



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

November 6, 2006

Federal Transit Administration  
Docket Management Facility  
U.S. Department of Transportation  
400 Seventh Street SW  
Nassif Building PL-401  
Washington, DC 20590

Regarding Docket Number: FTA 2006 24037

To Whom It May Concern:

The Transportation Task Force of the Consortium for Citizens with Disabilities (The Task Force) appreciates this opportunity to comment on the proposed guidance on the implementation of the Elderly Individuals and Individuals with Disabilities (5310), Job Access and Reverse Commute (JARC), New Freedom Programs and coordinated public transit-human services transportation plans. We applaud the Federal Transit Administration (FTA) for seeking additional comment on the guidance implementing the new programs in SAFETEA-LU that will benefit people with disabilities and seniors.

The Consortium for Citizens with Disabilities (CCD) is comprised of over 100 national organizations representing the interests of people with disabilities. CCD's Transportation Task Force is very interested in the implementation of SAFETEA-LU, particularly the sections that relate to people with disabilities. Individuals with disabilities may be limited in their mobility due to physical, sensory, or cognitive disabilities, and as a rule are more reliant on public transportation than the general public.

In general, we agree with FTA's approach to administering and implementing these important programs. However, the Task Force remains concerned about whether or not there are enough safeguards in the process to achieve two goals. The first is to assure that people with disabilities and their families and advocates, have a real role in the coordinated planning process and secondly, that these funds, particularly the New Freedom funding, be used in the most appropriate way. In reality, we see these two goals as interrelated. Having a truly inclusive, transparent and comprehensive planning process will be the primary way to assure that the projects funded at the local level are the most appropriate ones. To that end, we have

several suggestions in response to the guidance that will improve the implementation process.

All of the recommendations listed below are designed to meet the Task Force's goals of helping FTA assure that there is adequate consumer involvement in the coordinated planning process, that there is access to coordinated plans and information about the planning process for the general public, and that definitions are clear and consistent. While the majority of our earlier comments focused on recommendations for an open and easily accessible planning process these recommendations also apply to project selection and other implementation issues. Meaningful involvement of people with disabilities and making information easily available are minimum requirements for improving transportation options for people with disabilities throughout the New Freedom implementation process.

### FTA Oversight

There are several issues that CCD included in our comments on the interim guidance concerning FTA's role in facilitating public access to information about the coordinated planning process that we feel still need to be addressed in final guidance. The Task Force recommends

- FTA should maintain a central list of the designated planning entity in each community with contact information. This information can be gathered from the state and will allow advocates and other interested parties to present themselves as resources to the planning and help assure broad participation.
- Each plan needs to include a comprehensive description of the planning process. This needs to be more than a check off list and should describe how the planning entity involved the disability community including the timeline and types of activities. We are using the term "planning process" broadly to incorporate assessing the local needs, identifying gaps in services, developing project ideas, investigating alternative sources of funding and prioritizing activities to be funded. An in-depth description of the process including how a broad representation of the disability community participated in the process is a critical safeguard. This will help identify trends, best practices and other lessons that can shape technical assistance efforts from FTA localities on planning.
- The lists of the planning entities and the plans need to be easily available to the public on the FTA website or widely distributed electronically.
- Finally, after the planning process is complete, there should be a central, easily accessible point where all local plans are available. Information should be widely disseminated about how to access this information. This will help people understand the decision making process and be involved in future efforts.
- To guard against using limited New Freedom, JARC or 5310 resources for projects that could be funded by other programs, the plan should include an assurance that a review of all existing local, state and federal funding sources was performed and that New Freedom, 5310 or JARC funds were deemed the most appropriate funding source.

### New Freedom Program

The following are the specific recommendations on the guidance for the New Freedom Program. The recommendations are:

1) The definition of Locally Developed, Coordinated Public Transit-Human Services Transportation Plan on page I-3 does not require that people with disabilities be a part of any planning process, but simply that transportation needs for people with disabilities be identified. FTA must make absolutely certain that this new funding does not become a secondary source for public transportation projects, but that people with disabilities have meaningful input into the planning process and implementation. The Task Force is very concerned that this money may just be added to already existing funds and new programs rubber stamped by an existing board, which may or may not include people with disabilities. Planners must document efforts to reach beyond existing boards to people who do not currently receive transportation service. Any suggestions from people with disabilities must be given priority consideration in the planning process.

2) On page II-2 in the recipient roles section, CCD first notes that the term “chief executive officer” is used here without definition or clarification that this is the Governor / Mayor. Second, we believe that a major recipient responsibility must include reviewing the methodology used by applicants to ensure active involvement of the disability community. Our concern remains that local citizens may not know of the funding opportunity, much less be involved in the process of developing a plan.

3) The Task Force urges FTA to include language in the FTA role section on page II-3 that the FTA will act as a resource for those wanting information as to potential projects in local areas. Individuals with disabilities already involved in local transportation will likely know of the process. Those who these funds are intended to help, i.e., people not served by ADA transportation, must have a means of knowing who is the designated recipient of the funds or what projects are or may be funded. FTA is collecting a list of projects with subrecipients and brief descriptions of such; this information should be readily available to any who inquire. At the very least, FTA must be able to provide contact information on the designated recipient, whether at a state or local level, to the general public. Similarly, that recipient must be able to provide contact information for local area planning groups and projects. Otherwise, we believe that the involvement of people with disabilities, other than those already involved, in the planning process may be minimal.

4) The coordination provisions on page II-4 make it very simple for a planning committee to minimally involve the disability community. Disability groups are not specifically mentioned as a required participant in the process, and the concept of “participation” by the public is too broad. People with disabilities and/or their representatives must have a meaningful role in identifying unmet needs in the community and deciding on potential solutions.

5) The role of the designated recipient outlined on page III-2 states that the recipient must certify the process for developing the local coordinated plan. Again, we

express our concern that people with disabilities may be a peripheral part of the process. FTA should require that potential users of any service must be consulted to determine if the proposed project really meets a community need, and that those consulted are not members of any existing transit related board or committee.

6) The Task force supports the clear language on the maintenance of effort required by localities outlined on page III-6.

7) A sentence in paragraph 1, page IV-1 reads:

*“To the extent feasible other transportation providers, advocacy groups, human service agencies, and passengers are encouraged to participate and coordinate with recipients of FTA assistance for New Freedom, Job Access and Reverse Commute, and the Elderly Individuals and Individuals with Disabilities (Section 5310) programs in the planning for and delivery of special transportation services.”*

The Task Force believes that the language should be stronger to indicate more than a “soft” obligation to include these groups. The language below would be stronger and would achieve the goal of clarifying the obligation to include these constituents in the planning process.

*“To the **maximum** extent feasible **the (insert appropriate entity here) should make aggressive efforts to include** other transportation providers, advocacy groups, human service agencies, and passengers ~~are encouraged~~ to participate and coordinate with recipients of FTA assistance for New Freedom, Job Access and Reverse Commute, and the Elderly Individuals and Individuals with Disabilities (Section 5310) programs in the planning for and delivery of special transportation services.”*

Add a new number 8) in Chapter IV page 2 recommending that FTA include in the selection process a requirement that a review of other funding sources occurs in order to ensure that limited New Freedom funding is not spent where other funding could be used.

8) The five examples listed in the section on “selection process” located at paragraph 3b.(2), pages IV-2 through IV-3 are excellent. However, the Task Force recommends adding a sentence at the end of the section clarifying that the examples are not intended to be a comprehensive list of allowable selection processes.

9) The Task force requests clarification on a minimum threshold of what constitutes a “fair and equitable” distribution of funds. See paragraph 4, page IV-4. Additional guidance will be needed to determine what standards would be acceptable in order to be considered fair and equitable. Does FTA envision standards that relate to geographic distribution? What role does prioritizing needs or benefiting more than one subsection of the population play in determining whether distribution of funds is fair?

10) Contact information for subrecipients needs to be added to the list of information that FTA receives regarding the Program of Projects (POP). See paragraph 5, page IV-5.

11) In Chapter V page V-I at the end of paragraph 2(a), the language needs to be strengthened to clarify that communities are actively encouraged to incorporate Section 5310, JARC and New Freedom transportation programs into their planning process. Currently, it simply states that they should.

12) On Page V-3 paragraph 2(d)(1), the language needs to be strengthened so that consumers have a more active involvement in the planning process than just participants in a focus group or as survey respondents. The Task Force recommends that the language specifically state that consumers are to be equal partners in the planning process and that the list of tools is included in this section is in addition to the baseline involvement of consumers in the planning process.

13) In the section titled Equipment Use on page VI-3, the circular encourages maximum use of vehicles funded under New Freedom. It adds that recipients must use the vehicle first for the New Freedom-funded project, and then make it available for coordinated service plan trips. Further, a recipient must make a New Freedom-funded vehicle available to fulfill coordinated plan trips, giving a priority to other FTA-funded transportation services in the local plan. The Task Force supports this approach.

14) The Task Force supports the proposed Program Measures, on pages VI-11 and 12, which must be included in an annual report from each grantee to the FTA:

- Enhancements to geographic coverage, service quality, and/or service times in transportation systems that serve persons with disabilities;
- Changes to transportation facilities, vehicles, and technology that improve service to individuals with disabilities; and,
- Documentation of the number of rides provided to persons with disabilities via New Freedom program grants.

15) On page VII-1 under the purpose section, the guidance states that the primary purposes of the SMP/PMP are to serve as the basis for FTA to perform designated recipient level management review of the program and to provide public information on the designated recipient's administration of the Section 5310, JARC and New Freedom programs.

CCD urges FTA to make this information more easily available to the public so that we may know how these programs are administered on the state and local level. The guidance further states that it may be used internally as a program guide for local project applicants. A program guide is also needed for external audiences and we urge FTA to either make the information easily available to the public or to create a new document with the information advocates and other members of the public will need to know about the programs. As discussed earlier, a central repository of information is definitely needed with easy phone and online access so that we can

find basic information about state and local projects. These plans also contain much information about project selection criteria and distribution of funds that would be useful to the public.

16) CCD urges FTA to include organizations representing people with disabilities in the list of stakeholders on page VII-2 paragraph 4(f). It is also critical to have the designated recipients assure that the selection criteria and methods of distributing funds reflect the interests and priorities of the disability community.

The management plan should also contain an explanation of how the designated recipient will comply with the maintenance of effort requirements for meeting the new and beyond the ADA requirement in the New Freedom program.

The CCD Transportation Task Force appreciates this opportunity to comment on the proposed guidance and we look forward to working with FTA to fully implement these exciting programs. For more information please contact the CCD Transportation Co-chairs Jennifer Dexter, Easter Seals, (202) 347-3066 or Julie Ward The Arc and UCP Disability Policy Collaboration (202) 783-2229.