

Section 5310 Transportation State Management Plans: A Baseline Review

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Abstract

The Federal Transit Administration's Elderly and Persons with Disabilities Program (§5310), in place since 1975, has been particularly important for states trying to fill gaps in accessible transportation services where existing transportation is “unavailable, insufficient, or inappropriate.” This article provides a baseline review and analysis of §5310 State Management Plans. It shows the similarities and differences in the approaches states have taken in the kinds of policies they enact, what they emphasize, and how transportation services are organized, planned, designed, and carried out to meet the special needs of elderly individuals and people with disabilities.

Introduction

The 1970 amendments to the 1964 Urban Mass Transportation Act (P.L. 91-453) established a national policy for integrating people with disabilities when it was declared to be:

... 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.

The Federal Transit Administration's (FTA) Elderly and Persons with Disabilities Program was developed in response to this legislation. Section 5310 of the Federal Transit Act (49 U.S.C. §5310) has two major parts. The first, §5310(a)(1), directs the 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 second part, §5310(a)(2), provides funds states can use to fill gaps when transportation services covered by the first part are "unavailable, insufficient, or inappropriate."

The goal of the second part, managed by the states, is "to improve mobility for the elderly and persons with disabilities throughout the country" (USDOT 1998). Since the first federal grants in 1975, this program has helped local human services organizations acquire vehicles for community transportation services. While this capital assistance program originally was designed to fund vehicle purchases, it allows flexibility to meet local circumstances. Each state, as the grantee, must describe how it will implement the program in a State Management Plan (SMP), addressing specific items that are periodically updated (USDOT 1998, USDOT 2007).

The first federal §5310 grants to states were awarded 15 years prior to the 1990 Americans with Disabilities Act. This relatively small but important program has evolved over the years. Its funding has grown, almost doubling in the past decade to \$135,823,746 in FY 2009.

While statewide long-range transportation plans have been systematically evaluated (Noerager & Lyons 2002), little has been reported about the comparative structure, content, or status of state §5310 policies that set the parameters for local implementation. Kidder (1989) demonstrated the cost-effectiveness of coordinating §5310 sub-recipients to increase transportation in small towns and rural areas. Subsequently, coordination became an area of emphasis in national policy (e.g., Executive Order No. 13,330 [2004]). However, Seekins, Enders, and Sticka (2007) found that less than half of §5310 sub-recipients participated in any kind of coordination and less than five percent participated in consolidated programs.

The purpose of this study was to assess the status of the SMPs and to establish a baseline against which changes in national transportation policy might be assessed. Specifically, we aimed to learn more about the approaches states took to

meet the needs of elderly individuals and people with disabilities; identify current practices, approaches, and innovations; and provide a resource for state policymakers, administrators, and advocates to learn from and build on each other's work.

Methods

§5310 SMP policies in place before the passage of SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, P.L. 109-59, August 2005) were reviewed. Document analysis methods (e.g., Bailey 1978; Watson 2005) were used to review only the approved written documents describing each state's approach to implementing the §5310 grant program. While this approach may not capture all the details of actual program implementation, it is a non-reactive method that consistently describes the status of the formal, approved approach.

We framed this analysis within a post-ADA context, with the 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.

Data Source

State management plans and related documents were collected from all 50 states and the District of Columbia. Initially, we contacted each state §5310 coordinator by mail to announce the project. Mail, email, and phone calls followed to request a copy of the state's current SMP, and the application packets, scoring sheet, and review criteria used to select grant subrecipients, along with any other relevant supporting documents.

The SMPs reviewed were the states' most recent operating document prior to the passage of SAFETEA-LU. The documents dated from 1998 to June 2005. SMPs ranged from less than one page long (part of a larger combined program document) to 117 pages. A total of 28 covered only the §5310 program; 11 covered both §5310 and §5311 programs; 6 included other FTA programs; four also included related state programs; and 2 were fragments from larger unreferenced documents.

Measurement and Assessment

FTA Guidance Circular C 9070.1E (in place from October 1998 through April 2007 and in effect throughout the baseline review period) was used to develop a basic

review template. FTA required that an SMP provide information about 12 elements. These formed the core variables in this baseline assessment, including 1) program goals and objectives, 2) roles and responsibilities, 3) eligible grantees, 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, and 12) state program management.

The data recording form had two sections. The first, State Policies, included the 12 data elements listed above. The second, Policy Review, included state definitions of disability and the youngest age to be considered elderly; state policies about vehicle useful life, vehicle procurement, ownership and matching funds; and numbers of subrecipients and federal dollar tracking.

The assessment included checking for evidence of public involvement, state-determined options and exclusions, and mechanisms to support rural-urban equity in resource distribution. We identified noteworthy practices and included notes about each state model.

Procedures

Each SMP was read in its entirety and observations were noted. In the early stages of review, it became apparent that, despite common language, states actually were investing \$5310 resources on different transportation “pathways.” These pathways involved movement either to integrate transportation systems, as suggested by Kidder (1989), or to maintain separate specialized services. A pathway was described for each state. As the review proceeded, new categories of observation emerged. When a new category was added, previously scored SMPs were reviewed to seek evidence of these new items.

Limitations of the Study

This study was based on formal state management plans and related documents and included no additional interviews or follow-up questions. It is likely that the written documents did not capture all aspects of a state’s implementation. Some SMPs are quite sparse and do not include even the information available on the state’s DOT website. It should be noted that only one researcher reviewed all of the SMPs. Despite these limitations, this is the first comprehensive assessment of state policy governing the \$5310 program, to the authors’ knowledge. No previous study

offered guidance in developing the categories of measurement for assessment. As such, this study offers a baseline on which future studies may be based.

Results

This analysis addresses many aspects of the policies and procedures governing state program implementation, including service eligibility, how subrecipient need is established, programmatic intent and orientation, vehicle accessibility requirements, and geographic equity. The analysis also reports on coordination, including assuring coordination barriers do not exist, and insurance liability and responsibility, as well as vehicle utilization criteria. Analysis of SMP elements more relevant to internal administrative protocols are not included here but can be found in a more detailed report with additional analyses available at http://rtc.ruralinstitute.umd.edu/transportation_publications.asp.

Service Eligibility

States used a variety of disability definitions to determine rider eligibility. Not one used the exact definition in the Federal Transportation Act (FTA) (49 U.S.C. 5302[a] [5])¹ or the 2000 Census² definition that determines how §5310 funds are apportioned among the states. This lack of consistency makes it difficult to measure how well the program is meeting national goals. Only 30 SMPs included a definition of *disability*. A total of 13 were similar to the FTA definition, 10 used or were similar to the ADA definition, and 3 used their own definitions. Nevada included multiple definitions, and Iowa's transit system was open to everyone but mentioned that regional systems could use their own definitions.

Thirty SMPs also defined *elderly*. Twenty-two used 60 years of age; four used 65 years of age, and two used 55 years. Wisconsin applicants could adopt a higher age limit not to exceed 65 years of age. Mississippi gave two numbers, 55 and 60 years of age. And, again, Iowa's transit is open to everyone, so no age limit was given.

Two states included additional eligibility criteria for riders: Georgia allowed local determination, and Idaho based ride priority on the purpose of the trip.

How Subrecipient Need is Established

The intent of the §5310(a)(2) program is to provide transportation services that meet the special needs of elderly persons and persons with disabilities when other public transportation is unavailable, insufficient, or inappropriate. Accordingly, statements that defined when existing transportation services were *unavailable*,

insufficient, or inappropriate were sought. Upon finding that only one state (California) had specific criteria defining these three critical dimensions, the criteria were relaxed to include a statement such as “Identify shortcomings of existing services and how your project will overcome them” as acceptable. Only 14 SMPs included any criteria for these three key terms, and only one, California, had detailed operational descriptions and tied each term to scoring criteria.

Seven of these 14 SMPs included both 1) instructions for how the subrecipient was to document need and 2) criteria for the terms unavailable, insufficient, or inappropriate. An additional 13 SMPs, for a total of 20, included directions for how subrecipients should document transportation need. These directions ranged from asking applicants to describe the urgency of the agency’s need to documenting transportation need within their communities, i.e., not just in terms of the organization’s need. For example, in Louisiana, a “... grant will not be approved unless you can demonstrate that the existing services in your geographic service area are insufficient, inappropriate, or unavailable.” It is interesting to note that with most (n=37) SMPs without criteria for describing *unavailable, insufficient, or inappropriate* transportation, the concept of need sometimes seemed to stray from the original intent. Even though an agency may be able to demonstrate that its clients urgently need a service, it does not necessarily follow that existing community transportation services are *unavailable, insufficient, or inappropriate*.

Sign-Off Mechanisms

SMPs in some states required applicants to contact all the urban and rural transportation providers and private non-profit and private for-profit operators in their service areas to verify that the proposed service could not be provided by existing systems and to include these responses with their applications. Examples include:

- 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.”
- 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....”

Programmatic Intent and Orientation

Surprisingly, the review found considerable ambiguity about the relationship between the states’ programs and national transportation goals. While half of the states appeared to be heading purposefully toward integrated transportation systems, others were using their §5310 funds to maintain separate specialized human services transportation programs. The pathway taken appeared to depend on whether a state interpreted the §5310 program as a mechanism to strengthen and coordinate human services transportation or as a resource to improve a community’s overall transportation systems in the process of meeting the needs of the elderly and people with disabilities.

SMPs were grouped along three different pathways. Figure 1 shows the three pathways from a ridership perspective. Each pathway reflects assumptions about what gaps the program is trying to fill.

The first pathway focuses on the assumption that public transportation may be *inappropriate* for the elderly or people with disabilities who are clients of human service agencies. Instead, special, segregated services are needed. This pathway leads primarily to rides for the agency’s clients or for individuals with similar ages or similar diagnoses. Further down this pathway, rides may be coordinated for people similar to agency clients, but client categories are not combined (i.e., seniors and people with developmental disabilities do not ride together). Or, taking a different branch on this path, several agencies may decide to coordinate rides for all their clients. In either case, while the services are indeed “planned, designed, and carried out to meet the special transportation needs of the elderly and persons with disabilities,” they remain segregated from any public transportation systems. Arizona provides an example of this approach.

The second pathway reflects the assumption that existing public transportation is *insufficient* and emphasizes broader coordination to increase efficiency. States on this path organized human service agencies to meet the transportation needs of their clients, while moving toward a system that would be sufficient for all. This pathway expanded eligibility beyond an agency’s clients to people who are similarly transportation disadvantaged. Goals in these SMPs lead to integrated systems for the general public, “planned, designed, and carried out to meet the special trans-

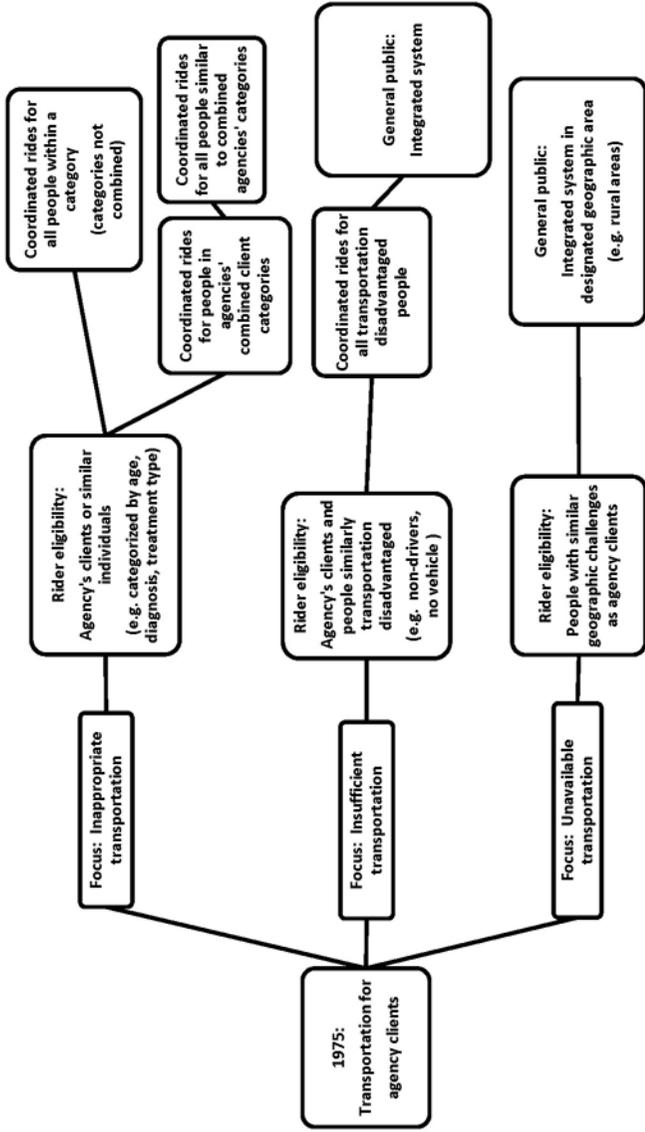


Figure 1. Alternate pathways used by State §5310 programs.

portation needs of the elderly and persons with disabilities.” The SMPs from Alaska and Michigan provide examples.

The third pathway emphasized the assumption that transportation is *unavailable* and organized all available resources to create a system for public transportation. These states typically focused on the lack of transportation in rural areas and used §5310 resources to provide a foundation for integrated public transportation services. This pathway can lead to integrated, sometimes regional, systems for the general public in designated geographic areas, which are “planned, designed, and carried out to meet the special transportation needs of the elderly and persons with disabilities.” Iowa and North Carolina provide examples of this approach, which Kidder (1989) had demonstrated more than 20 years ago.

A total of 16 states appeared to be on the first pathway; 25 appeared to be on the second or third pathways, heading toward some type of integrated public transportation system. Of these 25 states, 10 seemed to be on the second path, heading toward fully-integrated transportation systems; 13 seem to be headed toward integrated general public/rural and small urban systems; and 2 states appeared to target rural systems exclusively.

Vermont seemed to be on all three pathways at once. Rhode Island had a state-wide system and used §5310 funds for paratransit services within its general public transportation system. SMPs from the eight remaining states were unclear or did not provide enough information to discern the pathway.

The tension between specialized transportation and general public systems was apparent in the two SMPs (Nevada and Kentucky) that required assurance from subrecipients that they would not restrict their riders from using public systems when available. Other SMPs explicitly stated that §5310 funds could not be used to support services competing with other providers. Vermont had a state law (24 V.S.A., Chapter 126, 5090 Human Service Transit) requiring agency programs to buy client transportation through public transit systems wherever cost effective and appropriate to client need.

The intent to develop coordinated, integrated public transportation systems and to use §5310 funds to fill in existing gaps is clearly stated in a number of SMPs. For instance, Mississippi’s SMP cites the adjunct role of the program:

While the MDOT acknowledges that the §5310 Program focus is on elderly and disabled persons, it is the MDOT’s policy that §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.

Vehicle Accessibility Requirements

Many elderly individuals and people with disabilities use mobility devices such as wheelchairs. While vehicle accessibility to accommodate these riders is a requirement for §5310 capital assistance, waivers are permitted. Seven states (almost 14%) did not appear to allow any vehicle accessibility purchase waivers. California, Delaware, Illinois, Maine, Minnesota, Pennsylvania, and Rhode Island state that §5310 funds could be used only for the purchase of accessible vehicles, without exception.

The other 44 SMPs had exceptions related to the system or service viewed as a whole. States took a variety of approaches to the *equivalent service* criterion for wheelchair access. Some (e.g., Tennessee, Montana) required that subrecipients must have and maintain an accessible vehicle within its organization. Others permitted shared use or allowed purchase of accessible service instead of buying accessible vehicles. Exceptions tended to be made for recipients that had other accessible vehicles, but some exceptions were broader, e.g., if other accessible vehicles were available in their service area. Most did not allow the subrecipient an exception because it was stated that current riders did not need an accessible vehicle, unless the agency already had an accessible vehicle. Generally, a lift-equipped vehicle had to be replaced with a lift-equipped vehicle unless there was already another in the fleet.

Thresholds for triggering a waiver varied. For example, in 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," while Washington, D.C. required equivalent service only when a subrecipient requested a non-accessible vehicle with capacity greater than 16, including the driver.

Twenty-two SMPs included criteria for certifying accessibility waivers. Another eight appeared to have a waiver procedure but did not provide details. The other 14 SMPs were unclear.

Geographic Equity

The §5310 grant program is somewhat unique in that its funds are available to any geographic area in a state, regardless of population density. While state plans are not required to address this issue, SMPs were reviewed to determine if a goal of geographic equity was included and if mechanisms were described to support rural-urban equity. Accessibility gaps in transportation services have narrowed considerably since 1970, especially post-ADA in larger metropolitan areas. 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.

The §5310 program has been important in filling the gaps in accessible transportation services for seniors and people with disabilities. Historically, Kidder (1989) demonstrated how the §5310 resources could be used to build basic public transit systems in rural areas through coordination among human service transportation programs. States continue to use the flexibility built into the §5310 program for this purpose. Some (n=13) states appeared to invest their §5310 funds primarily in general public/rural and small urban transportation systems. North Carolina went one step further and allocated all its §5310 funds to the §5311 non-urbanized program, while still addressing the programmatic intent of §5310. Arizona's SMP appeared to focus on rural areas and precluded awards to programs eligible for §5307 funding.

Coordination

Coordination became a §5310 program emphasis as early as 1975 (Applies Resource Integration 1980; Hauser, Rooks, Johnston & MacGillivray 1975; Knapp, Worthington & Burkhardt 1980; Ohio Department of Transportation 1991) in order to promote efficient resource use and recognition of the role the program could play in developing rural transportation services (e.g., Kidder 1989). Nationally, coordination has evolved from an option, to a point of encouragement, to an emphasis, and, more recently, as a requirement (Executive Order No.13,330 2004; SAFETEA-LU 2005; Federal Interagency Coordinating Council on Access and Mobility 2006). Despite this, Seekins et al. (2007) found that fewer than half of §5310 subrecipients participated in any kind of coordination and that less than five percent participated in consolidated programs.³

Thirty-seven SMPs described state-level mechanisms, legislation, review boards, and policies encouraging or mandating coordination at local level. These ranged in content from simply including boilerplate language from FTA guidance to detailed descriptions for implementation mechanisms with citations to relevant state stat-

ute. Table 1 presents selected examples of coordinating mechanisms described in the SMPs.

Table 1. Coordinating Mechanisms

State	SMP Statements Encouraging or Mandating Coordination
Arizona	Encourages the use of a local “umbrella agency” by applicants – i.e., a coordinated application of two or more agencies.
Connecticut	Application appendix describes various coordination models, providing guidance about what is possible with coordination.
Florida	Florida Commission on Transportation Disadvantaged; 11 local clearinghouses; Regional Planning Councils; Community Transportation Coordinator in each county (Chapter 427 Florida Statute 427.015[1] to ensure that coordinated transportation services are provided to the transportation disadvantaged in a designated service area.
Indiana	Requires applicants to establish or participate in an existing Transportation Advisory Committee.
Iowa	Subrecipients are the 16 Regional Transit Systems designated by the state to be responsible for coordinating publicly-funded passenger transportation services, including services to the elderly and people with disabilities.
Kentucky	Only one agency in an area will be funded and is designated the §5310 recipient. The designated recipient assumes responsibility for coordinating requests from any group for service in their area.
Maine	Biennial Operation Plan (BOP) in each of eight regions must provide “maximum feasible coordination of funds among all state agencies that sponsor transportation in the region.” Agencies cannot receive funds without being included in BOP, and all providers receiving funds must coordinate.
New York	Rural Public Transportation Coordination Assistance Program established in state law.
South Dakota	Coordinated Transportation Initiative, a joint effort of the state departments of Human Services, Social Services, and Transportation, seeks to create a single entity in each community. SMP describes how the process operates.
Utah	Coordination of §5310 and §5311 providers is mandatory in applicable areas; includes signing off area providers.

One possible outcome of coordination is that a local system of public transportation could develop where previously none had existed. For example, Michigan's SMP provided a mechanism for using funds to help change specialized services to a more broadly-integrated regional public transportation service model. The SMP states:

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.

Table 2 provides examples of different approaches states used to encourage sub-recipients to increase coordination.

Table 2. Coordinating Incentives

State	SMP Statements Providing Incentives for Coordination
Alaska	Vehicle must work in a coordinated system, even if the recipient is not currently part of the system, but might be within vehicle’s useful life.
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.”
Delaware	Funds only those agencies willing to participate in a coordinated system.
Illinois	Applicants who score “zero” on coordination are ineligible for funding no matter how high their total score may be.
Kansas	All applicants must go through Coordinated Transit Districts, the backbone of the program.
Maine	Under Biennial Operation Plan (BOP) regulation, all providers receiving funds must coordinate. Providers cannot receive funds without being included in BOP.
Michigan	Act 51, Public Acts 1951 requires coordination of specialized transportation services. Applicants must serve as coordinating agency in a county or multi-county region; coordination plan update must be submitted with application. In urbanized areas, agencies new since 1994 required to lease vehicles to the transit agency.
Minnesota	Applicants demonstrating coordinated efforts are given priority.
New Hampshire	DOT can take vehicle away or require coordination if hours of service are less than 30-40 per week. If agency cannot generate these numbers, they have to find an eligible agency to coordinate with.
New York	Shared vehicle use mandated. Clearly states that “cooperation among organizations does not constitute co-ordination.” Application must include certification that coordination barriers do not exist.
Ohio	\$400,000 set aside for projects that exemplify multi-agency coordination.

Table 2. Coordinating Incentives (cont'd.)

State	SMP Statements Providing Incentives for 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 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	Assigns higher ratings to applicants who coordinate general public and special-ized transportation.
Texas	Coordination required within each district. "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."

Three states had policies that actually could discourage coordination and/or participation in collaborative systems. For example, South Carolina’s SMP discouraged vehicle use agreements between agencies, and Arizona’s SMP said it encouraged coordination but included a disclaimer saying coordination could "... detract from the recipients (presumed) primary §5310 mission" and that §5310 assistance should be a "distinctly separate function" within the organization.

Assuring Coordination Barriers Do Not Exist

Oregon’s SMP included attention to barriers that could be imposed by the applicants matching funds: "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."

Seekins et al. (2007) found that insurance was a major barrier to coordination and reported several reasons §5310 subrecipients gave for lack of coordination, including that their insurance did not permit it, and the organization’s board of directors did not allow it. Therefore, language in the SMPs and application packets was sought that addresses this issue. New York’s application package included a "Certification That Coordination Barriers Do Not Exist," wherein applicants must

certify that they are not restricted in coordinating transportation services because of any internal policies or regulations.

Insurance Liability and Responsibility

Insurance coverage for liability includes passenger and driver liability issues. No SMP was found that addressed the broader issue of generic liability responsibility, nor was any SMP guidance found about how liability responsibility is to be shared in coordinated models.

Vehicle Utilization Criteria

When considering participation in a coordinated system, 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 wear and hasten the need for replacement? Table 3 lists examples of states that included vehicle utilization criteria that encourage more use.

Table 3. Utilization Criteria and Passenger Service Hour Expectations

State	SMP Statements Encouraging More Vehicle Use
California	Rejects applications with expected use lower than 20 hours per week.
Massachusetts	Priority for services operating 8-hours-a-day, 40 hours-a-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 expected to provide minimum passenger-one-way trips every 6 months: 1,000 trips for a 7-passenger vehicle; 1,500 trips for an 8-11 passenger vehicle; 2,000 trips for a 12+passengers vehicle. Application focused on buses, with a 12+ passenger bus being the smallest vehicle listed.
Ohio	Minimum expected utilization of at least 6 hours a day, 10,000 miles per year.
Tennessee	Reviewers look for at least 25 hours actual passenger service per week. (SMP, p.12)
Washington	Vehicles 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)

Discussion

The relatively small §5310 program has been carried out in surprisingly complex ways at the state level. This review documents the formal status of the program across the states, as presented in approved SMPs, and establishes a baseline against which changes in national policy can be assessed. A great deal of variation was found among state SMPs both in how policy was interpreted and how programs were implemented. These variations impact who is eligible to ride, the accessibility of procured vehicles, and not only the extent to which services are coordinated, but also what transportation should be coordinated.

The primary finding of this review is that the central criteria for establishing the local need—unavailable, insufficient, or inappropriate—are, for the most part, not clearly defined in state plans despite the stated intent of the §5310 program to make transportation service available to elderly individuals and persons with disability where it is otherwise unavailable, insufficient, or inappropriate. Only 14 states defined these dimensions in any way, and of those, only California provided operational criteria. Most states used an “agency need” based criteria that did not incorporate specific criteria for judging unavailable, insufficient, or inappropriate. As such, it becomes difficult to determine whether the existing allocation of program resources meets legislative intent or national transportation goals.

The problem is one of perspective. A program (e.g., a senior center or a program serving developmentally-disabled adults) in a community with established fixed-route services may be found ineligible for §5310 funds because transportation is, in fact, *available*. Alternatively, one could qualify because the available transportation is found to be *insufficient* (e.g., it does not run often enough to get clients to work). In this post-ADA era, how could the argument be made that available public transportation was *inappropriate* because of the presence of a disability? Such an argument would seem to be predicated on the idea that regular public transportation is inappropriate for agency clients, or with more subtlety, that perhaps agency clients are deemed inappropriate for public transportation.

One concern that emerged from the review involved the use of a “sign-off mechanism.” Some states required that an applicant, to be eligible to receive §5310 funds, secure written declarations by other transportation providers in the service area that they are unable or unwilling to provide transportation to the elderly and persons with disabilities. Such provisions may have started prior to the passage of the ADA in 1990. While this has never been challenged in court, such a provision may place those providing sign-off letters at risk for complaints filed under the Ameri-

can's with Disabilities Act, as well as the Older Americans Act. Both laws prohibit discrimination against these groups of individuals.

Maintaining a segregated system because other transportation entities may not want to add service that is "planned, designed, and implemented to include the elderly and people with disabilities" is, at best, a pre-ADA construct. Lacking strong incentives and expectations for coordination and systems integration, this special-needs approach is counterproductive in the long run, because it inhibits integrating public transportation systems.

The second main finding of this review is that there was a surprising variety found in what was expected for coordination. There was considerable ambiguity about whether coordination was to take place among all public transportation providers in an area, or just among the human service agencies that provide transportation. The confusion may be understandable. Policy guidance statements (2006) from Federal Interagency Coordinating Council on Access and Mobility clearly emphasize coordinating all public transportation providers in order to create a public transportation system that serves everyone. On the other hand, the federal coordinating initiative, United We Ride, is subtitled "Coordinating Human Services Transportation." What is clear is that differences in interpretation lead to different outcomes. For example, Iowa used §5310 resources as the backbone of community public transit systems to create a public transportation system that serves everyone, not just human service agency clients. North Carolina fully integrates the §5310 program into its rural transportation system. Other states, e.g., Arizona and New Mexico, developed networks of coordinated transportation among its human service agencies for their clients.

This diversity is reflected in the pathways concept that emerged from this review. SMPs reflect three pathways, including 1) maintaining agency-based segregated systems, 2) building coordinated transportation for clients of human services agencies, and 3) creating fully-integrated community public transportation programs. Ambiguous language and the pathways concept makes it easy to predict that there would be significant challenge in communicating about, managing, administering, and transforming this important program. One of the meta-issues identified is that federal administrators, state coordinators, local transportation providers, and transportation advocates actually may not mean the same thing, even when using exactly the same words.

Guidance is needed about the meaning and intent of the phrase "planned, designed, and carried out to meet the special needs of the elderly and people

with disabilities.” Both the legislation and administrative guidance are imprecise. Does it mean designed exclusively for the target group or designed to include the target group? The language, added pre-ADA in 1970, turns on the phrase *special needs*. Does *special* mean over and above, or does it mean routine accessibility – for example, lifts on buses?

In this post-ADA environment, it was surprising to find ourselves raising the issue about whether or not special transportation services should be included when developing public transportation systems. Is the intent of §5310 to make human service transportation as comparable as possible to public transportation, or is it to make public transportation systems work for people with special mobility needs? If the latter is the case, the questions then become: What needs to happen to bring more people with special mobility needs into the public transportation system? How can the public system be improved without creating a special (*albeit* coordinated) system that is separate and self-perpetuating? SAFETEA-LU’s increased focus on coordinated transportation and funding for both new and existing grant programs makes it even more important for SMPs to identify and use selection criteria and outcomes measures that work, and to be unambiguous about their program objectives.

In addition to these main findings, variations in policies involving acquiring accessible vehicles, and defining disability and elderly were identified. It is particularly surprising that only seven states require, without exception, vehicles purchased with §5310 funds to be accessible, since the target of the program is elderly individuals and people with disabilities. While accessibility waivers may maximize program service efficiency, they may hinder program effectiveness. Waivers also may be inconsistent with the expectations of other transportation programs and providers and may serve to reduce the overall supply of accessible vehicles in a community.

The lack of consistency about what constitutes a disability, and even about how old an elderly person is, makes it difficult to measure how well the program meets national transportation goals. While demographic categorization may sound like a minor point, these variations make it difficult to understand the gaps in transportation services: Who is or is not being included, and where are the unmet or underserved needs? This brings us back again to the central question of how to assess whether existing transportation is *unavailable*, *insufficient*, or *inappropriate*, and this time adds the uncertainty of to whom? It impacts how subrecipients identify the populations they serve; how ridership data is categorized and collected; how

to realign programs to serve areas where transportation services are unavailable, insufficient, or inappropriate; and how outcomes are measured.

For reasons ranging from managing resources to measuring performance, it would be desirable to include the FTA grant programs in the National Transit Database (NTD). However, one of the issues in any attempt to include §5310 data in the NTD is that states do not count or categorize rider numbers in the same way. There is a lack of interstate and even intra-state uniformity. What has been measured locally may or may not match what has been programmatically targeted at the federal or state levels.

The core management functions expected from states are expanding, but state budgetary and administrative constraints mean that staffing levels are not increasing, even though more federal funding is available. The Transportation Research Board (2007a, 2007b) reports the need to streamline grant administration and facilitate consolidated grant agreements, noting:

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.

This state management plan review suggests that, programmatically, the consolidated management and application approach is noteworthy and appears to lead to better systems integration. Supporting and maintaining separate segregated transportation services is both inefficient and ineffective when there is any possibility of developing integrated public transportation systems that 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, it should be given the first option to do so.

Conclusion

The road from the 1970 national policy stating that “elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities

and services" has taken many twists and turns. Along the way, federal investment in public transportation has increased.

The §5310 (a)(2) program is meant to address the gaps in transportation services. As emphasis shifts to integrated transportation systems serving the general public, including older adults and people with disabilities, program evaluation must include how well such systems actually get people where they want to go, when they need to get there. As transportation systems and services evolve, it becomes increasingly important, at all levels of government, to be clear about where they are intended to end up. As changes are made, it is critical that they be targeted to outcomes measured not only in numbers of rides and vehicles, but also in shared values. Agreement must be reached not only on what to coordinate, but why. As discussed in the pathways concept, without a shared vision of policy and practice and a clear idea of which way to go, it is unlikely systems and services will reach the intended destination: efficient and effective integrated transportation for all.

Federal involvement and investment in local public transportation has evolved continuously over the past 50 years. As public policy changes and funding fluctuates, programs distributing public subsidies should be continually reassessed to address the gaps and needs in areas where transportation is unavailable, insufficient, or inappropriate. This review sets a baseline for assessing progress in closing transportation gaps.

Recommendations

Nine recommendations derived from this baseline review are offered.

1. *Congress should review the framework, background, and premise of the §5310 program to clarify that this grant program is meant to support public transportation systems, not just serve human service programs.* Achieving consensus about the purpose and values of transportation system capacity building, and a shared understanding about the direction the programs are headed, would be extremely helpful for state-level collaboration. 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.
2. *Congress should clarify that the intent of transportation coordination is among all providers, including human service providers, in an integrated public system. While state flexibility should be maintained, federal clarity is needed so state*

implementation does not inadvertently undermine national goals. A core issue is whether two systems (human services and public transit) are coordinating services with each other, or whether one transportation system is coordinating all its varied elements, including publically-supported human services transportation. Collaborative federal-state working groups need to identify existing 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 would take to improve the universal design of the public system, without creating a special (albeit coordinated) system that is separate, segregated and self-perpetuating.

3. *States should place §5310 goals into the context of their overall agency transit goals. SMPs should be required to describe how they are addressing both parts §5310(a)(1) and §5310(a)(2) and how they are strategically and tactically linking the public transportation system with the safety-net services that address existing gaps. Program goals and objectives in states that have combined management plans generally draw from the overall perspective of the state DOT's transit department, and usually reflect more integrated, broader mobility goals than those found in any one of the department's program elements. This makes it easier for everyone to understand the larger mission and values of the state's transportation agency.*
4. *National, state, and local expectations should be established 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 §5310 program. Reward mechanisms should be developed for those states and local communities who increase the accessibility, integration, and accountability of their transportation systems. This program requires continual change and reassessment. Any state conducting business-as-usual probably is not keeping up with the evolving transportation environment. The §5310 (a)(2) program can be used as a safety net where public transit systems exist, but conversion planning should be in progress. Some states place a priority on replacing vehicles for agencies who primarily serve only their own clients; this should be recognized as perpetuating a segregated system.*

Further analysis is needed to identify targeted strategies to speed the transformation from segregated human service transportation to integrated systems. When needs are still unmet, it may be difficult to decide how to

change. This review and the grassroots community study done by Seekins and others in 2007 make it clear that even when states take integrated transportation coordination very seriously, they may have an embedded base of agencies that need to change from a client-agency-based orientation to an integrated transportation model.

For example, more information is needed about the effect of Mississippi's policy to require a 50 percent match when an applicant intends to use a vehicle to serve only agency clients. Has Colorado's policy "... to assign lower scores and priority 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 more integrated transportation systems?

It is essential to identify the policy barriers to conversion and to figure out how best to address them. For instance, when §5317 funds expand a system beyond basic ADA requirements, §5310 funds that previously filled those gaps might be reallocated to areas where transportation is still unavailable, insufficient, or inappropriate. But, as currently configured, this would be difficult to do ("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, p. III-8]).

5. *Each federal and state funding cycle should include a requirement to analyze and identify federal and state regulations and local practices that create barriers to developing more inclusive, integrated public transportation systems. A model practices center should be established to assist states. Consistent, continuous funding can lead to inflexible regulation and interpretation, which can stifle evolution and efficiency in developing systems. To help keep segregation from continuing, federal statutes and guidance, state management and implementation, and local practices should be reviewed regularly and assessed for effectiveness in preventing segregated transportation programs. States should be asked to identify exemplary practices they have used to improve integration of public transportation systems and to discuss them with their federal sponsors.*

A mechanism should be developed to provide state feedback to the federal agencies about elements in federal statute, regulation, or guidance that interfere with the state's ability to plan, design, and carry out integrated transportation services that "meet the special needs of elderly individuals and individuals with disabilities." While part of this function might be addressed in the triennial program reviews carried out by federal FTA regional office staff, it may be more effective if supported by expanding existing technical assistance programs (e.g., Project Action or the National Coordination Resource Center) or contracted through an external organization. A model practices center should be established to assist states analyze barriers; collect, review, and disseminate best practices; provide technical assistance about how best practices can operate in diverse environments; and foster collaboration and sharing among states.

6. *To prevent perpetuating siloed, dead-end programs that lack flexibility, Congress and federal agencies should 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. Funding streams intended to address gaps (e.g., §5310, §5316, §5317) should be systematically reassessed as the thinking evolves about special needs, special services, and universally-designed generic systems. Allowing one element of the overall system to remain static can prevent flexibility in deploying resources when the mix changes. For example, allowing §5317 to create a new 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. Given the language in current FTA §5317 guidance (C9045.1, p. 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 that originally were rural, federal resources targeting rural areas were still available in what had now become urban areas.

7. *Federal and state agencies should develop transportation program evaluation goals that reflect 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. Evaluation should look at who is unable to get transportation services—the gaps in the system—and should provide feedback on where to invest in projects that can leverage and coordinate integrated transportation.

8. *SMPs should include discussion of how the 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, when at least two SMPs required assurance from subrecipients that they would not restrict their riders from using public transit. That is only one challenge, but it is an important one. Others include a lack of agreement about objectives and outcomes. What should be coordinated? Who can ride? Which riders are excluded? Why? Who defines need? What takes priority: service-agency need or community-rider need? Segregated services or integrated services? Is active conversion planning under way? The most significant contributor to these tensions may be unspoken issue of costs and utilization.

A state may take these conflicts for granted as a part of business-as-usual and not realize that other states may be handling these issues differently. There was no mention of how states addressed and managed these tensions in any of the SMPs. In states where little tension exists, it would be easy to address this point. In states where these conflicts are creating major barriers, it makes no sense not to address and describe how the issues are managed.

9. *Federal and state transportation agencies should say explicitly that they expect grant subrecipients to act as part of an overall transportation system.* An expectation in policy and resource distribution from both federal and state transportation agencies that subrecipients will function as part of an integrated system is likely to encourage transportation providers to act like they are part of the public transportation system. In states where this currently is not the case, operational examples ranging from planning to data collection and reporting should be provided. The behavior of public transportation providers also may need to be modeled to encourage them to include human service agencies in their culture. Incentives should be

made available. A model practices center may be useful in helping states share approaches that work.

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Endnotes

¹ 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).

² Census 2000 disability criteria: Individuals were classified as having a disability if any of the following three conditions were 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.

³ Local coordination is a particularly complex issue. The term coordination has been used to reflect a range of practices (e.g., Burkhardt et al. 2004), including

1) coordinated systems in which independent agencies coordinate service areas and target groups, or pool purchases; 2) brokerages in which agencies coordinate schedules or “broker” rides across agency clientele; and 3) consolidated systems in which several agencies pool all of their transit resources into a separate transportation agency that serves the entire community.

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