



## Lincoln Metropolitan Planning Organization

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County-City Building  
555 South 10<sup>th</sup> Street - Suite 213  
Lincoln, Nebraska 68508  
(402) 441-7491

**Date:** August 15, 2013

**To:** Lincoln MPO Technical Advisory Committee

**From:** Mike Brienzo, Lincoln MPO/Planning Department

**Subject:** *MAP-21's Section 5310 Enhanced Mobility Program in the Lincoln Urbanized Area*

**Copies To:** Lincoln MPO Project Selection Task Force

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In 2006, the Lincoln MPO 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 Lincoln MPO has funded a series of JARC and New Freedom grants totaling \$2,785,956.

On July 6, 2012 a new two-year transportation authorization, Moving Ahead for Progress in the 21st Century (MAP-21), was signed into law. MAP-21 repealed the JARC and New Freedom programs: it folded the JARC program into the Section 5307 program and consolidated the New Freedom and the Section 5310 Elderly and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 Lincoln MPO role under SAFETEA-LU, describe the new Section 5310 Enhanced Mobility program defined under MAP-21, and outline the Lincoln MPO staff proposal for implementing this new Section 5310 Enhanced Mobility program in the Lincoln Metropolitan Planning Area.

### **Lincoln MPO 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"). The Lincoln MPO served as the Designated Recipient for JARC and New Freedom for the Lincoln Planning Area, while the Section 5310 program was administered on a statewide basis by the Nebraska Department of Roads (NDOR). 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 Lincoln MPO's role under SAFETEA-LU with the JARC and New Freedom programs was to 1) establish a Project Selection Task Force under the guidance of the MPO Technical Committee and develop 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. The Lincoln MPO Project Selection Task Force also reviewed Section 5310 applications from NDOR for consistency with the *Coordinated Plan* and made recommendations to NDOR with MPO Committee oversight but had no role in the administration of these projects.

The Lincoln MPO 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. All available JARC funds have been obligated and expect to be fully expended, but the Lincoln MPO will need to solicit programming for the remaining New Freedom funds. NDOR will continue to administer remaining SAFETEA-LU funds under the old Section 5310 program.

### **Changes under MAP-21**

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. StarTran will continue as the designated recipient of Section 5307 funding and will assume the role of developing the annual program of projects for job access and reverse commute activities. 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 Section 5310 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." 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 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. The new Section 5310 Enhanced Mobility program under MAP-21 provides a specific apportionment to the Lincoln Urbanized Area separate from the statewide funding for rural and small urbanized areas. The Lincoln Urbanized area is to receive \$190,000 in FY 2013 for the new 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 this 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. The MPO, State or other agency could be designated as the recipient of section 5310 funds for a large urbanized area. However, if the State or other agency is selected as the designated recipient, the apportioned funds for the large urbanized area must be allocated to agencies within the urbanized area.”

The Proposed Circular issued on July 11, 2013 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”.

### **Lincoln MPO Staff Proposal: NDOR Designated Recipient**

The new Federal Transportation Bill (MAP-21) made significant changes to the FTA Section 5310 program. The FTA Section 5310 funds will be provided to the urbanized areas based on formula and apportioned by a designated recipient. The designated recipient of the funding will be responsible for the solicitation of the 5310 applications, developing the project selection criteria, reviewing the submitted projects for eligibility and ensuring compliance with the FTA requirements of the selected projects. Additional requirements include conducting project audits, oversight and closeout of the projects when they are completed.

FTA asks that the MPO initiate the process for designating a 5310 Designated Recipient. The entities that are eligible to be the designated recipient for the FTA Section 5310 funds are the Lincoln MPO, NDOR or another public agency based upon local circumstances. In a meeting with NDOR staff, the MPO and StarTran staff discussed the option of having NDOR named as the “designated recipient” for the new Section 5310 Enhanced Mobility program. This is seen as a good option for the Lincoln MPO since NDOR staff understands of this program and its administration and NDOR already has the capacity to conduct large vehicle procurement that meet strenuous Federal rules. Because this proposal builds on the strengths of the existing state program, it allows for some economies of scale in concentrating the purchasing for agencies.

Based on staff review, discussions with the NDOR and FTA, and the willingness of NDOR to continue in the role of program administrator, Lincoln MPO staff is proposing that the NDOR become the “designated recipient” of the new Section 5310 Enhanced Mobility program for the Lincoln Urbanized Area. The goal of this proposal 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.

Under this proposal:

- The Lincoln MPO would continue to be responsible for maintaining the *Coordinated Human Service Transportation Plan* and for convening the Lincoln MPO Project Selection Task Force to ensure a local planning perspective and to take advantage of existing planning and coordination activities.
- The NDOR would be responsible for project solicitation for capital projects, such as the wheelchair-accessible vehicles, and the Lincoln MPO will be responsible for identifying operating projects, such as complementary paratransit services, voucher programs, travel

coordination or management programs, volunteer driver programs, etc., as allowed by FTA's guidance on MAP-21.

- The Lincoln MPO would convene the Project Selection Task Force and would review all applications (both capital and operating projects) and make recommendations based upon program eligibility, program objectives and criteria identified in the in the *Coordinated Plan* and community needs.
- The Lincoln MPO Technical Committee would continue to provide oversight on project selection, approve the project recommendations and forward these to NDOR for execution.
- NDOR would receive funds directly from FTA and be responsible for the implementation and administration of the projects within the Lincoln Metropolitan Planning Area.
- A Memorandum of Understanding (MOU) may need to be developed to clarify roles and responsibilities of the joint / designated recipient arrangement.
- FTA may need to approve the arrangement, and possibly also be a signatory of the MOU.

### **Next Steps**

FTA's interim guidance on MAP-21 indicates that in large urbanized areas, no Section 5310 Enhanced Mobility funding can be spent until a designation has been submitted to FTA. The Lincoln MPO is to identify the designate recipient for the new Section 5310 Enhanced Mobility program. Lincoln MPO staff will continue work with NDOR and the Lincoln MPO Task Force to discuss the designated recipient arrangements and any necessary updates to the *Coordinated Plan*. A progress report on the status of these discussions will be provided to the Lincoln MPO Officials at its August 29, 2013 meeting.