
Nebraska	445,831	486,010	518,052	556,193	586,015	634,064	593,773	594,868	618,306	0	707,197	5,740,309	0.4	36
Nevada	338,305	365,018	386,321	411,680	431,507	463,453	718,475	539,896	710,973	1,080,599	0	5,446,227	0.4	38
New Hampshire	321,028	345,580	365,152	388,460	406,684	436,040	336,792	456,692	330,400	535,990	396,686	4,319,504	0.3	42
New Jersey	2,665,944	1,791,408	2,339,312	2,469,374	2,609,028	2,474,824	2,693,478	2,579,196	2,701,616	3,230,904	65,000	25,620,084	1.8	11
New Mexico	320,000	0	0	0	348,600	553,754	0	510,820	574,826	247,430	1,599,420	4,154,850	0.3	44
New York	3,772,984	4,133,304	4,489,064	4,912,556	5,243,660	5,777,160	6,056,488	6,070,348	4,182,835	9,675,749	8,192,602	62,506,750	4.5	2
North Carolina	0	0	0	0	0	0	0	0	0	0	0	0	0.0	53
North Dakota	254,393	270,598	283,521	298,904	310,931	330,309	309,647	0	629,388	354,324	0	3,042,015	0.2	50
No. Marianas	0	0	0	0	0	0	0	0	0	0	0	0	0.0	53
Ohio	2,358,691	2,638,426	2,861,507	1,427,059	1,540,766	3,669,212	1,888,005	1,619,683	1,884,027	0	4,207,327	24,094,703	1.7	12
Oklahoma	808,155	893,710	961,937	1,043,154	1,106,654	1,208,967	1,202,110	0	1,204,626	2,721,207	1,544,612	12,695,132	0.9	28
Oregon	753,156	1,315,902	1,339,182	3,603,862	7,394,078	6,976,823	1,928,778	1,119,039	11,708,377	9,888,701	4,411,287	50,439,185	3.6	5
Pennsylvania	2,822,811	3,160,669	3,430,103	3,750,831	4,001,593	4,405,634	4,021,684	4,030,787	4,225,614	0	10,225,285	44,075,011	3.1	6
Puerto Rico	715,800	789,788	848,793	919,030	973,945	1,062,427	2,892,309	0	2,387,258	2,165,592	1,795,292	14,550,234	1.0	23
Rhode Island	351,504	379,868	402,488	429,416	450,472	484,392	461,042	461,827	478,628	542,350	0	4,441,987	0.3	41
South Carolina	782,036	864,320	929,939	1,008,050	1,069,122	1,167,523	1,375,958	1,860,342	1,555,337	2,139,263	1,773,741	14,525,631	1.0	24
South Dakota	272,647	291,138	305,884	323,437	337,161	359,273	338,061	242,536	96,023	738,826	0	3,304,986	0.2	48
Tennessee	1,142,740	1,339,940	1,371,840	1,492,836	1,587,436	1,739,859	1,904,441	1,197,760	0	1,347,567	1,564,632	14,689,051	1.0	22
Texas	2,914,514	3,263,857	3,542,449	3,874,080	4,133,366	4,551,140	5,612,511	5,625,331	5,899,696	6,940,268	7,357,444	53,714,656	3.8	4
Utah	370,061	400,751	425,226	454,360	477,138	513,840	589,608	465,060	125,634	1,315,948	0	5,137,626	0.4	39
Vermont	529,874	493,008	1,070,000	2,327,752	2,121,904	2,226,048	1,776,367	2,198,452	1,066,114	334,199	347,005	14,490,723	1.0	25
Virgin Islands	133,276	134,312	135,138	136,122	136,892	138,131	150,622	150,682	151,963	156,822	0	1,423,960	0.1	52
Virginia	1,187,751	1,320,844	1,426,983	1,553,327	1,652,110	1,811,275	2,006,713	2,011,109	2,105,191	2,462,012	0	17,537,315	1.2	17
Washington	684,998	824,338	1,280,162	1,288,332	1,479,903	1,621,119	1,711,667	1,715,373	1,876,846	576,198	2,018,674	15,077,610	1.1	20
West Virginia	578,418	635,202	680,485	734,389	776,535	844,441	780,503	782,034	814,808	939,108	0	7,565,923	0.5	35
Wisconsin	1,089,737	1,210,555	1,306,904	1,421,596	1,511,269	1,655,754	1,565,992	1,569,358	1,110,808	2,445,251	2,024,203	16,911,427	1.2	18
Wyoming	199,400	208,717	216,148	224,993	231,908	243,051	255,294	196,877	320,825	0	583,545	2,680,758	0.2	51
TOTAL	\$55,294,994	\$88,043,999	\$66,181,956	\$140,281,907	\$174,982,628	\$140,048,122	\$92,900,872	\$173,454,751	\$152,329,938	\$162,826,924	\$157,195,598	\$1,403,541,689	100	
% of 10-yr Total	3.9	6.3	4.7	10.0	12.5	10.0	6.6	12.4	10.9	11.6	11.2	100.0		

Note: In fiscal years where there are no obligations reported for states and or U.S. territories (except Virgin Islands), Section 5310 funds were transferred to Section 5311 and in most states obligated.

By State

TABLE 34
 FY 2002 OBLIGATIONS FOR ELDERLY AND PERSONS WITH DISABILITIES PROGRAM

State	Rank	Total obligation amount	% of total	Flexible fund obligs	% flex obs	Total # of vehicles	%	30-40' buses #	30-40' buses \$	<30' buses #	<30' buses \$	School buses #	School buses \$	Vans #	Vans \$	Sedans and/or station wagons #	Sedans and/or station wagons \$	Other #	Other \$
Alabama	7	\$3,956,011	2.8	2,600,000	65.7	52	2.4	1	\$52,472	1	\$28,838			50	\$1,517,844				
Alaska	41	476,879	0.3	272,910	57.2	5	0.2			5	195,893								
Arizona	11	2,790,987	2.0	1,500,000	53.7	76	3.5							76	2,374,400				
Arkansas	30	1,016,370	0.7			35	1.6			10	322,553			25	592,180				
California	1	53,908,063	38.5	45,809,352	85.0	253	11.6			107	4,655,200			146	4,955,694				
Colorado	31	994,098	0.7			16	0.7			10	521,398			6	143,587				
Connecticut	33	870,380	0.6			27	1.2			15	420,000			12	336,000				
Delaware	49	324,346	0.2			6	0.3			6	324,346								
District of Columbia	50	321,700	0.2			11	0.5			3	112,800			8	206,400				
Florida	4	5,454,489	3.9			157	7.2			57	2,849,760			95	2,470,505	5	90,354		
Georgia	15	1,913,874	1.4			0	0.0												
Hawaii	45	421,383	0.3			7	0.3			4	263,726			3	114,581				
Idaho	44	431,983	0.3			9	0.4			6	170,230			3	62,280				
Illinois	9	3,514,512	2.5			85	3.9			85	3,264,512								
Indiana	17	1,828,609	1.3			63	2.9							63	1,752,314				
Iowa	28	1,095,060	0.8			0	0.0												
Kansas	32	912,819	0.7			30	1.4							19	682,000	11	220,800		
Kentucky	24	1,406,077	1.0			43	2.0							43	1,381,077				
Louisiana	23	1,410,730	1.0			35	1.6							35	1,222,400				

Maine	38	548,202	0.4			12	0.6			12	442,070							
Maryland	22	1,417,554	1.0			32	1.5			30	1,264,000			2	48,000			
Massachusetts	14	2,055,994	1.5			51	2.3			21	931,039			30	876,960			
Michigan	10	3,276,456	2.3	274,200	8.4	62	2.8	1	207,672	41	2,364,500			19	519,940	1	14,688	
Minnesota	25	1,292,996	0.9			33	1.5			30	977,920	3	186,076					
Mississippi	35	811,502	0.6			22	1.0			11	380,400			11	177,750			
Missouri	16	1,854,865	1.3			70	3.2							70	1,650,400			
Montana	46	393,670	0.3			12	0.6			8	314,000			4	64,600			
Nebraska	36	634,064	0.5			28	1.3							28	576,000			
Nevada	42	463,453	0.3			10	0.5			10	409,600							
New Hampshire	43	436,040	0.3			10	0.5			10	380,400							
New Jersey	12	2,474,824	1.8			44	2.0	2	167,904	35	1,708,736			7	268,224			
New Mexico	37	553,754	0.4			21	1.0			1	59,600			20	487,834			
New York	3	5,777,160	4.1			154	7.1	11	923,944	143	4,294,220							
North Carolina	---	0	0.0			0	0.0											
North Dakota	48	330,309	0.2			10	0.5			5	202,400			5	126,800			
Ohio	8	3,669,212	2.6			80	3.7							80	2,317,445			
Oklahoma	26	1,208,967	0.9			27	1.2			18	738,000			9	333,000			
Oregon	2	6,976,823	5.0	5,855,123	83.9	123	5.6	1	37,551	81	4,670,299			40	1,689,488	1	14,756	
Pennsylvania	6	4,405,634	3.1			97	4.5			79	3,450,890			18	594,480			
Puerto Rico	29	1,062,427	0.8			20	0.9			10	600,000			10	360,000			
Rhode Island	40	484,392	0.3			9	0.4							9	484,392			
South Carolina	27	1,167,523	0.8			39	1.8			10	360,000			29	660,000			
South Dakota	47	359,273	0.3			9	0.4			9	356,400							
Tennessee	19	1,739,859	1.2			72	3.3			13	528,800			59	1,153,600			
Texas	5	4,551,140	3.2			35	1.6	1	64,000	19	952,850			15	782,020			
Utah	39	513,840	0.4			12	0.6			12	462,456							
Vermont	13	2,226,048	1.6	1,934,643	86.9	0	0.0											

Virginia	18	1,811,275	1.3			57	2.6						57	1,755,200					
Virgin Islands	52	138,131	0.1			3	0.1			3	138,131								
Washington	21	1,621,119	1.2			18	0.8			18	866,423								
West Virginia	34	844,441	0.6			21	1.0						21	683,656					
Wisconsin	20	1,655,754	1.2			69	3.2			42	1,106,179			27	384,000				
Wyoming	51	243,051	0.2			7	0.3			2	67,721			5	165,000				
TOTAL		\$140,048,122	100.0	58,246,228	41.6	2,179	100	17	\$1,453,543	982	\$41,156,290	3	\$186,076	1,159	\$33,970,051	18	\$340,598	0	\$0
<i>(% of Vehicles by Type)</i>						100.0		0.8		45.1		0.1		53.2		0.8		0.0	

NOTE:
\$1.6 million was transferred to the Non-urbanized Area Formula Program.
% Flex / Trfs. column equals the Flexible Fund / FHWA Transfer Obligations as a percentage of Total Obligations.

Table 33: FY 2003 Obligations for Elderly and Persons with Disabilities Program

State	Rank	Total obligation amount	% of Total	Flexible fund obligs	% Flex Obs	Total # of vehicles	% of vehicles	30-40 FT. buses		< 30 FT. buses		School buses		Vans		Sedans and/or station wagons		Other	
								#	\$	#	\$	#	\$	#	\$	#	\$	#	\$
Alabama	5	\$4,174,462	4.5	2,600,000	62.3	47	2.4	1	\$57,200	9	\$330,003			37	\$1,022,774				
Alaska	39	546,658	0.6	307,024	56.2	12	0.6			11	316,711			1	33,136				
Arizona	10	2,826,879	3.0	1,182,900	41.8	76	3.8							76	2,291,200				
Arkansas	32	1,024,619	1.1			32	1.6			32	922,466								
California	1	9,434,569	10.2			209	10.5			115	5,086,400			94	3,379,440				
Colorado	27	1,224,902	1.3	70,900	5.8	21	1.1			18	852,104			3	179,779				
Connecticut	30	1,031,000	1.1			29	1.5			14	490,000			15	525,000				
Delaware	44	351,670	0.4			6	0.3			6	351,670								
District of Columbia	48	307,973	0.3			10	0.5			3	116,800			5	113,600	2	30,400		
Florida	3	6,030,405	6.5			161	8.1			62	3,094,942			96	2,572,605	3	39,320		
Georgia	12	2,283,038	2.5			0	0.0												
Hawaii	41	474,109	0.5			9	0.5			7	388,000			2	80,000				
Idaho	50	169,726	0.2			3	0.2			3	104,341								
Illinois	7	3,506,514	3.8			70	3.5			70	3,206,000								
Indiana	18	1,861,380	2.0			51	2.6	2	91,200					49	1,661,112				
Iowa	33	975,895	1.1			0	0.0												
Kansas	34	878,255	0.9			29	1.5							28	850,224	1	21,000		
Kentucky	24	1,454,080	1.6			47	2.4							47	1,429,080				
Louisiana	25	1,447,830	1.6			36	1.8							36	1,267,200				
Maine	40	530,716	0.6			12	0.6			11	371,705	1	55,301						
Maryland	23	1,537,234	1.7			39	2.0			39	1,460,034								
Massachusetts	13	2,030,290	2.2			50	2.5			19	867,328			31	936,524				
Michigan	8	3,278,768	3.5	356,252	10.9	64	3.2			43	2,284,088			21	561,428				
Minnesota	29	1,160,000	1.2			28	1.4			28	1,044,000								
Mississippi	31	1,027,452	1.1			31	1.6			14	582,480			17	294,825				
Missouri	19	1,779,151	1.9			67	3.4	2	144,937					65	1,480,424				

Montana	43	382,979	0.4			11	0.6			7	242,400			4	94,000				
Nebraska	37	593,773	0.6			25	1.3							25	534,396				
Nevada	36	718,475	0.8			0	0.0												
New Hampshire	46	336,792	0.4			7	0.4			7	252,000								
New Jersey	11	2,693,478	2.9	120,000	4.5	49	2.5	1	83,952	33	1,706,240			15	581,248				
New Mexico	52	0	0.0			0	0.0												
New York	2	6,056,488	6.5			158	7.9	10	845,928	148	4,621,332								
North Carolina	52	0	0.0			0	0.0												
North Dakota	47	309,647	0.3			9	0.5			4	169,800			5	132,000				
Ohio	17	1,888,005	2.0			68	3.4							68	1,870,205				
Oklahoma	28	1,202,110	1.3			27	1.4			10	420,000			17	535,000				
Oregon	15	1,928,778	2.1	812,056	42.1	0	0.0												
Pennsylvania	6	4,021,684	4.3			93	4.7			80	3,493,760			13	417,360				
Puerto Rico	9	2,892,309	3.1	1,500,000	51.9	53	2.7			29	1,809,600			24	892,800				
Rhode Island	42	461,042	0.5			8	0.4							8	461,042				
South Carolina	26	1,375,958	1.5			20	1.0			12	432,000			8	172,800				
South Dakota	45	338,061	0.4			11	0.6			5	188,000			6	144,000				
Tennessee	16	1,904,441	2.0			72	3.6			21	808,800			51	1,038,800				
Texas	4	5,612,511	6.0			36	1.8	2	98,000	21	1,292,670			13	606,187				
Utah	38	589,608	0.6			18	0.9			15	455,648			3	60,000				
Vermont	20	1,776,367	1.9	1,482,924	83.5	0	0.0												
Virginia	14	2,006,713	2.2			61	3.1							61	1,893,600				
Virgin Islands	51	150,622	0.2			2	0.1			2	100,622								
Washington	21	1,711,667	1.8			21	1.1			20	730,658			1	32,000				
West Virginia	35	780,503	0.8			20	1.0							20	622,918				
Wisconsin	22	1,565,992	1.7			82	4.1			82	1,409,393								
Wyoming	49	255,294	0.3			8	0.4	3	97,721					5	157,573				
TOTAL		\$92,900,872	100.0	8,432,056	9.1	1,998	100.0	21	\$1,418,938	1,000	\$40,001,995	1	\$55,301	970	\$28,924,280	6	\$90,720	0	\$0
<i>(Percent of Vehicles by Type)</i>						<i>100.0</i>		<i>1.1</i>		<i>50.1</i>		<i>0.1</i>		<i>48.5</i>		<i>0.3</i>		<i>0.0</i>	

NOTE: \$5.7 million was transferred to the Non-urbanized Area Formula Program.

% Flex/Trfs. column equals the Flexible Fund/FHWA Transfer Obligations as a percentage of Total Obligations.

In the 30-40' category: NY buses are 40 ft; WY buses are 35 ft; all remaining are 30 ft.

Approximately 76% of the vehicles purchased have lifts.

Table 33: FY 2004 Obligations for Elderly and Persons with Disabilities Program

State	Rank	Total obligation amount	% of Total	Flexible Fund oblgs	% Flex Obs	Total # of vehicles	% %	30-40'		<30'		School		Vans		Sedans and/or station wagons		Other	
								#	\$	#	\$	#	\$	#	\$	#	\$	#	\$
Alabama	46	\$0	0.0			0	0.0												
Alaska	30	694,752	0.4	454,850	65.5	3	0.2			2	90,842			1	58,720				
Arizona	7	2,830,427	1.6	1,182,900	41.8	87	4.7							87	2,476,800				
Arkansas	24	1,026,721	0.6			32	1.7			26	776,560			6	147,489				
California	1	104,351,903	60.2	94,895,586	90.9	279	15.2			127	5,359,600			152	5,452,606				
Colorado	31	692,654	0.4			24	1.3			24	597,787								
Connecticut	25	1,000,012	0.6			26	1.4			16	560,000			10	350,000				
Delaware	40	352,200	0.2			6	0.3			6	352,200								
District of Columbia	41	308,401	0.2			9	0.5			5	190,000			4	78,400				
Florida	3	6,044,201	3.5			190	10.3			91	3,875,443			93	1,979,940	6	96,498		
Georgia	9	2,288,079	1.3			0	0.0												
Hawaii	46	0	0.0			0	0.0												
Idaho	45	127,241	0.1			5	0.3			3	60,650			2	21,129				
Illinois	13	1,990,428	1.1			42	2.3			42	1,807,200								
Indiana	14	1,865,436	1.1			68	3.7							68	1,811,710				
Iowa	26	977,883	0.6			0	0.0												
Kansas	46	0	0.0			0	0.0												
Kentucky	21	1,457,184	0.8			45	2.4							45	1,432,184				
Louisiana	28	854,746	0.5			28	1.5							28	764,173				
Maine	35	531,663	0.3			10	0.5			9	364,244	1	55,400						
Maryland	20	1,540,533	0.9			24	1.3			24	1,447,000								
Massachusetts	11	2,034,741	1.2			56	3.0			13	490,724			43	1,177,568				
Michigan	6	3,131,611	1.8	202,560	6.5	68	3.7	1	57,120	48	2,482,092			19	417,236				
Minnesota	27	952,002	0.5			27	1.5			27	952,002								
Mississippi	32	620,848	0.4			31	1.7			18	304,392			13	212,260				
Missouri	16	1,783,015	1.0			65	3.5							65	1,532,757				
Montana	46	0	0.0			0	0.0												

Table 33: FY 2004 Obligations for Elderly and Persons with Disabilities Program

State	Rank	Total obligation		Flexible Fund		Total # of vehicles		30-40' buses		<30' buses		School buses	Vans	Sedans and/or station wagons	Other				
		amount	% of Total	obligs	% Flex Obs		%												
Nebraska	33	594,868	0.3			22	1.2						22	535,382					
Nevada	34	539,896	0.3			0	0.0												
New Hampshire	39	456,692	0.3			19	1.0			19	395,012								
New Jersey	8	2,579,196	1.5			48	2.6	1	84,000	37	1,763,200		10	390,480					
New Mexico	36	510,820	0.3			17	0.9						17	491,878					
New York	2	6,070,348	3.5			113	6.2	21	1,934,960	92	3,550,640								
North Carolina	46	0	0.0			0	0.0												
North Dakota	46	0	0.0			0	0.0												
Ohio	18	1,619,683	0.9			69	3.8						69	1,588,100					
Oklahoma	46	0	0.0			0	0.0												
Oregon	23	1,119,039	0.6			0	0.0												
Pennsylvania	5	4,030,787	2.3			97	5.3			61	2,669,360		36	1,224,400					
Puerto Rico	46	0	0.0			0	0.0												
Rhode Island	38	461,827	0.3			10	0.5						10	461,827					
South Carolina	15	1,860,342	1.1	1,055,997	56.8	19	1.0			13	273,000		6	75,600					
South Dakota	42	242,536	0.1			8	0.4			3	134,400		5	100,000					
Tennessee	22	1,197,760	0.7			45	2.4			15	658,400		30	539,360					
Texas	4	5,625,331	3.2			48	2.6	1	18,121	33	1,558,608		14	676,703					
Utah	37	465,060	0.3			14	0.8			14	418,554								
Vermont	10	2,198,452	1.3	1,950,164	88.7	4	0.2			4	144,000								
Virginia	12	2,011,109	1.2			62	3.4						62	1,922,400					
Virgin Islands	44	150,682	0.1			3	0.2			3	115,682								
Washington	17	1,715,373	1.0			18	1.0			18	460,317								
West Virginia	29	782,034	0.5			19	1.0						19	623,559					
Wisconsin	19	1,569,358	0.9			72	3.9			72	1,569,358								
Wyoming	43	196,877	0.1			5	0.3			3	120,000		2	57,189					
TOTAL		\$173,454,751	100.0	99,742,057	57.5	1,837	100.0	24	\$2,094,201	868	\$33,541,267	1	\$55,400	938	\$26,599,850	6	\$96,498	0	\$0
<i>(Percent of Vehicles by Type)</i>						100.0		1.3		47.3		0.1	51.1	0.3		0.0			

NOTE: \$5.0 million was transferred to the Non-urbanized Area Formula Program. % Flex/Trfs. column equals the Flexible Fund/FHWA Transfer Obligations as a percentage of Total Obligations. In the 30-40' Category: MI and NY buses are 40 ft; all remaining are 30 ft. Approximately 76% of vehicles purchased have lifts.

Appendix H

State Pathways: Notes and Tables

State Pathways: Notes and Tables

(see Results section 1.0)

State management plans represent an array of stages and approaches used to implement federal and state transportation goals. In reviewing all the SMPs, it became apparent that not all states were headed in the same direction. While SMPs usually include goals and objectives, it was not always clear where a state's program is headed, and the pathway the state is using to achieve their objectives. Even when similar language is used by different states, it may not actually mean the same thing (see Introduction sections 5.1 and 5.2). This may be one of the most important findings in our technical review.

To facilitate a systematic approach to transportation services planned and designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities, it is essential to understand and agree on the direction the state is headed. Some of the ambiguity about coordination and programmatic direction could be resolved by asking states to provide a clear picture of how they are strategically and tactically linking the public transportation system with the safety net services designed to address still existing gaps. Recommendation 1.3 suggests that states should place §5310 goals into context of overall agency transit goals, and be required to describe this relationship in the state management plans. This would make it easier for all players (administrators, managers, grantees, operators, and the public) to see the bigger picture, and clearly frame individual grant program objectives within the larger mission and values of the state's transportation agency, as some states are already doing.

State Pathways Notes

Each pathway reflects assumptions about the desired outcomes of the program, and provides some insight into programmatic intent. There is still considerable ambiguity on this issue. Trying to understand the state's pathway based only on the state management plan was in most cases highly subjective. Further review and discussion with state coordinators is needed to appropriately address the question. But since the concept is so essential to understanding the section 5310 grant program, we are including preliminary findings here. The brief note on each state provide a few details, sometimes primarily on the degree of ambiguity found in the plan.

Our pathway assignment for any particular state may or may not be accurate. But there is no question that there are multiple pathways, all using programmatically similar language while headed in different directions. The pathways concept makes it easy to see how that would make it very difficult to communicate about, manage, administer, and transform this small but important program.

Alabama. SMP notes that in small communities, service is not generally available for the general public, only available to the elderly and PWD. It appeared they would then go in the direction of Nevada and Iowa – especially with an objective of county-wide/regional coordinated transportation. But much of the language seems more oriented to human service agencies. However, there is a requirement that if there is 5310 or 5311 in the area, then they have to have a meeting to discuss coordination. It seems like they could be headed toward general rural transportation, or at least supplementing it. There is great attention to not competing with or under-cutting private providers, and being careful to focus the subsidized dollars not to compete with private enterprise.

Alaska. Appears to be investing human service transportation resources in coordinated community transportation, which is the focus of the state transit office. Seems to be oriented toward developing general integrated public transit, with regional hubs in the future, while still recognizing that coordinated public systems are not yet practical in many of the smaller communities.

Arkansas. The SMP is so sketchy it's difficult to get a clear sense of direction. However, there is a 1993 Arkansas Public Transportation Coordination Act, and a Coordination Council, which may be more than advisory; and 5311 and 5307 have priority in providing services. So it would appear that the path could easily be general public transportation, with the specialized agencies filling in the gaps. But there is no clear sense of that from the SMP, application, and application guide. Perhaps general transportation pathway, but very upstream. No sense of how they coordinate with the public agencies, though they apparently do.

Arizona. Combined agencies categories.

California. Difficult to tell. No obvious encouragement toward general public transit.

Colorado. The level of documentation and detail may seem daunting to any agency not already acting as a transportation provider. That may be the intent. This is clearly an agency in the transportation business, which wants to work with transportation business people. Although they say that their coordination requirements might seem biased toward human service transportation, they also are clear that this is not their intent. It's all transportation. There could be a stronger orientation that this is transportation for all, but since they require documentation on the "trip purpose" it does not seem like they are applying the same principles used in general transportation. However, this may occur because the SMP and 5310 program in general appears modeled after 5311, which does include "ride purpose", though it is a general ridership program. (SMP p. 20) "Each grantee contract describes performance standards that it agrees to meet for its entire service. Because the Department is making a grant to purchase equipment and not purchasing service, the Department believes its grantees cannot simply distinguish which trips or part of its service is funded by Section 5310. The Department instead measures the transportation service in its entirety so that it can better assess its level of participation relative to that of other funding sources." (SMP p.21)

Connecticut. Clearly states that its focus is coordinated efficient paratransit service, albeit rather broadly defined.

Delaware. Managed as an integrated statewide transportation system, with an emphasis on transportation disadvantaged, and addressing areas, particularly rural areas where transportation is unavailable. General public ridership is encouraged. Transportation disadvantaged are the target. The goal is "to ensure that the basic mobility needs of the community are met, particularly for those who have low incomes, have disabilities, or are too young or too old to drive."

District of Columbia. Washington D.C. is a metropolitan area with a well established public transportation system. It appears to be using 5310 to fill gaps in the system, with an emphasis on coordinating human service agency client transportation needs, although it is open to all people with disabilities and elderly individuals, as well as the general public. Its path appears to be focused filling gaps where service may be "inappropriate". However, they use all 3 terms (inappropriate, insufficient, unavailable.)

Florida. Seems to be on the path of coordinated general public transportation, at least there would be no impediments to that approach; it's difficult to understand how the Community Transportation Coordinator entity functions, there are not enough details to understand if the emphasis is general transportation or only human services transportation.

Georgia. Designated lead agency is in Department of Human Services, not DOT. DHS has a fleet of over 3000 vehicles. Appears that the focus may be on coordinating services for agency clients, but they include fixed route and demand response as eligible services. The path may be evolving. One would need to know more about the rest of Georgia's community transportation. Are they using sec. 5310 (we only list 31 sub-recipients) as a way to supplement the accessibility of the system (though aging services, and equal distribution based on aging service's Planning and Service Areas may point to an emphasis on aging) and a backbone of Georgia's community transportation system. It would help to know who is eligible for a ride (determined locally, so there must be variations) and how the money flows to agencies.

Hawaii. No way to determine transit direction at the county/island level.

Idaho. General public, but focus is on people with disabilities and elderly individuals. Has a prioritized ride destination list. Appears to be trying to be fair and make at least some transportation available to anyone transit dependent.

Illinois. The DOT seems focused on safe, efficient, transportation which includes everyone. Orientation is toward general public transportation. It appears to use 5310 funds only when one of the other programs cannot be used. Developing coordinated regional capacity. It includes a disability access focus throughout all programs, thereby meeting the requirements of both parts of 5310. All vehicles procured with these funds must be accessible.

Indiana. Allows other riders, general public; 5311 providers who are non-profits or public bodies are eligible for 5310 assistance. Appears to be headed for transportation for all, using 5310 funds to fill the service gaps.

Iowa. General public, using regional transit systems. Invests 5310 funds to help build the nonurbanized transit systems. Integrated management approach across FTA grant programs.

Kansas. Coordinated Transit Districts (CTD) appear to have considerable flexibility, and since its permissible to open the rides to the general public, Kansas may be headed toward a general public model. The SMP lacks enough CTD/MPO level data to understand how it is being operationalized.

Kentucky. Appears to be adopting a new model -- Designated Lead Agency – to better focus on coordination; also includes language about eligibility for agencies whose “purpose of providing transportation primarily (but not necessarily exclusively) to elderly and persons with disabilities.” Could be headed toward a regional model, with focused coordination. In current documents there are not enough details, some of the agencies are urbanized (e.g. Louisville Red Cross) but there is no sense of geographic distribution beyond the fact that they ask rural transit coordinators to provide input on reviewing the applications. Could be headed in a general transit model, or supplementing general transit.

Louisiana. Coordinates through Rural Transit Systems and MPOs. Allows other riders and general public. From the application: “grant will not be approved unless you can demonstrate that the existing services in your geographic service area are insufficient, inappropriate, or unavailable. Attach additional sheets if needed”. Seems to be trying to fill the gaps of a transportation system that meets everyone’s needs. Probably on a pathway toward general transit, and using 5310 to fill gaps.

Maine. Appears to be headed toward integrated general public transportation or at least rural general public transportation. However since nothing at the sub-regional level is described, it is not possible to see what is happening at the local level, how decisions are made, who is involved, or the relationship of capital purchases and purchased services. Heavily oriented to 5311. Appears to focus on integrating human service transportation into public transportation. State law requires liaison personnel from Human Services, Mental Health; Mental Retardation & Substance Abuse, to co-ordinate purchase of service contracts and serve as advisors to DOT about public transportation.

Maryland. Appears to be using §5310 for capital purchases used by agencies which fill the gaps in the existing transit systems. Agencies cannot compete with public transit. Perhaps the “pathway” it is on might be to not be needed anymore. Since coordinating bodies and public agencies are specifically not eligible for 5310 funding, the state does not appear to be using 5310 to build/develop the overall transit system. There is no sense of rural, though Maryland is quite a rural state. Distribution looks good on the map. However the coordinating committees both have specialized or human service in their titles. Too “lean” an SMP to really understand community operations.

Massachusetts. There is state transportation bond money used for a M.A.P. (Mobility Access Program) program. The SMP is brief, and we do not have the appendices. It is unclear if the M.A.P. & 5310 programs are operated as a single resource, and if both or either are focused on human service transportation or more broadly on inclusive general community public transportation. It does not appear to have a rural focus. There are maps available online which show uncovered areas, the regional transit authorities, etc, but they do not appear in the body of the SMP. However the SMP language is clear that other riders are not excluded; it adds the words “and others on a seats-available basis” throughout: “the elderly, people with disabilities, and others on a seats-available basis” making it clear that others can ride in these vehicles and that all people with disabilities and elderly individuals are to be included – which would seem to broaden it from a state agency client driven model.

Michigan. Uses an integrated management approach with a strong emphasis on “coordination between human service agencies and public transportation system”. General Public Transportation. This is apparent in the inclusion of Specialized Services Agencies in the Regional Transportation Program, an interesting rural model (see Noteworthy Practices, Appendix J).

Minnesota. Emphasis on coordinated community transportation resources. Pathway appears to be toward general public, though it appears that many of the subrecipients may still be special purpose agency transportation.

Mississippi. Appears to be trying to focus the program away from the old “agency clients only” approach, and toward coordinated integrated community transportation options, including the general public. Has a set of priorities oriented toward accessibility and the needs of people with disabilities, while still allowing some support for the agency clients only approach (though a higher level of matching funds is then required). Uses 5310 as an adjunct, “...Section 5310 services are to be considered as an adjunct to existing and/or planned public transportation system. Rather than establishing exclusive service for closely qualified clientele, these services are intended to provide a full range of mobility to anyone in the categories of elderly and handicapped.” Objectives include “encourage the use of social service transportation projects to serve the general public on a fare paying basis”.

Missouri. Appears to be focused on the aging and developmental disabilities populations, and though other uses are allowed, appears focused toward agency clients. Does not seem to be any requirement or priority for combined agencies which are not in the same category (DD or Aging) to coordinate. Does not appear to require coordination between aging and DD. Not enough details, especially about the process within MPOs, where over half the funds are allocated, to understand if and how they coordinate.

Montana. Human services/agency clients; no integrating bodies. Management approach does not appear to be integrated across FTA programs. (We have been told that this has changed to an integrated management approach, post-SAFETEA-LU.)

Nebraska. Conditions of assistance (procedure p. 3) include a clear statement that “Use of the vehicles is not limited to your agency clientele. The intent is to serve the needs of all elderly and disabled citizens through coordinated effort. Grantees are encouraged to make vehicles available for shared use with other agencies and programs in order to maximize the usefulness of the vehicle and further meet the transportation needs of your community.” Appears to be using 5310 to fill the gaps in the transportation system, in order to provide better community transportation.

Nevada. Headed toward general rural transit, using regional coordinating bodies.

New Hampshire. With its emphasis on a interagency coordinating working group of agencies providing human service transportation, and replacement has priority over new services, the focus appears to be on coordinated human service transportation, However, other elements of the brief SMP and application guidance indicate a broader focus may also exist. Criteria includes “broad base of riders” - not clear if this is agency or general riders. Awards are generally not

made if there is a 5311 or 5307 operator in the service area. It seems like broader coordination of transportation assets and systems efficiency are prime concerns, and the state is filling gaps in 5311 when these systems cannot meet existing need. Dual path: agency clients and general rural transportation?

New Jersey. Seems to be filling in the gaps, at the county level. Municipalities are eligible, but it still feels like it has a strong agency client orientation. NJ's vehicle/fleet management history still comes through, but there are many coordination mechanisms in place, and appears to be strong public involvement in advisory and selection review.

New York. While coordinating among human service agencies, it also includes for-profit operators. It appears to be pushing toward general transportation, and has an interesting mechanism in rural areas for transferring funds to the 5311 providers. In a rural county where a coordinated system begins, money is refunded to the 5310 sub-recipient if their vehicle is brought into the system. This could be a nonurbanized model for consideration. There seems to be emphasis on rural general transportation and priority for distributing funds based on the count of elderly people. This is a general and rural general transportation orientation, using 5310 funds to fill gaps.

New Mexico. Seems focused on agency clients. Everyone who applies gets a grant; no general public orientation obvious.

Ohio. Difficult to tell if they are headed in a direction, perhaps integrated transportation for all? Immediate focus is coordination and welfare to work rides. (We have the 2004 Transit Report, which might be more informative)

Oklahoma. Difficult to tell; includes all elderly and people with disabilities, permits general public on a space available basis, but seems quite agency oriented; are they using 5310 to fill the gaps? The 5310 program has been operated by the Aging Services Division in the Dept of Human Service since 1976. There are no details about how it coordinates with the DOT's other FTA programs (5311, 5307) to look at the overall public transportation system.

Oregon. An integrated management system appears to be leading toward integrated general public transportation, but that is not clear. The SMP is lacking details about how coordination is operationalized. Selection criteria is generic, with no point scale provided. State seems to focus on a variety of local jurisdictions (counties, mass transit districts, transportation districts, transportation service districts, tribes, cities, councils of government, and non profit agencies). There is no way to get a sense of where the resources go. State tend to use state funds for operating and 5310 for capital – so perhaps its filling in the capital gaps with these dollars? There is no sense of geographic distribution. But a strong sense that public transit is tied into the overall process, appears headed on the general transportation “path”. (The 9/2005 SMP provides more details, but is not included in this review)

Pennsylvania. Appears to be using the 5310 funds to buy lift equipped vehicles to fill in the transportation system. General public is allowed on the vehicles. Program seems to be meeting the intent of “unavailable, insufficient, inappropriate” though they do not appear to use that language. Pennsylvania seems to have well established coordination systems in place, especially through the senior shared ride program, which PWD in rural counties also are now eligible for. The DOT seems to take an active role in developing coordination among state and local programs, appears to have been able to build on this coordination, and the presence of regional planning bodies.

North Carolina. All 5310 funds are transferred to the 5311 program in the last 90 days of the fiscal year. Section 5310 funds are invested only in the general rural public transportation. There are state funds which support human service transportation in “urban counties”. State has moved to county oriented general rural public transportation, and plans to move toward regionalized general public transportation systems which integrate urban and rural transportation.

Rhode Island. Entire state transit system run by RIPTA, a quasi-public body. 5310 funds used for the paratransit system, run as a brokerage system, with vehicles going to entities. They seem to have moved along a path to a paratransit system that supplements the general public system. From the SMP, one cannot tell how the resources are allocated below RIPTA level, but “private companies, non-profit carriers, and municipal transportation operators have been successful proposers for portions of state funded paratransit services” (SMP p.8) There is no way to tell how these contracts are evaluated or awarded.

South Carolina. Seems focused on coordination among agencies, but one place states a requirement to coordinate with public transit. Seems that they are looking for creative ways to meet ridership needs, and could be headed toward more general transportation. SMP is so focused on 5311, that it is difficult to understand just where 5310 fits. Are they using it to supplement 5311? There does not seem to be any transfer of 5310 funds to 5311. 5310 seems a minor piece of the transportation puzzle.

South Dakota. Seems to be focused on integrated community transportation for all. “Transportation Initiative seeks to create a single entity in each community which coordinates existing community agencies receiving funds from state government for transportation services and public transit operators, and acts primarily as the hub of transportation services to all segments of the community population, not to specialized segments of citizens,... demonstrates that existing equipment operated by public or private providers are being fully utilized, with adequate attention being paid to the needs of elderly persons and persons with disabilities, and the 5310 vehicles are required to provide special services beyond those already accommodated...”

Tennessee. Strong orientation toward primary purpose of program being elderly and people with disabilities, but gives higher scores to coordinating agencies for general public and specialized transit. Fleet management orientation may be keeping them from declaring in a particular direction, though they seem that they could move toward an adjunct to general public transit – 5310 funds can be transferred to 5307 or 5311 for the purchase of paratransit vehicles.

Texas. Primary subrecipients are transit agencies, so the pathway by design is moving toward general public transit, and general rural public transit. A network of transportation services for elderly and PWD is the objective, under the umbrella of transit operators.

Utah. Focus appears to be human service transportation. 5310 and 5311 are mandated to be coordinated, but the priority for 5310 funding is viable new service projects in “areas where no existing 5310 services are available”, instead of where no transportation services are available. So the focus is probably human service transportation – and not more general rural transportation for the general public.

Vermont. The overall goal of the Section 5310 program is: "To improve mobility for elderly persons and persons with disabilities in both rural and urbanized areas throughout Vermont by enhancing existing available transportation services." Seems to have 3 interrelated programs, all of which can be used by the general public (some only on an availability basis). It seems to be going in two directions simultaneously – general rural (which in Vermont appears to be the same as general public – Burlington’s county is the only MPO, and even it seems included in a regional transit system), and a paratransit type “fill in the blanks for the truly rideless”.

Virginia. Based on this sparse SMP (details may be available in the application, guidelines, and score sheet which are part of an online grants application process, which we have no copies of) this state appears to be focused on coordination of human services transportation. Its administrative position in the Rural Transit Section would appear to put it in an ideal position to coordinate public and human service transportation, particularly in the rural areas; it also administers 5311, JARC, 5309.

Washington. The combined application package includes a state rural mobility program, and the federal 5311 program. There is some sense of how the rural elements of 5310 coordinates, but little sense of how it works in MPOs. Our distribution map shows a large number of counties with no 5310 provider. It appears that the states strong orientation toward coordination is moving it somewhere between integrated rural transportation, and maybe general integrated transit, but without a better sense of how it fits into MPOs, its difficult to say. The distribution would indicate resources are used in both urban and rural programs. However, their map of the distribution of public transportation grants (5310, 5311, state rural mobility, state paratransit) shows much better distribution; and no county without some form of support. (Technically we are not using that information in our report – but it does show the shortcomings of just looking at the 5310 program outside of context, especially in a state that has a combined application approach designed to efficiently match resources to local needs.)

West Virginia. Has a strong rural orientation, but does not exclude NGO's in counties with a public transit system (it does exclude public bodies in counties with a public transit system); encourages general public transportation in counties which have no other public transit. Appears to be moving toward transportation for everyone.

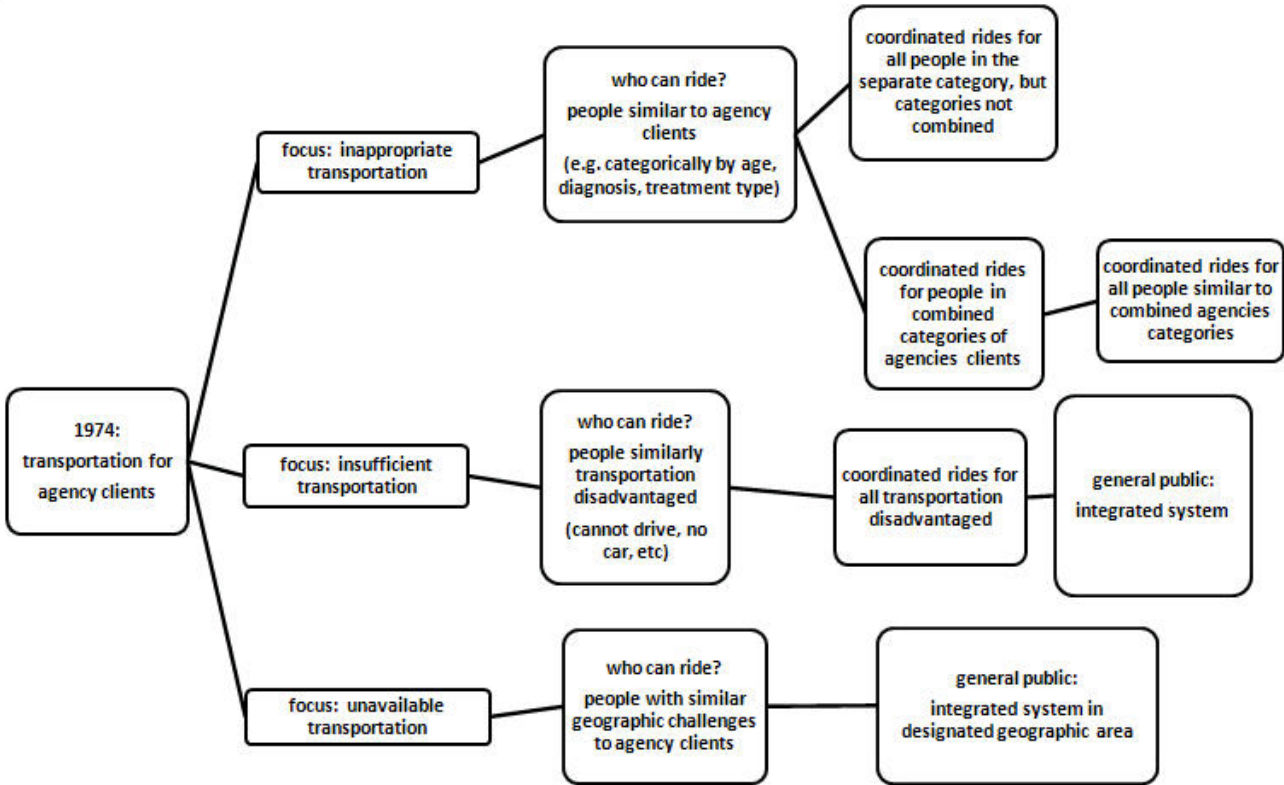
Wisconsin. We do not have the appendices to the SMP, so may not have enough detail. Seems to focus on coordinated services to elderly and people with disabilities, but general public may be included. Language seems more targeted toward general elderly and disabled general population. This may be a human services transportation model (e.g. a vehicle leased to a for profit agency, such as a taxi company) cannot be used for other revenue generating services. Not enough detail to determine how the FTA funds integrate with the county based program.

Wyoming. Wyoming does not prepare an 5310 SMP, and the 7 page chapter sent in lieu of one does not really describe the 5310 program with any detail. (There does not seem to be a 5311 SMP either) From the web, the rural public transit program notes:

This service is available to residents of all twenty-three counties. Most transit providers are Senior Centers that have been active in the transit business since the inception of this program in Wyoming in 1985. There are over forty transit providers, plus the two urbanized areas of Casper and Cheyenne. Retrieved May 27, 2007

<http://www.dot.state.wy.us/ReadMore.jsp?sCode=homqk&sCID=1891>

Since the list of 5310 providers is primarily Senior Centers, these two programs are probably one and the same. And one could guess that the direction is toward general rural transit. But there is no documentation which says that.



Appendix I

Table: Metropolitan Planning Organization (MPO) Relationships

Section 5310 SMP Review: Metropolitan Planning Organization (MPO) Relationship*

For description, see Results section 2.2.3

	Number of MPOs involved/state total	MPOs uninvolved and/or ineligible	MPO initial review/signoff only	MPO input requested in evaluating process	MPO evaluates applications	MPO selects grantees	MPO determines grantees	Other/Comments:
AL	all/11		X					
AK?	/1							???
AZ	4/4				X	X?		
AR	/5	uninvolved?			X	X		“notified” after the fact
CA	all/15				X	X?		
CO	3/5		X			X (areas 200,000+)		may serve as grantee
CT	/8	X						Regional Planning Agency is the focus
DE	2/2		X		X?			rates applicant agency
DC?	1/1							not mentioned
FL	all/26							recommends CTC
GA	/10		X- planning					involved in planning
HI?	1/1							unclear, though Oahu MPO mentioned
ID	all/3		X	X				
IL	all/9		X					
IN	all/11				X			prioritizes applications when more than one from the MPO
IA	0/6	ineligible?						
KS	3/3		X?					
KY	/3	uninvolved?						
LA	all/8		X					
ME?	/4							???
MD	/3	uninvolved						
MA?	/10							unclear
MI	all/15		X					
MN	all/4		X					participate in regional review process; unclear if part of panels or separate
MS	/3		X				X	
MO	all/6							
MT	all/3		X					
NE	all/2				X			
NV	all/3							must be notified
NH	all/4							through MPO/regional planning process
NJ	/2	uninvolved						
NM	all/3				X	X		only if there is connectivity with the urban program
NY	all/12				X			
NC	/17	ineligible		X				on advisory board

ND?	/3							??? not enough info
OH	all/13				X	X		
OK	all/3		X					
OR	/4		X					
PA	/14		X?					seems focused on regional planning; some are MPOs; MPOs noted in SMP, but not application
RI	/1	uninvolved						
SC	/9		X					
SD	/2							involved but not clear how
TN	all/9		X					endorsement letter
TX	/25		X					
UT?	/3		???					unclear how they are involved
VT?	/1							
VA?	/8							
WA?	all/8			X?				unclear
WV	all/4		X					
WI	all/10		???					
WY?	/2							
TOTAL		8	19	3	8	5	1	

* States with minimal MPO involvement usually at least mention that projects are included in the TIP.

Total number of MPOs in a state. The number of MPOs shown in a state management plans sometimes differed from other lists. The lists were from various years and sources. For consistency in this table, we used the number of MPOs listed on the U.S. Department of Transportation (USDOT), Research and Innovative Technology Administration (RITA), Bureau of Transportation Statistics (BTS) web site: Metropolitan Planning Organizations. MPOs numbers were recounted from the list retrieved June 25, 2008 at http://www.bts.gov/external_links/government/metropolitan_planning_organizations.html

Appendix J
Section 5310 State Management Plans: Noteworthy Practices

Appendix J. Section 5310 State Management Plans: Noteworthy Practices

We expected to find noteworthy practices, as well as exemplary and alternative implementation models that could be adopted in other states. While some practices may not have initially appeared noteworthy, they actually were noteworthy when reviewed within the context of what was in all the other SMPs, and were therefore added to this list. It should be noted that a few of the practices noted were included because they are exceptional, to show the very broad range of program implementation, and may not be exemplary models for adoption in other jurisdictions. However, they did merit attention, and in that sense are noteworthy.

Some of the quotations from the SMPs are extensive. We included full sections because it can be difficult to obtain older SMPs, and there can be a high turnover of personnel responsible for the section 5310 program within the state DOTs. If you are interested in a practice noted in this section, we suggest you contact the current state coordinator directly for more information.

NOTE: Although each state has its own acronym for the state's Department of Transportation, in order to reduce acronyms, we use DOT generically to refer to the state's agency. The actual state acronym is used in the direct quotes from the state SMP or application. For the most part, when referring to the federal Department of Transportation (USDOT), we used FTA (Federal Transit Administration) since it is the entity within the USDOT responsible for the §5310 program.

Alabama

Equitable distribution. Application sit out period. "Successful applicants are subject to a one-year sit out rule in order that funding may be distributed equitably" (SMP p 21). (Also see West Virginia.)

Alaska

Consolidated application. Consolidated application package was reviewed in lieu of an SMP, as it was functioning as the SMP.

Resource management:

The key is to rearrange the resources in a manner that puts the community in the best position to leverage maximum additional resources while also enabling it to document that each resource designated for a specific client population or purpose really serves that client population or purpose (part 2, p.14).

State seems to foster innovation and collaboration e.g. vouchers, accessible taxi lease program; boats are a transportation mode.

Purpose (Part 2, p.7): "5310 funding is used to help meet the capital costs associated with providing coordinated transportation to the elderly and persons with disabilities" provides operational descriptions of coordinated transportation systems, limited coordinated transportation systems; non-coordinated transportation projects (Part 1, pp 7-10).

Coordinated community transportation systems. Clearly stated (Part 2, pp 8-9):

The primary intent and focus of these programs is to assist planning and implementation of State-recognized coordinated community transportation systems in communities large enough to make them feasible. Such systems particularly benefit the elderly and persons with disabilities (including Mental Health Trust beneficiaries) and low-income individuals, by making significantly more rides available in a community, with services designed to meet their special needs. And they benefit whole communities or areas at the same time because they provide transportation to the general public and they serve as an economic engine for their communities.

A coordinated community transportation system is one in which multiple agencies share their transportation resources and responsibilities in a carefully planned, formalized, and meaningful way. This implies much more than, for example, two or more agencies transporting each other's clients or loaning vehicles to each other when a vehicle is in the shop. A coordinated community transportation system allows a community to provide more rides with existing social service agency vehicles and resources, through efficiencies gained by centralization of ride scheduling, vehicle dispatch, and usually other transportation functions. And it allows a community to even further increase availability of rides through thoughtful rearrangement of current transportation resources to use them to leverage thousands of dollars of additional transportation resources unavailable to a community without a coordinated system, enabling it also to provide rides to the general public.

Alaska's emphasis on coordinated community transportation systems also recognizes that not all communities are in the same stage of development, and that some communities may be too small to make coordination feasible; the importance of size and scale of the community, and even provides guidance on how coordination can occur when there is only one agency in the community, and/or where there are no social service agencies to coordinate with, by pooling other related resources such as fuel or maintenance.

Part 2, p.10, describes criteria for being recognized by the state as a coordinated community transportation system, and states that "a coordinated system needs to be more than a public transit system with minimally required paratransit component... it must have multiple social service agency involvement with significant resource pooling and development, bases on a written plan..." In 2003, there were only 6 recognized systems, and an additional system in planning status. These appear to represent the largest communities in the state, recognizing that though Anchorage and Fairbanks are

larger, the fourth largest community, Sitka, has only about 9,000 residents. Interestingly, Juneau, the state capital with about 30,000 residents is not on the 2003 list (it is on the 2006 list).

Transition to coordinated system. Part 1, p.13, makes a distinction between applicants who are within a state recognized coordinated transportation system, and applicants outside a coordinated transportation system. This may be an important strategy for states which are transitioning from one approach to another, or which are trying to develop local capacity in remote communities which are too small to make a public system practical.

Part 2, pp 11- 26 includes about 15 pages of descriptive, reader friendly text which explains how creation of a coordinated community transportation system benefits a community, benefits special needs populations, why and how to be involved in coordinated system development, etc. Includes specific examples and explanations of models, etc. It looks like they excerpted material from some of the many documents on developing coordinated systems, provided an Alaskan flavor, details, and examples. Material could be used to discuss and promote coordination locally. Includes positive language on *resource rearrangement* and economic development potential, describes potential for regional coordination.

Overcoming stigma. A story of rural stigma: color and logo on vehicles. The vehicles funded from Alaska Mental Health Trust Authority (AMHTA) were originally required to be painted light grey, and display the Trust Logo. After numerous comments from providers, indicating that the Trust logo labels the riders as needing mental health services, causing some riders do to want to be seen in the vehicles, the requirement had been dropped. Because the industry standard for new lift equipped vehicles is white, and there is an extra cost for colors, new vehicles in the system are now required to be white and display "Community Transportation" logo decal (Part 2, p.43).

Arizona

Vehicle accessibility. If applicant requests only a non accessible vehicle, it may be placed on a lower priority alternative list (appendix p. 20-21).

State funding. Makes STP funds available to supplement \$5310 in rural areas (p.G-2).

The following model, while noteworthy, is not exemplary:

Restrictions on ridership.

...as a practical matter, agencies may have local policies placing *reasonable* restrictions on clientele age or other parameters; e.g. a senior center which would not normally be expected - or otherwise have the expertise - to regularly provide transportation to children or seriously mentally ill (SMI) passengers (P. G-5, G-6 [Equal Access]).

As a practical matter, age and other parameters may however be addressed in local agency policies which might restrict service to certain categories of persons on the basis of that agency's primary clientele and/or the expertise that agency may typically be expected to have.

For example, a senior center may generally restrict regular accommodation of children or developmentally disabled (DD) or seriously mentally ill (SMI) individuals who are not also 60 years of age or older or from whom specialized care needs unique to a particular illness or disability cannot be reasonably expected to be accommodated.

Conversely, an institution providing specialized care to disabled infants, for instance, might restrict its transportation services to favor only those passengers and their adult attendants who specifically fit that program's mission (i.e. that institution would not reasonably be expected to regularly accommodate the needs of the "general senior population. Keeping in mind these 'common-sense' operational exceptions, awarded entities must comply with all non-discrimination laws and regulations" (Eligibility Overview p G-4).

The following model, while noteworthy, is not exemplary:

Restrictions on ridership. Temporary disability exclusion. Allows people with temporary disabilities only if they do not displace a senior or PWD (appendix, p.22). It may be the only state to make this type of exclusion.

Arkansas

Financing. An innovative leasing program to provide §5310 and §5311 applicants with zero interest line of credit is not mentioned in the SMP. While it has not been included in this review, it can be pointed to as an example of the need to inquire about other potential options and resources.

California

Vehicle accessibility. It appears that only lift equipped vehicles are purchased, no exceptions.

Definitions.

- operationally defines *readily available* - willing, interested, and capable of providing proposed service at a comparable cost to identified clientele (1) in the same service area, (2) with the same hours and frequency, (3) at the same level of service.

- operationally defines *unavailable, insufficient, inappropriate*, the 3 elements which are the core of the §5310 program in the scoring criteria (see below).

Scoring criteria. Consistent across all areas and regions of the state includes detailed objective factors in each section: Project Need: Replacement; Project Need: Service Expansion; Project Need: Other Equipment; Service Effectiveness; Project Need: Unavailable, Insufficient or Inappropriate; Ability of Applicant; Coordination. This is particularly noteworthy because of the inclusion of quantitative, operationally defined scoring criteria for *unavailable, insufficient, inappropriate*, the 3 elements which are the core of the §5310 program. Each category includes 5 items to be scored, using a 3 point scale for each item, (see score sheet, below). Apparently the applicant can select only one category for the need the project proposes to address, since the section on "Project Need: Unavailable, Insufficient, Inappropriate" has a 10 points maximum. While California describes this as the most subjective part of

the process, it may be the most comprehensive attempt by any State to incorporate and operationalize criteria for determining need. The following section is taken directly from the California documents:

Quantitative Scoring Criteria and Project Rating Form,
Section 3. Project Need: Unavailable, Insufficient or Inappropriate
Maximum 10 Points

Target Population

Proposal fully describes the needs of the target population of persons who are elderly or of any age with disabilities, as well as why mass transportation and paratransit services are unavailable, insufficient or inappropriate.

Check one:

- 1 Unavailable
- 2 Insufficient
- 3 Inappropriate

Scoring

0 points = Does not address question.

1 points = Addresses question without attaching relevant documentation.

2 points = Addresses question completely attaching relevant documentation and discussion of the issue.

Examples of documentation include: testimony at or findings from an Article 8 hearing, citizen/on-board passenger surveys, current waiting lists, records of trips denied, ADA Plan, recognized studies or plans that document transit needs (e.g. Area Agency on Aging Needs Assessment, short range transit plan, Senate Bill 826 Action Plan/Progress Report), letter from public transit agency, newspaper articles, agency brochures, agency statistics or demographics, letter of inquiry to and /or response from other funding sources.

Definitions

Unavailable: There is no existing mass transportation or public paratransit (e.g., ADA paratransit, fixed route, dial-a-ride services) in proposed project service area available to serve the described target population.

Insufficient: Available mass transportation and paratransit services are insufficient to meet the needs of the target population, or equipment needs replacement to ensure continuance of service (examples: service at capacity, service parameters, routes, hours, need not met due to eligibility and/or trip criteria, projected future need, vehicles inaccessible, etc.).

Inappropriate: Target population has unique or special needs, which are difficult or impossible to serve on available mass transportation and/or paratransit. Example: lack of wheelchair accessibility.

Quantitative Criteria and Scoring

Unavailable

1. Applicant accurately describes how population is unserved by public transit or public paratransit, including fixed route, dial-a-ride, ADA complementary paratransit services, and private paratransit.

AND

2. Applicant describes target population (ages, types of disabilities, demographics).

AND

3. Applicant describes transportation needs of target population.

AND

4. Applicant describes how proposed project will address described needs.

AND

5. Applicant describes other funding sources considered (e.g., other grants, donations, contracts, cash reserves of the agency, etc.) and why these are not available to fund the proposed project.

OR

Insufficient

1. Applicant accurately describes available public transit and public paratransit, including fixed route, dial-a-ride, ADA complementary paratransit services, and private paratransit.

AND

2. Applicant describes target population (ages, types of disabilities, demographics).

AND

3. Applicant describes transportation needs of target population and why available transit is insufficient to meet the identified needs.

AND

4. Applicant describes how proposed project will supplement or expand available transit and address described unmet needs or in case of vehicle replacement, will ensure continuance of existing service.

AND

5. Applicant describes other funding sources considered (e.g., other grants, donations, contracts, cash reserves of the agency, etc.) and why these are not available to fund the proposed project.

OR

Inappropriate

1. Applicant accurately describes available public transit and public paratransit, including fixed route, dial-a-ride, ADA complementary paratransit services, and private paratransit.

AND

2. Applicant describes target population (ages, types of disabilities, demographics).

AND

3. Applicant describes special transportation needs of target population and why available transit is inappropriate to meet the identified needs.

AND

4. Applicant describes how proposed project will address special needs of target population.

AND

5. Applicant describes other funding sources considered (e.g., other grants, donations, contracts, cash reserves of the agency, etc.) and why these are not available to fund the proposed project.

Colorado

SMP development and assessment. Describes how the SMP was developed, as well as ongoing

assessment of the administration of the FTA programs and various policy options that could be considered by the Department to address any particular grant issues or problems. SMP Development. (SMP p.1):

The SMP has been written with input from the State Management Plan Advisory Committee, which included representatives of state government, public and private nonprofit providers, councils of governments, the Colorado Association of Transit Agencies (CASTA), and the private for profit sector. The intent of the Department was to seek comment and advice from a cross section of interested parties when developing its policies for administering this program.

In addition, on an annual basis the Department conducts workshops to assess the Department's administration of the FTA programs and discuss various policy options that could be considered by the Department to address any particular grant issues or problems. These 'Policy Options Workshops' are held in four different locations across the state and are announced to public and private transit operators, local governments, associations, councils of governments, MPOs, and others with an interest in transit.

Planning Process:

In order to be considered for funding, all applicants must propose a project that is described in and consistent with either a locally adopted Transit Element (TE) in the Regional Transportation Plan. The Department believes local areas are best equipped to decide who is an appropriate applicant and what type of service should be offered. In addition, the Department believes the most efficient use of public funds is through coordinated service, not competing, duplicative or overlapping projects. Service alternatives and planning decisions are outlined in the Transit Element, as are the selected providers and the preferred transportation alternative. As part of the TE process, a local Transportation Advisory Committee (TAC) is formed to review and recommend the TE to the local governmental body responsible for adopting the TE. The Regional Transportation Plans also have an advisory committee formed for the same purposes. CDOT intends to phase out TEs by 2004, and all transit projects will be included in the RTPs (SMP p.18).

Coordination. Emphasizes that "evaluation of coordination is, to a large extent, is an evaluation of an entire community's coordination success, not just that of the applicant" (SMP p. 12):

Applicants will not be held to a single performance standard for coordination. It is recognized that coordination is related to individual circumstances. For example, the Department recognizes the limited number of social service agencies in resort areas with whom resort operators can coordinate; likewise, there is often a lack of commercial operators and human service agencies in some very rural areas with whom an applicant can coordinate.

The Department emphasizes that it is an applicant's responsibility to take positive steps to coordinate services in its community. The Department is sympathetic to those who would claim that they should not be punished if other organizations simply won't work cooperatively to coordinate services. However, in such situations the Department emphasizes that its evaluation of coordination is, to a large extent, is an evaluation of an entire community's coordination success, not just that of the applicant.

In general, it is the Department's policy to assign lower scores and priority in the Service Justification and Coordination criteria to those applicants who directly or indirectly limit or direct all or a significant part of their service to a particular clientele (e.g., elderly persons, developmentally disabled persons, residents or customers of a particular facility, etc.), unless that service is operated separately from that for which funding is sought.

This concept is further reinforced in the application instructions, p. 15:

The Department recognizes that some applicants may find it difficult to convince others in their community to coordinate services, especially if those being asked to coordinate are not being encouraged by their funding sources to coordinate. The Department will recognize an applicant's 'Good Faith Effort' in community coordination. The Department's position is that it awards FTA funds to a COMMUNITY for the provision of SERVICES to that community, based on the merits of an applicant's proposal. The Department's evaluation includes an assessment of the COMMUNITY'S ability and willingness to make the best possible use of all available resources. If a community chooses not to do so, it is a negative reflection on that COMMUNITY, not necessarily on the applicant. For the Department to take any other position would be to reduce its commitment to coordination.

Coordination:

Applicants are expected, to the maximum extent possible, to contact and work with all transportation providers in their service area, including human service agencies that provide service or purchase service. Of course, if you are one of the providers in your area, that's likely a sign that services have been consolidated. It is generally expected that applicants have contacted human service agencies that NEED service (e.g. Welfare to work, Temporary Assistance to Needy Family (TANF)). It is generally expected that applicants have contacted employers that need service for employees and/or potential employees, subsidized housing facilities, and any other agency that has consumers needing transportation to access their services (Application p. 15).

Scoring criteria. Scoring thresholds. Has a detailed 3 step evaluation protocol (SMP pp 10-14).

(1) It has threshold criteria (SMP pp10-11) which identify if the applicant is eligible to apply (other states have forms of this initial screening for eligibility – but Colorado's appears detailed and procedurally consistent).

(2) For eligible applicants, 3 criteria categories (financial justification, service justification, and coordination) are then used by an Interagency Advisory Committee (IAC) to evaluate the proposals. Applicants must have a minimum score of at least 1.45 out of a possible 3, to proceed. "There was consensus that applicants with scores below 1.45 might have serious deficiencies and would not likely be appropriate candidates for funding."

(3) Applicants who meet the threshold criteria and receive a score of 1.45 or greater (on a scale of 0 to 3) on the Evaluation Criteria are eligible for consideration for available funding. They are then scored on their capital equipment request.

The equipment need score counts for 60%, the evaluation committee's scores for 40%. So coordination only counts for an overall 16%. While the scoring methodology is highly detailed and included in the Rules & Regs, there is no explanation why capital equipment scores would count for more than the qualitative assessment of coordination, service, and finances. However, since the proposal has to meet a threshold of 1.45 out of 3 from the IAC to proceed to equipment scoring, it essentially could not get a passing score without including coordination.

Application process - multi phase. Applicant eligibility. NOTE — While Colorado and a few other states first apply threshold criteria which identify if the applicant is eligible to apply, Tennessee, does this in exactly the opposite order – applicants only submit the assurances, etc, if they are actually going to be funded. This may be an area to also consider issues raised in recommendations 7.2.3 and 7.2.4. If the applicant's board policies about coordination disqualify them, that should be made clear up front, before time is used to develop and review a proposal.

Rural. Use of Section 5310 Equipment for Section 5311 Service (SMP p.17):

The Department allows the use of Section 5310 funded vehicles in Section 5311 service if certain requirements are met. Section 5311 service is intended to offer public transportation service to any person, not just elderly persons or persons with disabilities. However, the Department believes it would be wasteful to award vehicles funded by both Section 5310 and Section 5311 for use in the same community or service area. Therefore, the Department allows the use of Section 5310 vehicles for the general public if it is limited to incidental use.

Definitions:

The Department has attempted to define 'incidental use'. The Department has determined that if a significant percentage of the trips a Section 5311 program provides are to elderly persons or persons with disabilities, the usage of others is incidental and, therefore, Section 5310 capital equipment may be used. In the case of a grantee providing both fixed route and demand responsive service, the determination could be made on the ridership of a specific vehicle used to target an elderly and disabled population. This Department practice has encouraged coordinated service and this has resulted in a number of grantees receiving both Section 5310 and Section 5311 funds, thus avoiding duplication of services.

Performance standards:

Each grantee contract describes performance standards that it agrees to meet for its entire service. Because the Department is making a grant to purchase equipment and not purchasing service, the Department believes its grantees cannot simply distinguish which trips or part of its service is funded by Section 5310. The Department instead measures the transportation service in its entirety so that it can better assess its level of participation relative to that of other funding sources (SMP p. 21).

Vehicle life standards. In the Sec 5310 program, DOT does not appear to use years and miles, it uses a market value of more than \$5,000 to establish federal interest:

When the federal interest expires, the Department will return the vehicle title or ownership documents to the grantee and will cancel its lien. While the grantee is free to dispose of the vehicle at its discretion, it must be noted that the Department's position is that the vehicle should continue to provide Section 5310 service if it is in adequate condition. In particular, the Department's preference is that such vehicles be rehabilitated prior to replacement. Furthermore, the Department will generally not give priority to any requests for replacement

vehicles if such vehicles are intended to replace vehicles that were sold after losing their federal interest and not rehabilitated (SMP pp 30, 32).

Appears to use the years and mileage indicators in the 5311 program, and there is some indication that 5 years and 100,000 miles is still used as an indicator (source: email from state coordinator).

Connecticut

Coordination. The application packet includes an appendix with a 2 page description of various coordination models, which provides guidance on what is possible with coordination.

Equitable distribution. Awards each successful applicant a \$35,000 grant (\$28,000 from FTA, \$7,000 match from State Public Transportation Appropriation). Applicant makes up any difference. Applicants are encouraged to purchase new vehicles. The 2004 application seems to indicate that the state funds were tentative "if State funds become available, the state may fund some or all of the non federal share" but the state and federal share together cannot exceed \$35,000 per vehicle.

Delaware

Vehicles accessibility. It appears that only lift equipped vehicles are purchased, no exceptions.

Ridership. General public ridership is encouraged. Transportation disadvantaged are the target. The goal is "to ensure that the basic mobility needs of the community are met, particularly for those who have low incomes, have disabilities, or are too young or too old to drive."

Designated agency. DTC (Delaware Transit Corporation) is a division of the state DOT. DTC is responsible for the planning and operation of all fixed route service statewide, as well as paratransit, 5311, and 5310. It is also the designated "Mobility Manager". There are no 5311 subrecipients, all 5311 funds are used for inter-county buses and to purchase vehicles for rural service. The transportation system was designed to meet the needs of the elderly and people with disabilities, so even though it includes specialized transportation elements (paratransit, 5310 supported agencies) it appears to be a model for integrated transportation services.

This approach may only be possible in a small state like Delaware. However it appears that the program runs somewhat differently than Rhode Island, which also uses a single public body to coordinate the entire state transportation fleet and services.

Match. The state provides the entire match. All vehicles are procured through the state, and they must all be lift-equipped. Leasing vehicles to non-profits, for profits, and public bodies is an option. Awarded equipment must be used for the "promotion of and participation in the coordinated efforts of other organizations". Coordination is built into the entire process, and only agencies willing to participate in a coordinated system are approved for funding.

Equitable distribution. They appear to be taking the 5310 criteria (unavailable, insufficient, inappropriate) as well as equitable distribution seriously. Funding priorities are [1] agencies which have no transportation options available [2] vehicle replacement [3] agencies which will coordinate or

provide service to an agency which has no transportation options available [4] new vehicles to previously funded agency which wants to expand service to an area not adequately represented by the 5310 program.

District of Columbia

The following model, while noteworthy, is not exemplary:

Vehicle accessibility. May have the lowest threshold of any state for allowing the purchase of inaccessible vehicles: Washington DC only requires equivalent service for subrecipients requesting a non-accessible vehicle with capacity greater than 16, including the driver (SMP p.9).

Florida

Regional approaches. Appears to have decentralized the process to the 7 districts, while maintaining oversight. Community Transportation Coordinator (CTC) function (one per county?) is interesting. CTCs can be public or private entities. There are not enough details to really understand how they function, but since they have a statutory requirement, more could be learned.

Advisory Groups. Florida Commission on Transportation Disadvantaged, independent but within DOT, bears additional exploration. Retrieved July 22, 2008 at <http://www.dot.state.fl.us/CTD/>

Georgia

The following model, while noteworthy, may or may not be exemplary:

State agency designation. The Department of Human Services (DHS) has 3,233 vehicles in its fleet. The §5310 program was transferred from DOT to DHS in 1988. The state coordinator indicated this was done in order to title vehicles through the state (DHS) so insurance costs could be reduced. The state has a self-insurance program.

Hawaii

The following model, while noteworthy, may or may not be exemplary:

Regional approaches. Public involvement, public transportation plan, and coordination activities are delegated to the county transportation agencies (each Hawaiian island is a county). However these local authorities appear to have no voice in the project selection process.

Idaho

State Funding. VIP (vehicle improvement program) provides additional funds for 5310. This is not match money, but used to expand the amount of resources available for the 5310 program.

Needs Assessment. Includes the Idaho Statewide Transportation Providers and Needs Assessment, with a public transportation profile of each county, by region, in the annual Program Information Guide which accompanies the application.

Insurance. "ITD will allow a Subrecipient to list a local government entity as the registered owner as long as a contract is developed and approved by ITD. This would be approved to allow the Subrecipient to take advantage of better insurance rates to meet requirements for insurance in Idaho Code" (p.9).

Goals & Priorities. Basic Service Policy (p.4) for all FTA programs (however, it includes statewide priorities for the types of rides – which moves it away from a general public model):

The Division of Public Transportation in Idaho has developed a Basic Service Policy that serves as a basis for the administration of all Federal Transit Administration Programs.

Every resident of the State of Idaho with a verified public transportation need should have access to some form of appropriate transportation service. Appropriate transportation services are defined as a service responsive to the needs of the residents of an area and a service that is economically viable. Each Regional Public Transportation Advisory Committee will verify the regions needs based on the following statewide priorities:

Priority 1: Essential transportation needs include access to basic human services of medical care and essential shopping for food and clothing.

Priority 2: Public transportation services for work, school/training, including barriers associated with welfare recipients and those needed to meet congestion mitigation & air quality standards published by public agencies.

Priority 3: All other public transportation services including access to social activities, recreation, business/commercial promotions, community celebrations, extra-curricular school activities, economic development...

The program goals and objectives for the Section 5310 Program include, but are not limited to, the following:

- Elderly and persons with disabilities have the same right as other persons to utilize transportation facilities and services and special efforts will be undertaken in the planning and design of transportation facilities and services so that elderly and persons with disabilities have the maximum possible access.
- Ongoing assessments of the transportation needs of elderly and disabled populations be made so that available resources may be expended to ensure maximum use of transportation services. The Grant Application Guide will be updated annually to include the needs for services in all counties in Idaho. Maximum efforts will be made to inform the general public and elderly and persons with disabilities in particular, of the availability of federal capital assistance for specialized transportation services.
- Promote cooperation and collaboration among various public transportation systems. Work with Transit Providers, Health and Human Services agencies and others in the Interagency

Working Group established by Section 40-514, Idaho Code to identify areas for coordination and develop strategies for eliminating procedural and regulatory barriers to coordination at the state level. This work will include ways to address transportation related issues with Welfare Reform.

Illinois

Vehicle accessibility. It appears that only lift equipped vehicles are purchased, no exceptions.

Vehicle replacement plan. Requires a vehicle replacement plan, updated biennially.

Consolidated application. There are several concurrent funding programs for obtaining vehicles in Illinois. IDOT has consolidated the application of the various funding sources into a single Consolidate Vehicle Procurement Program. The Department ensures that vehicles funded under any of the other financial assistance programs are eliminated from funding consideration under Section 5310 (SMP 2/6.1). Includes a disability access focus throughout all programs in its consolidated application, thereby meeting the requirements of both parts of 5310. All vehicles procured with these funds must be accessible. No exceptions. 5310 applicants must get a signoff letter from the local transit agency (if there is one) stating that the transit system cannot provide the service, and that they support the application.

Scoring thresholds. Has a cut off threshold of 13 out of 20 points; however any applicant who scores zero on coordination is ineligible for funding, no matter what their score.

Financial management. IDOT reviews the proposed budget of each selected applicant's proposed program to assess the reasonableness of the relationship between the level of proposed services and the projected costs of such services. For new service requests, it compares the applicant's projected costs for proposed services with the actual costs of providing similar transportation services in comparable non urbanized areas (SMP p.3/5.4.1[a]) and if the budget is unreasonably high, IDOT works with the applicant to adjust budget.

Coordination. IDOT encourages the coordination of public and specialized transportation services to enhance the mobility of persons in nonurbanized areas; and within urbanized areas, mobility limited individuals and groups for whom existing resources are insufficient, inadequate or inappropriate...., application for funding requires an inventory of local transportation resources, written notification of local transportation providers and a detailed presentation of the local planning and coordination process employed. These efforts are intended to supplement the mandated public hearing and State Clearinghouse notification (2/10 Program Requirements. 2/10.1 Coordination).

Documentation. State Management Plan is part of the Grant Management Manual, a comprehensive 376 page document "designed to assist current and potential grant recipients in fulfilling the various requirements of receiving federal financial assistance generally", and the FTA's Section 5310 and 5311 programs specifically. The manual outlines IDOT's plan for administering the two programs. It includes a list of 42 federal and 5 state additional sources of guidance (SMP p. 3-1/1, 3-1/2).

Indiana

Advisory Groups. This is not just a requirement for subrecipients, the SMP says “applicants”. They have to participate in the TAC to apply for a grant. TACs and MPOs must prioritize applications when more than one is submitted to INDOT from their local area (SMP pp 3-4):

INDOT requires all applicants to participate in any existing Transportation Advisory Committee (TAC), or establish a TAC should none exist. Many areas already have groups that perform the functions of a TAC. These groups are acceptable as long as they have the proper representation and perform the activities required of a TAC. The local TAC should consist of representatives from all sectors interested in the delivery of transportation services to elderly persons and persons with disabilities. Suggested representation includes:

1. Private for-profit and private non-profit transportation operators
2. Public non-profit transportation operators
3. Public transit providers
4. Social service agencies
5. Local elected officials
6. Consumers of elderly/disabled transportation services
7. Local and/or regional planners

Needs Assessment. - references a resource to assist in documenting local transportation needs, the 2003 Indiana Passenger Transportation Directory, free from INDOT (“Application Tips” Attachment 5 in application package).

Financing. Notes that “Many grantees qualify for municipal license plates. These are available free of charge to rehabilitation facilities, Community Action Agencies, Area Agencies on Aging and County Councils on Aging.” Contact: local license branch or the Special Sales Division of the State Bureau of Motor Vehicles (SMP p. 15).

Vehicle maintenance. - suggestion to obtain a copy of the Indiana Preventive Maintenance Manual, based on INDOT’s finding that during the review process, some subrecipients lack documented, daily vehicle pre-trip inspection and preventive maintenance procedures for vehicle lifts and accessibility equipment. Also notes that the average mileage at replacement is 140,000 miles (“Application Tips” Attachment 5 in application package).

Vehicle replacement plan. Recommends that grantees establish a long-range capital replacement plan and investigate a variety of amortization and capital assistance options (SMP p.19).

Iowa

Equitable distribution. Transportation equity: reviews of transit service contracting are done to
1) assure compliance with the requirements of the funding programs and
2) to reveal any problems in fairness of distribution of the transportation benefits (SMP p. 24).

Resource management:

Iowa's Goals and Objectives for Management of These Programs. It is the goal of the Iowa Department of Transportation through its Office of Public Transit to maximize the benefits which the people of Iowa can receive through these programs. To this end, the Office of Public Transit has integrated the administration of these programs as much as possible, while still remaining true to the separate goals established for each by Congress (SMP p.2).

Relationship to other programs:

This management plan addresses the administration of several other FTA-funded programs, at least in part, because of the way the administration of the programs has been integrated by the Iowa Department of Transportation. These other programs include FTA's 'State Planning and Research Program' authorized under 49 U.S.C. 5313 (and those 'Surface Transportation Program' funds which are flexed into that program), FTA's 'Discretionary Bus Capital Program' authorized under 49 U.S.C. 5309 (referred to hereafter as the "5309 program"), and FTA's 'Job Access/Reverse Commute Program' authorized as part of the Transportation Efficiency Act for the 21st Century and referred to here as the 'JARC program.' It is not the intent of this document to fully address the state's administration of these additional programs, but only to deal with the ways that they have been integrated with the 5310, 5311, or RTAP programs (SMP p.1).

Goals & Priorities:

Finally, the department has sought to partner with Iowa's transit industry to develop a cooperative approach to serving Iowa's citizenry, whether they live in cities or rural areas. It is understood, persons in all setting are likely to need public transit services and that it is the responsibility of government to address this need as fully as it can with those resources available to it (Goals and Objectives for Management of These Programs, SMP p. 2).

Transition. Rationale for changing policy/approach from vehicle procurement (Iowa SMP 2002, p.9):

Use of 5310/5311 Funds for State-wide Capital Needs. Several years ago a decision was made, in conjunction with the Iowa Public Transit Association, to maximize the availability of those 5311 funds not used for planning for operations support and 5310 funds for support of the cost of contracted services, which, through defined by Congress to be capital, is effectively the same as operating support. This was to be accomplished by relying entirely on Congressional earmarks of discretionary bus capital funding out of the 5309 program for all capital needs. This was a major change in philosophy for Iowa's state administered programs, which had previously involved reserving approximately half of the 5311 funds and all of the 5310 funds to support purchase of vehicles and equipment. It was pointed out, however, that *voluntarily reserving formula funding that could be used for support of operations to fund capital purchases which could just as well be funded out of discretionary funds was needlessly denying transit services to lowans needing transportation* (emphasis added). As a result, the state and the transit association agreed to support the maximization of operating support so long as sufficient capital funding could be obtained through the earmarking process to meet on-going capital needs.

Efficiency and leveraging determine which funding program is used for support. Since all of Iowa's public transit systems have been designated by the state to be responsible for the coordination of publicly funded passenger transportation services, including services to elderly persons and persons with disabilities, the decision as to which agencies will receive 5310 funds versus 5311 funds is largely based on the ways in which the subrecipients have programmed to use the monies. At present most subrecipients choose to use their formula funds for support of transit service costs. With this being the case, the 5310 funds are targeted to systems that purchase such services from subproviders, and 5311 funds are targeted first to systems that provide their services directly. To the extent that any system proposes to use its 5310/5311 allocation for purchase of rollingstock that will operate in part within an urbanized area, 5310 funds will be utilized. If facility improvements are programmed with the formula funds, 5311 funding will be used.

Allocation formula. Sub-allocation done on a performance based formula:

All available 5310 and 5311 funds not reserved for transportation planning support, intercity bus assistance or to supplement the state-wide capital earmark are suballocated among the eligible subrecipients based on a formula utilizing transit performance statistics from the most recently completed fiscal year. The formula first separates the amount of funding to be distributed to

small urban systems versus regional systems by comparing the 'net public deficit' (unrestricted support and contract revenue from non-client sources) for all small urban systems to that for all regional systems. The individual allocations to small urban systems are then determined, based 50 percent on the percentage of total small urban ridership accomplished by that system and 50 percent on the percentage of total small urban revenue miles provided by that system. The individual allocations to regional systems are determined based 40 percent on that system's percentage contribution to total regional transit ridership and 60 percent on that system's percentage contribution to total regional revenue miles. The formula calculations are made in December for the following fiscal year. The performance statistics used are from the most recently completed year. A graphic representation of this formula is displayed on page 11 and a print-out of the results of the FY2001 allocation process is shown on page 12 (Iowa SMP, p 10).

Vehicle procurement. *Piggy Back* procurement option available (SMP p.20). May piggy back onto existing open bids, if this opportunity was provided for at the time of that original procurement and so long as the number of add-ons does not exceed one-half of the number of like units specified in the original procurement.

Kansas

Match. Local Match Requirements and Eligibility (SMP, p.16):

- KDOT provides state funding for use as local match. \$4000 or 20 percent (20%) of the total operating deficit for the total agency, whichever is less, is provided to each subrecipient of the 5310 program annually from State funds.

It is not clear if this be used for operating funds, or only for match.

- Ten percent (10%) of the special city and county highway fund may be allocated for public transportation, including Section 5310 and 5311 local match.

Kentucky

Resource management. Clearly states an administrative decision for the best way to most efficiently use transportation resources. In addition to the typical objectives (e.g. mobility, coordination), Kentucky includes as objective (2) "Decrease the dollar level of other program funds (e.g., Title III) which must be expended on vehicle purchase in order that these funds may be reallocated to support vehicle operational costs;"

Coordination. Lead agency model. Designated lead agency model. Application guidelines III (3) C.
Coordination and Cooperation:

It is the Cabinet's policy to promote coordinated transportation services to assure full-time vehicle utilization by several human service agencies within an area. Therefore, only one agency (Lead Agency) in an area will be funded, and be designated as the Section 5310 recipient for that location. The designated Section 5310 recipient, or Lead Agency, assumes the responsibility for coordinating any future requests for service in their area from any other group. Those agencies already funded are listed in Exhibit H. Lead Agencies will hold title to vehicles in their area and lease them to approved eligible agencies.

Coordination. Transportation coordinators:

In addition to the Section 5310 Program, this office has funded transportation coordinators through the Small Urban and Rural Public Transportation Program (Section 5311). We consult with these coordinators (see Exhibit H) to solicit their input into the review of Section 5310 applications. We encourage all prospective and current grantees to cooperate fully in all attempts at coordination. The proposed Coordination Process is included in Exhibit H.

Coordination:

An integral factor included in the designated applicant or Lead Agency concept for the Section 5310 Program is coordinated transportation service. The Lead Agency is charged with providing leadership and control over a coordinated system. All Lead Agencies sign a project agreement in conjunction with the Kentucky Transportation Cabinet when applying for Section 5310 funds. Coordination is clearly one of the foremost requirements to be met under the Section 5310. The Lead Agency is more than a designated applicant in name only. The Cabinet holds them responsible for developing the necessary lines of communication and coordination, including holding coordination meetings between the various agencies operating or applying for vehicles. The Lead Agency/Designated Applicant should develop an agreement to be signed by the agencies operating Section 5310 vehicles which states that they agree to coordinate transportation service with other participating agencies. Samples are attached in Exhibit E.

Special efforts for accessibility (SMP Chap VIII-4-6). Application guidelines seem to indicate that this section covers 5310 too. If so, it's noteworthy:

ALL FTA Section 5307 and Section 5311 recipients must certify that special efforts are being made in their service area to provide transportation that persons with disabilities can use. This transportation service shall be reasonable in comparison to the service provided to the general

public and shall meet a significant fraction of the actual transportation needs of such persons within a reasonable time.

Kentucky defines a person with disabilities as an individual whose impairment prevents or restricts normal mobility, to include vision, hearing, mental and physical impairments and who may need special assistance to move.

Reporting:

Every three years, each recipient must submit an updated report to KYTC that includes the following:

- (a) A description of the service currently provided to persons with disabilities as compared to the service for the general public,
- (b) Any significant modifications made in the service since the previous report, or planned for the next three year-period;
- (c) Copies of a summary of the comments on any significant changes made in the service since the previous report; and
- (d) A description of the resources that have been devoted to service for persons with disabilities each year since the previous report and that are planned to be devoted to this purpose in each of the next three years.

Resource management. Emergency management:

All FTA recipients are required by the KYTC to cooperate and coordinate with emergency management agencies in their area during natural or manmade disasters. FTA vehicles may be used to transport people and/or equipment as directed by KYTC (2004 State Management Plan, Chapter VIII-9).

Transit use. Ensure:

...that service is provided in a timely manner, and that no person with a disability is denied access to mass transportation for the general public if the person with a disability is capable of using that system, even if the recipient also provides special service to persons with disabilities (2004 State Management Plan, Chapter VIII-6, under its 504 protections).

See also Nevada.

Louisiana

Scoring thresholds. The explanation of “Policy Rationale and Methods” (SMP p. 10) for project selection is clearly laid out. Includes a minimum score needed for funding. The rationale (SMP p.10) is “to establish a minimum threshold reflective of acceptable project merit....Applications which do not score at least 60% are considered insufficient to merit funding for one or more reasons.”

Definitions. The application states that the “grant will not be approved unless you can demonstrate that the existing services in your geographic service area are insufficient, inappropriate, or unavailable. Attach additional sheets if needed”. While it neither defines nor operationalizes the terms insufficient, inappropriate, or unavailable, the DOT does expect applicants to place them with the large context of the geographic service area, and not just describe the agencies need.

Rural. While we do not include it in this review, it should be noted that Louisiana’s 2006 SMP added a representative from the Office of Rural Development. This is an example of committee composition changing to reflect state goals and priorities: Review Board (LA SMP p.4):

A Review Committee of representatives from several appropriate agencies reviews, evaluates and scores applications utilizing a point system. The Review Committee is comprised of the DOTD Section 5310 Program Manager, the DOTD Section 5311 Program Manager or designee and representatives designated by the respective departmental Secretaries or Chief Executive Officers from the following state agencies:

- a. Governor's Office of Elderly Affairs
- b. Department of Social Services, (2 Representatives)
- c. Department of Health and Hospitals, (2 Representatives)
- d. Department of Labor
- e. Governor’s Office of Disabilities Affairs
- f. Governor’s Office of Rural Development (added in the 2006 SMP update)

Maine

Vehicle accessibility. It appears that only lift equipped vehicles are purchased, no exceptions.

State statutes. State statute requires liaison personnel from Human Services, Mental Health; Mental Retardation and Substance Abuse, to co-ordinate purchase of service contracts and serve as advisors to DOT about public transportation.

Coordination. Biennial Operation Plan (BOP) developed by a consultant for each of the 8 regions must provide for “maximum feasible coordination of funds among all state agencies that sponsor transportation in the region”; cannot receive funds without being included in BOP. Under BOP regulation, all providers receiving funds must coordinate.

Resource management. Policy on Privatization (SMP p. 11). A five point implementation policy, which includes: "All MPOS and designated agencies responsible for transportation planning in any of the eight MDOT regions have been instructed to develop and submit for approval, a privatization policy". These agencies are also required to "Develop an inventory of all private operations and their capabilities in their area of operations and invite their participation in the planning process" which would (or maybe does) form the basis of a statewide inventory of private transportation resources.

Maryland

State statutes. State legislation since 1975 for the Interagency Committee on Specialized Transportation. The Maryland Coordinating Committee on Human Service Transportation has some form of sign off authority.

Non compete clause. Clear statement in the introduction at the beginning of application: "Section 5310 funds **may not** be used to support services that compete with public transit or private-for-profit providers or provide transportation for school children." Other states also include the non-compete clause, but this was prominently emphasized right up front.

State Funding. Maryland Statewide Special Transportation Assistance Program (SSTAP)

Massachusetts

Ridership. Adds the words "and others on a seats-available basis" throughout: "the elderly, people with disabilities, and others on a seats-available basis" making it clear that others can ride in these vehicles.

Advisory Groups. Selection criteria include a category: Participation. Priority is given to applicants who have adequately documented the participation of elderly groups, people with disabilities, and others on a seats-available basis in the planning process and formal mechanisms outlined for client participation in the evaluation of the service requested. "Applicants must attach an Advisory Group roster to their applications" (SMP p.6).

Technical assistance. Applicants are required to:

...provide EOTC with a list of all other public and private transit providers in their area and a description of the efforts to coordinate with those providers" (SMP p.8) While other states also require a list, in Massachusetts it apparently also permits the state to use the application process as a form of TA. "Agencies which are not selected are notified in writing and given recommendations to improve their grant applications for future rounds as well as to obtain service from existing providers (SMP p.7).

State Funding. Mobility Access Program (MAP) funds come from state transportation bond funds.

Michigan

Coordination. "New 5310 agencies in urbanized areas are required to lease the vehicles to the transit agency. New 5310 agencies are those that did not receive 5310 funds before August 30, 1994. The

transit agency will provide or arrange for service in cooperation with the coordination committee” (Application instruction, p. 22). It is not clear if this applies only when the responsible entity is leasing a vehicle to another entity, or if this is for all vehicles grants in urbanized areas. If the latter, it would be a clear urbanized-nonurbanized distinction; and a way to improve transit agency coordination with human service programs.

Regional approaches. Coordinated community transportation systems. Rural emphasis. While not a section 5310 element, the joint application form includes the Regional Transportation Program, with:

Note to Specialized Services Agencies: Counties that only have specialized services are eligible to apply for regional funds for service that meets the above definition. Up to 20 percent of the proposed new service can be used to provide local service in addition to the existing specialized service transportation. In those cases, if the regional program is successful, at the completion of the three-year demonstration period, the specialized services program would have to be ‘folded into’ the countywide service being provided. This service would be eligible for formula funds and would have to be advertised, open door service available to the general public. Details of this possible eventual merger should be addressed in the regional coordination study (Application instructions, p. 27).

Funding for coordination studies are available, and support mechanisms for developing specialized services into countywide transportation services for everyone. *This could be an important rural model for consideration.*

Advisory Groups. There are Local Advisory Councils, mandate by state statute, which must include at least 50% members representing people age 65+ and people with disabilities in the service area.

Rural. This SMP includes §5311 program. The 4 pages related to §5310 are primarily the areas specific only to §5310 – the rest is based on §5311. Michigan started a non-urbanized bus program in 1974, 4 years before the federal §5311 program started. The §5311 program guidance specifically includes the first element of §5310 federal statutory requirements, since two of the criteria for evaluating the §5311 programs are:

- (2) adequacy of services to the elderly and persons with disabilities
- (4) level of coordination between human service agencies and the public transportation applicant.

State Funding. Specialized services assistance program (in 1997 \$3.6 M) emphasis appears to be on public transit coordination with area agencies on aging, but other organization can participate (Act 51, p.15); funds are for operating assistance, can be used for purchase service and/or lease vehicles to provide service; shall not be used for capital items; includes a volunteer driver voucher program (application instructions, p. 17, 18).

Minnesota

Vehicle accessibility. It appears that only lift equipped vehicles are purchased, no exceptions. MnDOT practice is to use sec 5310 only to fund lift equipped buses. (SMP p. 4) DOT “no longer participates in or procures vans” (App. Instruction p 4). Applicants can indicate the type of fuel preferred for the vehicles (App. Instruction p 4).

Coordination. Application packet describes forms of coordinated transportation, and provides examples of what can be consider as brokering, collaboration, coordination.

Waiting list. In demographics section, asks if there is a waiting list to use existing service. This could be used as an indicator of insufficient.

Vehicle maintenance. Recipients must pass an annual vehicle inspection (a form is included in SMP’s application packet) by MnDot and the Dept of Public Safety staff. Unclear whether this is through a regular statewide protocol, or if the DOT is actually making a particular effort to annually conduct on onsite review.

Mississippi

Goals & Priorities. Objectives include “encourage the use of social service transportation projects to serve the general public on a fare paying basis”.

Clearly states adjunct role of the program:

While the MDOT acknowledges that the Section 5310 Program focus is on elderly and disabled persons, it is the MDOT's policy that Section 5310 services are to be considered as an adjunct to existing and/or planned public transportation system. Rather than establishing exclusive service for closely qualified clientele, these services are intended to provide a full range of mobility to anyone in the categories of elderly and handicapped (SMP p.92).

Clearly states priorities for funding (SMP p.97) Section 5310 Priority of Projects. When reviewing applications for developing and funding the annual Program of Projects, the Public Transit Division will prioritize Elderly and Disabled Projects as follows:

[1] The first priority will be for newly created elderly and disabled service providers that target services to persons meeting the disability eligibility requirements of the ADA.

[2] The second priority will be given to private non-profit organizations that have a public transportation system in operation and a proposal to provide complementary paratransit or coordinated services targeted to those general public riders that meet the eligibility requirements of the ADA or aging program requirements.

[3] The third priority will be given to projects previously funded under Section 16(b)(2) of the Urban Mass Transportation Act of 1964, or other special purpose transportation services not available to the elderly and handicapped.

[4] The fourth priority will be given to projects that target a specific clientele or group to the exclusion of general public elderly or disabled persons.

Coordination incentives. Match. Requires a higher level of matching funds (50%) for client specific programs. The match for programs in coordinated systems is 20%.

Missouri

The following model, while noteworthy, may or may not be exemplary:

Allocation formula. Approach may be a unique variation, though Ohio has some similarities:

In order to insure that all areas of the state receive fair access to the program, funds are initially reserved for each of the urbanized areas on the basis of population. Allocations are: St. Louis - 30.3%, Kansas City - 15.1%, Springfield - 3.8%, Columbia - 1.7%, St. Joseph - 1.3%, Joplin - 1.3%, and Jefferson City - 1%. The percentage of funding received by a particular MPO is based on the 2000 Census population figures. The remaining 45.5% is for the balance of the state. If during any funding cycle these urbanized areas do not utilize their reserved amounts, they will be redistributed throughout the state (SMP p 2-3).

Note: Missouri receives about \$1.8 million a year in §5310 funds. 1% would be about \$18,000 – perhaps not enough to fund a vehicle.

Operating Funds. There is a statewide supplemental program, Missouri Elderly and Handicapped Transportation Assistance Program (MEHTAP), which uses general funds dollars to provide operating funds to agencies which provide transportation to the elderly and PWD.

Vehicle maintenance. Vehicle Disposition Fund Disbursement (this may be a unique program). After determining that the resale value of vehicles was almost always greater than the local share on the original purchase price, DOT implemented a policy that any §5310 funded vehicle sold must return 80% of the proceeds to the state. They put the money into a *Section 5310 Engine, Transmission, Differential Replacement and Wheelchair Lift Repair Program* to keep other §5310 funded vehicles operational.

Montana

Advisory Groups. Transportation Advisory Committee (TAC) [SMP p.2- , p.50]. Local TAC includes transit riders; must endorse application.

State Funding. TransADE Transportation Assistance for the Disabled and Elderly complements the section 5310 program.

Nebraska

The following model, while noteworthy, may or may not be exemplary:

Match. Requires a 40% match by the local organization (Procedures, p. 4).

Protection of Existing Operators. Application must include demonstration of working relationship with local public and private transportation providers, and coordination of existing transportation resources with the service area. No details on how this is operationalized, but it different language than many other states use.

Nevada

Goals & Priorities. Transit Program Goal: “ To provide coordinated public transit in any small urban area, rural community and Indian reservation which desires such a service and where such service is feasible” (SMP p.3). (Also has nice policy statement, p.4).

Transit use. Included in the assurances grantees must agree to: “ ... no person with a disability is denied access to mass transportation for the general public if the person with a disability is capable of using that system, even if the grantee also provides special service to persons with disabilities” (Nevada SMP p 77). Also see Kentucky.

Resource management. Emergency management: “FTA grantees are required by the NDOT to cooperate and coordinate with emergency management agencies in their area during natural or manmade disasters. FTA vehicles may be used to transport people and/or equipment as directed by NDOT” (2001 Nevada State Management Plan. Section VIII-14, p. 85). Also see Kentucky.

New Hampshire

Utilization. “If you receive a vehicle and your monthly reports indicate low usage, the DOT may require you to share your vehicle or cooperate with other agencies, or may reassign it to other agencies” (Guidance, p.4). While the reassignment language is common boilerplate in many SMPs, the share and cooperate language are not as common.

Rural. If the service area includes a 5311 provider, they must certify they cannot provide the service before another agency can be awarded a vehicle. The DOT may award the vehicle through an agreement with the 5311 operator.

New Jersey

State Funding. State casino revenue funding for transportation. Funding for coordinated specialized transportation system in each of the 21 counties is a goal of the Casino Revenue Fund. State pays the entire 20% match.

Vehicle standards. New Jersey has been a leader in vehicle standards for accessible vehicles, and they include this in the SMP goal statement. New Jersey expands on the FTA guidance, and includes a goal: (p.6) # 4 “Demonstrate... through the development of standardized state of the art vehicle specifications the maximum safety, comfort and design features available in the marketplace”.

Performance standards. SMP seems to make assumptions about baseline performance expectations in areas such as coordination and vehicle accessibility which may be higher than many other states. However, details are lacking in the SMP.

Coordination. A 4 page document *Coordination Efforts in New Jersey* was included, describing the history and development of the coordinated transportation in New Jersey. It provides much more detail than the SMP.

New Mexico:

Map of service area. Application required to include a map of the service area (Washington and Wisconsin also require a map from each applicant, others may too).

Local Support. Each applicant must submit a letter or resolution from every municipality and county served by the project. The letter or resolution must state that governing body's position on the project (support, neutral, oppose). The agency(ies) and/or government(s) that will provide the local matching funds must also provide a letter of commitment to do so (Application guide, p.6). While most SMPs have sign off letter requirements, this adds several additional features.

New York

Rural emphasis. A rural county is defined as under 200,000 people. 44 rural counties listed. This may be a unique definition for a rural county, which generally have much smaller populations:

-Public bodies within urbanized areas can be the beneficiary of coordination activities through the established planning and MPO processes. Funding for transportation services for elderly persons and persons with disabilities in urbanized areas is provided to public bodies through the Section 5307 or 5309 programs, therefore public bodies in urbanized areas are ineligible for the Section 5310 Program in New York State.

- Rural Public Transportation Coordination Assistance Program (RPTCAP):

Special consideration is given to groups within the State who are incorporated in the Title VI program.... In addition, special consideration is given to applications within certain counties where the percent of Section 5310 funding over the life of this Program is lower when compared with the per cent of elderly population for that county compared to the statewide total.

The State has established a special program to coordinate and consolidate transportation services in rural counties. This program is titled the Rural Public Transportation Coordination Assistance Program (RPTCAP). Applications from RPTCAP counties must be approved by the Coordinated Service Provider in the county before they will be considered for funding.

SMP, Appendix A (Application) p. 7, Rural Public Transportation Coordination Assistance Program (RPTCAP): Article 2F of the Transportation Law, establishes an overall State policy and program on transportation in rural counties (populations of 200,000 or less, see Page 34). That policy mandates that recipients of government assistance must coordinate the use of transportation facilities to the maximum extent feasible. Applicants receiving Section 5310 vehicles for services within a rural county are required to participate in that county's RPTCAP

planning and implementation process if one is or has been undertaken. Should a county adopt and implement a coordinated public transportation service plan, the Section 5310 grantee shall make available its grant equipment to the county's coordinated service operator which will in turn provide all needed grantee transportation services. In such cases, the Section 5310 grantee shall be entitled to recover the pro-rated value of its 20 percent share of the equipment. Priority in awarding Section 5310 grants shall be given to applications for transportation services which are included in a county's coordinated transportation service. Section 5310 vehicles, when operated as part of a RPTCAP plan, are eligible to transport persons, other than elderly persons and persons with disabilities, on a regular and continuing basis. Potential Section 5310 applicants in RPTCAP counties will receive special instructions governing their eligibility to apply.

SMP, Appendix A (Application) p.5-6:

The only eligible public bodies are: 'Public bodies in rural counties approved by the State to coordinate services for elderly persons and persons with disabilities' or 'Public bodies in rural counties which certify to the Governor that no non-profit corporations or associations are readily available in the area to provide transportation services for elderly persons and persons with disabilities.

An example of a public body approved by the State to coordinate services would be the Rural Public Transportation Coordination Assistance Program in or for counties which have plans approved by NYSDOT. A public body in a rural county not designated as a RPTCAP county, applying as the coordinator must in fact, be the coordinator, and must provide information as required in this manual confirming this fact. A public body in a rural county wishing to apply as an entity not having services available for elderly persons and persons with disabilities, must certify to the Governor by way of a Certification to the Department of Transportation that no non-profit corporations or associations are available in the area to provide transportation services for elderly persons and persons with disabilities; copies of letters documenting this unavailability should be submitted with your application. Public transportation authorities that provide coordinated services in any of the 44 Rural Counties listed may also be approved by the State to coordinate services for elderly persons and persons with disabilities and therefore be eligible to apply (SMP p.3).

Rationale for the Summary of Project Costs:

...the purpose of this budget is to make you aware of the cost implications of your proposal, and to provide reviewers with budget information needed to evaluate your application. For the items below, please include the annual costs for your entire proposed elderly and/or disabled transportation service.

It includes the typical total estimated annual costs: salary, overhead (garage, office, heat, electric, licensing registration costs, etc), insurance, maintenance and repairs; administration and reporting costs; cost for leasing vehicles and/or contract carrier service. But also adds a requirement to include: per passenger trip cost, and lowest cost of service obtained from private for-profit operators (NY SMP Appendix A, p 18-19).

Coordination. (12) Certification That Coordination Barriers Do Not Exist. An applicant seeking assistance to acquire transportation equipment must agree as follows. NYSDOT may not provide assistance for transportation facilities until the Applicant enters into this Agreement by selecting Category "11" on the Signature Page at the end of this document. The applicant certifies that is not restricted in the coordination of transportation services as required by Part 1D., E., or F., of this application because of any internal policies or regulations. It is understood that other organizations requiring transportation services, will be provided service whenever possible when space is available. In addition, if opportunities to coordinate service through a coordinated system are made known to the applicant by other organizations or by NYSDOT, the applicant will address those needs to the best of its ability on a space available basis. Finally, every effort has been made during preparation of this application to coordinated all of the applicants' transportation services with other organizations in its service area (SMP, Appendix A, [application], p. 68).

The following model, while noteworthy, may or may not be exemplary:

Restrictions. Faith Based Organizations. Sectarian organizations may be eligible, but vehicles may not be used to transport members of a church or congregation exclusively for religious services (SMP, appendix A [application], p.5).

North Carolina

Rural emphasis. All §5310 funds are used in the §5311 program. SMP is for §5311, but does include some information on §5310.

State Funding. Human Services Transportation program, for human services transportation in urban counties (all §5310 funds are used in the §5311 (nonurbanized) program).

Coordination. Criteria for requirement of minimum level of coordination, p.20:

Counties or systems must maintain a minimum level of coordinated transportation services (greater than the non-cooperating level) to be eligible to receive any transportation assistance through this program....must be illustrated beyond vehicle sharing unless local conditions clearly prohibit greater ridesharing opportunities.

The following model, while noteworthy, may not be exemplary:

Restrictions. Appendix C of the §5311 SMP: Transporting Passengers to Vote Policy (08-11-2004). Which states that “federal and state funded vehicles may not be utilized for transportation to a place of voting or voter registration when the express purpose of the trip is to carry voters or potential registrants”, though:

...transportation to a place of voting or voter registration is allowed when provided under the normal route structure/service design of the system, with the service open to any member of the general public, and not provided exclusively for the purpose of voting or voter registration.

North Dakota

SMP development, assessment, and update. The new coordinator of the §5310 program was in the process of writing a current SMP, and could not send the old, outdated SMP, since it did not reflect current program management. It is noteworthy that such an outdated SMP would not have been revised earlier. The new coordinator in Alaska was facing the same issue, however, because the consolidated Alaska application package was very comprehensive. It was serving as an SMP until a new one could be written. The 5310 program can be administratively challenging, especially for states with low populations (state allocations are tied to population numbers) who receive relatively small federal grants (with commensurately small administrative dollars) but have to comply with all the same paperwork requirements as states which receive much large grants, with associated administrative dollars.

Ohio

Coordination. Coordination set aside, up to \$400,000/year, for awards for exemplary coordination activities. (SMP p1-2) SMP describes examples of coordination approaches, and requirements for documentation. 5310 funded projects required to work in compliance with transportation work plans in State funded coordination program (part of Ohio Works First).

Allocation formula. Uses two categories for counties, urbanized and nonurbanized. 17 MPOs review urbanized, Ohio DOT reviews applications for nonurbanized counties (and perhaps for rural areas of urbanized counties). Funds are allocated based on the number of (1) elderly population, (2) disabled population, and (3) access to subsidized public transportation based on vehicle miles of subsidized transit/population of the area. No MPO receives an allocation of less than the cost of one vehicle. Selection criteria are consistent across all regions, though MPOs can add restrictions.

Utilization. It appears that Ohio takes an active management and reallocation role in ongoing utilization, and relies on MPOs to assist.

Public notice. “In order to assure that minority populations are reached, notice is provided through the urban league network” (SMP p.2).

State Funding. Ohio Coordination Program (SMP p.3) provides operating funds for coordination projects.

Oklahoma

State agency designation. The 5310 program has been in the Department of Human Services, Division of Aging since its inception in 1976.

Financing. Subrecipients may co-title with other state or local entities to obtain blanket insurance rates and bulk purchase of fuel, maintenance, and supplies.

Oregon

Integrated management. Consolidated application. Public Transit Division manages several federal and state funding and technical assistance programs in a coordinated manner. The primary administrative objective for joint management of programs is to create a flexible framework from which Oregon transportation providers have optimum opportunity to access funds and technical assistance (SMP p.2). DOT “staff determines which funding source to apply to successful projects based on the specific eligibility criteria for each of the funding sources” (SMP p.3).

Goals & Priorities. One of the goals of the 5310 program is to encourage Indian Tribes to access funding for their programs. Several tribes participate regularly in the 5310 program (SMP p.18).

Transit Use.

- “Where possible, transit providers should be providing at least a segment of the transportation services required by local service agencies” (p.24).

- Vehicles may participate in Medicaid Title 19 transportation programs if such service is part of community coordinated transportation services (Application p.4).

Match:

If the source of match causes the use of the project to be limited to a specific group of clients or purpose, identify the limitation. If the constraint limits or prohibits coordination with other transportation providers, the project may not be funded (Application p.6).

State Funding. State's Special Transportation Fund Program provides financial support to designated counties, transit districts and Indian tribal governments for special transportation services benefitting seniors and people with disabilities. The majority of the STF money (75%) is allocated on a population-based formula. The remaining funds are distributed by the Public Transportation Discretionary Grant Program. Funds come primarily from cigarette tax. Many agencies use these funds for local match for FTA section 5310 and 5311 grants. When STP funds are used as match, local governing body is owner or secondary lien holder.

Pennsylvania

Vehicle accessibility. It appears that only lift equipped vehicles are purchased, no exceptions.

Learning from other DOTs. “The Department continually reviews approaches of other states for application in Pennsylvania” (SMP p. 3).

Coordination. The DOT appears to be taking an active role in developing coordination among state and local programs. Includes 6 examples of DOT's transportation coordination activities with other State and local agencies (SMP p.6).

Rhode Island

Vehicle accessibility. It appears that only lift equipped vehicles are purchased, no exceptions.

State agency designation. Entire state transit system run by RIPTA, a quasi-public body. 5310 funds used for the paratransit system, which supplements the general public system. Paratransit is run as a brokerage system. RIPTA owns the vehicles, and leases them to contracted carriers.

South Carolina

Public Body Certification Criteria. Clear concise statement with criteria/protocol for how a public body certifies that there is no available non-profit agency:

Public bodies that certify that no nonprofit corporations or associations are readily available in the area to provide the service must submit documentation. The applicant shall survey the human service agencies in the area (local private non-profit) to ascertain that they can not provide the service referenced in the application for funding. Documentation shall include letters from local private nonprofit organizations stating that they do not provide transportation services in the proposed service area (SMP p.15).

Purchase of service pilot project. A pilot project on purchase of service options is underway in one area of the state. It will be interesting to follow the results of the pilot.

Transition. Though we do not use this in the study, it should be noted that the 2006-2007 application is targeted to counties that are unserved by public transit and human service agencies with a joint mission including general public transportation. 2006-2007 application says that the maximum federal funding awarded is \$30,000 for acquisition of transportation services for a one year period.

South Dakota

Coordination. Lead agency model.

[1] Community Coordination and Criteria for Establishing Need:

The Transportation Initiative seeks to create a single entity in each community which:

1. Coordinates existing community agencies receiving funds from state government for transportation services and public transit operators.
2. Acts primarily as the hub of transportation services to all segments of the community population, not to specialized segments of citizens. The applicant is willing to structure its activities in order to effect coordinated transportation with other agencies and private transportation providers.

3. Has a governing board comprised of community leaders from businesses, local government, riders, transportation providers and human service agencies.
4. Demonstrates that existing equipment operated by public or private providers are being fully utilized, with adequate attention being paid to the needs of elderly persons and persons with disabilities, and the 5310 vehicles are required to provide special services beyond those already accommodated.
5. Applicants are required to describe how the service it proposed to provide will be coordinated with existing public and private services. If another public or private agency currently provides transportation service similar to that proposed by the applicant, the applicant must explain why the proposed service will not be duplicative. Applicant will seek and will consider proposals by private operators to provide necessary services under contract.

Scoring criteria:

Communities with coordinated transportation system are not guaranteed additional state or federal dollars for transit purpose but they will receive a higher priority for funding from state agencies when dollars for transit vehicles procurements and operating grants are being allocated.

Needs Assessment. [2] Planning and Service Area Needs Study. Includes a detailed section on the planning process, including a description of a Service Area Needs Study using “trip rate factors originally developed for the State of Iowa” (SMP p. 10-14, X.Program of Projects Development).

A. The Planning Process

1. The SDDOT assists in determining elderly persons and persons with disabilities needs for service areas. This assistance includes an inventory of existing public transportation services, the total estimated demand for elderly persons and persons with disabilities transportation and the estimated number of vehicles of a given capacity to satisfy the unmet demand.
2. The SDDOT offers to provide technical assistance to local groups or organizations that plan to provide elderly persons and persons with disabilities transportation services.
3. Service Area Transit Needs - SDDOT has completed a **Service Area Needs Studies** as follows:
 - a. Using compiled data on elderly populations, total population and trip rate factors originally developed for the State of Iowa, the transportation needs for the mobility-limited elderly persons and non-elderly handicapped in South Dakota can be determined.

The formulas for determining these needs are:

 1. Elderly
 - a) Estimated number of mobility limited elderly = $0.52 \times \text{service area population} >65 \text{ years old}$.

- b) Average trip demand per person = 8 trips per month.
- c) Total demand for mobility limited elderly trips per month = $8 \times 0.52 \times$ service area population >65 years old.

d) Trip Purpose:

Medical	5% (of total trips)
Economic (bank, groc.)	21%
Group Excursions	2%
Congregate Meals	20%
Recreation	5%
Visiting	6%
Agency	2%
Other (includes returns)	39%
TOTAL	100%

2. Non-Elderly Disabled

- a) Estimated number of non-elderly persons with disabilities = $0.03 \times$ total service area population.

- b) Average trip demand per person = 12 trips per month.

- c) Total demand for non-elderly persons with disabilities trips per month = $12 \times 0.03 \times$ total service area population.

d) Trip Purpose:

Medical	8% (of total trips)
Employment	17%
Social-Recreation	14%
Education	2%
Shopping & Personal	10%
Other (includes returns)	49%
TOTAL	100%

Based on the number of trips, by trip purpose, and the locations of shopping areas, medical facilities, nutrition sites, social services locations, and recreation areas, the estimated number of vehicles and sizes needed to provide the transportation were determined. An estimate on the total mileage per month can also be determined.

- b. Compiled data on existing transportation services available in the area were used and an analysis is made as to whether or not the existing services as insufficient, inadequate or inappropriate to meet the need.

- c. The SDDOT evaluates several hypothetical alternative transit operations to meet these identified needs.

Protection of existing operators. SMP is clear about its intent, and does not use euphemisms typical of many other SMPs. Also specifically includes private providers in the eligibility list:

3. By a private for-profit provider, by lease or other contractual agreement with the private nonprofit organization only for the services identified in the grant application. Vehicles acquired by nonprofit agencies may be leased to private for-profit companies or public bodies where such companies could not otherwise provide required services and where such arrangements result in more efficient and effective service for elderly persons and persons with disabilities (SMP p.6-7).

State Funding. “state public and specialized transportation assistance funds” may be available (SMP p. 18).

Tennessee

Coordination. Relationship to other programs. SMP (p.7) lists the numbers of MPOs, TMAs, rural transportation agencies, large/small urban transit agencies in the program goals section, under: Coordination of Transportation Resources and Services. Provides a context for the state (Washington does this too; and New York provides a list of addresses of transit agencies, MPOs, rural counties, Rural Public Transportation Coordinating Agency Program contacts, etc).

Application process - two phase. Applicant eligibility. Only the applicants that TDOT intends to recommend to the FTA for funding have to complete Phase 2 of the application (i.e. , assurances, board resolutions, public notices, publisher’s affidavits, etc. [SMP p.9]) . NOTE -- While Colorado and some other states first apply threshold criteria which identify if the applicant is eligible to apply, Tennessee does this in exactly the opposite order – applicants only submit the assurances, etc., if they are actually going to be funded (also see Colorado). Since the assurances and boilerplate documentation can be extensive, Tennessee’s approach reduces the burden on unsuccessful applicants. But from a DOT perspective, it may make less sense to review a proposal from an applicant who is not eligible for funding, and or cannot meet the basic criteria. This may be an area to also consider issues raised in recommendations 7.2.3 and 7.2.4. If the applicant’s board policies about coordination disqualify them, that should be made clear upfront, before time is used to develop and review a proposal.

Emergency use. Though the SMP language is worded as a prohibition, it appears to make provision for use of 5310 vehicles in emergency situations:

Local, state or national emergencies excepted, Section 5310 Program vehicles are generally not to be used exclusively or substantially for any other purpose if that function detracts from the primary Section 5310 service or mission. Excluding emergency circumstances where no other reasonable alternative exists, Section 5310 vehicles are not to be used on a regular basis for emergency medical (ambulance) transport service. However, Section 5310 vehicles may be used to transport clients to and from ‘daily need’ medical services, including dialysis or other

specified medical services. Emergency use of vehicles should be reported to the Office of Public Transportation (SMP, p.5).

The following model, while noteworthy, is not exemplary:

Restrictions - ridership. Permits agencies to “have local policies placing reasonable restrictions on clientele age or other parameters, e.g. a senior center which would not normally be expected, or otherwise have the expertise to regularly provide transportation to children or seriously mentally ill (SMI) passengers” (SMP, p.2).

Texas

Vehicle inventory. “TxDOT maintains an inventory of all grant related vehicles, which is linked to the computer files of the Vehicle Titles and Registration Division” (SMP p. 23).

Allocation formula. 25% of available funds distributed equally among the Texas DOT districts. 75% of funds distributed to districts on the basis of latest census figures for disabled and elderly population:

If a TxDOT district office does not need the entire allocation, the commission or the executive director will distribute the balance to the remaining TxDOT district offices in accordance with the distribution formula or to individual projects identifying an exemplary commitment to a coordinated transportation network.

Coordination. Texas uses an interesting approach, placing the focus on the public authorities (which in a post-ADA world have responsibility for delivering accessible services) in the role of coordinator, using all available resources to fill gaps in regular general transit and paratransit services. It’s the reverse of placing the onus to coordinate on the human transportation service providers. If typical 5310 subrecipients want to participate, they have to play by the general transit system rules, and not the other way around. Seems a strong message that human service transportation is a subset of the general public transportation system. However, reviewing the list of subrecipients sent by the districts, the organizations look like those in most other states – primarily a list of human service agencies which provide transportation.

Texas appears to be identifying the entities listed in 5310 (a)(1) “State and local governmental authorities to help them provide mass transportation service planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities” as the primary subrecipients; and those included in 5310(a)(2) as the alternate subrecipients:

(A) private nonprofit corporations and associations to help them provide that transportation service when the transportation service provided under clause (1) of this subsection is unavailable, insufficient, or inappropriate; or (B) governmental authorities— (i) approved by the State to coordinate services for elderly individuals and individuals with disabilities; or (ii) that

certify to the chief executive officer that no nonprofit corporation or association readily is available in an area to provide service under this subsection.

Primary subrecipients are “rural, small urban and metropolitan transit authorities (MTA) or entities defined in the Texas Transportation Code as public transportation providers.”

These entities may subcontract service delivery responsibilities to other local public bodies, private nonprofit organizations, Indian tribes and groups, and operators of public transportation services including private for profit operators” (SMP p. 3).

“For those areas not covered by a service provider, or in cases where the current service provider is not ready, willing, or able to provide the service, TxDOT may approve an alternate subrecipient”. The only eligible alternate subrecipients are those noted in the law (5310 (a)(2)) private nonprofit corporations; governmental authorities approved by the State to coordinate services for elderly individuals and individuals with disabilities; or that certify to the chief executive officer that no nonprofit corporation or association readily is available.

Utah

Funding priority. Unlike most states which appear to place the highest funding priority on replacement vehicles, Utah has the highest priority on new service projects, especially in areas where no existing 5310 services are available (SMP p. 6-4):

Proposed viable new service projects receive preferential scheduling, followed by replacement projects and expanded service funding requests, in that order (SMP p. 6-5). UDOT assures that equitable distribution of Section 5310 funds be accomplished by annual review of previous years' awards. New service applicants from areas where no existing Section 5310 services are available are normally given priority in the funding process.

Protection of Existing Operators. Financial management:

Local recipients who receive bids for service proposals from for-profit companies, either through formal RFP or at the time of grant requests, will complete a cost comparison analysis of the proposal and compare it with their own program expenses. Should the for-profit company be able to provide comparable services at lower costs, UDOT would not entertain the application (SMP p. 6-6).

Other states also cover this concept, but Utah’s language is clear and concise.

Vermont

The overall goal of the Section 5310 program is clear and simple: "To improve mobility for elderly

persons and persons with disabilities in both rural and urbanized areas throughout Vermont by enhancing existing available transportation services.”

Relationship to other programs: State law (24 V.S.A., Chapter 126, 5090 Human Service Transit) requires that the Secretary of the Agency of Human Services (AHS) shall direct agency programs to purchase client transportation through public transit systems in all instances where public transit services are appropriate to client needs and as cost efficient as other transportation (Application p. 11).

Multiple programs. Vermont appears to have three 5310 related programs, only one is described in the SMP:

[1] a 5310 formula allocation program which is used to purchase vehicles. It is closely tied to the 5311 program; all purchases must be made by the 5311 transit system, and a formal arrangement must exist between any 5310 subrecipient and the 5311 transit provider (there are 12 regional systems). This is the only program described in the joint 5310-5311 SMP. It does not appear to fund vans.

[2] a 5310 program for purchase of transportation services

[3] another program, which follows FTA 5310 guidance, and is considered the “state 5310 program” (email communication, state 5310 coordinator, 11/24/04) VTrans Elders & Persons with Disabilities Transportation (E&D) may be new as of 2004; its first evaluation is due in 2005. This program seems to be targeted to meet the needs of eligible elders and PWD who have no other transportation alternatives. This program is considered an integral part of transportation for the general public (p.6), its budget is specified within the 5311 budget, but it appears to be supplementary to the 5310 program. A single public transit provider in each public transportation region is the administrative entity to submit an application for these funds. The application must describe how each proposed project contributes to the goals of the regional service plan. A Regional Public Transit Advisory Committee (RPTAC) is in place for each regional planning commission. This sounds something like a door-to-door paratransit system. Apparently it is to be included as an appendix in the SMP, and uses FHWA funds flexed into the 5310 program.

The 5310 program annual federal obligation dollars provide some clue to the administration of the VT 5310 program. They have around \$2M, and an additional almost \$2M in flex funds, annually in the 5310 program. However it is unclear where the funds for the purchase of transportation services element of the program come from.

State Funding. There appear to be 3 separate 5310 related programs, and at least 2 separate applications. Administered by different state agencies. Administration for at least one, Vtrans Elders & Persons with Disabilities Transportation, is in the Dept of Aging and Disabilities. Appears the purchase of service funds are either from \$2M in flex funds, and/or a state fund.

Virginia

Application process is by electronic submission through OLGA (online applications system). Application, guidelines, scoresheet, etc., only available online. Registration and a password are required.

Washington

Technical assistance. “WSDOT’s Public Transportation and Rail Division also offers technical assistance in

grant writing. To avoid conflict of interest issues, grant writing assistance is performed by staff that is not involved with the evaluation of the grant applications” (SMP p. 9).

Policy rationale:

The biennial consolidated application method provides for maximum flexibility and encourages transportation providers to increase their coordination efforts with others in their community. It allows WSDOT to respond to local developments, such as new or emerging public transportation systems, or the reduction of services provided by an existing transit agency. It allows WSDOT to respond to the natural unevenness of local needs within a statewide environment of insufficient resources to meet the equipment and operational needs of agencies providing transportation to elderly and persons with disabilities. It provides a streamlined process for potential applicants. They no longer need to prepare multiple applications, targeting different funding sources, for a single project. This method of distribution was designed to help the evaluation team gain a better understanding about the individual needs of each applicant and the resources and alternatives available to applicants in each region of the state(SMP p. 10).

Sales tax exclusion. “Vehicles with a capacity of 15 passengers or less (including the driver), that will be used for vanpooling or transporting persons with special transportation needs, are not subject to sales tax per RCW 82.08.0287” (SMP p. 18).

Subrecipient may purchase the federal interest at any time before the expiration of the vehicles useful life.

Application Package (2003-2005)

[1] Combined application package has some excellent elements. Chapter 1 provides background of the public transportation state and federal grant program, and relates the grant program to WSDOT’s mission, principles, and planning policy objectives (in far greater detail than found in the SMP). Chart lays out which entities are eligible for which sources of funds. Appendix A. Glossary. Includes definition of coordination (however, they define urban area as being the same as urbanized area, with a small urban area 50,000-200,000, and large urban with populations over 200,000). Appendix C is the Coordination of Special Needs Transportation Draft Policy Statement (2001), with an 8 page manual which details how coordination is included in program management. Appendix G provides the ACCT Coordination Coalitions and contact people. Appendix H is a Coordination Checklist to assist in identifying the types of agencies, organizations, and institutions in the community that applicants could be contacting. Appendix F provides the Transit Agencies and Contacts.

[3] Evaluation criteria has 3 components, with good elements in each, for example in addition to coordination, it asks “does the project reflect a community process”? However, there is no rating scale points/scoring system. The applications are evaluated using the *forced-pairs* method. (Application pp12-

13 shows the grid) Each evaluator compares all the proposals, and scores are tallied based on the number of times each application was chosen. This seems subjective, especially since the criteria are not weighted; seems like it would be difficult to incorporate equitable distribution of resources. (While this is noteworthy, before this evaluation approach is replicated it would be important to contact the agency to understand how and why this approach was used, and how they handle the lack of weighted evaluation criteria.)

Language. SMP and combined application package has concise clear language for framing ideas that gets around some of the negative restrictive language used in other states' SMPs. Many state plans seem to use a lot more words to describe basic concepts, for example: "Vehicle Use. WSDOT restricts vehicle use to passenger transportation services. Vehicles must be used in service that is designed to meet the needs of elderly and persons with disabilities" (SMP p20). (This is FTA guidance language "mass transportation planned, designed, and carried out to meet the special needs of elderly and persons with disabilities" – why aren't more states using it?)

What Passengers are eligible for 5310 services? The primary transportation services provided with the equipment purchased by the 5310 funds must be for elderly and/or persons with disabilities. However, project equipment may be used in coordination with other federal passenger transportation programs so long as the services provided under those programs does not displace services to the elderly and/or disabled persons (application, Appendix B, p 8).

In Defining Public Transportation Services (in the section on the 5311 program):

Coordinated human service transportation which primarily serves elderly persons and persons with disabilities, but which is not restricted from carrying other members of the public, is considered available to the general public if it is marketed as public transit service (application, Appendix B, p. 9).

Map of service area. Application must include a map of the service area.

West Virginia

The state is "not accepting applications for expansion of services in counties that currently have a public transit provider", apparently considers this to be an ADA responsibility. Funds only one agency per county to provide transportation for a particular group. Excludes funding to hospitals and nursing homes (SMP p.11).

Application sit out period. Any previous applicant funded by the last two grants, must sit out one funding cycle. They do this because of funding limitations, and would reconsider if there were additional funding (SMP p.4). Also see Alabama.

Financial management. Principles on Cost Comparisons in Competitive Bidding: Included in the application is an appendix *How to Resolve Objections Manual* which includes a 3 page document: "The Competitive Services Board's Principles on Cost Comparisons in Competitive Bidding" (pp O-16, 17, 18).

Protection of Existing Operators. When a dispute or objection by a public, private, or paratransit operator, to an application cannot be resolved at the local level, the STAC (Special Transit Advisory Committee) is convened. STAC is composed of members representing the following groups: public transit, private transit, paratransit, a governmental agency representative, and a consumer (SMP p.12; Appendix A [application, Appendix I. p. O- 6,17,18]).

Successful applicants pay a \$50 fee and parking/storage fees until they pick up the vehicle.

Restrictions - travel. "Out of state trips strictly forbidden" (exception: agencies in border counties, 50 mile radius for incidental trips).

Wisconsin

Vehicle inspection. Requires annual vehicle inspection by the Wisconsin State Patrol (app p.5) and an annual vehicle certification report.

Detailed description of the minimum membership and duties, of a local public body designated as a transportation coordinator (App p.8).

Eligibility criteria. Sets ridership age criteria at 55, but allows applicants to adopt a higher age limit, but not more than age 65.

A letter (application includes template) which includes vehicle type and cost must be sent to the County Board Chairman of each county in the proposed service area:

In view of the need for coordination among specialized transportation services offered in the County, we would be pleased to discuss mutual transportation concerns with your Transportation Coordinator for the County Transportation Aid Program under Wisconsin Statutes s.85.21....If a County Transportation Coordinating Committee has been formed in your county we request that they be informed of our application. We would like to meet with them to discuss our service proposals. Program procedures require that we advise you of our intent to apply for this grant in order that you may offer comments if you so desire. Please send comments by....

Comments are directed to the DOT personnel.

Reporting. Includes a detailed demographics table to be completed as part of the application, which includes population in the service area: elderly, not disabled; disabled elderly; disabled, not elderly; elderly and/or disabled; general population. For each category, numbers must be filled in for: total

number; # in need of transportation; # agency will serve; % agency will serve. It is not clear how the “elderly and/or disabled” differs from the 3 category above it.

All applicants must comply with Wisconsin's Federal Grant and Development Review Process.

The process is intended to keep state and local officials informed of prospective federal grants; it also provides an opportunity for local comments upon, and resolution of, issues that may arise (App p. 20).

Map of service area. Application must include a map of the service area.

State Funding. Adds funds to program, much like Idaho does (almost \$1M in FY 2004, app p.5).

Wyoming

The following model, while noteworthy, is not exemplary:

SMP development, assessment, and update. The state §5310 coordinator wrote in an 11-23-2004 email, that the state had no §5310 state management plan. The absence of an SMP is noteworthy since a SMP is a requirement for federal funding, which the state has been receiving since 1985. In addition, he said there is no selection process since all the agencies which apply get vehicles.

Appendix K

State Management Plans: Some Suggestions for Constructing a Plan

Appendix K: State Management Plans: Some Suggestions for Constructing a Plan

Basics: Design and Development

Basics: Structure

Section by Section examples:

Introduction

Purpose

Mission statements, goals and objectives

Language used to description eligibility and coordination

Placing coordination in context

Description of outcomes

Use and eligibility of capital expenses

Protection of existing operators

Statement of certification by public body

Selection process

Annual POP and approval process

Demographics

Contract language

Fleet management

Some SMPs were easier to read and understand than others. This section is intended to identify examples of state's management plan elements which might be useful to other states' coordinators. It was originally intended for internal use, to compile the parts of SMPs that the reviewer found useful. While subjective, and by no means definitive, we felt that including recommendations and examples might have some benefit to the field, especially after learning about the relatively high turnover rate for state coordinators, and the rather daunting task of updating an SMP when the existing requires updating, no longer reflects the state's evolving pathway, or as seemed to be the case in several different states, where a new coordinator found the only plan in existence to be "hopelessly out of date". State plans which include recommended language or elements are noted, so coordinators could contact each other to get more information. In many cases, specific SMP language is quoted in case a state coordinator wants to use it. There are also examples included in the Results sections tables, as well as in Appendix J. Noteworthy Practices.

Best practices for SMPs are included in the USDOT-FTA 2005 report, *State Management Review: Best Practices. FY 2002-2004*. However, while the FTA focused on procedural issues, the comments we make here also include contextual issues related to programmatic content and purpose. In some cases, I think I liked particular state plan elements because they were easy to read, and the text flowed well. Transportation administrators may feel more comfortable with other approaches, but should keep in mind the multiple audiences for the SMP document: "potential local subrecipients, state staff, FTA, and the public" (USDOT FTA 1998).

According to FTA guidance circular 9070.1E ,Chapter VII: State Management (USDOT-FTA, 1998):

The SMP's primary purposes are to serve as the basis for FTA to perform state-level management reviews of the program, and to provide public information on the state's administration of the Section 5310 program. It may also be used internally by the state as a program guide for local project applicants. If the state has relevant documentation that provides the same information requested for the SMP, that documentation may be included by reference, as an attachment....The SMP is intended to facilitate both state management and FTA oversight by documenting the state's procedures and policies for administering the Section 5310 program. The SMP should be a document which is useful to the state and subrecipients, as well as to FTA.

Keep in mind that the page numbers refer to pre-SAFETEA-LU state management plans. All states were required to have their post-SAFETEA-LU plan in place by November 2007.

Basics: Design and Development. Design the SMP to serve multiple roles (e.g. the Illinois SMP also serves as a Grant Management Manual “designed to assist current and potential grant recipients in fulfilling the various requirements of receiving federal financial assistance generally”) and the FTA’s Section 5310 and 5311 programs specifically. It includes a list of 42 federal and 5 state additional sources of guidance (SMP p. 3-1/1, 3-1/2).

Describe how the SMP was developed. Colorado (SMP p.1) has a section on SMP Development:

The SMP has been written with input from the State Management Plan Advisory Committee, which included representatives of state government, public and private nonprofit providers, councils of governments, the Colorado Association of Transit Agencies (CASTA), and the private for profit sector. The intent of the Department was to seek comment and advice from a cross section of interested parties when developing its policies for administering this program.

All state management plans should include some basics elements which recognize that not everyone reading the plan will be a transportation expert. Include a/an:

- Acronym list
- Glossary
- Description of service areas covered by plan (noting any area of the state not covered or excluded)
- Demographics: number of elderly individuals and people with disabilities in service area (using decennial census data, and any update they choose to add). Explain the source of the numbers.
- Relationship of state coordinator to Metropolitan Planning Organizations, and other relevant jurisdictions within the state.

- Basis for apportionment (if any): by number of elderly individuals and people with disabilities, by geography (e.g. county) or jurisdiction (e.g. MPO).
- Map with the physical location of all of the vehicles currently in the state's active network.

Basics: Structure. Put the content of the SMP in the body, organized in the same order that the FTA guidance sections are arranged. For each section, include (as Florida does):

Purpose
 Authority
 Scope
 References
 Definitions

Florida also includes a two page summary at the beginning of the SMP with a Summary of Required Elements which points to where the detailed content information can be found in the SMP.

Appendices should include:

- Section 5310 Agency Administrative Handbook (if there is one)
- Assurances, certifications, and other boilerplate items in the appendices, unless the state has something exceptional to add. Use FTA guidance language whenever possible, augmented by the State's additions and modifications.
- Vehicle procurement policy
- Section 5310 Application score sheet
- List of the names/roles of advisory and proposal review committee(s)
- Annual schedule for applications, review, award, with detailed timeline and suggested completion dates. Many states include this – it appears very helpful for coordinating signoffs and letters.
- Section on “new features of the application process this year include” (e.g. Pennsylvania)
- Guidance for applicants (e.g. West Virginia)
- Section 5310 Application (sample)
- Section 5310 Application Procedures/Guidance Manual (sample)
- Section 5310 Application sign off letters (samples)
- Section 5310 Application worksheet for cost comparison. This provides a uniform way to calculate all the costs of operating a service vs purchasing services from a transportation provider. And would make application review consistent.
- Section 5310 Application check off sheet for required application items. Or a matrix if it's a consolidated application package, i.e. application is for more than one grant program, some of which may have different requirements.
- Section 5310 subrecipient reporting form(s) (sample)
- Annual Compliance Review Questionnaire
- Maintenance Forms/Checklists
- Section 5310 Contract/Agreement (sample)

- List of known transit providers, by county/service area: public, private, not for profit; with the funding sources (not amounts) they receive federal support from (sections 5307, 5310, 5311, 5316, 5317)
- List of MPO and regional planning bodies with counties/regions/areas) they are responsible for
- Glossary/definitions

Connecticut's SMP is well laid out, easy to follow, and while it includes a fair amount of guidance boiler plate language, the language helps inform the reader that these required sections have been considered in plan development, as well as informing applicants of their obligations as recipients of federal funds (e.g. that "recipients of FTA funds should be aware that they also have responsibilities under other provisions of the ADA in the areas of employment, public accommodations, and telecommunications"). Connecticut also includes both elements - 5310(a)(1) and 5310(a)(2) - in the SMP introduction. For more information on this distinction, see Introduction section 2, and Discussion section 2.3 in this Technical Report.

The way the Connecticut plan is laid out would make it easier for a new staff person to come in and update the SMP without necessarily having background in the program. It does not assume a long history of transportation system experience. For example, it includes relevant background statements like: "The State Management Plan (SMP) has been prepared in accordance with Program Administrative Requirements set forth in FTA Circular 9070.1E dated October 1, 1998" (SMP p.2). The Louisiana SMP also does this – perhaps the commonality is that they are trying to make the document useful for both compliance and as a "comprehensive reference for program participants, program recipients and other interested parties" (Louisiana SMP, p.2). Louisiana is also a good model, using language taken directly from the federal guidance document. I am surprised more states do not do this. The FTA puts in a lot of effort, and received a lot of comments, in developing the guidance documents – the language is there in electronic format for the states to paste in. If I were drafting an SMP, I would use as much language as possible from the FTA guidance document.

Connecticut's SMP includes a good generic statement for compliance with any updates that may not yet be integrated into a SMP update: "Any changes to federal regulations, state laws and/or policies governing the FTA Section 5310 program will automatically be incorporated as part of ConnDot's management procedure, whether or not the Management Plan has been updated to reflect these modifications" (SMP p.2). It also includes the appendices in a bound document. They seem to be missing from many of the other SMP we received. Appendices include a definition section, a sample application form, sample quarterly operating report; a list of regional transportation planning agencies, transit agencies, etc.

Section by Section examples:

Introduction

Purpose: Louisiana (SMP p.1) is clear that "The state management plan is both a compliance document and an informational document." It is a "comprehensive reference for program participants, program

recipients and other interested parties.” and that “The purpose of this State Management Plan is two-fold: to comply with U.S. Department of Transportation, Federal Transit Administration requirements and to describe Louisiana's existing Section 5310 program policies, procedures and practices, and administrative requirements.”

Utah (SMP p. 1-1) uses the same type of language in the introduction to a unified state management plan.

Oklahoma’s application is user friendly – alerting potential applicants to the complexity of the process and federal requirements, and of the length of the process. This may be because Oklahoma is not in the DOT, it is in the Dept. of Human Services, Aging Services Division.

Mission statements, goals and objectives. Generally the SMPs which use the public transportation group’s mission and objectives have more integrated approach to the requirements of the 5310 program, probably because they approach the 5310 grant program as one more resource/element they can use to meet the state DOT’s objectives.

Iowa’s SMP includes an overall description, overview, history with strategic changes, as well as rationale for financial and management integration of FTA programs. This could be very useful to other state’s which are moving to a more integrated model. Or simply want to rearrange the use of available resources to be maximally effective.

Washington’s SMP includes a combined application package which has some excellent elements. Chapter 1 provides background of the public transportation state and federal grant program, and relates the grant program to WSDOT’s mission, principles, and planning policy objectives. A chart lays out which entities are eligible for which sources of funds. Appendix A. Glossary includes a definition of coordination. (However, they define urban area as being the same as urbanized area, with a small urban area 50,000-200,000, and large urban with populations over 200,000, this may be a typo.)

Louisiana (SMP p.2) mission statement is very succinct: “...ties the distribution of available resources to documented need in coordinated and well-managed public transportation systems.”

Texas (SMP p.1) goal: “To promote the availability of professional, cost-effective, efficient, and coordinated passenger transportation services to elderly and disabled persons using the most efficient combination of financial and other resources.”

Texas (SMP pp.1-2) Objectives:

- Promote the development and maintenance of a network of transportation services for elderly and disabled persons throughout the state, in partnership with local stakeholders;
- Promote and encourage local participation in decisionmaking;
- Fully integrate the Section 5310 program with other federal, state, and local resources and programs that are designed to serve similar populations;

- Improve the efficiency, effectiveness, and safety of section 5310 transit systems through the provision of technical assistance and the establishment of performance goals and management objectives; and
- Include private sector operators in the overall plan to provide transportation services for elderly and disabled persons.

Language used to description eligibility and coordination. Passengers' eligibility for 5310 services is a primary coordination element. Some states do not appear to allow the general public to ride on these vehicles at all, which would make coordination of public transit/human services transportation difficult. SMPs use a range of language; some like Washington's seem more permissive, while Oklahoma's seems more restrictive. Some examples:

Delaware (SMP p. 1 objectives), which operates a statewide transit system, seems to have broadened the interpretation, recognizing that the elderly and PWD are not the only individuals to experience transportation that is unavailable, inappropriate, or insufficient:

DTC will endorse funding for those agencies that are willing to participate in a coordinated service arrangement, first by providing necessary transportation services to the elderly and disabled and then to the general public where service is unavailable, inappropriate, or insufficient.

Washington's SMP and combined application package has concise clear language for framing ideas, that gets around some of the negative restrictive language used in other states' SMPs. Other states' plans seem to use a lot more words to describe these basic concepts. For example: "Vehicle Use: WSDOT restricts use to passenger transportation services. Vehicles must be used in service that is designed to meet the needs of elderly and persons with disabilities" (SMP p. 20). In *Defining Public Transportation Services* (in the section on the 5311 program):

Coordinated human service transportation which primarily serves elderly persons and persons with disabilities, but which is not restricted from carrying other members of the public, is considered available to the general public if it is marketed as public transit service (application, Appendix B, p 9).

And in describing:

What Passengers are eligible for 5310 services? The primary transportation services provided with the equipment purchased by the 5310 funds must be for elderly and/or persons with disabilities. However, project equipment may be used in coordination with other federal passenger transportation programs so long as the services provided under those programs does not displace services to the elderly and/or disabled persons" (application, Appendix B, p 8).

Massachusetts adds the words “and others on a seats-available basis” throughout the SMP -- “the elderly, people with disabilities, and others on a seats-available basis” – making it clear that others can ride in these vehicles.

South Dakota (SMP p. 7):

During those periods when a vehicle is not needed for specific grant related purposes, it may be used for service to other elderly persons and persons with disabilities. After the needs of these groups have been addressed, the vehicle may be used for transportation of the general public, on a space available basis, if such a use is incidental to the primary purpose of the vehicle and does not interfere with the use of the vehicle by elderly persons and persons with disabilities.

Oklahoma (App. Guidelines, p. 4) “you may not regularly use the vehicle for any other groups of riders or the general public until you have first addressed the transportation needs of the elderly and persons with disabilities; and then only on a space available basis.”

Placing coordination in context

Connecticut. The application packet includes an appendix with a 2 page description of various coordination models, which provides guidance on what is possible with coordination.

Alaska (Purpose, Part 2, p.7):

5310 funding is used to help meet the capital costs associated with providing coordinated transportation to the elderly and persons with disabilities. These funds support coordinated community transportation systems and other coordinated services where coordinated systems do not exist. An unusual feature of this program is that funds may be used to purchase transportation services (rides) usually done through some kind of coupon, voucher, or ticketing method.

Alaska (Resource rearrangement, Part 2, p.14):

The key is to rearrange the resources in a manner that puts the community in the best position to leverage maximum additional resources while also enabling it to document that each resource designated for a specific client population or purpose really serves that client population or purpose.

South Dakota (SMP p 4-5, II.Coordination) provides guidance for what it means by

[1] Community Coordination:

The South Dakota Coordinated Transportation Initiative is a joint effort of the State Department of Human Services, Social Services and Transportation. Coordination has been defined as an arrangement for the provision of transportation services in a manner that is cost effective, efficient and reduces fragmentation and duplication of services. The major purpose of coordination is to increase vehicle utilization and ridership, thereby helping local agencies to meet a greater number of needs by pooling resources. The Transportation Initiative seeks to create a single entity in each community which:

1. Coordinates existing community agencies receiving funds from state government for transportation services and public transit operators.
2. Acts primarily as the hub of transportation services to all segments of the community population, not to specialized segments of citizens. The applicant is willing to structure its activities in order to effect coordinated transportation with other agencies and private transportation providers.
3. Has a governing board comprised of community leaders from businesses, local government, riders, transportation providers and human service agencies.
4. Demonstrates that existing equipment operated by public or private providers are being fully utilized, with adequate attention being paid to the needs of elderly persons and persons with disabilities, and the 5310 vehicles are required to provide special services beyond those already accommodated.
5. Applicants are required to describe how the service it proposed to provide will be coordinated with existing public and private services. If another public or private agency currently provides transportation service similar to that proposed by the applicant, the applicant must explain why the proposed service will not be duplicative. Applicant will seek and will consider proposals by private operators to provide necessary services under contract.

Communities with coordinated transportation system are not guaranteed additional state or federal dollars for transit purpose but they will receive a higher priority for funding from state agencies when dollars for transit vehicles procurements and operating grants are being allocated.

I like the model, but I also like the framework. It includes a working definition of coordination (some states are more narrow, some are broader – but it should be clearly defined what the expectations of coordination are); specifically states they may not receive more funds, but that they will have priority for available funds; clearly states it is all transportation, not just human services transportation; have broad

community representation (i.e. all the major stakeholders, not just the transportation providers); and although the terminology unavailable, insufficient, inappropriate is not used, it provides operational criteria for the purpose of providing 5310 (a)(2) funds.

New York's SMP (Appendix A, application, p. 68) includes:

12. Certification That Coordination Barriers Do Not Exist. An applicant seeking assistance to acquire transportation equipment must agree as follows. NYSDOT may not provide assistance for transportation facilities until the Applicant enters into this Agreement by selecting Category '11' on the Signature Page at the end of this document. The applicant certifies that is not restricted in the coordination of transportation services as required by Part 1D., E., or F., of this application because of any internal policies or regulations. It is understood that other organizations requiring transportation services, will be provided service whenever possible when space is available. In addition, if opportunities to coordinate service through a coordinated system are made known to the applicant by other organizations or by NYSDOT, the applicant will address those needs to the best of its ability on a space available basis. Finally, every effort has been made during preparation of this application to coordinate all of the applicants transportation services with other organizations in its service area.

Source of match may inhibit coordination. Washington and Oregon include specific language related to restrictions on local match: Washington: "no use restrictions may be put on the equipment by the funding source" (SMP p.8), and "matching funds may not have any restrictions placed on them which would restrict services" (app. p.6). App. Appendix B p.8 indicates that this is a federal requirement, although it is not specifically stated that way in the FTA guidance. It should be, to encourage all states to include similar language. Oregon, application p.6:

If the source of match causes the use of the project to be limited to a specific group of clients or purpose, identify the limitation. If the constraint limits or prohibits coordination with other transportation providers, the project may not be funded.

Indiana's SMP (p 3-4):

... requires all applicants to participate in any existing Transportation Advisory Committee (TAC), or establish a TAC should none exist. Many areas already have groups that perform the functions of a TAC. These groups are acceptable as long as they have the proper representation and perform the activities required of a TAC. The local TAC should consist of representatives from all sectors interested in the delivery of transportation services to elderly persons and persons with disabilities. Suggested representation includes:

1. Private for-profit and private non-profit transportation operators
2. Public non-profit transportation operators
3. Public transit providers
4. Social service agencies
5. Local elected officials
6. Consumers of elderly/disabled transportation services
7. Local and/or regional planners

Washington’s SMP Appendix C is the Coordination of Special Needs Transportation Draft Policy Statement (2001), with an 8 page manual which details how coordination is included in program management. The SMP’s Appendix G provides the ACCT Coordination Coalitions and contact people. Appendix H is a Coordination Checklist to assist in identifying the types of agencies, organizations, and institutions in the community that applicants could be contacting. Appendix F provides the Transit Agencies and Contacts.

South Dakota SMP details state’s planning process:

[3] Planning. Includes a detailed section on the planning process, including a description of a Service Area Needs Studies using “trip rate factors originally developed for the State of Iowa” (SMP p. 10-14, X.Program of Projects Development). A. The Planning Process

1. The SDDOT assists in determining elderly persons and persons with disabilities needs for service areas. This assistance includes an inventory of existing public transportation services, the total estimated demand for elderly persons and persons with disabilities transportation and the estimated number of vehicles of a given capacity to satisfy the unmet demand.
2. The SDDOT offers to provide technical assistance to local groups or organizations that plan to provide elderly persons and persons with disabilities transportation services.
3. Service Area Transit Needs - SDDOT has completed a **Service Area Needs Studies** as follows:
 - a. Using compiled data on elderly populations, total population and trip rate factors originally developed for the State of Iowa, the transportation needs for the mobility-limited elderly persons and non-elderly handicapped in South Dakota can be determined.

The formulas for determining these needs are:

1. Elderly
 - a) Estimated number of mobility limited elderly = $0.52 \times \text{service area population over 65 years of age}$.
 - b) Average trip demand per person = 8 trips per month.
 - c) Total demand for mobility limited elderly trips per month = $8 \times 0.52 \times \text{service area population over 65 years of age}$.
 - d) Trip Purpose:

Medical	5% (of total trips)
Economic (bank, groc.)	21%

Group Excursions	2%
Congregate Meals	20%
Recreation	5%
Visiting	6%
Agency	2%
Other (includes returns)	39%
TOTAL	100%

2. Non-Elderly Disabled

a) Estimated number of non-elderly persons with disabilities = 0.03 X total service area population.

b) Average trip demand per person = 12 trips per month.

c) Total demand for non-elderly persons with disabilities trips per month = 12 X 0.03 X total service area

population.

d) Trip Purpose:

Medical	8% (of total trips)
Employment	17%
Social-Recreation	14%
Education	2%
Shopping & Personal	10%
Other (includes returns)	49%
TOTAL	100%

Based on the number of trips, by trip purpose, and the locations of shopping areas, medical facilities, nutrition sites, social services locations, and recreation areas, the estimated number of vehicles and sizes needed to provide the transportation were determined. An estimate on the total mileage per month can also be determined.

b. Compiled data on existing transportation services available in the area were used and an analysis is made as to whether or not the existing services as insufficient, inadequate or inappropriate to meet the need.

c. The SDDOT evaluates several hypothetical alternative transit operations to meet these identified needs.

Description of outcomes. Vermont has a section on Project Evaluation in its 5310 application for transportation services, which asks the applicant:

How do you plan to evaluate the effectiveness of the project in providing special transportation for elders and persons with disabilities? What measurable objectives will you use to evaluate the project's success? How will individual consumers, partners, and other key community

agencies and organizations and regional planning commissions be included in the project evaluation process?

VT seems to reserve its FTA 5310 allocation for capital purchases, and uses additional funds to supplement its 5310 program for purchase of services – and has 2 different application packets.

Use and eligibility of capital expenses. South Dakota (SMP p. 6-7) included in the use and eligibility of 5310 vehicles list:

3. By a private for-profit provider, by lease or other contractual agreement with the private nonprofit organization only for the services identified in the grant application. Vehicles acquired by nonprofit agencies may be leased to private for-profit companies or public bodies where such companies could not otherwise provide required services and where such arrangements result in more efficient and effective service for elderly persons and persons with disabilities;

Protection of existing operators. Many SMPs include this issue under the section on public involvement when it is actually not public involvement, but involvement (and protection) of existing transportation operators. It would be clearer if this function were described accurately as protection of existing transportation operators, and public involvement could be understood as the riding public (i.e. transportation users). With the current language (obscure to anyone not in the transportation business) it appears that public involvement is considered as being achieved when it is primarily the transportation providers who are the targeted public.

South Dakota (SMP p. 5-6) has a section specifically titled: Protection of Existing Operators. This seems a more clear and accurate way to describe the process of including existing public and private transit and paratransit operators. It also makes clear the target audience for the public notices, and why the notices are required.

Oklahoma (app.guidance p.6):

Federal regulations require steps are taken to protect the interests of existing transit and paratransit operations in the area to be served by your vehicle (SMP p.15)....each applicant must allow private for profit or public transportation providers an opportunity to provide the same proposed service and opportunity to help plan a proposed system...if no private or public transportation provider is interested in providing or planning the service. The applicant must obtain a letter to that effect...

Statement of certification by public body. Only a few states seem to have developed criteria for public agency's certification that there is no available non-profit entity to provide transportation. Arkansas requires a letter from the mayor or a county judge that there is no available non-profit entity. In Hawaii,

the public agency's certification that there is no available non-profit entity must be signed by the director of the county transportation agency and the mayor of the county. South Carolina (SMP p.15) provides a clear concise statement with criteria/protocol for how a public body certifies that there is no available non-profit agency, making it clear that documentation is required, not just a self-certification:

Public bodies that certify that no nonprofit corporations or associations are readily available in the area to provide the service must submit documentation. The applicant shall survey the human service agencies in the area (local private non-profit) to ascertain that they can not provide the service referenced in the application for funding. Documentation shall include letters from local private nonprofit organizations stating that they do not provide transportation services in the proposed service area.

Documentation from the non-profit entities seems like additional work, but a better indicator whether or not there really is no available non-profit entity. Colorado (application guidelines p.7) has a similar process. But also notes that "Any nonprofit organization which indicates an interest in applying must prove it can provide the services described in the local TDP (Transportation Development Plan) (not just any service)." It also notes that the procedure is easier to complete, if the applicant is named in the TDP.

Selection process.

Alaska (program instruction, p.46) acknowledges that the staff scores specific application and past performance items that the Evaluation Committee does not have the "background or information to score".

West Virginia's SMP (p 9) provides guidance for potential applicants:

Agencies are advised to do the following steps:

- Review the application packet to determine if the Section 5310 Program can assist in meeting their transportation needs.
- Review their current equipment and determine the appropriate type of equipment to request with their Section 5310 Application.
- Contact their local planning and development council or metropolitan planning commission, as well as, local and state governmental agencies necessary to fulfill all planning and state application requirements.
- Assure that all transportation providers, regardless of funding source, in their area have been afforded a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of the proposed expansion of transportation services.

- Have the completed application reviewed by their local planning and development council or metropolitan planning commission on the basis of the proposed service funding, suitability, and need; and
- Submit their completed application to the Division of Public Transit by the deadline.

Utah, which has a combined SMP for several of the grant programs, includes a chart showing which provisions apply for each of the FTA grant programs. Several states have checklists for documentation, forms, and assurances which need to be submitted. Washington and Tennessee have a 2 step process – only applicants who will be recommended for funding have to submit all the certifications, assurances. Note that Colorado does this exactly the opposite – see description in Appendix J. Noteworthy Practices.

Indiana (application p. 12) asks if there are other pending requests for this equipment.

New York (SMP Appendix A, p 18-19) includes a rationale for the summary of project costs:

...the purpose of this budget is to make you aware of the cost implications of your proposal, and to provide reviewers with budget information needed to evaluate your application. For the items below, please include the annual costs for your entire proposed elderly and/or disabled transportation service.

It includes the typical total estimated annual costs: salary, overhead (garage, office, heat, electric, licensing registration costs, etc), insurance, maintenance and repairs; administration and reporting costs; cost for leasing vehicles and/or contract carrier service. But also adds a requirement to include [1] per passenger trip cost, and [2] lowest cost of service obtained from private for-profit operators.

Louisiana: The explanation of “Policy Rationale and Methods” (SMP p.10) for project selection is clearly laid out. Includes a minimum score needed for funding. The rationale is “to establish a minimum threshold reflective of acceptable project merit. ...Applications which do not score at least 60% are considered insufficient to merit funding for one or more reasons.”

Annual POP and approval process: Ohio SMP has a good way to lay it out.

Demographics. Wisconsin’s SMP includes a lot of nice forms in the application, including a demographics form (Population Form) showing numbers and percentages of people in 5 categories, the number in need of transportation, the number the agency will serve, the percentage the agency will serve.

Contract language. Oklahoma’s SMP (p. 17) Contract Agreement:

An applicant’s approved application will be incorporated by reference into a contract agreement, and will become part of the terms and conditions of the contract agreement (App. guidance, p.6)...This agreement carries with it a number of conditions, including but not limited

to: our right to require monthly written reports, monitor vehicle use, and reclaim idle, underutilized, improperly utilized, or improperly maintained vehicles.

A Vehicle Trip Compliance schedule is included in the application, with specific daily and monthly trip numbers for determining “full use” of 10 different vehicle types.

Fleet management: South Carolina SMP’s (VIII.(F) Satisfactory Continuing Control, pp.47-59) capital management section seems clear, detailed, and extensive, with criteria detailed for many sections. Texas maintains an inventory of all grant related vehicles, which is linked to the computer files of the Vehicle Titles and Registration Division (SMP p. 23).

Appendix L

FTA Table H-44

Elderly/Persons with Disabilities Program Obligations for Vehicles, Fiscal Years 1998-2007

Data Source:

Elderly/Persons with Disabilities Program Obligations for Vehicles, Fiscal Years 1998-2007. Excel file retrieved January 6, 2009 under "Vehicle Purchases", click on "Elderly Persons with Disabilities Program by State" at http://www.fta.dot.gov/funding/data/grants_financing_7195.html

**Table H-44
Elderly/Persons with Disabilities Program Obligations for Vehicles
Fiscal Years 1998-2007**

STATE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	<i># of Vehicles</i>	
											TOTAL	% of Total
Alabama	35	25	38	63	52	47	0	47	80	0	387	1.9
Alaska	10	8	6	6	5	12	3	4	6	0	60	0.3
American Samoa	0	0	0	0	0	0	0	0	0	0	0	0.0
Arizona	31	30	75	75	76	76	87	90	0	245	785	3.9
Arkansas	27	30	32	29	35	32	32	35	34	0	286	1.4
California	137	131	330	312	253	209	279	268	320	346	2,585	12.7
Colorado	14	19	19	18	16	21	24	29	23	23	206	1.0
Connecticut	22	23	24	28	27	29	26	23	35	33	270	1.3
Delaware	7	7	7	6	6	6	6	6	7	0	58	0.3
Dist. of Columbia	9	8	9	7	11	10	9	13	15	11	102	0.5
Florida	135	155	161	154	157	161	190	156	180	181	1,630	8.0
Georgia	17	0	0	0	0	0	0	0	0	0	17	0.1
Hawaii	9	7	12	8	7	9	0	19	14	0	85	0.4
Idaho	6	7	13	15	9	3	5	6	13	11	88	0.4
Illinois	64	69	56	66	85	70	42	86	64	0	602	3.0
Indiana	47	53	55	56	63	51	68	74	82	78	627	3.1
Iowa	0	0	0	0	0	0	0	0	3	5	8	0.0
Kansas	23	23	27	28	30	29	0	31	37	37	265	1.3
Kentucky	35	37	42	42	43	47	45	36	42	37	406	2.0
Louisiana	32	31	36	33	35	36	28	47	53	30	361	1.8
Maine	10	11	12	13	12	12	10	8	15	13	116	0.6
Maryland	34	33	45	34	32	39	24	26	29	30	326	1.6
Massachusetts	40	39	45	47	51	50	56	56	57	0	441	2.2
Michigan	47	43	49	61	62	64	68	89	82	71	636	3.1
Minnesota	20	28	26	32	33	28	27	20	46	7	267	1.3
Mississippi	7	18	26	23	22	31	31	18	24	33	233	1.1
Missouri	53	51	61	66	70	67	65	75	82	78	668	3.3
Montana	10	12	11	10	12	11	0	17	15	11	109	0.5
Nebraska	24	24	24	24	28	25	22	20	0	16	207	1.0
Nevada	11	10	10	10	10	0	0	8	6	0	65	0.3
New Hampshire	9	10	11	10	10	7	19	8	11	8	103	0.5
New Jersey	36	46	47	49	44	49	48	54	54	1	428	2.1
New Mexico	0	0	0	11	21	0	17	14	6	55	124	0.6
New York	104	102	116	134	154	158	113	154	174	199	1,408	6.9
North Carolina	0	0	0	0	0	0	0	0	0	0	0	0.0

Table H-44
Elderly/Persons with Disabilities Program Obligations for Vehicles
Fiscal Years 1998-2007

STATE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	<i># of Vehicles</i>	
											10-yr TOTAL	% of Total
North Dakota	8	8	9	9	10	9	0	16	9	0	78	0.4
Ohio	81	97	50	51	80	68	69	67	0	71	634	3.1
Oklahoma	21	24	27	29	27	27	0	47	67	37	306	1.5
Oregon	27	33	83	114	123	0	0	113	114	23	630	3.1
Pennsylvania	78	86	89	92	97	93	97	101	0	227	960	4.7
Puerto Rico	17	19	18	23	20	53	0	41	37	26	254	1.2
Rhode Island	9	8	8	9	9	8	10	10	10	0	81	0.4
South Carolina	26	32	39	39	39	20	19	13	20	18	265	1.3
South Dakota	13	11	11	16	9	11	8	2	20	0	101	0.5
Tennessee	54	57	48	75	72	72	45	0	41	44	508	2.5
Texas	83	71	74	52	35	36	48	62	42	61	564	2.8
Utah	11	10	12	9	12	18	14	0	30	0	116	0.6
Vermont	9	9	15	15	0	0	4	12	9	7	80	0.4
Virgin Islands	3	2	3	3	3	2	3	3	3	0	25	0.1
Virginia	43	44	49	56	57	61	62	66	64	0	502	2.5
Washington	17	14	20	19	18	21	18	53	5	42	227	1.1
West Virginia	22	20	21	22	21	20	19	20	22	0	187	0.9
Wisconsin	56	114	71	69	69	82	72	48	98	60	739	3.6
Wyoming	6	6	7	40	7	8	5	9	0	29	117	0.6
TOTAL	1,649	1,755	2,079	2,212	2,179	1,998	1,837	2,220	2,200	2,204	20,333	100.0
<i>% of 10-yr Total</i>	<i>8.1</i>	<i>8.6</i>	<i>10.2</i>	<i>10.9</i>	<i>10.7</i>	<i>9.8</i>	<i>9.0</i>	<i>10.9</i>	<i>10.8</i>	<i>10.8</i>	<i>100.0</i>	

Appendix M

62 Federal Programs, by Agency, which Provide Support for Transportation Services

62 Federal Programs, by Agency, Which Provide Support for Transportation Services

HEALTH AND HUMAN SERVICES

- Administration for Children and Families
- Social Service Block Grant
- Child Care and Development Block Grant
- Head Start
- Refugee and Entrant Assistant Discretionary Grants
- Refugee and Entrant Asst. State Administered Programs
- Refugee and Entrant Targeted Assistance
- Refugee and Entrant Asst. Voluntary Agency Programs
- State Developmental Disabilities Council and Protection & Advocacy
- Temporary Assist to Needy Families
- Community Services Block Grant
- Promoting Safe and Stable Families

Administration on Aging

- Grants for Supportive Services and Senior Centers
- Programs for American Indian, Alaskan Native and Native Hawaii

Centers for Medicaid and Medicare

- Medicaid
- State Health Insurance Program
- Home and Community Based Waiver
- Health Resources and Services Administration
- Community Health Centers
- Healthy Communities Program
- HIV Care Formula
- Maternal and Child Health Block Grant
- Rural Health Care Network
- Rural Health Care Outreach Program
- Healthy Start Initiative
- Ryan White Care Act Programs

Substance Abuse and Mental Health Services Administration

- Community Mental Health Services Block Grant
- Prevention and Texas Block Grant

DEPARTMENT OF EDUCATION

- Voluntary Public School Choice
- IDEA
- Centers for Independent Living
- Independent Living for Older individuals Who are Blind
- Independent Living State Grants
- Vocational Rehab Grants

DEPARTMENT OF LABOR

Bureau of Indian Affairs

- Indian Employment Training and Related Services
- Indian Employment Services

Employment and Training Administration

- Job Corps
- Migrant and Seasonal Farm Worker
- Native American Employment and Training
- Trade Adjustment Assistance for Workers
- Welfare to Work Grants for Tribes
- Welfare to Work for States and Locals
- Work Incentive Grants
- Workforce Investment Act Adult Services Program
- Workforce Investment Act Adult Dislocated Worker Program
- Workforce Investment Act Youth Activities

Veterans Programs

- Veterans Employment Program
- Homeless Vet Project

DEPARTMENT OF TRANSPORTATION

- Elderly and Persons with Disability
- Job Access Reverse Commute
- Non-Urbanized Formula (rural)
- Urbanized Formula
- New Freedom Program
- Capital Discretionary Program

HOUSING AND URBAN DEVELOPMENT

- Community Planning and Development
- Community Development Block Grant
- Housing for Ind. w/AIDS
- Supportive Housing Programs
- Principal and Interest
- Revitalization of Severely Distressed Housing

VETERAN AFFAIRS

- Homeless Provider Grants
- Medical Care Benefits

SOCIAL SECURITY ADMINISTRATION

- Ticket to Work Program

U.S. DEPARTMENT OF AGRICULTURE

- Food Stamp and Employment Training Program

From: Services Provided by Federal Transportation Programs, retrieved July 9, 2008 at http://www.unitedweride.gov/1_1254_ENG_HTML.htm

Appendix N

FTA Grant Program Descriptions (§5307, §5310, §5311, §5316, §5317)

FTA Grant Program Descriptions (§5307, §5310, §5311, §5316, §5317)

5307. Large Urban Cities

Retrieved August 7, 2008 at http://www.fta.dot.gov/funding/grants/grants_financing_3561.html

This program (49 U.S.C. 5307) makes Federal resources available to urbanized areas and to Governors for transit capital and operating assistance in urbanized areas and for transportation related planning. An urbanized area is an incorporated area with a population of 50,000 or more that is designated as such by the U.S. Department of Commerce, Bureau of the Census.

Eligible purposes include planning, engineering design and evaluation of transit projects and other technical transportation-related studies; capital investments in bus and bus-related activities such as replacement of buses, overhaul of buses, rebuilding of buses, crime prevention and security equipment and construction of maintenance and passenger facilities; and capital investments in new and existing fixed guideway systems including rolling stock, overhaul and rebuilding of vehicles, track, signals, communications, and computer hardware and software. All preventive maintenance and some Americans with Disabilities Act complementary paratransit service costs are considered capital costs.

For urbanized areas with 200,000 population and over, funds are apportioned and flow directly to a designated recipient selected locally to apply for and receive Federal funds. For urbanized areas under 200,000 in population, the funds are apportioned to the Governor of each state for distribution. A few areas under 200,000 in population have been designated as transportation management areas and receive apportionments directly.

For urbanized areas with populations of 200,000 or more, operating assistance is not an eligible expense. In these areas, at least one percent of the funding apportioned to each area must be used for transit enhancement activities such as historic preservation, landscaping, public art, pedestrian access, bicycle access, and enhanced access for persons with disabilities.

Program Summary Fact Sheet

Appropriation: Funded under Formula Grants

Description: Grants to urbanized areas and states for transit-related purposes

Statutory Reference: 49USC5307

Eligible Recipients: Funding is made available to designated recipients that must be public bodies with the legal authority to receive and dispense Federal funds. Governors, responsible local officials and publicly owned operators of transit services are to designate a recipient to apply for, receive, and dispense funds for transportation management areas pursuant to 49USCA5307(a)(2). Generally, a transportation management area is an urbanized area with a population of 200,000 or over. The Governor or Governor's designee is the designated recipient for urbanized areas between 50,000 and 200,000.

Eligible Purposes: Planning, engineering design and evaluation of transit projects and other technical transportation-related studies; capital investments in bus and bus-related activities such as replacement of buses, overhaul of buses, rebuilding of buses, crime prevention and security equipment and construction of maintenance and passenger facilities; and capital investments in new and existing fixed guideway systems including rolling stock, overhaul and rebuilding of vehicles, track, signals, communications, and computer hardware and software. All preventive maintenance and some Americans with Disabilities Act complementary paratransit service are considered capital costs.

Allocation of Funding: Funding is apportioned on the basis of legislative formulas. For areas of 50,000 to 199,999 in population, the formula is based on population and population density. For areas with populations of 200,000 and more, the formula is based on a combination of bus revenue vehicle miles, bus passenger miles, fixed guideway revenue vehicle miles, and fixed guideway route miles as well as population and population density.

Match: The Federal share is not to exceed 80 percent of the net project cost. The Federal share may be 90 percent for the cost of vehicle-related equipment attributable to compliance with the Americans With Disabilities Act and the Clean Air Act. The Federal share may also be 90 percent for projects or portions of projects related to bicycles. The Federal share may not exceed 50 percent of the net project cost of operating assistance.

Role of Designated Recipients and MPO's

Funding Availability: Year appropriated plus three years (total of four years)

For More Information Contact: The Office of Program Management, (202) 366-4020

Contact Information

For additional information about this program, contact the Office of Resource Management and State Programs: (202) 366-2053.

Contact: Metropolitan or Regional Office

Related Items

5310. Transportation for Elderly Persons and Persons with Disabilities

Retrieved August 7, 2008 at http://www.fta.dot.gov/funding/grants/grants_financing_3556.html

This program (49 U.S.C. 5310) provides formula funding to States for the purpose of assisting private nonprofit groups in meeting the transportation needs of the elderly and persons with disabilities when the transportation service provided is unavailable, insufficient, or inappropriate to meeting these needs. Funds are apportioned based on each State's share of population for these groups of people.

Funds are obligated based on the annual program of projects included in a statewide grant application. The State agency ensures that local applicants and project activities are eligible and in compliance with Federal requirements, that private not-for-profit transportation providers have an opportunity to participate as feasible, and that the program provides for as much coordination of federally assisted transportation services, assisted by other Federal sources. Once FTA approves the application, funds are available for state administration of its program and for allocation to individual subrecipients within the state.

Links from this page:

Section 5310 Program Overview: This section includes a history of the Section 5310 program.

Section 5310 Policy, Guidance, and Procedures: This section includes the Section 5310 program statutory language, the FTA circular, and related Federal register notices.

Section 5310 Program Technical Assistance: This section answers frequently asked questions and provides additional resources.

Coordinated Public Transit Human Services Transportation Plans: This section provides a link to examples of coordinated public transit human services transportation plans.

Section 5310 Apportionments: This section includes tables describing the Section 5310 program annual apportionments from Fiscal Years 2001 to 2008.

Section 5310 Program Performance: This section provides information on the performance of the Section 5310 program.

5311. Rural and Small Urban Areas

Retrieved August 7, 2008 at http://www.fta.dot.gov/funding/grants/grants_financing_3555.html

This program (49 U.S.C. 5311) provides formula funding to states for the purpose of supporting public transportation in areas with populations of less than 50,000. 80% of the statutory formula is based on the nonurbanized population of the States. 20% of the formula is based on land area. No State may receive more than 5% of the amount apportioned for land area. In addition, FTA adds amounts apportioned based on nonurbanized population according to the growing States formula factors of 49 U.S.C. 5340 to the amounts apportioned to the States under the Section 5311 program.

Funds may be used for capital, operating, and administrative assistance to state agencies, local public bodies, Indian tribes, and nonprofit organizations, and operators of public transportation services. The state must use 15 percent of its annual apportionment to support intercity bus service, unless the Governor certifies, after consultation with affected intercity bus providers that these needs of the state are adequately met. Projects to meet the requirements of the Americans with Disabilities Act, the Clean Air Act, or bicycle access projects, may be funded at 90 percent Federal match. The maximum FTA share for operating assistance is 50 percent of the net operating costs.

Regional Contact Information: Regional Office

Appropriation: Funded under Formula Grants

Description: The goals of the nonurbanized formula program are: 1) to enhance the access of people in nonurbanized areas to health care, shopping, education, employment, public services, and recreation; 2) to assist in the maintenance, development, improvement, and use of public transportation systems in rural and small urban areas; 3) to encourage and facilitate the most efficient use of all Federal funds used to provide passenger transportation in nonurbanized areas through the coordination of programs and services; 4) to assist in the development and support of intercity bus transportation; and 5) to provide for the participation of private transportation providers in nonurbanized transportation to the maximum extent feasible.

Statutory Reference: 49USC5311

Eligible Recipients: State and local governments, Indian tribes, non-profit organizations and public transit operators.

Eligible Purposes: Funds may be used for capital, operating, and administrative purposes.

Allocation of Funding: Funding is apportioned by a statutory formula that is based on the latest U.S. Census figures of areas with a population less than 50,000. The amount that the state may use for state administration, planning, and technical assistance activities is limited to 15 percent of the annual apportionment. States must spend 15 percent of the apportionment to support rural intercity bus service unless the Governor certifies, after consultation with affected intercity bus providers that the intercity bus needs of the state are adequately met.

Match: The maximum Federal share for capital and project administration is 80 percent (except for projects to meet the requirement of the Americans with Disabilities Act (ADA), the Clean Air Act, or bicycle access projects, which may be funded at 90 percent.) The maximum Federal share for operating assistance is 50 percent of the net operating costs. The local share is 50 percent, which shall come from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

Funding Availability: Year appropriated plus two years (total of three years).

For More Information Contact: The Office of Program Management, (202) 366-4020

Related Items: FTA Circular 9040.F Nonurbanized Area Formula Program Guidance and Grant Application Instructions(Effective April 1, 2007)

5316. Job Access and Reverse Commute Program

Retrieved August 7, 2008 at http://www.fta.dot.gov/funding/grants/grants_financing_3550.html

The goal of the Job Access and Reverse Commute program (JARC) is to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and nonurbanized areas to suburban employment opportunities. Toward this goal, the Federal Transit Administration provides financial assistance for transportation services planned, designed, and carried out to meet the transportation needs of eligible low-income individuals, and of reverse commuters regardless of income. The program requires coordination of Federally-assisted programs and services in order to make the most efficient use of Federal resources. For additional information, please contact the FTA Office of Transit Programs at (202) 366-2053.

Links from this page:

- Overview: This section includes a history of the JARC program and a fact sheet on funding levels authorized under SAFETEA-LU.
- JARC Policy, Guidance, and Procedures: This section includes the JARC statutory language, the FTA circular, and related Federal Register Notices.
- JARC Designated Recipients: This section contains a list of designated recipients for States and large urbanized areas.
- Coordinated Public Transit Human Services Transportation Plans: This section provides a link to examples of coordinated public transit human service transportation plans.
- JARC Technical Assistance: This Section answers frequently asked questions and provides additional resources.
- JARC Allocations and Apportionments: This section includes tables describing the JARC allocations and annual apportionments from Fiscal Years 2000 to 2008.
- JARC Program Performance: This section provides information on the performance of the JARC program.
- Proceedings from the Joblinks 2008 Employment Transportation Conference: This link provides video and written transcripts of presentations made at the Joblinks Employment Transportation Conference held in conjunction with the Community Transportation Association of America's annual EXPO in New Orleans, LA on June 2-3, 2008.
- The Economic Benefits of Employment Transportation Services: A summary of this report can be found at http://www.utc.uic.edu/research/reports/Thakuriah_Summary_report2008.pdf. An HTML version of this summary is also available and a link to the full report can be found on the JARC Program Performance page below.
- An Evaluation of JARC Coordinated Planning Partnerships.

5317. New Freedom Program

Retrieved August 7, 2008 at http://www.fta.dot.gov/funding/grants/grants_financing_3549.html

The New Freedom formula grant program aims to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the work force and full participation in society. Lack of adequate transportation is a primary barrier to work for individuals with disabilities. The 2000 Census showed that only 60 percent of people between the ages of 16 and 64 with disabilities are employed. The New Freedom formula grant program seeks to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the Americans with Disabilities Act (ADA) of 1990.

Links from this page:

- Overview: This section includes a history of the New Freedom program and a fact sheet on funding levels authorized under SAFETEA-LU.
- New Freedom Policy, Guidance, and Procedures: This section includes the New Freedom statutory language, the FTA circular, and related Federal Register Notices.
- New Freedom Technical Assistance: This Section answers frequently asked questions and provides additional resources.
- New Freedom Designated Recipients: This section includes a list of New Freedom program designated recipients for States and large urbanized areas.
- Coordinated Public Transit Human Services Transportation Plans : This section provides a link to examples of coordinated public transit human services transportation plans.
- New Freedom Apportionments: This section lists New Freedom apportionments for Fiscal Years 2006 through 2008.
- New Freedom Projects: This page describes specific projects being implemented with New Freedom funds .
- New Freedom Performance: This section provides information on the performance of the New Freedom program.
- Updated Question and Answer Document on the New Freedom, JARC, and 5310 Programs (May 2008)