

# National Capital Region Transportation Planning Board

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## MEMORANDUM

TO: National Capital Region Transportation Planning Board (TPB)

FROM: Wendy Klancher, Principal Transportation Planner

SUBJECT: MAP-21's Section 5310 Enhanced Mobility Program in the Washington DC-VA-MD Urbanized Area

DATE: December 10, 2012

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The TPB received a short briefing at its November 28, 2012 meeting on MAP-21's Enhanced Mobility Program. This memorandum provides background on this topic and describes the TPB staff proposal for a joint designated recipient arrangement for this program between the TPB, the D.C. Department of Transportation (DDOT), the Maryland Transit Administration (MTA), and the Virginia Department of Rail and Public Transportation (DRPT).

### Overview

In 2006, the TPB was designated as the recipient for two SAFETEA-LU Federal Transit Administration (FTA) programs: 1) Job Access and Reverse Commute (JARC), which provided funding for low-income workers to reach employment and employment training activities; and 2) New Freedom, which funded transportation services for persons with disabilities. Since 2006, the TPB has funded 59 JARC and New Freedom grants totaling over \$20 million.

On July 6, 2012 a new two-year transportation authorization, entitled Moving Ahead for Progress in the 21st Century (MAP-21), was signed into law. MAP-21 made significant changes to the JARC and New Freedom programs: it eliminated the JARC program and consolidated the New Freedom and the Section 5310 Elderly and Individuals with Disabilities Program into a new program "Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities". This memorandum will review the TPB role under SAFETEA-LU, describe the new Section 5310 Enhanced Mobility program defined under MAP-21, and present a TPB staff proposal for implementing this new Section 5310 Enhanced Mobility program in the National Capital Region.

### TPB Role in SAFETEA-LU's Job Access and Reverse Commute (JARC), New Freedom and Section 5310 Programs

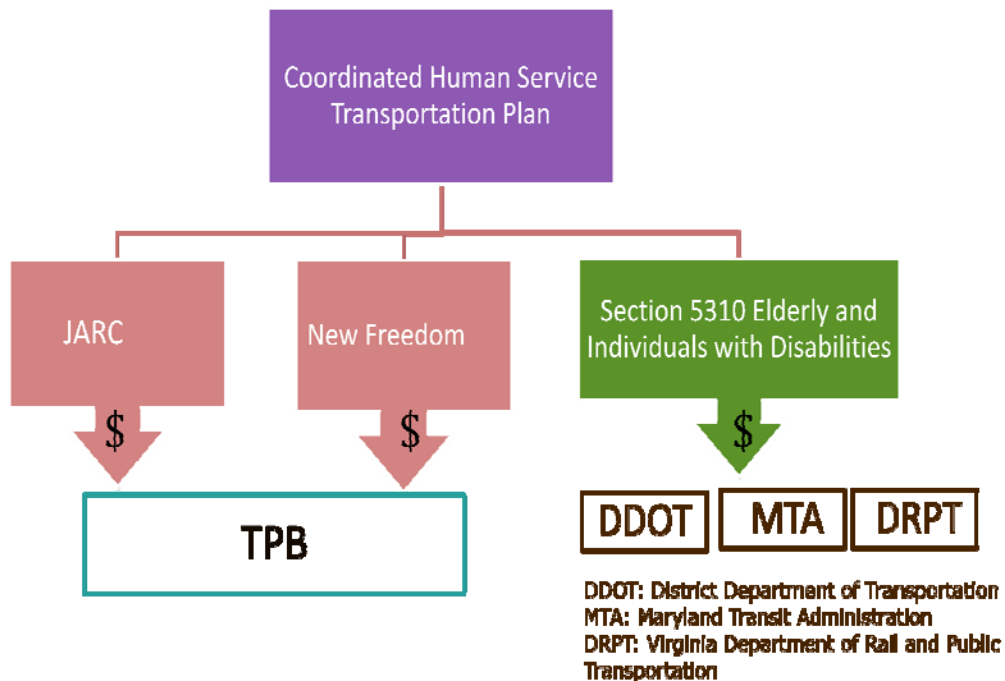
SAFETEA-LU required that projects for JARC, New Freedom and Section 5310 programs be derived from a Coordinated Human Service Transportation Plan ("Coordinated Plan"), as illustrated in Figure 1 below. Figure 1 also shows that under SAFETEA-LU, the TPB served as the Designated Recipient for JARC and New Freedom for the Washington DC-VA-MD Urbanized Area, while the Section 5310 program was administered on a statewide basis by the D.C. Department of Transportation (DDOT), the Maryland Transit Administration (MTA) and the Virginia Department of Rail and Public

Transportation (DRPT). The SAFETEA-LU Section 5310 program was for capital projects only, and was primarily used to provide wheelchair-accessible vehicles to non-profit agencies for transportation for older adults and people with disabilities.

The TPB’s role under SAFETEA-LU with the JARC and New Freedom programs was to 1) establish a Task Force on human service transportation coordination develop and update a Coordinated Plan, 2) solicit project proposals and select projects, and 3) administer and provide oversight for the grants as the designated recipient of JARC and New Freedom funds. TPB staff reviewed Section 5310 applications from DDOT, MTA and DRPT for consistency with the Coordinated Plan but had no role in selection, administration and oversight of these projects.

The TPB will continue to administer the JARC and New Freedom funds under SAFETEA-LU until all of the funds are expended and the grants are closed-out. In the January to April 2013 timeframe, the TPB will solicit for projects for the remaining JARC and New Freedom funds (\$1.3 million in JARC and \$750,000 in New Freedom). DDOT, MTA and DRPT will continue to administer remaining SAFETEA-LU funds under the old Section 5310 program.

**Figure 1: SAFETEA-LU’s Job Access and Reverse Commute (JARC), New Freedom and Section 5310 Programs**



**Changes under MAP-21**

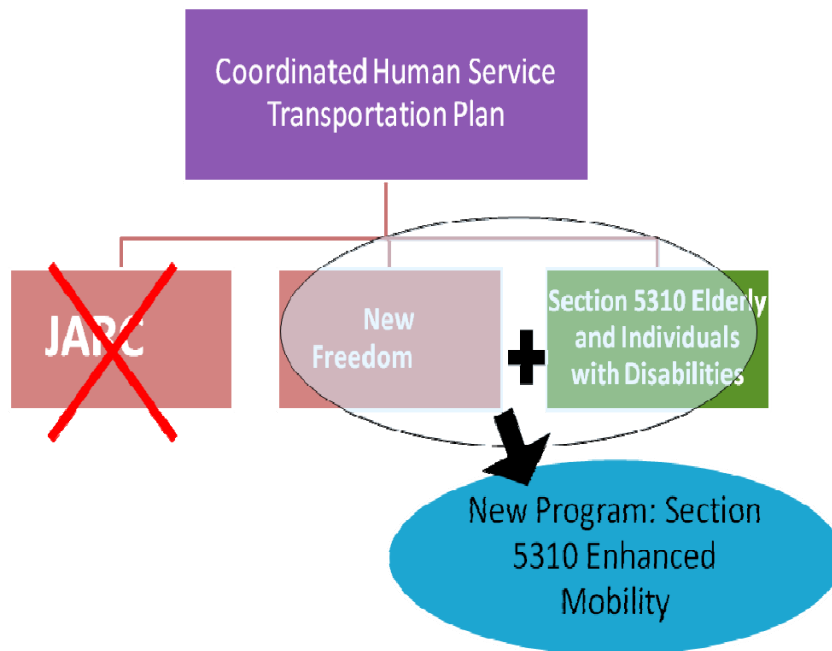
As Figure 2 illustrates, MAP-21 eliminated the JARC program and consolidated the New Freedom and Section 5310 into a new program called the “Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program”. Job access and reverse commute activities are now an

eligible expense under the Federal Transit Administration’s Section 5307 Urbanized Area Formula Program. Figure 2 also illustrates that MAP-21 retains the requirement for a Coordinated Human Service Transportation Plan, which must be used to guide funding decisions for the new Section 5310 Enhanced Mobility program.

The new Section 5310 Enhanced Mobility program “is intended to enhance mobility for seniors and persons with disabilities by providing funds for programs to serve the special needs of transit-dependent populations beyond traditional public transportation services and Americans with Disabilities Act (ADA) complementary paratransit services.”<sup>1</sup> Eligible activities are similar to the New Freedom program, and include capital and operating projects such as wheelchair-accessible vehicles, taxi vouchers, travel training on how to use fixed-route transit, and volunteer driver programs. A key new requirement is that MAP-21 requires at least 55 percent of the new Section 5310 Enhanced Mobility program be spent on capital projects, such as the wheelchair-accessible vehicles, and specifically names non-profit organizations as the recommended subrecipient of those grants. As with SAFETEA-LU, operating projects require a 50 percent match, and capital projects require a 20 percent match.

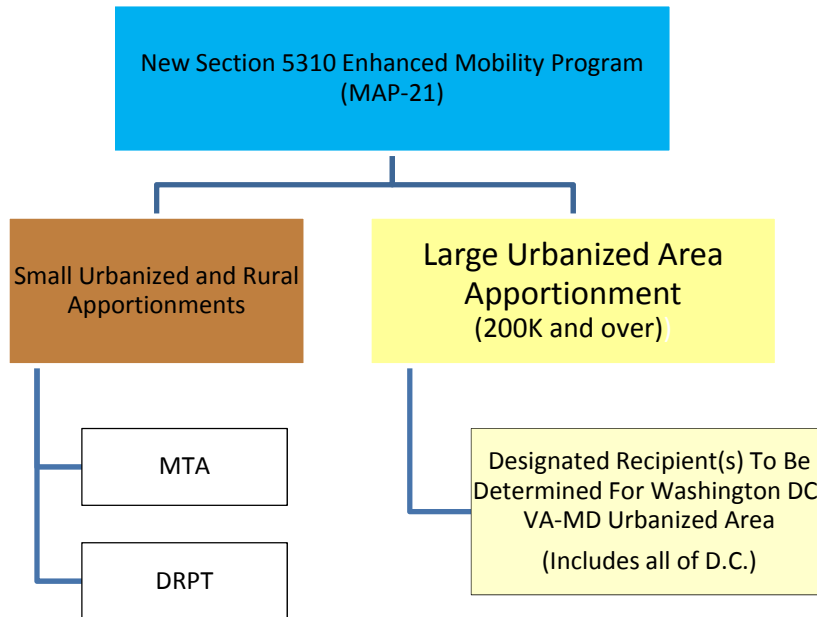
The old Section 5310 program under SAFETEA-LU provided a single apportionment to the state. As shown in Figure 3, the new Section 5310 Enhanced Mobility program under MAP-21 provides an apportionment to the Washington DC-VA-MD Urbanized Area, as well as to Maryland (MTA) and Virginia (DRPT) for rural and small urbanized areas. Figure 5 shows the 2010 Census Washington DC-VA-MD Urbanized Area.

**Figure 2: MAP-21’s Changes: Consolidation of the Section 5310 and New Freedom Programs**



<sup>1</sup> US Department of Transportation. Federal Transit Administration (FTA) Fact Sheet. Enhanced Mobility of Seniors And Individuals With Disabilities Section 5310.

**Figure 3: Flow of Funds for New MAP-21 Section 5310 Enhanced Mobility Program**



**FTA Interim Guidance**

On October 10, 2012, the Federal Transit Administration (FTA) issued interim guidance on MAP-21 requiring that large urbanized areas designate recipient(s) for the new Section 5310 Enhanced Mobility program. In the guidance, “FTA asks that in the large urbanized areas, the MPO initiate the process for designating a 5310 Designated Recipient as soon as possible. Funds cannot be awarded until this designation is on file with the FTA Regional office. A State agency could be designated as the recipient of section 5310 funds for a large urbanized area. However, if the State is selected as the designated recipient in a large urbanized area, the apportioned funds for the large urbanized area must be allocated to agencies within the urbanized area<sup>2</sup>.”

The interim guidance outlines the responsibilities for Designated Recipients as: “notifying eligible local entities of funding availability; developing project selection processes; determining project eligibility; developing the program of projects; and ensuring that all subrecipients comply with Federal requirements”<sup>3</sup>.

The Washington DC-VA-MD Urbanized Area is expected to receive \$2.6 million in FY2013 for the new Section 5310 Enhanced Mobility program. The interim guidance reiterates that at least 55 percent of those funds must be spent on capital projects.

<sup>2</sup> Notice of FTA Transit Program Changes, Authorized Funding Levels and Implementation of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and FTA Fiscal Year 2013 Apportionments, Allocations, Program Information and Interim Guidance. USDOT, Federal Transit Administration. October 10, 2012. Page 42.

<sup>3</sup> Ibid.

### **TPB Staff Proposal: Joint Designated Recipient**

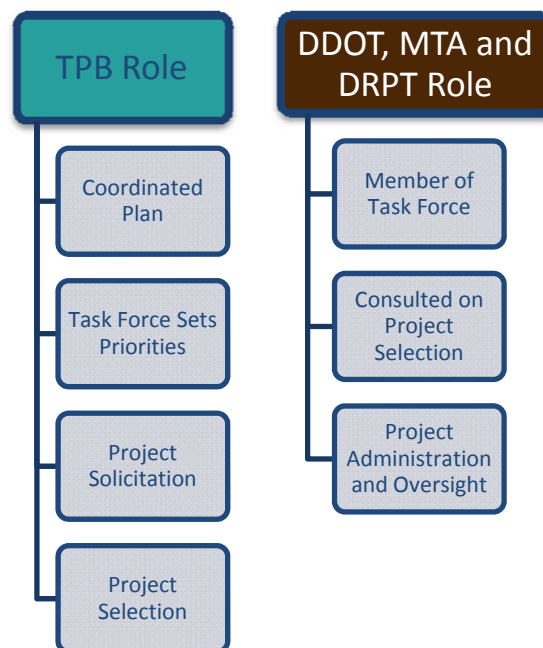
Staff of the TPB, the MPO in the National Capital Region, has initiated discussions on the designated recipient(s) for the new Section 5310 Enhanced Mobility program with the D.C. Department of Transportation (DDOT), the Maryland Transit Administration (MTA), the Virginia Department of Rail and Public Transportation (DRPT), and WMATA. TPB member Patrick Wojahn, as chair of the Human Service Transportation Coordination Task Force, has been participating in these discussions. These discussions have occurred in a number of ways: TPB staff has hosted two conference calls with the agencies listed above on October 24 and November 30, 2012. The Technical Committee was briefed at its November and December 2012 meetings. The Human Service Transportation Coordination Task Force discussed the proposal at its November and December 2012 meetings. DRPT asked for MPO input on the designated recipient(s) for the Enhanced Mobility program at a conference call on November 14, 2012 and TPB staff presented this proposal. As stated earlier, the TPB received a short briefing on the new MAP-21 Enhanced Mobility program and the TPB staff proposal briefed at its November meeting. As a result of these discussions, TPB staff is outlining content for a Memorandum of Understanding (MOU) to clarify roles and responsibilities in a joint designated recipient arrangement.

Based on staff review of the law and guidance, and discussions with the state agencies and WMATA, TPB staff is proposing that the Washington DC-VA-MD Urbanized Area have a Joint Designated Recipient arrangement between the TPB, DDOT, MTA and DRPT. The TPB would be included as a Designated Recipient (DR) because FTA includes project solicitation and selection as one of the responsibilities of a DR. Under the staff proposal:

- The TPB would continue to be responsible for the Coordinated Human Service Transportation Plan and for convening the Human Service Transportation Coordination Task Force in order to ensure a regional focus, and to take advantage of the regional coordination work already underway.
- The TPB would be responsible for project solicitation and selection, and would conduct these processes in close coordination with the state agencies.
- DDOT, MTA and DRPT would be asked to concur with the Selection Committee's project recommendations prior to the TPB being presented with the recommendations.
- The TPB would approve the project recommendations and forward those recommendations to DDOT, MTA or DRPT depending on the location of the project.
- DDOT, MTA and DRPT would receive funds directly from FTA and be responsible for the implementation and administration of the projects in their jurisdictions.
- MAP-21 requires that 55% of the funds be spent on capital projects, such as vehicle procurement for non-profits. Because the state agencies already have the capacity to conduct large vehicle procurements that meet strenuous Federal rules, this proposal builds on the strengths of these agencies and allows for some economies of scale in concentrating the purchasing among fewer agencies.
- Regional projects could still be funded, either through WMATA, or by one state agency agreeing to be the project administrator.

- The goal of this proposal is to make the application process for current and future applicants as simple and seamless as possible so that these applicants can continue to provide critical transportation support to older adults and persons with disabilities.
- A draft outline of a Memorandum of Understanding (MOU) is under development to clarify roles and responsibilities of a joint designated recipient arrangement.
- FTA representatives have stated that a joint designated recipient arrangement is allowable. The TPB would ask FTA to review the MOU, and possibly be a signatory.

**Figure 4: Proposed Role of the TPB and State Agencies for Implementing the New Section 5310 Enhanced Mobility Program under MAP-21**



**Precedent for a Joint Designated Recipient: Seattle and Atlanta**

FTA and other cities in the U.S. have experience with the joint designated recipient arrangement that the TPB staff is proposing. Seattle and Atlanta currently have a joint designated recipient for the Job Access and Reverse Commute (JARC) and New Freedom programs under SAFETEA-LU. The Atlanta MPO, the Atlanta Regional Commission (ARC), develops the Coordinated Human Service Transportation Plan, and conducts project solicitation and selection. The Metropolitan Atlanta Rapid Transit Authority (MARTA) administers and provides oversight for the JARC and New Freedom grants. Similarly in Seattle, the Puget Sound Regional Council (PSRC), the MPO, develops the Coordinated Plan, and conducts project solicitation and selection. The grant administration in Seattle is provided by the Washington State Department of Transportation (WSDOT) or the transit agencies in the area.

**Next Steps**

FTA's interim guidance on MAP-21 states that in Large Urbanized Areas, until a designated recipient is on file with the FTA, no Section 5310 Enhanced Mobility funding can be spent. In the National Capital Region, the Governor of Maryland, the Governor of Virginia, and the Mayor of the District of Columbia have to designate recipient(s) for the new Section 5310 Enhanced Mobility program.

At the November 30, 2012 conference call with the state agencies and WMATA, TPB staff was asked to draft an outline of a Memorandum of Understanding on the roles and responsibilities under a potential joint designated recipient arrangement between the TPB, DDOT, MTA and DRPT. The draft outline will be discussed with these state agencies, WMATA, and TPB member Patrick Wojahn, chair of the Human Service Transportation Coordination Task Force, in early January 2013.

Figure 5: The 2010 Census Washington DC-VA-MD Urbanized Area

