

ITEM 9 - Action
February 20, 2013

Approval of an Amendment to the FY 2013 Unified Planning Work Program (UPWP) to Facilitate the Implementation of the New Section 5310 Enhanced Mobility Program under MAP-21 in the Washington Region

Staff

Recommendation: Adopt Resolution R9-2013 to amend the FY 2013 UPWP to facilitate and coordinate the implementation of the New Section 5310 Enhanced Mobility Program under MAP-21 in the Washington Region.

Issues: None

Background: At the December meeting, the Board was briefed on how the new Section 5310 program under MAP-21 changed the three former FTA programs: Job Access and Reverse Commute, New Freedom, and Elderly and Disabled, and on potential designated recipient(s) for this program in the Washington DC-VA-MD Urbanized Area. The Board will be briefed on discussions with the District of Columbia Department of Transportation (DDOT), the Maryland Transit Administration (MTA), and the Virginia Department of Rail and Public Transportation (DRPT) on the designation of a recipient to establish the new program in the Washington Region.

**NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002**

**RESOLUTION TO AMEND THE FY 2013 UNIFIED PLANNING WORK PROGRAM
(UPWP) TO PROVIDE SUPPORT FOR THE IMPLEMENTAION OF THE NEW
SECTION 5310 ENANGED MOBILITY PROGRAM UNDER MAP-21**

WHEREAS, the Joint Planning Regulations issued in February 2007 by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) require a Unified Planning Work Program for Transportation Planning (UPWP); and

WHEREAS, the UPWP is required as a basis and condition for all funding assistance for transportation planning to state, local, and regional agencies by the FHWA and FTA; and

WHEREAS, the FY 2013 UPWP for the Washington Metropolitan Area was approved by the TPB on March 21, 2012; and

WHEREAS, the Moving Ahead for Progress in the 21st Century (MAP- 21) Act, which became effective October 1, 2012, established the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program to fund programs to serve the special needs of transit-dependent populations beyond traditional public transportation services and Americans with Disabilities Act (ADA) complementary paratransit services; and

WHEREAS, the new Section 5310 Enhanced Mobility program provides an apportionment to the Washington DC-MC-MD Urbanized area and MAP-21 requires that a new 5310 Designated Recipient be established to implement the program; and

WHEREAS, on October 10, 2012, the Federal Transit Administration (FTA) issued guidance asking that MPOs in large urbanized areas initiate the process for designating a new 5310 Designated Recipient as soon as possible because funds cannot be awarded until this designation occurs; and

WHEREAS, beginning in October 2012, the chair of the TPB Human Service Transportation Coordination Task Force and TPB staff have facilitated discussions with staff of the District of Columbia Department of Transportation (DDOT), the Maryland Transit Administration (MTA), and the Virginia Department of Rail and Public Transportation (DRPT) on the designation of a recipient to establish the new program in the Washington Region; and

WHEREAS, the work statement for the activity 2.G Human Service Transportation Coordination has been revised to include TPB staff support to facilitate and coordinate the implementation of the new 5310 Enhanced Mobility Program with DDOT, MTA, and DRPT, as described in the attached materials;

NOW, THEREFORE, BE IT RESOLVED THAT the NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD amends the FY 2013 UPWP to include the revised work statement for the activity 2.G Human Service Transportation Coordination to include TPB staff support to facilitate and coordinate the implementation of the new 5310 Enhanced Mobility Program with DDOT, MTA, and DRPT, as described in the attached materials.

From FY 2013 UPWP page 48 New text in bold

G. HUMAN SERVICE TRANSPORTATION COORDINATION

In 2009 the TPB adopted an Update to the Coordinated Human Service Transportation Plan for the National Capital Region ("Coordinated Plan"). A Coordinated Plan is required under the final USDOT planning regulations to guide funding decisions for the following three Federal Transit Administration (FTA) programs: 1) Formula Program for Elderly Persons and Persons with Disabilities (Section 5310); 2) Job Access and Reverse Commute for Low Income Individuals (JARC, Section 5316); and 3) New Freedom Program for Persons with Disabilities (Section 5317). The Coordinated Plan describes existing transportation services, unmet transportation needs, strategies to address those needs and priorities for implementation to better serve persons with disabilities, those with limited incomes and older adults. The Coordinated Plan also establishes selection criteria for the competitive selection of JARC and New Freedom projects. The final regulations also require that the CLRP and TIP shall consider the design and delivery of non-emergency transportation services. The TPB became the designated recipient of the FTA's JARC and New Freedom programs in 2006 for the Washington DC-VA-MD Urbanized Area; each program provides approximately \$1 million in Federal funds annually to the Washington region. The goals of these programs are to improve transportation services for low-income individuals and people with disabilities.

The TPB established the Human Service Transportation Coordination Task Force ("Task Force") to develop and help implement the Coordinated Plan which must guide annual JARC and New Freedom project selections. The Task Force is comprised of human service and transportation agency representatives from each TPB jurisdiction as well as consumers and private providers. Each year, the Task Force establishes priorities for the annual solicitations and assists with outreach.

Proposed work activities include:

Support the activities of the TPB Human Service Transportation Coordination Task Force which will oversee the following work activities;

- Review and implement the recommendations from the report "Assessment of Job Access Reverse Commute (JARC) and New Freedom Programs in the National Capital Region", conducted by Nelson/Nygaard Consulting Associations, Inc., January 2012;
- Develop priority projects in preparation for the 2014 solicitation for JARC and New Freedom grants and identify potential project sponsors;
- **Provide staff support to facilitate and coordinate with DDOT, MTA, and DRPT the implementation of the new 5310 Enhanced Mobility Program for the Washington DC-VA-MD Urbanized Area under MAP-21;**

- Coordinate special meetings on issues such as Medicaid transportation, low-income transportation needs or MetroAccess as requested; and
- Coordinate the activities of the coordination task force with the TPB Access For All Advisory Committee and the Private Providers Task Force.

Oversight: Transportation Planning Board

Cost Estimate: \$114,800

Products: Potential project priorities in preparation for the 2014 JARC and New Freedom Solicitation

Schedule: June 2013

National Capital Region Transportation Planning Board

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MEMORANDUM

TO: TPB Technical Committee

FROM: Wendy Klancher, Principal Transportation Planner

SUBJECT: Implementation of MAP-21's Section 5310 Enhanced Mobility Program and Amendment to the FY2013 Unified Planning Work Program (UPWP)

DATE: February 14, 2013

At the December TPB meeting, the Board was briefed on how MAP-21 combined the New Freedom and Section 5310 Elderly and Disabled programs to create the new Section 5310 Enhanced Mobility program. The Board was also briefed in December on the TPB staff proposal for a joint designated recipient arrangement for this new program between the Metropolitan Washington Council of Governments (COG), as the administrative agent for the TPB, the D.C. Department of Transportation (DDOT), the Maryland Transit Administration (MTA), and the Virginia Department of Rail and Public Transportation (DRPT) in the Washington DC-VA-MD Urbanized Area.

This memorandum provides background information on the MAP-21 changes, and the TPB role under SAFETEA-LU with the Job Access and Reverse Commute (JARC) and New Freedom programs, and then describes the discussions underway on the designated recipient for the MAP-21 Enhanced Mobility program. FTA interim guidance asked that metropolitan planning organizations (MPOs), like the TPB, initiate the process for designating a recipient for the new Enhanced Mobility Program in large urbanized areas. MAP-21 requires that all large urbanized areas designate a recipient for the new program. The TPB will be asked at the February 20, 2013 meeting to amend the FY 2013 UPWP to include TPB staff support to facilitate program implementation.

Overview

COG/TPB has served as the designated since 2006 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. As the designated recipient, COG/TPB has conducted six project solicitations and selections, and provided grant administration and oversight for over 50 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".

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

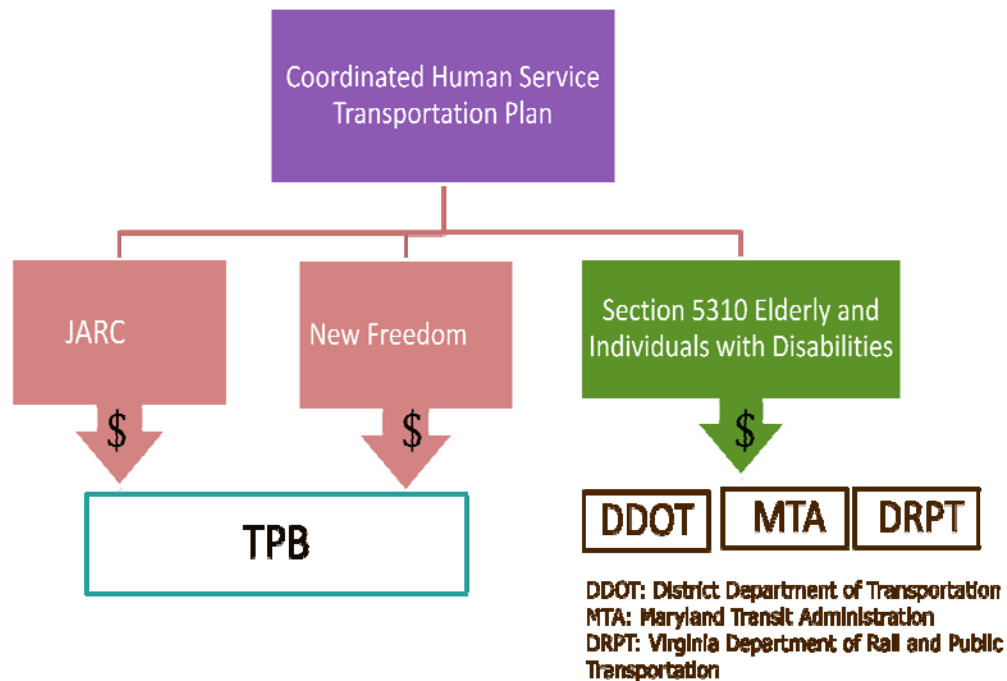
SAFETEA-LU required that projects for JARC, New Freedom and Section 5310 programs be derived from a Coordinated Human Service Transportation Plan ("Coordinated Plan"), as illustrated in Figure 1 below. Figure 1 also shows that under SAFETEA-LU, COG, as the administrative agent for the TPB, served as 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 COG/TPB role under SAFETEA-LU with the JARC and New Freedom programs was to 1) establish a Task Force on human service transportation coordination to 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.

Remaining SAFETEA-LU JARC and New Freedom Funds

COG/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. DDOT, MTA and DRPT will continue to administer remaining SAFETEA-LU funds under the old Section 5310 program. The TPB issued a project solicitation for JARC and New Freedom grant applications on February 4 and applications are due April 17, 2013. It is expected that this will be the TPB's last solicitation under SAFETEA-LU and that all of the remaining JARC and New Freedom federal funds in the Washington DC-MD-VA Urbanized Area will be spent: \$1.3 million in JARC and \$725,000 in New Freedom. Matching funds are required for each grant: 50 percent for operating projects and 20 percent for capital or mobility management projects. FTA defines mobility management projects as short-range planning and other activities for improved coordination. For more information on the solicitation, see www.tpbcoordination.org.

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 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.”¹ 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. As with SAFETEA-LU, operating projects require a 50 percent match, and capital and mobility management

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

projects require a 20 percent match. FTA defines mobility management projects as short-range planning and other activities or improved access to existing transportation (such as travel training).

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

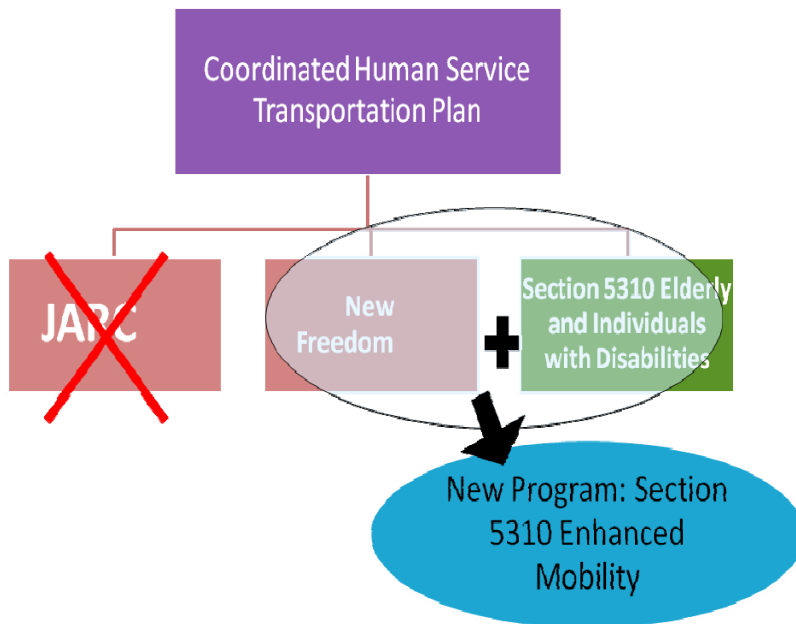
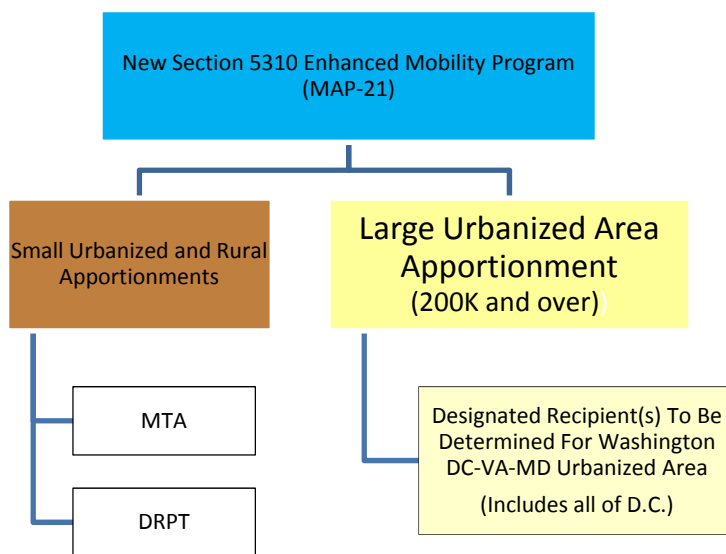


Figure 3: Flow of Funds for New MAP-21 Section 5310 Enhanced Mobility Program



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. Furthermore, large urbanized areas must designate a recipient of the new Enhanced Mobility program. Funds cannot be awarded until this designation is on file with the FTA Regional office.

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. FTA allows mobility management projects, such as short-range planning and other activities for improved coordination, to be funded at the 80 percent capital level. FTA has stated that mobility management projects can count towards the 55 percent threshold. The TPB has funded mobility management projects such as travel training and the regional information clearinghouse on specialized transportation, Reach a Ride.

Discussions Underway on TPB Staff Proposal for Implementation of the Enhanced Mobility Program

Starting in October 2012, TPB member Patrick Wojahn, as chair of the Human Service Transportation Coordination Task Force, and TPB staff facilitated discussions on the designated recipient the D.C. Department of Transportation (DDOT), the Maryland Transit Administration (MTA), the Virginia Department of Rail and Public Transportation (DRPT), and WMATA.

The TPB staff has proposed a joint designated recipient arrangement between the COG/TPB, DDOT, MTA and DRPT. The TPB would develop the Coordinated Plan and conduct the solicitation and selection process, and DDOT, MTA and DRPT would receive the Enhanced Mobility program funds directly from FTA and administer the projects in their jurisdictions. There is precedent for this arrangement: both Atlanta and Seattle have joint designated recipients for JARC and New Freedom.

The Human Service Transportation Coordination Task Force has discussed the proposal at the November, December 2012, and February 2013 meetings. The Technical Committee was briefed at its November, December 2012 and February 2013 meetings, and the TPB was briefed at its November and December 2012 meetings. The goal of this arrangement 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.

On January 24, 2013, Patrick Wojahn, Chair of the TPB Human Service Transportation Coordination Task Force, and TPB staff facilitated a meeting with representatives of DDOT, MTA, DRPT and WMATA to discuss the joint designated recipient for the new Enhanced Mobility program. At the meeting, a TPB staff draft of a memorandum of understanding (MOU) outlining roles and responsibilities of each agency under a joint designated recipient arrangement was presented. FTA Region III General Counsel has approved the option of a joint designated recipient arrangement.

The draft MOU and the possibility of other grant administration options are under discussion by TPB staff, DDOT, DRPT and MTA.

As stated earlier, MAP-21 requires that in Large Urbanized Areas, a designated recipient be named for the new Enhanced Mobility Program. In the Washington DC-VA-MD Urbanized Area, this requires that the Mayor of D.C., the Governor of Maryland and the Governor of Virginia designate the recipient. Furthermore, FTA's interim guidance on MAP-21 states that until a designated recipient in Large Urbanized Areas is on file with the FTA, no Enhanced Mobility funding can be spent.

Roles and Responsibilities under the TPB Staff Proposal for a Joint Designated Recipient

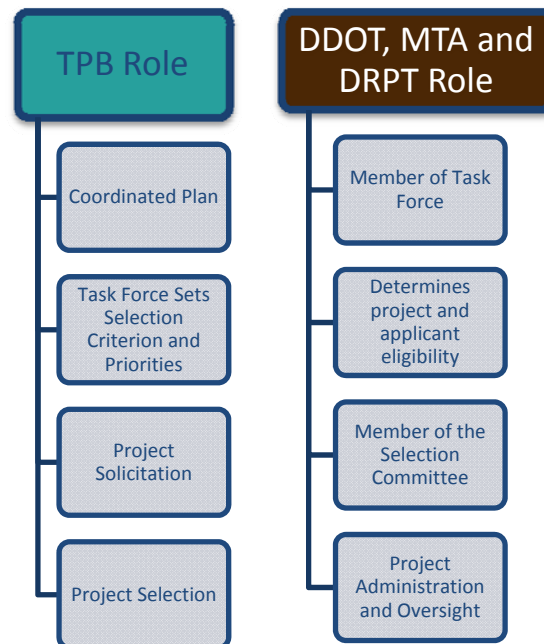
FTA's interim guidance indicates that the responsibilities for Designated Recipients are 1. Project solicitation; 2. Developing project selection processes; 4. Determining project eligibility; 4. Developing the program of projects for submission to the FTA; and 5. Ensuring that all subrecipients comply with Federal requirements². Under the TPB staff proposal, COG/TPB would be responsible for items 1 and 2 above, and DDOT, MTA and DRPT would be responsible for 3, 4 and 5 for projects within their jurisdiction.

More specific roles and responsibilities under the TPB staff proposal for a joint designated recipient are as follows and are summarized in Figure 4:

- The TPB would continue to be responsible for the Coordinated Human Service Transportation Plan, with project selection criteria, and for convening the Human Service Transportation Coordination Task Force.
- DDOT, MTA and DRPT would continue to serve as members on the Task Force.
- The TPB would be responsible for project solicitation and selection with input from DDOT, MTA and DRPT.
- DDOT, MTA and DRPT would review applications prior to the Selection Committee receiving them, and serve on the selection committee with a panel of human service transportation coordination experts.
- After a final review by DDOT, MTA and DRPT, the TPB would approve the project recommendations.
- DDOT, MTA and DRPT would receive funds directly from FTA and be responsible for the implementation and administration of the projects in their jurisdictions.
- Multi-state or regional projects would be administered either by WMATA or by DDOT, MTA or DRPT agreeing to be the project administrator.

² Ibid.

Figure 4: Summary of Proposed Agency Roles Under a Joint Designated Recipient for MAP-21's Enhanced Mobility Program



TPB Staff Support Needed and Next Steps

In order to facilitate the designation of a recipient of the Enhanced Mobility program, the TPB will be asked to amend the FY2013 UPWP Human Service Transportation Services work activity to include staff support to facilitate the implementation of the Enhanced Mobility program. Staff support includes working with DDOT, MTA and DRPT to determine the designated recipient and obtain letters designating the recipient from the Mayor of D.C., the Governor of MD, and the Governor of Virginia. The goal is to have this designation on file with the FTA by May 2013.

The Board will be asked in March or April to adopt a resolution approving the designated recipient and a letter to the Mayor of D.C., the Governor of Maryland and the Governor of Virginia requesting a designation following the DDOT, DRPT and MTA review and comment process.

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

