

# Memorandum

**To:** CHAIR AND COMMISSIONERS

**CTC Meeting:** March 25, 2020

**From:** MITCH WEISS, Executive Director

**Reference Number:** 4.8, Information

**Prepared By:** Kevin Dillon  
Assistant Deputy Director

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**Subject:** Hearing on the 2019 Small Urban and Rural Area Federal Transit Administration Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Transit Program

## **Summary:**

Under California Government Code Section 14055 *et seq.*, the California Transportation Commission (Commission) is responsible for allocating funds for the Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310 Program). The Commission is also responsible for approving the Small Urban and Rural Area list of Section 5310 Program projects prepared by the California Department of Transportation (Caltrans). In addition, the Commission holds at least one public hearing prior to the program allocation.

On February 4, 2020 Commission and Caltrans representatives convened a staff-level meeting to hear four appeals by project applicants. The appealing agencies were required to use documentation from their respective original applications to demonstrate the evaluation criteria was not properly applied to their application. The four project applicants were unsuccessful in demonstrating that the Commission's adopted program criteria were incorrectly applied in the application review process. Therefore, the Caltrans Review Committee denied the appeals.

The Draft 2019 Section 5310 Program Statewide Prioritized Small Urban and Rural Areas project list was presented at the January 2020 Commission meeting. A total of \$14,248,195 was available for the 2019 Section 5310 Program and will initially program 128 projects out of the 171 nominated by eligible Small Urban and Rural agencies. Subsequent to the January 2020 Commission meeting, it was identified that eleven projects from three agencies were missing from the draft list. They were erroneously placed in the Large Urbanized Areas category of the Section 5310 Program instead of the Small Urban and Rural Area category. This change resulted

in two projects not scoring high enough for funding, and six projects receiving a small reduction in funding. In addition, two projects were removed from the Section 5310 Program Draft project list because they were funded from the FTA Section 5339 Bus and Bus Facilities Program.

The additions to the project list are as follows:

- Milestones of Development Inc. - Three minivan procurement projects, three small bus procurement projects, and two equipment/hardware procurement projects that were consolidated into one listing. Projects were recommended for funding.
- Outreach and Escort Inc. - One mobility management project and one operating assistance project. Projects recommended for funding.
- City of Petaluma - One mobility management project not recommended for funding.

The complete project list recommended for funding is under Agenda Item Reference 4.9 Attachment B.

**Background:**

The Section 5310 Program was established in 1975 and has been administered by Caltrans since its inception. It provides grants of federal funds to purchase transit capital equipment to meet the specialized needs of seniors and/or persons with disabilities for whom mass transportation services are unavailable, insufficient, or inappropriate. In 2012, Moving Ahead for Progress in the 21st Century Act (MAP-21) expanded 5310 Program funding for Mobility Management and Operating Assistance projects. MAP-21 also provided the flexibility to fund Mobility Management projects. In 2015, the Fixing America's Surface Transportation (FAST) Act maintained the funding and program flexibility made under MAP-21.

The Section 5310 Program serves a variety of client groups and programs, ranging from small agencies with specific clientele (e.g., dialysis and AIDS patients) to paratransit providers serving entire communities. Most agencies are non-profit organizations while some are public agencies where non-profit organizations are not readily available to provide the specialized service. Examples of Traditional Section 5310 projects include, but are not limited to, buses and vans; wheelchair lifts, ramps, and securement devices; transit-related information technology systems including scheduling/routing/one-call systems; mobility management programs; and acquisition of transportation services under a contract, lease, or other arrangement. Funding for the Traditional Program cannot be less than 55 percent of the funding available. The remaining 45 percent is for other "nontraditional" or Expanded projects. Under MAP-21, Expanded projects include travel training; volunteer driver programs; improving signage, or way-finding technology; incremental cost of providing same day service or door-to-door service; purchasing vehicles to support

new accessible taxi, ride sharing and/or vanpooling programs; and mobility management.

In 1996, Assembly Bill (AB) 772 (Aguiar, 1996) was enacted and directed the Commission to oversee the Section 5310 Program. AB 772 placed three mandates on the Commission regarding the Section 5310 Program: (1) the Commission shall direct Caltrans on how to allocate funds for the Section 5310 Program, (2) the Commission shall establish an appeals process for the Section 5310 Program, and (3) the Commission shall hold at least one public hearing prior to approving its program of projects. Pursuant to federal statute, funding in Large Urbanized Areas receives a separate apportionment of the Section 5310 Program and does not require the Commission's oversight.

In January of 1997, the Commission approved procedures for the Section 5310 Program, criteria used to score the projects, and the creation of a State Review Committee consisting of advocates and representatives from the State Departments of Rehabilitation, Developmental Services and Transportation, with the Commission staff acting in the role of facilitator/coordinator for the State Review Committee.

In accordance with the Commission's adopted procedures, the Metropolitan Planning Organization (MPO) or Regional Transportation Planning Agency (RTPA) or its designated Regional Evaluation Committee scores projects within its jurisdiction utilizing the Commission's adopted project scoring criteria and forwards a scored project list to Caltrans. The RTPAs must notify its applicants of their project scores and provide information about the appeals process. The State Review Committee re-scores the projects to verify the scores given at the regional level. In instances where there is a sizable difference between regional and State Review Committee project scores, Caltrans contacts the regions and the differences are thoroughly discussed and resolved.

A biennial statewide prioritized list of projects was created from available funds in score order for each Section 5310 Program component. The available funding, per program component, is as follows:

- \$8,264,444 for the Traditional Project list.
- \$5,983,751 for the Expanded Project list.

In the event that projects programmed are unable to proceed, or there are savings, an alternate project will be selected for funding. This ensures the use of all federal funds available for the Section 5310 Program.