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University of Montana Rural Institute
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Rural Policy Brief

September 2011

Filling the Gaps in Accessible^{*} Transportation

Since 1975, the Federal Transit Administration (FTA) has used grant programs as a mechanism to fill transportation gaps so that people with disabilities and older individuals can effectively use public transportation. The first state grants in the Section 5310 program were awarded in 1975. SAFETEA-LU (2005) created the New Freedom Program (Section 5317), and made the Job Access Reverse Commute (JARC, Section 5316) available to all states. All three programs are similarly administered at the state level and are contingent on inclusion in a locally developed coordinated public transit - human services transportation plan. Congress and the Administration have recommended consolidation of the three programs.

Objectives. Currently, each program has a different legislative objective. But if viewed within a larger framework, consolidation could be the basis for filling gaps in existing transportation services. Consolidation goals have not been clearly stated beyond the need to reduce administrative burden (TRB, 2007a, b). We assume the objectives of proposed consolidation are increased integration and transportation system accessibility; increased flexibility in planning, coordinating, and implementing transportation systems; and reduced state and local administrative burden.

Opportunity. Consolidation may provide an opportunity for developing consistency in addressing national transportation policy, as well as providing states with maximum flexibility in filling gaps found in local conditions. Although the issue is not limited to rural areas or to a certain group of people, consolidation could have particular benefits for people with disabilities and elderly who live in rural communities and those who serve them.

However, if consolidation is going to reduce the gaps in accessible transportation, the three programs need to be consolidated programmatically, not just administratively. Maintaining separate program requirements would not reduce the state administrative burden much, though it might reduce sub-recipient complexity. Alaska, Washington, Oregon and some other states already do this – the applicant applies for support, and the state agency

What is Accessible? In transportation, the term “accessible” often seems to mean that transportation exists. We would call that “available.” Accessibility from a programmatic perspective means that you can access the vehicles and related services, even if you have a mobility, sensory, or cognitive disability. This includes lifts on buses, schedules in more than just print format, and all the other access issues covered by the Americans with Disabilities Act. **If transportation is available to some but not all, then it is not accessible.** This concept includes the issue of cost. People who cannot afford transportation are usually counted among the “transportation disadvantaged” for whom services are economically inaccessible.

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What programs are involved?

Section 5310. Transportation for Elderly Persons and Persons with Disabilities provides funding to States for the purpose of assisting private nonprofit groups meet the transportation needs of older individuals and persons with disabilities when transportation service is unavailable, insufficient, or inappropriate. Funds are apportioned based on the number of older individuals and persons with disabilities within each State.

http://www.fta.dot.gov/funding/grants/grants_financing_3556.html

Section 5317. New Freedom 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 1990 Americans with Disabilities Act (ADA).

http://www.fta.dot.gov/funding/grants/grants_financing_3549.html

Section 5316. Job Access Reverse Commute (JARC) helps low-income individuals and welfare recipients access employment opportunities. It also focuses on increasing collaboration among transportation providers, human service agencies, employers, and others.

http://www.fta.dot.gov/funding/grants/grants_financing_3550.html

RTC:Rural
52 Corbin Hall
The University of Montana
Missoula, MT 59812
Toll free: 888.268.2743
Fax: 406.243.2349
TTY: 406.243.4200
rtc rural@ruralinstitute.umt.edu
rtc.ruralinstitute.umt.edu

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determines which funding source(s) best matches the community based need. If only the administrative functions are consolidated, the administrative burden may be reduced, but it is unlikely to achieve programmatic goals such as increased integration and transportation system accessibility.

Consolidation Objectives

Increased integration and transportation system accessibility

Increased flexibility in planning, coordinating, and implementation

Reduced state and local administrative burden

Outcomes. With consolidation comes the need to focus on outcome measures, not just on process measures (i.e., Focus on what you are accomplishing, not so much on how you are doing it.). States and local areas need to have maximum flexibility in choosing projects to fund, and to be held accountable through performance measures and transparency requirements.

Federal and state agencies need to develop transportation program evaluation goals that reflect consolidated program objectives. As the emphasis moves toward integrated transportation systems, evaluation needs to include how well a transportation system supports the community participation of riders, not just how well riders can get to senior centers or other human service programs. JARC's employment focus provides a targeted model for community participation.

Evaluation needs to look at who is unable to get accessible transportation services – the gaps in the system. It should provide feedback on where to invest in projects that can leverage and coordinate integrated transportation (i.e., Surveying the current riders is not enough. Surveys also need to include those who are not using public transportation, and why they are not using it.). Evaluation focus should come from the travelers' perspective: Do people get where they need to go, when they need to get there?

Flexibility and Adaptation. Gap-filling programs (e.g., 5310, 5316, and 5317) require continual change and systematic reassessment as the thinking evolves about special needs, special services, and universally designed generic systems. Consolidation may provide the opportunity to prevent perpetuating siloed grant programs that lack flexibility. Congress and federal agencies need to reevaluate statutes and guidance, especially policies that encourage a funding stream to continue indefinitely in its initial form. Federal statutes and guidance, and state management and implementation should be designed to prevent institutionalizing segregated programs. Allowing one element of the overall system to remain static can prevent flexibility in deploying resources when the mix changes. For example, allowing Section 5317 to create a separate funding stream, without flexibility for integration into an evolving integrated public transportation scenario, is likely to have unintended negative consequences for system innovation and integration.¹ Mechanisms should be available to states for implementing innovative integrated projects.

National interest. Accessible, integrated transportation has been national policy since 1970:

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.²

¹ Given the language in current FTA §5317 guidance (C9045.1, page III-8), the 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 outgrew areas which were originally rural, federal resources targeting rural areas were still available in what had now become urban areas.)

² Urban Mass Transportation Act of 1970, Pub. L. 91-453.

Interpretation of this national policy has evolved over the years, with considerable variation among states in how the policy was interpreted and how programs were implemented. These variations impact the eligibility of riders and service providers, the implementation of services, the accessibility of procured vehicles, and the extent to which services are coordinated. There is considerable ambiguity about expected program outcomes, and even about which services and systems are expected to be coordinated (Enders and Seekins, 2009).

Recommendations

Establish a set of consistent outcome measures that incorporate accessibility and integrated rides.

Establish mechanisms for data inclusion in the NTD (National Transit Database). This cannot occur until all states consistently use the same basic criteria for rider eligibility, age, disability status, etc.

Develop operational federal definitions in guidance, and possibly in statutory language, for when transportation is unavailable, insufficient or inappropriate. The lack of operational definitions for these key terms leads to current ambiguity in interpretation and implementation, and may lead to inequitable distribution.

Accommodate conversion planning. Programs focused on capital investments need time to change. Conversion planning needs to be a central part of the process, and integral to coordination plans. A consolidated program can be effectively used as a safety net. For instance when Section 5317 funds expand a system beyond basic ADA requirements, Section 5310 funds that previously filled those gaps might be reallocated to areas where transportation is still unavailable, insufficient, or inappropriate. This could work under consolidation, but as currently configured, would be difficult.³

Establish national, state, and local mechanisms for conversion planning. FTA and other federal agencies should work with states and advocates to develop mechanisms that permit and actively facilitate the evolution of the Section 5310, 5316, and 5317 programs. Reward mechanisms should be developed for those states and local communities that increase the accessibility, integration, and accountability of their transportation systems.

Require a GAO evaluation three years after implementation of program consolidation to assess if combining the programs has increased integration and transportation system accessibility; increased flexibility in planning, coordinating, and implementing the system; and reduced state and local administrative burden.

Federal Support for Consolidation

A July 19, 2011, press release from the **U.S. Senate Committee on Environment and Public Works** states, "MAP-21 consolidates 87 programs under SAFETEA-LU to less than 30 programs. The activities for which dedicated funding has been removed have been consolidated into the very broad core programs, leaving States with the flexibility to fund these activities as they see fit."⁴

The House Committee on Transportation & Infrastructure, July 7, 2011, Transportation Reauthorization Proposal states that the proposal "Streamlines and Simplifies. Consolidates and simplifies human services transportation programs from three separate programs to one."⁵

The U.S. Department of Transportation's Budget Estimates for Fiscal Year 2012 states, "Consolidated Specialized Transportation Grant Program. A new program that replaces three existing grant programs for targeted populations (formerly the Elderly Individuals and Individuals with Disabilities Program, the New Freedom program, and the Job Access and Reverse Commute program). This new program would continue the goals of these programs by funding alternative forms of transportation where traditional services are unavailable, inappropriate, or insufficient."⁶

³ Maintenance of Effort: "... Recipients or subrecipients 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.

⁴ U.S. Senate Committee on Environment and Public Works, July 19, 2011, Moving Ahead for Progress in the 21st Century (MAP-21). http://epw.senate.gov/public/index.cfm?FuseAction=Majority.PressReleases&ContentRecord_id=43ff8abd-802a-23ad-4f87-e7d37ed3d493Consolidation

⁵ House Committee on Transportation & Infrastructure, July 7, 2011, Transportation Reauthorization Proposal: A New Direction. (p 11) <http://transportation.house.gov/news/PRArticle.aspx?NewsID=1337>

⁶ U.S. Department of Transportation, Budget Estimates, Fiscal Year 2012, Federal Transit Administration. (p 69) <http://www.dot.gov/budget/2012/budgetestimates/fta.pdf>

Conclusion

Achieving consensus about the purpose and values of transportation system capacity building, and a shared understanding about the direction the programs are headed, is necessary to guide any type of state level program consolidation. Federal guidance should be clear and unambiguous, removing the uncertainty about goals, reducing administrative complexity, and building compliance incentives for productive approaches to improve integrated transportation systems for all.

AARP has gone on the record opposing consolidation. At a Senate hearing, AARP President W. Lee Hammond said, "AARP does not support merging these programs and urges that any proposal to do so carefully consider the impact on the populations served, from the perspectives of both quality and quantity of service. We also urge that any proposal build upon the proven success of the Section 5310 program."⁷

It is time for you to decide how federal assistance to states can best be used to fill the gaps in accessible transportation. Consider the objectives and the potential overall effect of programmatic consolidation. Take into account outcome measures, program flexibility and adaptation, and long-term national policy. Review the recommendations for consolidation.

Note: These concepts, issues, and recommendations emerged from findings in our baseline review of Section 5310 Transportation State Management Plans. For the full paper or the executive summary, see http://rtc.ruralinstitute.umt.edu/transportation_publications.asp. For the article in the Spring 2011 issue of the Journal of Public Transportation, see <http://www.nctr.usf.edu/wp-content/uploads/2011/07/JPT14.2Enders.pdf>.

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For additional information please contact:

Research and Training Center on Disability in Rural Communities; The University of Montana Rural Institute; 52 Corbin Hall; Missoula, MT 59812; 888-268-2743 or 406-243-5467; 406-243-4200 (TTY); 406-243-2349 (Fax); rtcrcrural@ruralinstitute.umt.edu; <http://rtc.ruralinstitute.umt.edu>

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⁷U.S. Senate Committee on Banking, Housing, & Urban Affairs, Subcommittee on Housing, Transportation, and Community Development. Hearing : Promoting Broader Access to Public Transportation for America's Older Adults and Persons with Disabilities, June 29, 2011. Testimony: AARP President W. Lee Hammond. http://banking.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=932c8aa9-d377-4da7-9549-90dec1987116