

National Capital Region Transportation Planning Board

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MEMORANDUM

Technical Committee Handout Item 4

TO: TPB Technical Committee

FROM: Wendy Klancher, Principal Transportation Planner

SUBJECT: Joint Designated Recipient Arrangement for MAP-21's Section 5310 Enhanced Mobility Program and Amendment to the FY2013 Unified Planning Work Program (UPWP)

DATE: **February 1, 2013**

In December, the Technical Committee and the TPB received a briefing on MAP-21's new Enhanced Mobility Program and the proposal for a joint designated recipient arrangement for this 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).

On January 24, 2013, Patrick Wojahn, Chair of the TPB Human Service Transportation Coordination Task Force, facilitated a meeting with representatives of DDOT, MTA, DRPT and WMATA to discuss the next steps in designating a joint recipient for the new Enhanced Mobility program. A draft memorandum of understanding (MOU) outlining roles and responsibilities of each agency is under review with signature expected by April 2013 by COG, DDOT, MTA and DRPT. 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.

In order to facilitate the designation of a joint recipient of the Enhanced Mobility program, the TPB will be asked at its February 20, 2013 meeting to amend the FY 2013 Unified Planning Work Program (UPWP) to include TPB staff support to facilitate program implementation. This memorandum provides background information on the changes in MAP-21, the TPB role under SAFETEA-LU with the Job Access and Reverse Commute (JARC) and New Freedom programs, and the joint designated recipient arrangement.

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.

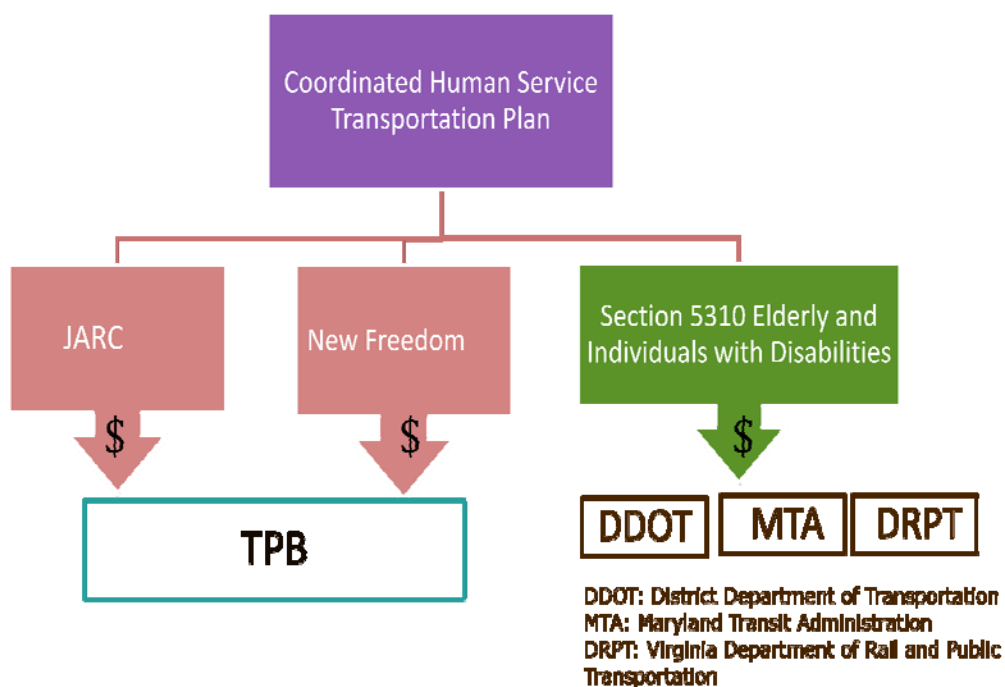
TPB Role in SAFETEA-LU's Job Access and Reverse Commute (JARC), New Freedom and Section 5310 Programs

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, 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 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.

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. 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 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, and specifically names non-profit organizations as the recommended subrecipient of those grants. As

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

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

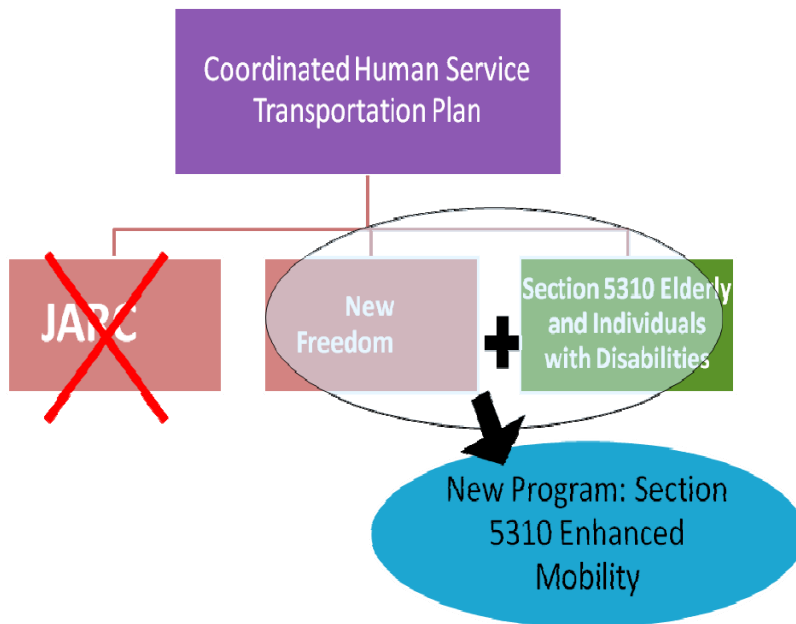
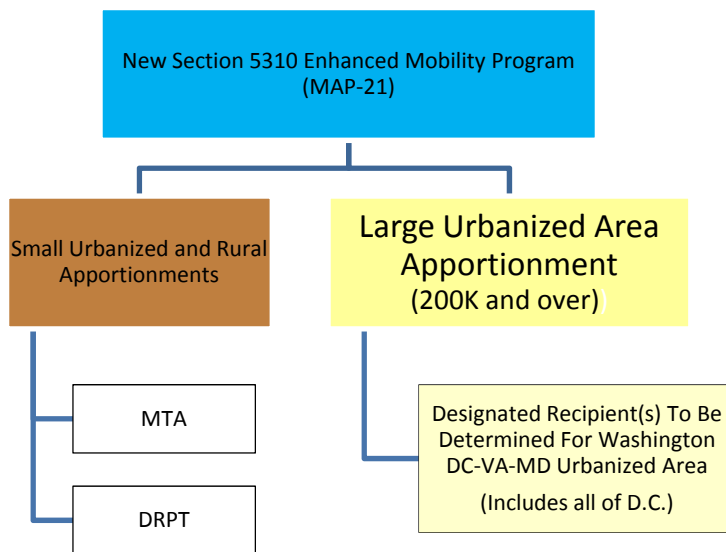


Figure 3: Flow of Funds for New MAP-21 Section 5310 Enhanced Mobility Program



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 area².”

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”³.

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 match 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.

Implementation of the Enhanced Mobility Program: Roles and Responsibilities Under a Joint Designated Recipient Arrangement and TPB Staff Support Needed

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 joint designated recipient proposal for the 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. The Human Service Transportation Coordination Task Force discussed the proposal at its November and December 2012 meetings. The TPB and the Technical Committee were briefed on the new MAP-21 Enhanced Mobility program and the TPB staff proposal at the November and December 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.

² 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.

³ Ibid.

As a result of these discussions, the TPB staff developed a draft memorandum of understanding (MOU) to clarify roles and responsibilities in a joint designated recipient arrangement. The draft MOU is currently being reviewed by DDOT, MTA and DRPT. It is anticipated that the MOU would be signed by the Metropolitan Washington Council of Governments (COG) as the administrative agent for TPB, DDOT, MTA and DRPT by April 2013 and that TPB would solicit for projects in the fall of 2013. Multi-state projects can be funded under the arrangement; either DDOT, MTA or DRPT would administer the regional project, or one of these agencies would execute an FTA supplemental agreement with WMATA. FTA's Region III Regional Counsel has stated that the joint designated recipient as proposed for the Enhanced Mobility program is allowable. Figure 4 below summarizes the roles of each agency under the joint designated recipient.

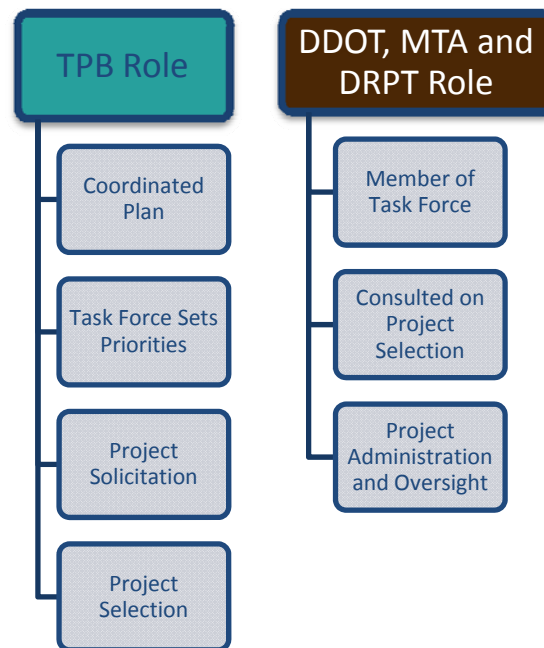
The TPB role and responsibilities are proposed as follows:

- Continue to convene the Human Service Transportation Coordination Task Force to develop and review the Coordinated Plan and selection criteria for funding recommendations for the Enhanced Mobility Program.
- Conduct a competitive selection process in the Washington DC-VA-MD Urbanized area:
 - Consult with DDOT, MTA, and DRPT to determine applicant and project eligibility for funding.
 - Receive applications, review for completeness and then forward applications to DDOT, MTA and DRPT for review of applicant and project eligibility, and feasibility of implementation in their jurisdictions.
 - The selection process would be based on the JARC and New Freedom process currently used: A TPB member will chair the Selection Committee which is anticipated to be comprised of six to eight people. In addition to the panel of local and national experts, DDOT, MTA and DRPT would have representatives on the Selection Committee.
 - Selection Committee members will make grant funding recommendations based on the criterion set forth in the Coordinated Plan.
 - The Chair of the Selection Committee will present grant funding recommendations to the TPB for final approval after DDOT, MTA and DRPT has reviewed with the recommendations, and for inclusion in the Transportation Improvement Program (TIP).

The DDOT, MTA and DRPT roles and responsibilities are proposed as follows:

- Continue to serve as members of the TPB Human Service Transportation Coordination Task Force.
- Review project applications in their respective jurisdictions for comment on project and applicant eligibility and feasibility of implementation.
- Serve on the TPB Selection Committee that develops funding recommendations.
- For projects within the agency's jurisdiction, receive funds directly from FTA and be responsible for the implementation and administration of the projects in their jurisdictions.

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



Next Steps

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 finalize the MO and to obtain the designated recipient letters from the Mayor of D.C., the Governor of MD, and the Governor of Virginia. Following these actions, TPB staff would develop a regional application for Enhanced Mobility funds in anticipation for a project solicitation in the fall of 2013.

At the March TPB meeting, the Board will be asked to adopt a resolution approving the proposal for the Joint Designated Recipient and a letter to the Mayor of D.C., the Governor of Maryland and the Governor of Virginia requesting such a designation.

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

