

Building Consensus and Partnerships for Implementing the MAP-21 Section 5310 Program in California



MTI Report WP 12-25



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REPORT WP 12-25

BUILDING CONSENSUS AND PARTNERSHIPS FOR IMPLEMENTING THE MAP-21 SECTION 5310 PROGRAM IN CALIFORNIA

Christopher E. Ferrell, PhD
Bruce S. Appleyard, PhD

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16. Abstract The Moving Ahead for Progress in the 21st Century Act (MAP-21)—the legislation that currently provides funding for federal transportation—allows metropolitan planning organizations (MPOs) or eligible large, urbanized area (UZA) agencies to assume administrative responsibility for Federal Transit Administration (FTA) Section 5310—the Enhanced Mobility of Seniors and Individuals with Disabilities grant program. Caltrans engaged Mineta Transportation Institute (MTI) to conduct research and facilitate a dialogue with the State's 5310 stakeholders. The MTI team conducted interviews with key stakeholders and Caltrans staff and performed in-depth quantitative analysis of the existing administrative activities of the 5310 program. This research was followed by two statewide 5310 program workshops led by Drs. Ferrell and Appleyard to facilitate discussion among stakeholders and reach consensus on how the new MAP-21 program would be implemented. The key findings from this research and dialogue are: <ul style="list-style-type: none"> • A “full transition” to MPO Program administration could significantly reduce the benefits of the 5310 program for the entire state. • A full transition could leave smaller MPOs lacking sufficient administrative funds to adequately run the program in their jurisdictions. • Stakeholders are concerned that their local project funding priorities may not receive enough attention if Caltrans retains sole administrative responsibilities for the program. • A majority of stakeholders prefer to pursue a partnership with Caltrans to jointly run the 5310 program (the “Hybrid/Partnership Option”). • The Hybrid/Partnership Option can provide the maximum amount of flexibility for the program over the long term while building the administrative capacities of all partners. 			
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To order this publication, please contact:

Mineta Transportation Institute
College of Business
San José State University
San José, CA 95192-0219

Tel: (408) 924-7560
Fax: (408) 924-7565
Email: mineta-institute@sjsu.edu

transweb.sjsu.edu

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INTRODUCTION

This white paper documents the research, collaborative dialogue, online survey, and policy analysis performed by the Mineta Transportation Institute (MTI) and the California Department of Transportation (Caltrans) to determine the best way to implement the new requirements for California's Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant program under the federal Moving Ahead for Progress in the 21st Century (MAP-21).¹ MAP-21 – the current federal transportation funding law – allows metropolitan planning organizations (MPOs) or eligible large urbanized area (UZA) agencies to take over the administrative responsibility for the Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant program. California's Department of Transportation (Caltrans) has administered this program for the entire state since the 1970s.

Seeking to minimize the negative effects of this transition, foster the positive effects, and retain as much of the beneficial aspects of the State's current program, Caltrans hired the MTI to conduct research and facilitate a dialogue with the State's 5310 stakeholders. This effort jointly determined the best way to honor eligible 5310 administrative activities that MAP-21 allows. The main findings that this research and dialogue discovered are:

- A “full transition” to MPO program administration could significantly reduce the benefits of the 5310 program for the entire state.
- A full transition could leave smaller MPOs without sufficient administrative funds to adequately run the program in their jurisdictions.
- Stakeholders are concerned that their local project funding priorities may not receive enough attention if Caltrans retains sole administrative responsibilities for the program.
- A majority of stakeholders prefer to pursue a partnership with Caltrans to jointly run the 5310 program.

This white paper begins by presenting a problem statement with respect to the MAP-21 Section 5310 program requirements and their potential implications for California, a summary of MTI's preliminary analysis of the existing Caltrans-run statewide program, and a description of the findings from two statewide 5310 workshops and an online stakeholder survey. The paper concludes with a brief presentation and discussion of the proposed, stakeholder-approved solution to the challenges posed by MAP-21 to California's 5310 program, a look at the longer-term challenges the program may face, and a summary of the conclusions determined through this research effort.

I. PROBLEM STATEMENT

MAP-21 introduced important administrative changes to the FTA Section 5310 program. A summary of these changes are as follows:

- Although FTA Section 5317 (New Freedom) program was technically repealed, the program's eligible projects and funding were effectively folded into the new MAP-21 Section 5310 program.
- Therefore, annual 5310 program funding increased from approximately \$14 million to \$29 million.
- At least 55 percent of the funds available to the new 5310 program must be used for traditional 5310 projects. The remaining 45 percent can be used on New Freedom-type projects that were historically funded under SAFETEA-LU.
- Apportionments to the 5310 program are calculated: 60 percent to large UZAs, 20 percent to small UZAs, and 20 percent to rural areas.
- Program administration can be shifted away from Caltrans to large urban area MPOs or eligible large UZA agencies for the large urban area apportionment component.

Key Issues

MAP-21 therefore brought to light questions about how California 5310 program administration could/should be facilitated in large UZAs. MTI and Caltrans evaluated the current statewide program administration and future program administrative options. This analysis identified the following *key issues*:

- Administrative Duplication and Redundancy
- Overlapping Jurisdictions
- New Freedom Concerns
- MPOs/Large UZAs Would Not Have Access to State's Fund 055

These key issues are described in greater detail below.

Administrative Duplication and Redundancy

Each MPO/large UZA would need to re-create the administrative structures currently residing at Caltrans. This duplication of service would create inefficiencies that could lead to higher administrative costs, in part since each MPO/large UZA would use a piece of the overall resources available for program administration. Depending on how the MPOs/large UZAs implement their programs, MAP-21 allows them to use up to 10 percent of each UZA apportionment compared to the current level of administrative resources available to

Caltrans by state law (5 percent) for statewide program administration. This administrative inefficiency is projected to lead to a loss of overall program purchasing power – a reduction in program project funds available for transit vehicle purchases (the main use of 5310 resources under the current Caltrans-administered program) or other projects now allowed under MAP-21. Analysis suggests that if all MPOs choose to use the full 10 percent of their available 5310 apportionment for administration, compared to just 5 percent used by Caltrans historically, then the State as a whole would be unable to purchase 17 average transit vehicles commonly procured under the program each year.

Overlapping Jurisdictions

Caltrans may retain administrative responsibility for small UZAs and rural areas within a large urban MPO's jurisdictions. Coordination between the State's 5310 program and locally administered 5310 programs would produce a patchwork of overlapping administrative responsibilities. This issue could promote inconsistencies in project selection criteria, and therefore project selection outcomes between California jurisdictions.

New Freedom Concerns

MAP-21 combined the New Freedom (5317) program project eligibilities with the new 5310 program. MPOs are concerned that if Caltrans were to retain their current administrative role, Caltrans might not be willing to continue funding existing large UZA New Freedom projects.

MPOs/Large UZAs Would Not Have Access to State's Fund 055.

Caltrans currently services grant project procurements by advancing funds for transit vehicle and equipment purchases. This is facilitated through the Mass Transportation Revolving Fund/account (a State fund). Large UZA 5310 applicants would not have access to this account and would therefore have to use local funds or financing to purchase vehicles and then wait for reimbursement from FTA. Caltrans would not be able to continue to offer the use of this fund after MPO's/large UZAs become responsible for 5310 program administration.

Workshop and Online Survey Findings

Stakeholder outreach activities for this project included two workshops and an online survey. A description of these activities and the key findings from each are presented below.

Workshop #1 Content and Highlights

Based in part on the identification of key issues, MTI convened the first of two workshops on July 10, 2013, to provide a "knowledge transfer" between Caltrans, MPOs, and other stakeholders. This was a dialogue that provided information on how the 5310 and New Freedom programs were administered by Caltrans and MPOs/large UZA under SAFETEA-LU. It also included a collaborative stakeholder dialogue that aimed to foster ideas about the best way to implement the 5310 program as prescribed by MAP-21.

During this workshop, stakeholders identified three statewide 5310 program implementation options:

- **Option #1:** Continue with the current administrative system under Caltrans.
- **Option #2:** MPOs take over administration for their respective large UZAs (referred to above as “full transition”).
- **Option #3:** Administrative Hybrid – Partnership between MPOs and Caltrans.

Each option is described in greater detail below.

Option #1: Continue with the current administrative system under Caltrans.

Statewide program administration, financial management, vehicle procurement and inspections, and FTA compliance responsibilities would remain with Caltrans as the designated recipient. However, there are several new activities that Caltrans would conduct:

- Caltrans would develop new project selection criteria and scoring systems to evaluate new 5310 project eligibilities (including those previously funded under the New Freedom Program).
- Caltrans would award projects up to the apportionment level that FTA identifies for each large urbanized area, as displayed in FTA in apportionment notices.
- Caltrans would ensure that at least 55 percent of all funds allocated serve projects that were eligible 5310 activities under prior federal authorization (SAFETEA-LU).
- Caltrans would provide oversight for all eligible 5310 project types, which includes operations, mobility management, and capital purchases.
- As required by state law, administrative resources would be limited to 5 percent of the total combined statewide apportionment.

Option #2: MPOs take over administration for their respective large UZAs.

If MPOs or eligible large UZA agencies elect to become the designated recipient for the large UZA apportionments, they would work directly with FTA. All large UZA 5310 program administrative responsibilities would reside with the MPOs. Distinguishing elements of this option include:

- MPOs or eligible large UZA agencies would need to establish new administrative systems equal to those previously required of Caltrans. This would require MPOs/agencies to acquire the capacity and technical expertise to be responsible for and perform all 5310 administrative tasks formerly handled by Caltrans. Any new administrative requirements of MAP-21 would also be the MPO’s/agency’s responsibility. This includes:

- FTA grant management
 - Application development
 - Calls for projects
 - Project scoring and selection
 - Workshops (application, award, invoicing, procurement reimbursement/ payment)
 - Procurement workshops
 - Finance management
 - Vehicle procurement and inspections
 - Project monitoring
 - Asset management and property disposition
 - FTA compliance audits
- Administrative resources (up to 10 percent) would be included in each designated recipient's apportionment.

Option #3: Administrative Hybrid – Partnership between MPOs and Caltrans

Under this scenario, 5310 program administration would remain with Caltrans as the designated recipient. However, large UZA project scoring, selection and programming decisions would be delegated to large UZA MPOs. Caltrans would continue to support all other program requirements set by the FTA. Distinguishing elements of this option include:

- MPOs would need to set up and establish new administrative systems to handle project scoring and selection, or expand their New Freedom programming processes to incorporate traditional 5310 projects.
- Caltrans would check program allocations by area to ensure large UZA funding splits are maintained according to FTA apportionment notices.
- MPOs would be required to show that 55 percent of their 5310 apportionment funds traditional 5310 projects in accordance with 9070.1(f) or Caltrans State Management Plan within their region (including projects supported by non-profit transportation providers).
- Caltrans would confirm that all funding decisions made by large UZA MPOs provide a minimum of 55 percent for traditional 5310 projects, as defined by FTA.

- Caltrans would continue to provide the following services:
 - Workshops (award and procurement)
 - Finance management
 - Procurement oversight
 - Vehicle procurement and inspections
 - Project monitoring
 - Asset management and property disposition
 - FTA compliance audits
 - Invoicing/Reimbursement payment

FTA would allow 5310 administrative resources to be shared between MPOs and Caltrans if this option is pursued. However, Caltrans has determined that the resources required to facilitate project scoring, selection and programming are a very small component of the overall work required to deliver projects throughout their useful life. Furthermore, project selection and programming are duties that MPOs currently facilitate. Additionally, since California state law only allows Caltrans to utilize half (5 percent of the total California apportionment) of the total administrative resources available (10 percent of the total California apportionment), Caltrans cannot make considerations to share any of the Department's 5310 resources.

Workshop #2 Content and Highlights

Following Workshop #1, MTI worked with Caltrans and MPO representatives to write a memorandum summarizing these options. This "Options Memo" was then sent to all stakeholders, along with an invitation to the second Workshop. A web address linking to an online survey was also included. The survey asked stakeholders to identify their preferred implementation option and provide feedback. The link was sent to all stakeholder MPOs in California (10) as well as several key non-MPO stakeholders identified by Caltrans (four). MPOs were also encouraged to distribute the survey link to any key 5310 stakeholders within their jurisdictions.

A total of 23 survey responses were received. These included responses from eight MPOs (80 percent), eight transit agencies, and seven "other" agencies/organizations (congestion management agencies and non-profit transportation services providers). These findings are not intended to be statistically significant or representative, but rather they are meant to provide Caltrans and the other stakeholders with a general picture of the preferences of the stakeholders at the time of this survey's collection.

Survey results are identified below (see Figure 1).

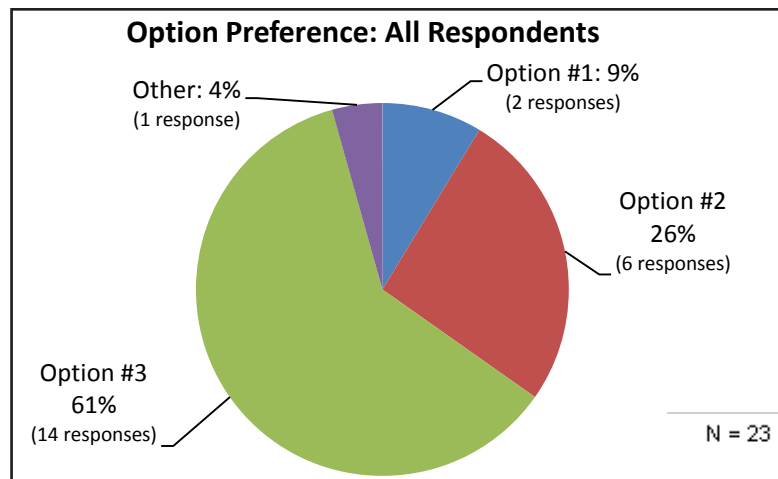


Figure 1. Preferred 5310 Implementation Option for All Stakeholders

Figure 1 shows that 61 percent of all stakeholder respondents (including MPOs, transit agencies, NGOs, etc.) preferred Option #3, the so-called “Hybrid” model, where MPOs and Caltrans would share responsibilities for running the 5310 program in large UZAs. Option #2, where MPOs take over all program responsibilities for their large UZAs, was the runner-up with 26 percent of respondents selecting this as their preferred option. Option #1, where Caltrans would continue to run the program for the entire state received two votes (representing 9 percent of respondents).

The key reasons survey respondents cited preferring Option #3 were:

- *Protect the New Freedom (5317) program:* A number of respondents were “concerned that should Caltrans administer the entire program, traditional 5317 programs like mobility management and volunteer driver programs would go by the way side.” These respondents believe that an MPO/Caltrans partnership would help protect the New Freedom side of the program.
- *The need to retain Caltrans’ vehicle procurement expertise:* Caltrans’ understanding of the 5310 vehicle and equipment procurement program is not currently available at most local levels.

The key reasons survey respondents cited preferring Option #2 were:

- *Protect the New Freedom (5317) program:* Several respondents indicated that in order to protect the New Freedom program it is best to rely on the MPOs exclusively.
- *MPOs are closer to the locals:* Some respondents indicated they felt the MPOs were more in tune with the needs of local, program applicants.

The respondents who selected Option #1 (where Caltrans continues to run the program for the entire state) cited concerns that if MPOs were to take over 60 percent of the program’s budget on behalf of the large UZAs, the rural and small UZA areas of the state would suffer from reduced opportunities to obtain 5310 funds and program services.

Interestingly, the agency or organization the stakeholder respondent represented did not have a noticeable influence on the option he/she preferred. While the MTI researchers expected to see that MPOs would favor a different outcome from non-profit or rural agencies, the favored options did not differ substantially by agency type. Figure 2 shows that 62 percent of MPO respondents (i.e., five of eight MPO respondents) favor Option #3 – roughly the same proportion of all stakeholder respondents.

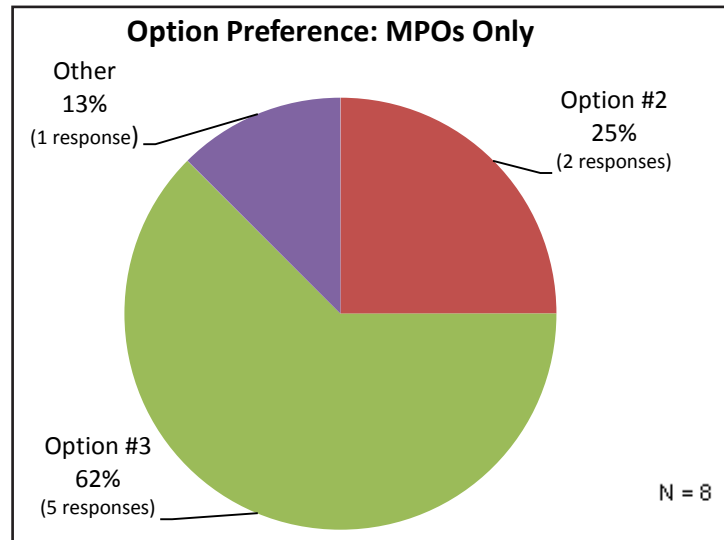


Figure 2. Preferred 5310 Implementation Option for MPOs

Figure 3 shows that 63 percent of transit agency respondents (i.e., five of eight transit agency respondents) favor Option #3 – a similar finding to those identified for all stakeholder respondents.

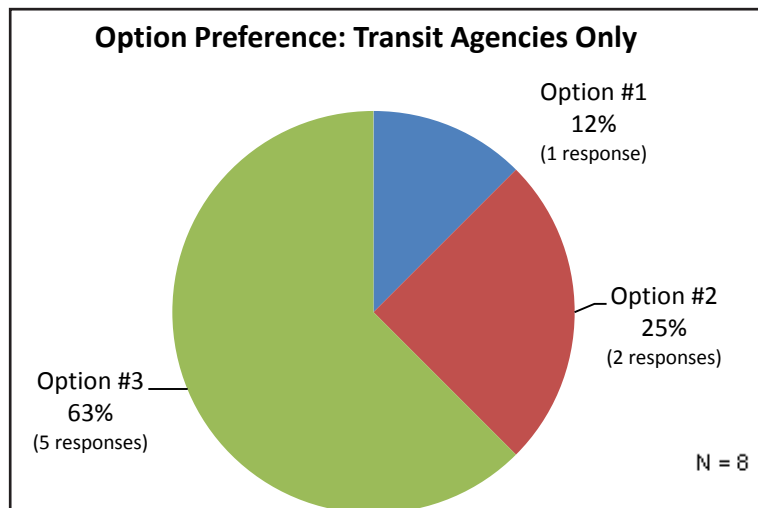


Figure 3. Preferred 5310 Implementation Option for Transit Agencies

Figure 4 shows that 57 percent of all other respondents, including non-profits (i.e., four of seven respondents), favor Option #3 – a slightly lower proportion than the other respondent groupings, but still a solid majority favoring this option.

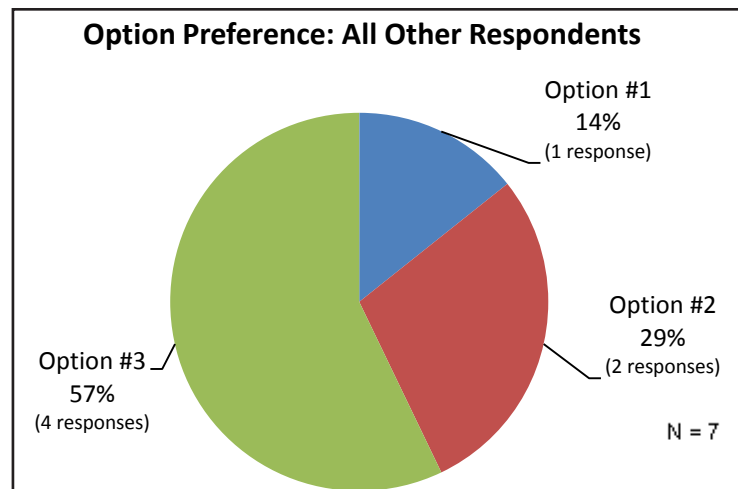


Figure 4. Preferred 5310 Implementation Option for All Other Agencies

These survey results were presented to the stakeholders at Workshop #2, held on September 5, 2013. At this workshop, Caltrans announced that they would work with MPOs to implement either Option #2 or #3 on a case-by-case basis, depending on the MPOs preference, as long as each of these options were implemented consistently across the state. In other words, Caltrans asked that MPOs select either Option #2 or #3, but not some variant of either.

II. PROPOSED SOLUTION

The stakeholders have reached consensus that the 5310 program should be organized to provide MPOs with the option of selecting either Option #2 (the MPOs/eligible large UZA agencies become the designated recipients for their large UZAs) or Option #3 (the hybrid model, where Caltrans and MPOs jointly run the program for large UZAs).

These options are described below in greater detail.

Implementation of the Solution

MPOs will have the choice of selecting Option #2 or #3 for the large UZAs within their jurisdictions. While Caltrans has stated that it is willing and able to accommodate either of these choices for individual MPOs, Caltrans will not be able to financially and administratively sustain variations within these two options. In other words, each MPO must select between the two options as described.

MPOs selecting Option #2 must send a letter to Caltrans stating their intention to become the designated recipients for the large UZAs within their jurisdictions. Once the designation is official, the MPOs selecting Option #2 will have complete administrative and programmatic responsibility for running the 5310 program for their large UZAs. Caltrans will not be able to administratively support any role in running these programs (including vehicle purchasing and inspections, grants administration, training, etc.).

MPOs selecting Option #3 should send a letter of intent to Caltrans stating their desire to engage in an ongoing partnership to develop the administrative processes and formal agreements necessary to run the 5310 program for all the large UZAs within their jurisdictions. Based on stakeholder feedback (from the workshops as well as the Implementation Options Survey), this option will most likely have the following characteristics:

- *Designated Recipient:* Caltrans will remain the official designated recipient for the large UZAs.
Key issues are:
 - Building a process for identifying and ending 5310 projects that are not performing well or that are not in compliance with MAP-21/FTA requirements.
- *Project Scoring and Selection:* Project scoring and selection will be done by the MPOs, while Caltrans will provide administrative oversight to help ensure compliance with MAP-21 and FTA requirements.
Key issues are:
 - Developing a statewide application with a single statewide Call for Projects date that provides consistency and uniformity for the applicants. MPOs develop their respective scoring and project selection processes in reference to their local plans and programs.

- Considering the creation of a statewide “clearinghouse” for 5310 applications that would provide a seamless “face” to program applicants.
- *Project Performance/Compliance Monitoring:* A joint responsibility between Caltrans and the MPOs.
Key issues are:
 - Determining the process of decision-making if partnership parties do not agree on administrative decisions.
 - Determining division of responsibilities between Caltrans and MPOs on project performance and compliance.
 - Determining the respective roles for MPOs and Caltrans for communications with FTA.
- *Transit Vehicle/Van Purchasing and Inspections:* Caltrans will continue to administer the purchase of, and conduct inspections for, vehicles/equipment for all Option #3 MPO partners. Vehicle purchases will be made only at the direction from MPOs upon project selection and approval.
Key issues are:
 - Developing reasonable expectations for demand for Caltrans’ vehicle purchasing and inspection services for staffing and budgeting purposes.
- *Sharing Administrative Funds:* Caltrans and those MPOs that choose Option #3 agree in principle that Caltrans and the MPOs can share administrative funds to run the 5310 program in large UZAs.
Key issues are:
 - Limiting State Law: Caltrans cannot and will not relinquish any administrative resources until state law limiting Caltrans to just 5 percent for administration is appropriately amended or lifted. At such time, stakeholders may develop a mutually agreed-upon formula for sharing administrative funds, if local workloads warrant.
 - Administrative Budgeting and Oversight: Developing processes and identify responsibilities for partners for program budgeting and oversight.

III. FUTURE DIRECTION / LONG-TERM FOCUS

MAP-21 will expire and require reauthorization (with potential revisions) in 2014. Efforts are currently underway through AASHTO to lobby Congress to revert administrative responsibilities for 5310 back to the states. This long-term uncertainty about who will eventually run the program suggests that California would do well to maintain a flexible posture. The Hybrid/Partnership Option can provide the maximum amount of flexibility for the program over the long-term while building the administrative capacities of all partners.

At the conclusion of Workshop #2, Caltrans agreed to send a letter to each large urban area MPO to request their intentions, work with the FTA to solidify designations for MPOs choosing Option #2, and work with stakeholders to develop necessary guidance and agreements with MPOs choosing Option #3. For agencies choosing Option #3, Caltrans will conduct one MAP-21 two-year Call for Projects.

IV. RESULTS / CONCLUSION

The results of this research and the associated stakeholder outreach suggest that most of the state's 5310 stakeholders want the program to be run as a partnership/hybrid (Option #3) between the MPOs/Large UZAs and Caltrans. There was little support among the stakeholders for continuing the current, Caltrans-run statewide program (Option #1). Analysis of existing data from Caltrans' 5310 program administration also suggests that turning over the state's large UZA areas to the MPOs (Option #2) will likely result in a significant duplication of effort and a diminution of the program's purchasing power and effectiveness on a statewide basis. While there are a few MPOs who have expressed a preference for taking over the program for their large UZAs, a sizable majority of surveyed MPOs voiced their preference for Option #3.

While there are significant barriers to the successful creation of an ongoing and effective hybrid partnership, this research suggests these barriers are not entirely unique to Option #3 (i.e., many issues must be resolved no matter which of the three options is chosen). Challenges such as creating a consistent project scoring and selection process for review and approval by the California Transportation Commission and the FTA, tracking program compliance and project performance, and vehicle inspections must be addressed no matter who the designated recipient (i.e., lead agency) is. Furthermore, Option #3 has the distinct advantage of making the strengths of each partner agency available to address these challenges.

In short, it is better to face these challenges together, in partnership, than to go it alone.

LIST OF ACRONYMS AND KEY TERMS

Caltrans	California Department of Transportation
FTA	Federal Transit Administration
Fund 055	California Transit Assistance Funding/ Mass Transportation Revolving Fund
MAP-21	Moving Ahead for Progress in the 21st Century
MPO	Metropolitan Planning Organization
MTI	Mineta Transportation Institute
NGO	Non-Governmental Organization
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
Section 5310	Enhanced Mobility of Seniors and Individuals with Disabilities (grant program)
Section 5317	“New Freedom” (grant program)
UZA	Urbanized Area

ENDNOTES

1. U.S. Department of Transportation, Federal Transit Administration. (n.d.). Section 5310 Program Overview. In *U.S. Department of Transportation, Federal Transit Administration*. http://www.fta.dot.gov/13094_8348.html (accessed March 12, 2014).

ABOUT THE AUTHORS

CHRISTOPHER FERRELL, PhD

Dr. Ferrell began his planning career in 1995 working for the Metropolitan Transportation Commission (MTC) on Intelligent Transportation System (ITS) applications for traffic management. Since 2000, he has worked as a transportation consultant, and in 2010 he co-founded CFA Consultants, a transportation planning and research firm. Dr. Ferrell completed his doctoral studies in City and Regional Planning at the University of California at Berkeley in 2005. His studies focus on the relationships between transportation and land use. His research experience includes the evaluation of transit facilities, transportation policy analysis, transportation and land use interactions, travel behavior, and the analysis of institutional structures. As a practitioner, he has developed traffic impact studies for mixed-use, infill and transit-oriented projects, analyzed the impacts of specific and general plans and planned and implemented intelligent transportation systems, and developed bicycle and pedestrian plans. He recently completed TCRP Report 145: *Reinventing the Urban Interstate: A New Paradigm for Multimodal Corridors*. He has also taught several graduate planning classes in the San José State University Urban Planning Department and the University of California, Berkeley City and Regional Planning Department.

BRUCE APPELYARD, PhD

Dr. Appleyard is a Principal with the planning and research and firm, CFA Consultants and an Assistant Professor of Urban Planning at San Diego State University. Previously, Bruce served as an Associate Research Professor of City & Metropolitan Planning in the College of Architecture and Planning at the University of Utah (UU) and an Adjunct Professor of Real Estate Development in the UU David Eccles School of Business. Bruce has 20 years of experience working as a Planner and Urban Designer, focusing on the intersection between transportation, design and environmental quality in support of a diverse range of sustainability and livability objectives. Bruce has written for both academics and practitioners and has developed and taught numerous professional and community workshops. Bruce is skilled at bridging professional, academic and public divides in order to create joyful and enriching community places that are both economically viable and able to yield numerous environmental and health benefits for all.

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