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# What is unavailable, insufficient, or inappropriate transportation?

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# Rural Policy Guidelines

## What is unavailable, insufficient, or inappropriate transportation?

In 1970—more than 40 years ago—the Urban Mass Transportation Act created a national policy to promote universally accessible transportation. PL 91-453, stated it as clearly as possible: “elderly and handicapped” persons have the same right as other persons to use mass transportation facilities and service. The law required 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.” Today, over 98% of the vehicles used to provide mass transportation are wheelchair accessible.

In 1975, Congress created Section 5310, Transportation for Elderly Persons and Persons with Disabilities federal grant program, (FTA, 2013) to help private nonprofit groups meet the transportation needs of the elderly and persons with disabilities. These funds were to be used to provide transportation when it was otherwise unavailable, insufficient, or inappropriate.

### **What is the meaning of unavailable, insufficient, or inappropriate?**

Section 5310’s key terms—unavailable, insufficient, and inappropriate—are the criteria by which a state should determine whether a community is eligible for 5310 funding. Yet, no federal definition of these three terms exists. The lack of an operational definition may cause some deserving programs to receive funding while others do not. So, what “should” these three words mean?

California, the only state to provide criteria, offers the following guidance to operationally define the terms (Enders & Seekins, 2009):

**Unavailable** - should be interpreted to mean that no public transportation program serves the area. If any public transportation serves the area, then transportation is available and the area should not be eligible for 5310 funding under this criteria.

**Insufficient** - should be interpreted to mean that, while some public transportation is available to serve the area, there is not enough to meet the need or demand. So, even if a community could not justify eligibility for 5310 because transportation is available, it may be eligible because there is not enough to meet the need. Still, judgment enters this decision around the question of how much transportation is sufficient. Is it sufficient for an accessible van provider to drop off an elderly woman at the corner? Does the driver have to pull into her driveway and help her take her groceries inside? One answer means

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that very high levels of service would be provided, but the number of people who can be served might be limited. Another answer means more people would likely be served, but some would not receive all of what they may want. There is no guidance on how to make such judgments.

**Inappropriate** - as a term, this raises the most problems. When the Section 5310 program first started nearly 40 years ago, some people thought that it might be inappropriate for people with certain disabilities to ride public buses because they might frighten the women riding the bus. In this post-ADA era, it seems inconceivable that any public transportation is inappropriate because of the presence of a disability. Yet, Enders & Seekins (2011) found some state policies that set rules to do just that.

## Recommendations

The lack of definitions for these terms may result in funds not being used for the purposes intended. We recommend that the FTA clarify the intent and meaning of these words so the program can grow. Specifically, we recommend the following:

- FTA develop operational definitions of the terms unavailable, insufficient, and inappropriate.
- FTA consider dropping the concept of inappropriate entirely, and focus instead on unavailable and insufficient. In this post-ADA era, it seems unfitting to maintain legislation that would consider people with disabilities as inappropriate for public transportation—to be segregated because of the presence of a disability (Enders & Seekins, 2011).

**Note:** These concepts, issues, and recommendations emerged from our baseline review of Section 5310 Transportation State Management Plans. For the full paper or the executive summary, see [http://rtc.ruralinstitute.umt.edu/\\_rtcBlog/wp-content/uploads/5310SMPTechnicalReport1.pdf](http://rtc.ruralinstitute.umt.edu/_rtcBlog/wp-content/uploads/5310SMPTechnicalReport1.pdf) 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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Urban Mass Transportation Act of 1970, P.L. 91-453; 84 STAT 962 (1971), Section 5310 program reference: sec 8, p.967-968; and U.S. Code (USC) TITLE 23—HIGHWAYS p.159-160, <http://uscodebeta.house.gov/statutes/1970/1970-091-0453.pdf>.

Transportation for Elderly and Handicapped Persons, P.L. 93-643, §105(a), Jan. 4, 1975, 88 Stat. 2282.

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