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# II. *Federal Transit Programs Legislation*

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*Safe, Affordable, Flexible, Efficient Transportation Equity Act,  
A Legacy for Users (SAFETEA-LU)*

## A. Legislation of Federal Transit Programs SAFETEAU-LU

### **Federal Interagency Coordinating Council on Access and Mobility Coordinated Human Service Transportation Planning Final Policy Statement**

Consistent with the requirements of the Executive Order and the statutory creation of a locally-developed, coordinated public transit human service transportation planning process established in the Safe, Affordable, Flexible, Efficient, Transportation Equity Act-A Legacy for Users (SAFETEA-LU), members of the Federal Interagency Coordinating Council on Access and Mobility (CCAM) adopt the following policy statement:

“Member agencies of the Federal Coordinating Council on Access and Mobility resolve that federally-assisted grantees that have significant involvement in providing resources and engage in transportation delivery should participate in a local coordinated human services transportation planning process and develop plans to achieve the objectives to reduce duplication, increase service efficiency and expand access for the transportation-disadvantaged populations as stated in Executive Order 13330.”

NOTE: Significant involvement is defined as providing, contracting for and/or subsidizing individual transportation trips for individuals with disabilities, older adults, or people with lower incomes.

### **Background**

#### Executive Order: Human Service Transportation Coordination

*“By the authority vested in me as President by the Constitution and the laws of the United States of America, and to enhance access to transportation to improve mobility, employment opportunities, and access to community services for persons who are transportation-disadvantaged, it is hereby ordered as follows:*

*A strong America depends on citizens who are productive and who actively participate in the life of their communities.*

*Transportation plays a critical role in providing access to employment, medical and health care, education, and other community services and amenities. The importance of this role is underscored by the variety of transportation programs that have been created in conjunction with health and human service programs and by the significant Federal investment in accessible public transportation systems throughout the Nation.*

*These transportation resources, however, are often difficult for citizens to understand and access, and are more costly than necessary due to inconsistent and unnecessary Federal and State program rules and restrictions.*

*A broad range of Federal program funding allows for the purchase or provision of transportation services and resources for persons who are transportation-disadvantaged. Yet, in too many communities, these services and resources are fragmented, unused, or altogether unavailable.*

*Federally assisted community transportation services should be seamless, comprehensive, and accessible to those who rely on them for their lives and livelihoods. For persons with mobility limitations related to advanced age, persons with disabilities, and persons struggling for self-sufficiency, transportation within and between our communities should be as available and affordable as possible.*

*The development, implementation, and maintenance of responsive, comprehensive, coordinated community transportation systems is essential for persons with disabilities, persons with low incomes, and older adults who rely on such transportation to fully participate in their communities.”*

GEORGE W. BUSH, THE WHITE HOUSE, February 24, 2004.

From this Executive Order in 2004 the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requires that beginning in FY2007, projects funded under the following programs, will have a locally developed, coordinated public transit-human-services transportation plan.

- Elderly Individuals and Individuals with Disabilities - The goal of the Section 5310 program is to improve mobility for elderly individuals and individuals with disabilities throughout the country. *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. *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.
- JARC - Intended to provide employment and employment related transportation services to the low-income population in both rural and urbanized areas and reverse commute programs.
- New Freedom - Defined as public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services.

Presidential Executive Order 13330 on the Coordination of Human Service Programs issued by the President on February 24, 2004, creates an interdepartmental Federal Council on Access and Mobility to undertake collective and individual departmental actions to reduce duplication among federally-funded human service transportation services, increase the efficient delivery of such services and expand transportation access for older individuals, persons with disabilities, persons with low-income, children and other disadvantaged populations within their own communities.

As a first principle to achieve these goals, federally-assisted grantees involved in providing and funding human service transportation services to plan collaboratively to more comprehensively address the needs of the populations served by various Federal programs. In their report to the President on the Human Service Transportation Coordination, members of the Council recommended that “in order to effectively promote the development and delivery of coordinated transportation services, the Administration seek mechanisms (statutory, regulatory, or administrative) to require participation in a community transportation planning process for human service transportation programs.

In August 2005, the President signed legislation consistent with this recommendation to reauthorize Federal public transportation and Federal highway programs that contained provisions to establish a coordinated human services transportation planning process. This legislation, the Safe, Affordable, Flexible, Efficient Transportation Equity Act, A Legacy for Users (SAFETEA-LU), created a requirement that a locally-developed, coordinated public transit/human service planning process and an initial plan be developed by 2007 as a condition of receiving funding for certain programs directed at meeting the needs of older individuals, persons with disabilities and low-income persons.

The plan must be developed through a process that includes representatives of public, private and non-profit transportation providers and public, private and non-profit human service providers and participation by the public. Complete plans, including coordination with the full range of existing human service transportation providers, are required by Fiscal Year 2008

## **B. Definitions of Federal Transit Programs affected by SAFETEAU-LU**

The following is a brief description of the three Federal funding programs that are covered by the mandate, which requires the plans such as the one presented here.

- (1) **Section 5310** makes funds available to meet the special transportation needs of elderly persons and persons with disabilities. These funds are apportioned to the states annually by a formula that is based on the number of elderly persons and persons with disabilities in each state. The New York Department of Transportation (NYSDOT) administers the program in New York State. Capital assistance is provided on an 80 percent Federal, 20 percent local matching basis. Examples of capital expenses include, but are not limited to buses and vans. In New York State, private nonprofit agencies are eligible receive program funding, and must demonstrate that they coordinate services for elderly persons and persons with disabilities.
- (2) **Section 5316 JARC** is a formula grant program to provide funding for local governmental authorities and agencies, and non-profit entities that offer job access and reverse commute services to transport welfare recipients and low income individuals to and from jobs, training, and child care, and to develop transportation services for residents of urban centers and rural and suburban areas to suburban employment opportunities.

Job Access grants may finance capital projects and operating costs of equipment, facilities, and associated, capital maintenance items related to providing access to jobs; promoting use of transit by workers with nontraditional work schedules; promoting use by appropriate agencies of transit vouchers for welfare recipients and eligible low income individuals; and promoting use of employer-provided transportation including the transit pass benefit program. For Reverse Commute grants, the following activities are eligible – operating costs, capital costs and other costs associated with reverse commute by bus, train, carpool, vans or other transit service. Eligible activities for JARC funding include late-night and weekend service, guaranteed ride home service, shuttle service; expanded fixed-route public transit routes; demand-responsive service; ridesharing and carpooling activities; transit related aspects of bicycling; local car loan programs that assist individuals in purchasing and maintaining vehicles for shared rides; marketing promotions for JARC activities; supporting the administration and expenses related to voucher programs; using Geographic Information System (GIS) tools and/or implementing Intelligent Transportation Systems (ITS); integrating automated regional public transit and human service transportation information, scheduling and dispatch functions; deploying vehicle position-monitoring systems; and establishing regional mobility managers or transportation brokerage activities. The Federal/local share is 80/20 for capital projects which include mobility operations, and 50/50 for operating projects.

In New York State, NYSDOT is responsible for the JARC program administration to rural areas such as Allegany County. NYSDOT will use a competitive selection process to award grantees. While New York State procedures and guidance for this program are not complete at the time of the creation of this Plan, it is anticipated that Counties will be eligible to apply to NYSDOT for JARC funds, and that NYSDOT will select projects to be funded based on ones that meet needs identified in locally developed Coordinated Public Transit-Human Services Transportation Plans such as this one.

(3) **Section 5317 New Freedoms** is a new Federal transit formula grant program to encourage services and facility improvements to address the transportation needs of persons with disabilities that go beyond those required by the Americans with Disabilities Act. Funds can be used for associated capital and operating costs to provide the new services. Examples of projects and activities that might be funded under the program include, but are not limited to: purchasing vehicles and supporting accessible taxi, ride-sharing, and vanpooling programs; providing paratransit services beyond minimum requirements (3/4 mile to either side of a fixed route), including for routes that run seasonally; making accessibility improvements to transit and intermodal stations; supporting voucher programs for transportation services offered by human service providers; and supporting mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. The Federal share for the net project capital cost of a project may be up to 80 percent, and not more than 50 percent of the net operating cost of a project.

## C. Allegany County Federal Transit Programs directly affected by SAFETEA-LU

The Allegany County Federal Transit Programs directly affected by SAFETEA-LU are as follows:

### Section 5310 – Elderly Individuals and Persons with Disabilities

Currently there are two transportation providers that are supported by funding under FTA Program Section 5310 for needed transportation services, or vehicles to provide the services, to Allegany County residents. Future projects to continue those needed services and replace those vehicles providing needed services were determined as part of this Plan to be important to the County. The two Allegany County organizations that currently have vehicles funded by the Section 5310 program:

1. **Allegany Arc** - The Allegany Arc provides transportation for individuals with disabilities. The transportation department is a NYSDOT approved contract carrier that consists of 7 fixed run bus routes. These routes serve most of Allegany County on a Monday through Friday service schedule. The Allegany Arc transportation department also provides service through contracts to organizations, which include health care services, human service agencies, and County funded programs. The department also provides shuttle services for County events such as the Allegany County Fair, Wellsville Balloon Rally, and Andover Maple Festival. The Allegany Arc provides approximately 75,000 rides annually; including 4500 contracted rides and travels over 335,000 per year.
2. **Allegany Rehabilitation Associates, New Horizons** – A coordinated system of transportation exists for consumers enrolled in programming.

### Section 5316 – Job Access and Reverse Commute (JARC)

Allegany County does not currently have transportation services supported by JARC funding.

### Section 5317 – New Freedom

Because Section 5317 – New Freedom is a new program there has been no previous projects funded for services in Allegany County.

The FTA Section 5311 program is an important funding component for current public transportation services in Allegany County. Future Section 5311 funding is important to funding both the operations and vehicle replacement (and meeting other capital needs) for the County.

In addition, the Plan has identified actions that have already started the coordination effort among current transportation providers, and additional actions that would improve coordination of services if the actions can be funded. While the Plan is formalized at this point in order to meet the Federal mandate, in order to be effective it must be flexible in its implementation as new needs are identified and unanticipated coordination opportunities are identified or planned efforts refocused.