

National Capital Region Transportation Planning Board

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September 9, 2013

The Honorable Peter Rogoff
Administrator
Federal Transit Administration (FTA)
U.S. Department of Transportation (USDOT)
1200 New Jersey Avenue, SE
Washington, DC 20590

SUBJ: Comments on the Enhanced Mobility for Seniors and Individuals with Disabilities: Proposed Circular [Docket No. FTA-2013-0026]

Dear Administrator Rogoff:

The National Capital Region Transportation Planning Board (TPB), the metropolitan planning organization (MPO) for the Metropolitan Washington Area, greatly appreciates your efforts and those of FTA staff to provide opportunities for input and consultation on the development of a circular for guidance to assist grantees in implementing the new Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities Program, as revised under the Moving Ahead for Progress in the 21st Century (MAP-21) legislation. The TPB looks forward to working closely with the FTA, local and state agencies, and non-profit organizations in the implementation of this program for seniors and individuals with disabilities.

The TPB staff has consulted with our transit agency partners, including the Washington Metropolitan Area Transit Authority (WMATA), the District Department of Transportation (DDOT), the Maryland Transit Administration (MTA), and the Virginia Department of Rail and Public Transportation (VDRPT) to develop the following comments on the Federal Register notice of July 11, 2013, and the draft FTA Circular 9070.1G.

1. Onerous Administrative Burden and Less Flexibility. Overall, the requirements and rules outlined in the proposed circular will make administering the new Section 5310 program more burdensome and complicated, and less flexible and amenable to the development of local solutions that meet the transportation needs of the intended beneficiaries of the program: persons with disabilities and older adults. The proposed requirements would

place a greater burden on all concerned: Subrecipients, States, MPOs, and the Federal Transit Administration.

2. The 55% Capital Requirement. The proposed circular does not allow enough flexibility in how the 55% and 45% requirements for capital and “other” projects would be applied, particularly for States that manage both the small urban and rural area apportionments. As proposed, the accounting for the 55% and 45% by urban and rural, traditional and nontraditional 5310 projects and subrecipient type is too administratively burdensome and unnecessary. The 55% requirement for capital projects should apply to the overall apportionment to a state or designated recipient over the life of MAP-21.
3. Restrictive Eligible Activities and Subrecipients. The proposed circular unnecessarily limits eligible project recipients and project type with the division between “Traditional Section 5310” projects and subrecipients and “Other” projects and subrecipient. This division should not be made since it will prevent designated recipients from developing local solutions to local unmet transportation needs. Capital projects of any type, such as the purchase of wheelchair accessible taxis, travel training and other mobility management projects, should count towards the 55% capital requirement, regardless of the type of subrecipient that is carrying out the project. From a TPB staff perspective, private, for-profit transportation providers with proven track records can play a key role in implementing successful projects with innovation and efficiency. For instance, procuring incremental improvements such as wheelchair lifts and ramps for private taxis should be permitted under new regulations. Furthermore, the proposed requirements on taxi operators as subrecipients adds complexity to making taxis part of the family of transportation services in all geographic areas, and especially in small urbanized areas.
4. Coordinated Planning Process. The FTA proposes in the circular that flexibility is maintained in “how projects appear in the Coordinated Plan” such as through strategies that meet unmet transportation needs. This is a good approach that will allow for the development of local projects that creatively meet an unmet transportation need that may not have been envisioned when the Coordinated Plan was developed.

5. Performance Measure Reporting Burden. The imposition of additional reporting requirements for Section 5310 projects will add a burden to subrecipients, designated recipients and States. The subrecipients are typically non-profit organizations with little staff or capacity to fulfill these requirements; they are not traditional public transportation operators. As limited as the data may be, collecting ridership counts, vehicle miles travelled, and other data on a daily basis would place an additional burden on these organizations and it is unclear what benefit this scant data would provide locally, regionally or nationally. Transit agency-type data may also not be appropriate to the client base of these organizations, which may provide significantly different services in a wide range of operating conditions. In an era of declining federal resources, onerous and low-value record keeping would only divert federal, local, and recipient staff time and resources from service delivery to clients.

Designated recipients for Section 5310 that are not currently conducting NTD reporting, such as metropolitan planning organizations, are likely to have limited resources with which to collect, validate, and submit NTD reports. From the TPB staff perspective, the number of subrecipients in the Washington DC-VA-MD Urbanized Area is likely to be on the order of 20 organizations. Collecting and submitting any performance measures beyond basic requirements would require extensive follow-up and validation, and the proposed combined 5307/5310 recipient reporting option would not be viable. Our State and transit agency partners do collect basic transportation performance measures, for which they have the capacity, but they are also opposed to any expansion of these requirements.

6. Asset Condition Performance Reporting. The Program of Projects will continue to require FTA approval, as will individual grant awards which are based upon a subrecipient's application. Much of the data can be found in quantitative projections or in qualitative form in the projects for which approval is requested. Instead of a difficult and expensive post-award data collection process, the FTA should consider collecting and reporting data used during the project approval process. Subsequent audits or reviews could then conduct periodic checks on the actual performance of the projects, including relevant performance data information.

7. Timing of Asset Condition Reporting Requirements. As the development of the MAP-21 performance provisions for Transit State of Good Repair has yet to produce a draft, let alone final rule, the imposition of asset condition reporting requirements for Section 5310 should be delayed until the MAP-21 performance measures have been finalized and the first round of reporting on measures by public transportation providers has been reviewed by the FTA. The lessons learned from this process should lead to a workable system of reporting requirements. The requirements can then be adapted more successfully to meet the needs of the FTA in light of the small size and limited data collection capacity of non-project organizations.
8. Benefit of Asset Condition and Performance Reporting. The benefit relative to the cost of collecting and reporting data will be very small. The NTD requirements for Section 5307 reporting extend a waiver to transit systems with less than 20 vehicles. Since subrecipient non-profit organizations will also fall under this limit, should not comparable waivers extend to reporting for them? The TPB staff also notes that it previously reported detailed performance measures for JARC and New Freedom projects; however the FTA eventually could not afford the resources to collect and validate the information. Do the benefits of collecting the data outlined justify the costs it will take to all concerned? What will be the purpose or use of the data? Would the data provide any context without baseline information or established standards?
9. Geographic Coverage Performance Measures. The proposed measures for geographic coverage of service area should be combined for States and designated recipients on an annual basis, such as for number and square mileage of jurisdictions served. To keep track of how many county jurisdictions each subrecipient serves on an annual basis in a metropolitan area would be difficult, especially given likely overlap among multiple subrecipients and particularly if both origins and destinations are included.
10. Service Quality Performance Measures. Given the anticipated small scale of Section 5310 enhanced mobility projects, many of the service quality performance measures suggested in the circular will not apply. For example, the hours of operation for each day of the week may not apply, or may be too expensive to collect with any type of validity. A limited

sample, which could be multiplied to produce an annual estimate, would be more reasonable. A better option, as noted above, would be for collection of a reasonable approximation of this information as part of the application review and project approval process. This would also apply to the service terms and conditions information, which should be provided at the time of project approval and not change thereafter.

In summary, TPB staff believes the requirements as proposed in the Federal Register and draft Circular are too onerous for this type of program, and will make it much more difficult for administrative agencies and grant recipients to meet the important objectives of the Section 5310 program to improve the mobility of seniors and individuals with disabilities.

Thank you for considering these comments on the development of guidance for implementing the Enhanced Mobility for Seniors and Individuals with Disabilities Program. Please feel free to contact me or Wendy Klancher on my staff, at wklancher@mwkog.org or (202) 962-3321, if we can provide any additional information.

Sincerely,

A handwritten signature in dark ink, reading "Ronald F. Kirby". The signature is fluid and cursive, with the first name "Ronald" and last name "Kirby" clearly legible.

Ronald F. Kirby
Senior Director
Department of Transportation Planning
National Capital Region
Transportation Planning Board