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**Federal Transit
Administration**

Private Transportation Operators at the Table: A Guide to Participating in the Transportation Planning Process



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Private Transportation Operators at the Table: A Guide to Participating in the Transportation Planning Process

January, 2011

<i>Prepared by:</i>	<i>Subcontractor Agency:</i>
Taxicab, Limousine & Paratransit Association	KFH Group, Inc. J.M. Rubino Consulting

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FOREWORD / ABSTRACT

The transportation planning process provides the foundation for a community to assess existing conditions, identify current and future transportation needs, analyze potential strategies to address these needs, and establish consensus on a plan and program of strategies to meet those needs. Private transportation operators can—and should—play an important role in the transportation planning process by providing their expertise and offering their ideas and suggestions to a community's vision for mobility.

Unfortunately, in many communities private transportation providers are not involved in the transportation planning process. A variety of reasons contribute to this reality. For some, the various transportation planning activities may seem excessively complicated and difficult to interpret. Various organizations may lead planning efforts in the community, and the planning documents produced through these efforts typically include numerous projects and studies, making it difficult for private transportation providers to determine exactly where they fit in. In addition, private transportation operators already have plenty on their plates, so getting involved and going to lots of meetings may not be high on their list.

Therefore, private transportation operators are often not “at the table” during the planning process and are unaware of the business development opportunities that may result from their involvement. This guidebook offers important information on the transportation planning processes to provide private transportation operators with a working knowledge so they are aware of the potential benefits of being involved and can identify opportunities for their involvement.

In addition, this guidebook takes a broader look beyond just the transportation planning process, recognizing that private transportation operator involvement in this process also gives operators an excellent opportunity to assess their current operations and take a long hard look at how they can improve. Therefore, in addition to the “nuts and bolts” of the planning process, this guidebook provides guidance in taking advantage of the business opportunities that arise, and in aligning a company to these opportunities.

While private transportation operators are the primary audience, this guidebook may be useful for transportation planning officials in their work with the private industry.

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Acknowledgements

In October 2007, the Federal Transit Administration (FTA) entered into a cooperative agreement with the Taxicab, Limousine & Paratransit Association (TLPA) to assist private for-hire vehicle operators in understanding and becoming involved in their local Metropolitan Planning Organization (MPO) and statewide planning processes—and in identifying the opportunities for business that may follow. Mr. Harold Morgan, Executive Vice President, managed this program for TLPA.

A key component of this technical assistance program is training seminars to help equip private operators with the knowledge, skills, and abilities to more fully participate in these planning processes, to understand the benefits of getting involved, and ultimately to identify opportunities to tap into additional revenue opportunities and expand services. TLPA contracted with the KFH Group, Inc. and J.M. Rubino Transit Consulting to conduct 11 one-day *Planning Ahead: Enhanced Contracting Opportunities by Participating in the Transportation Planning Process* seminars throughout the country between September, 2008 and October, 2009. A key part of the seminars was a manual that was used in the development of this guidebook.

The development of the *Planning Ahead: Enhanced Contracting Opportunities by Participating in the Transportation Planning Process* seminar agenda and manual was guided by a TLPA Technical Working Group (TWG) that included the FTA Project Manager. This group also reviewed and provided valuable input into this guidebook:

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During the development of this guidebook, Candace Noonan assumed the role as Project Manager for FTA. Ms. Noonan facilitated review by appropriate departments at FTA, and provided valuable comments that were incorporated into the final version.

The FTA grant to TLPA also funded technical assistance to individual private transportation operators using selected national consultants. This team of consultants included the *Planning Ahead* seminar presenters who were also the authors of this guidebook. For more information on possible assistance, contact TLPA through their toll free hot line, 1-866-928-6550.

FTA previously produced *Transit at the Table: A Guide to Participation in Metropolitan Decisionmaking*. This document was used as a resource for development of this guidebook. In addition, a variety of reports, documents, and websites included in the “Resources” section of this guidebook were used in the development of this guidebook.

Common Terms and Acronyms

Accessibility: Refers to the extent to which facilities are barrier-free and can be used by people with disabilities, including wheelchair users.

Americans with Disabilities Act (ADA): This Act passed by Congress in 1990, mandates equal opportunities for persons with disabilities in the areas of employment, transportation, housing and public accommodations. Under this Act, most transportation providers are obliged to purchase lift-equipped vehicles for their fixed-route services, and must assure “system-wide accessibility” of their demand-responsive services to persons with disabilities. For those persons unable to use fixed-route service by virtue of their disability, supplemental paratransit service must be provided.

Area Agency on Aging: The local entity that plans for services and advocates for the elderly within their communities, and administers provisions of the Older American Act.

Automatic Vehicle Location: A system that tracks the current location of fleet vehicles determined by geographic positioning using vehicles with communication equipment transmitted back to a central receiver. It is used to assist in dispatching, maintaining schedules, and reporting vehicle activities.

Capital Cost (CAP): The cost of equipment and facilities required to support transportation systems, vehicles, radios, shelters, etc., that have a useful life of more than one year.

Code of Federal Regulations (CFR): An annual publication that contains all federal regulations currently in effect.

Commercial Driver's License (CDL): The standardized driver's license required of bus and heavy truck drivers in every state. CDLs were mandated by the federal government in the Commercial Motor Vehicle Safety Act of 1986.

Congestion Mitigation and Air Quality Program (CMAQ): A flexible funding program administered by the Federal Highway Administration (FHWA) that obligates funds to projects and programs that reduce harmful vehicle emissions.

Department of Health and Human Services (DHHS): A cabinet-level federal agency that provides funds for many specialized transportation services in urbanized and rural areas as part of the social service programs.

Department of Transportation (DOT): A cabinet-level federal agency responsible for the planning, safety, and system and technology development of national transportation, including highways, transit, aircraft, and ports.

Federal Fiscal Year (FFY): The federal fiscal year is from October 1 to September 30 of the next year.

Federal Highway Administration (FHWA): A component of the U.S. Department of Transportation, established to ensure development of an effective national road and highway transportation system. It assists states in constructing highways and roads and provides financial aid at the local level.

Federal Motor Carrier Safety Administration (FMCSA): A component of the U.S. Department of Transportation responsible for ensuring motor carrier regulations are enforced and ensure the safety of motor carriers.

Federal Register (FR): The official public notice of government actions. It publishes all current Presidential proclamations and Executive Orders, as well as federal agency regulations that have general applicability and legal effect. It is published five times a week.

Federal Transit Administration (FTA): The component of the U.S. Department of Transportation that regulates and helps fund public transportation within local communities. FTA provides financial assistance for capital, planning and operating costs and also sponsors research, training, technical assistance and demonstration programs.

Intermodal Facility: A building that serves more than one form of transportation. For example, an intermodal building may provide facilities for a local transportation system, an intercity bus line, or a passenger rail line.

Match: State and or local funds required by the federal government to complement federal funds for a project.

Metropolitan Planning Organization (MPO): The organization designated by the governor and local elected officials as responsible, together with the state, for transportation planning in an urbanized area.

Metropolitan Transportation Plan (MTP): The official multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted and updated by a Metropolitan Planning Organization through the metropolitan transportation planning process.

Notice of Proposed Rule Making (NPRM): Proposed regulations published in the *Federal Register*.

Operating Cost (OP): All expenses associated with operation of a transit service. It includes such items as wages, salaries, fuel, maintenance, marketing, insurance, etc. It does not include planning, capital depreciation or capital costs.

Request for Proposal (RFP): A competitive procurement method used when services cannot be precisely defined or price will not be the only evaluation factor.

Request for Qualifications (RFQ): A competitive procurement method generally used in Architectural and Engineering procurements that involves price negotiations after a firm is selected on qualifications.

Rural Transit Assistance Program (RTAP): FTA program that offers training materials, technical assistance, and other support services for rural transit systems.

Transportation Improvement Program (TIP): A document prepared by a metropolitan planning organization that lists projects to be funded with FHWA/FTA funds for the next one-to three-year period.

Unified Planning Work Program (UPWP): A statement of work identifying the planning priorities and activities to be carried out within a metropolitan planning area. At a minimum, a UPWP includes a description of the planning work and resulting products, who will perform the work, time frames for completing the work, the cost of the work, and the source(s) of funds.

Urbanized Area (UZA): An area designated by the Bureau of the Census containing a central city or cities and surrounding closely settled urban fringe (suburbs), which together have a population of 50,000 or more.

Sources: *FTA/FHWA Transportation Planning Capacity Building Program, FTA Planning Index, and Iowa DOT Handbook*

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Introduction

The transportation planning process provides the foundation to assess existing conditions, identify current and future transportation needs, and analyze potential strategies to address these needs. While this process therefore plays a fundamental role in a state, region or community's vision for its future, it also involves federally-required state, metropolitan, and local planning processes to access critical transportation funding.

There is early—and ongoing—opportunity for public involvement and the input of key stakeholders as more and more communities realize that transportation planning needs to recognize the critical links between transportation and other societal goals, and that the process requires developing strategies for operating, managing, maintaining, and financing the area's transportation system in such a way as to advance the community's long-term goals.

Private transportation operators can—and should—play an important role in the transportation planning process by providing their expertise and offering their ideas and suggestions to a community's vision for mobility. This often requires them to be proactive and to seek out opportunities to be involved. However, the transportation planning process can benefit the private transportation operator by opening doors to possible business opportunities that may develop through the networking and partnerships that stem from the process.

Unfortunately, in many communities private transportation providers are not involved in the transportation planning

Guidebook Objectives:

- Provide a working knowledge of the various transportation planning processes.
- Discuss the benefits of being involved in the planning process.
- Review key Federal funding programs and help identify potential opportunities for private providers.
- Help assess objectives for participation in the planning process.
- Provide tips on aligning your company to new business opportunities.

process. You may have experienced this disconnect in your own community. So why is this the case? Well, even for the most seasoned transportation professional, the various transportation planning processes may seem complicated and difficult to interpret, and therefore often outside the interest of the general public. Various organizations may lead transportation planning efforts in a community, and planning documents produced through these efforts typically include numerous projects and studies, making it difficult for private transportation providers to determine exactly where they fit in. In addition, transportation planning agencies and transit systems carry out the planning process in different ways, and may have

different philosophies regarding the involvement of private transportation operators in the planning process and the administration of Federal grant programs. Moreover, transportation planners may simply be unaware of the importance of the services provided by private transportation operators in their area.

In addition, private transportation operators already have plenty on their plates, so getting involved and going to lots of meetings may not be high on the list—unless there are potential business development opportunities. The result is that often private transportation operators are not “at the table” during the planning process and therefore unable to form the partnerships with planning agencies, transit providers, human service agencies, and others that would allow them to connect

with potential funding sources and expand transportation services and options in their community. These realities are the basis for this guidebook.

This guidebook takes a broader look beyond just the transportation planning process, recognizing that private transportation provider involvement in this process also gives operators an excellent opportunity to assess their current operations and take a long hard look at how they can improve. Therefore, in addition to the “nuts and bolts” of the planning process, this guidebook provides guidance in taking advantage of the business opportunities that arise, and in aligning a company to these opportunities.

While private transportation operators are the primary audience, this guidebook may be useful for transportation planning officials in their work with the private industry. As noted in the acknowledgements, FTA previously produced *Transit at the Table: A Guide to Participation in Metropolitan Decisionmaking*, and a review of that guidebook and the development of this one highlights the fact that public transit operators and private transportation providers encounter similar experiences through the transportation planning process.

Transportation planners can use this information in their work with transit operators and private industry representatives, realizing that:

- Their interest and involvement in the planning process will vary from one organization or company to the next.
- They are often unaware of the potential benefits for being involved in the transportation planning process.
- They can be overwhelmed by the organizational complexity of MPOs and time consuming nature of the process.
- They may feel their participation is in the hands of the MPO, State Department of Transportation (DOT), and other planning partners, and they may feel a “level playing field” does not exist.

Audience

The goal of this guidebook is to provide private transportation operators with an appropriate understanding and working knowledge of the transportation planning processes and planning organizations so that they can ask the pertinent questions and make more informed decisions regarding the level of involvement that is most valuable to them. This guidebook is designed to be practical and easy-to-use in helping to identify beneficial opportunities for involvement in local and statewide planning processes, and is therefore angled to this audience.

The “planning table” is simply a metaphor for the overall process, and the objective of this guidebook is to provide private transportation operators with the knowledge to find the “table”, to know what to expect at the “table”, to know how to best spend their time at the “table”, and to know how to get the most from being at the “table”.

As noted earlier, the transportation planning process can seem overwhelming, and the information in this guidebook is extensive. However, private transportation operators who have benefitted from involvement in the transportation planning process typically remark that it began with one small step such as showing up at a community meeting. As the Chinese proverb says, “the longest journey begins with the first step.” This guidebook can help in taking that first step.

So Why Get Involved?

So as we turn our attention to you—the private transportation operator—we realize your involvement in the transportation planning process, obviously, needs to make business sense. It can, by providing you and your company the opportunity to:

- Gain access to local decision-makers and public transit and other transportation providers, and join them where they meet and use that venue to network.
- Form partnerships and learn about opportunities to expand your services.
- Provide your perspective, including offering ways to provide more efficient and effective services in your community.
- Sell yourself and your company.

An important consideration when determining your level of involvement in the transportation planning process is the role that you envision for your company in this process, and how your involvement can be effective and consistent with where you want your company to be in the future. With use of this guidebook, hopefully you will have greater ability to determine your role and be better prepared to inform local and statewide planning representatives regarding your interest in the process, let them know how your company and services fit with overall plans to improve transportation, and educate them on the transportation services which benefit from the involvement of private transportation operators.

Section 1: Business Opportunities through the Planning Process

While a key objective of this guidebook is to provide you with a working knowledge of the transportation planning process, it is critical to connect this knowledge with business opportunities and current transportation themes. Your involvement in the transportation planning process provides you the opportunity to:

- Impact the planning process by providing information on transportation needs, offering possible service alternatives, etc.
- Meet and network with decision makers and other transportation providers.
- Form partnerships.
- Expand services through coordination, mobility management, and other opportunities.

Participation in the transportation planning process can help lead to a wide spectrum of opportunities for private operators to provide service. You may already be involved in these services in your community, but just in case, here is an overview of some typical opportunities for private transportation operators, which can be your starting point as you think about your role in the transportation planning process.

Premium Taxi Service in Urban Areas

A number of cities have instituted premium service over and above the complementary paratransit requirements of the Americans with Disabilities Act (ADA) to give riders

“Eighty percent of success is showing up”

.... Woody Allen

more mobility options. These premium service programs for ADA riders have some or all of the following features:

- Multiple private providers involved – usually taxi companies.
- The trip is treated as a taxi trip, not an ADA trip.
- Customers choose the provider they want to use.
- There may be limitations on meter fare, trip distance and/or numbers of trips.
- Customers typically pays a fare (usually higher than for an ADA trip) and the local transit system or sponsoring agency pays the remainder (with limits).
- Successful programs have effective control to ensure proper use by riders and taxi drivers.

There can be some challenges with premium taxi services, including insufficient monitoring of service and customers bypassing the scheduling system to call their favorite drivers directly. Also,

low fares or trips with no limits can allow some customers, drivers, or companies to take advantage of the program.

Making the Transportation Planning Connection – The FTA New Freedom Program (detailed in Section 3) funds transportation projects above and beyond the ADA. These projects must be derived from a coordinated public transit-human services transportation plan (detailed in Section 4) that includes transportation providers – like you!

Contracting for ADA Paratransit and Other Services

Many transit systems have forged lasting and mutually beneficial relationships with private transportation operators in the contracting of ADA paratransit and other services. Some factors to consider:

- ADA paratransit and other services usually require high standards for drivers and vehicles, following the transit system’s policies and procedures.
- This relationship may require a change in the private transportation operator’s business model to meet the needs of the transit agency.
- Local taxi and limousine companies that can provide quality service are well poised to provide ADA paratransit service.
- Low turnover among drivers is critical when providing ADA paratransit service.

- Often ADA paratransit and other contracted services are not awarded to strictly the low bidder.

Private transportation operators who enter into contracts for ADA paratransit and other services should be sensitive to some challenges in providing this service. When there are problems or disruptions for customers who greatly depend on the service, people do not get transported to kidney dialysis, may lose their job, or may fail a class—and the story can become front page news. It is important that private transportation operators understand the nature of the work, the possible need to realign their company with the contracted service, and to have sufficient management controls in place. ADA paratransit services can be very demanding, and requires well-trained and experienced drivers, scheduling expertise, and adherence to a range of requirements. Therefore, costs to provide this service should be reflected in proposals and contracts, and under bidding avoided.

Many transit agencies contract with taxi companies to provide paratransit services, and an Easter Seals Project ACTION (ESPA) report describes the variety of ways that private operators can support paratransit programs. This report, “A Survey on the Use of Taxis in Paratransit Programs”, also discusses the features of the most successful taxi-aided ADA paratransit programs. The report is available through the ESPA Website at www.projectaction.org

Making the Transportation Planning Connection – Don't have a working relationship with your local transit provider? The transportation planning process may provide the appropriate forum for you to learn about how ADA paratransit and other services are currently provided and how your company could be involved.

After Hours Service

Some transit systems contract with taxi companies to provide service in the evening after the traditional fixed-route bus service stops running. This is becoming increasingly popular with Job Access and Reverse Commute (JARC) funded services (Section 3 includes more information on this program). For example, in Northeast Texas the local rural transit system (TRAX) has partnered with taxi companies in Paris and Texarkana to provide late evening JARC service. TRAX handles all of the daytime runs while the taxi companies are assigned the trips after 5:00 p.m. This has greatly enhanced transportation options, especially for local residents who work in retail or food service establishments that close later in the evening.

Making the Transportation Planning Connection – Many transit agencies are facing funding constraints and may need to reduce service hours. But there are plenty of transportation needs after their buses stop running, especially for people whose jobs require shift work. Does your local transit provider know that your company may be able to help fill this mobility void? The planning process may provide you with opportunity to ensure they are aware how your services can help close this gap.

Human Service Transportation

Human service transportation includes a broad range of transportation services designed to meet the needs of people who often have limited mobility options, including older adults, people with disabilities, and people with lower incomes. These services recognize that individuals have different needs and may require a set of different services depending on their abilities, their environment, and the options available in their community. Examples may include dial-a-ride (responding to individual door-to-door transportation requests), the use of bus tokens and/or transit passes for fixed-route scheduled bus services, or mileage reimbursement to volunteers or program participants. There are a variety of opportunities for private transportation operators to be involved in human service transportation, including contracts with human service agencies, provision of accessible taxi services, partnerships with taxi voucher programs, and involvement with Medicaid-funded Non-Emergency Medical Transportation. These programs and opportunities are detailed in Section 3.

Making the Transportation Planning Connection – Numerous human service agencies provide transportation, but many would much rather focus on their core mission and not on hiring drivers or scheduling vehicle maintenance. So why do they do it? Often they are unaware of any other options. But through the transportation planning process your company has the chance to interact with staff from human service agencies and gain a better understanding of the transportation needs of their organization and the people they serve. Subsequently, you can offer ways that your services could meet their transportation needs.

Coordinated Transportation Services

A variety of federal programs can be used by human service agencies to provide transportation for the people they serve, and as a result in most communities there are numerous providers and disconnected services. The provision of transportation services to program clients has long been an important part of most of these federal programs, with the need to get people to those program services. While efforts to better coordinate these programs began in the 1970s, efforts were formalized through the federal United We Ride initiative to provide technical assistance and guidance. Consequently, there may be a more formalized effort in your community, one that your company should be involved with so that you can share information on your services, and be part of a coordinated effort that hopefully leads to transportation professionals like yourself providing transportation services and allow human service agencies to focus more on their core mission.

Did you know that there are 64 different federal programs that fund public transit and human service agency-funded transportation services? For more information on the national effort to improve coordination of these programs, go to: www.unitedweride.gov

Making the Transportation Planning Connection – As a result of the United We Ride initiative, in many communities there is an

effort underway to improve coordination of the various transportation services. So, if you are not involved in an effort in your area, the transportation planning process provides you with the opportunity to learn more about any coordination activities in your community and to connect with agencies and organizations that could use your services.

Mobility Management

Mobility management sounds like something the transportation industry has been doing for years. In fact, it has been. However, in the past few years this term has come to represent a formal definition of a transportation strategy that focuses more on the customer and their needs, and the meeting of these needs through the coordinated use of a variety of providers. Mobility management is an evolving concept that aims to improve specialized transportation for older adults, people with disabilities, and individuals with lower incomes through a range of activities. These activities look beyond a single transportation service or solution to a “family of services” philosophy that can offer a wide range of services and options to meet an equally wide array of community demographics and needs. Obviously, private transportation providers can – and should – be a major component of this transportation delivery system.

The National Resource Center (NRC) for Human Service Transportation Coordination defines mobility management as a strategic approach to managing transportation resources that emphasize:

- Movement of people instead of vehicles,
- Customer needs and the discrete travel needs of individual consumers,

- The entire trip, not just that portion of the trip on one mode or another,
- Improvements to the effectiveness, efficiency, and quality of the travel services being delivered,
- Design and promotion of transit-oriented developments, livable cities, and energy efficient sustainable communities, and
- Improvements in the information that is available about those services.

The NRC defines mobility management as “a process of managing a coordinated, community-wide transportation service network comprised of the operations and infrastructures of multiple trip providers in partnership with each other.” The process is characterized by a focus on individual needs, not on moving the masses, and on innovation, changing usual business practices. Mobility management also:

- Offers a full range of travel options to the single occupant of an automobile.
- Cultivates partnerships and multi-agency activities.
- Offers a single point of access for customers to multiple travel modes.
- Applies advanced technologies.
- Coordinates community-wide planning with transportation, influencing land use and zoning decisions.
- Receives support from the business community, citizens, and local government.

The customized approach of mobility management means no two programs are exactly alike, and a variety of entities can serve as a mobility manager in a community. However, there are some common components. These include:

- Partnerships between multiple agencies and organizations, including taxi and other private transportation providers.
- A customer-driven, market-based approach that provides customers with a variety of transportation options through individualized trip planning.
- One-stop travel information and trip planning centers that provide information on available transportation options and coordinate requests for transportation services. This may include operation of a central call center for customers to gain information on available transportation options and to schedule trips.

Making the Transportation Planning Connection – To encourage greater use of mobility management in communities throughout the country, the FTA funds mobility management through the Section 5310 (Elderly Individuals and Individuals with Disabilities), Section 5316 (Job Access and Reverse Commute) and Section 5317 (New Freedom) Programs. More information on these programs and potential opportunities through mobility management and other projects can be found in Section 3. These projects must be derived from a coordinated public transit-human services transportation plan (detailed in Section 4) – a process through which you can provide your support for mobility management efforts and offer ways your company can operate mobility management services.

Emergency Preparedness and Response

Especially since Hurricane Katrina, communities, states and the federal government are reassessing plans and responses to emergency events. Obviously, transportation is a critical component of these efforts, particularly for non-drivers and people who need mobility assistance during an emergency situation.

Emergency response plans typically include an inventory of available vehicles and transportation resources, and the response to emergencies requires significant coordination between various agencies, transportation providers, hospitals, etc. While hopefully your community never experiences a situation that requires emergency transportation, your company can play a critical role in the planning for these events and in providing services if they do occur.

Making the Transportation Planning Connection – *While planning for emergency situations is broader than transportation, the transportation planning process provides an opportunity to connect with local officials who are involved in the coordination of emergency preparedness efforts. If your company hasn't been involved in emergency response planning, you may find this as the opportunity to learn about planning activities and to advise officials on how your transportation services can assist during an emergency, especially in transporting older adults, people with disabilities, and others with limited access to personal transportation. Also, the federal government is supporting response efforts that utilize paratransit vehicles*

and involve greater integration of available transportation providers, so this may provide the opportunity to connect with other companies that are involved with emergency services and are looking for transportation providers.

Bus Service Opportunities

There are also opportunities for private operators of bus services that can arise through involvement in the transportation planning process. These include:

- Contracts to provide public transit services. Many transit systems contract out all or a segment of their services.
- Intercity bus services. Throughout the country private bus companies provide scheduled service between cities and to major airports. More information on the FTA Section 5311(f) Program that provides funds to support intercity bus service can be found in Section 3.
- Express commuter bus services. Often communities that offer bus service from suburban park-and-ride lots to downtown locations contract these services through private bus companies.

Making the Transportation Planning Connection – *The transportation planning process can offer the opportunity to develop new or improved relationships with your local transit operator. In addition, the transportation planning process in your community may identify the need for expanded commuter or intercity bus services that private transportation operators can provide.*

Section 2: Linking the Transportation Planning Process to Your Company's Mission

It is important to have a working knowledge of the various planning processes in your community, but what is more important is to connect your participation in the planning process with your company's mission and business plan. Therefore, as you venture deeper into the transportation planning process, this section provides tips so that you can link the transportation planning process to your company's mission and vision. This is also an opportunity to reflect upon the changes that may be necessary for your company to meet the current and future needs of your customers.

Consumer Demands Are Always Changing

The private transportation industry needs to identify, and then meet, changing customer demands over time. While in the past 40 years the transportation industry has changed its look and its technologies, unfortunately many local companies have not changed their basic service offerings.

So take a look at your own company. What services are you offering that you did not offer 10, 20, or 30 years ago? Have you created any new services in response to a specific need?

Think about other industries, and how they have changed to meet new customer demands. How have these industries changed? For example, the fast food industry that once only offered only lunch and dinner now is open for breakfast and in some cases all day and night. The grocery

industry has changed to meet new customer demands, offering new products and services. The hotel, security, and auto repair and service industries are other examples of businesses that have adapted to the changing face of customer demands.

Consumers Have Adapted to the Lack of Transportation Solutions

While customers' transportation needs have changed, non-transportation industries and organizations have adapted to meet the gaps in transportation service. Consider this list of various entities that now provide transportation – a service that is outside of their core business or mission:

- Healthcare Industry: Hospitals, Clinics, Nursing Homes
- Travel Industry: Hotels, Rental Cars, Parking Facilities
- Human Service Organizations: Non-profit Organizations, Charitable Organizations
- Municipal: Counties, Cities, Airports, Public Hospitals

So, if you are not familiar with the transportation needs in your community, involvement in the planning process offers you the chance to see how your company may need to adapt to meet these needs.

So How Can Your Company Become the Solution?

When contemplating your potential involvement in the transportation planning process, take a fresh look at your company and the future of your business. This is a chance to open your mind to future possibilities and get outside your current comfort zone. Remember - *The successful person/company is one who does what the unsuccessful person/company is unwilling to do!*

So, before becoming involved in the transportation planning process, it is helpful to assess the reason for your involvement. Your potential objectives could include:

- Advocating for private sector involvement in general.
- Representing a coalition of local private companies.
- Establishing your company's value - to have your inventory and infrastructure considered a resource in future transit planning.
- Networking – to find out which organizations in your community are purchasers of private sector transportation and which participants in the planning process are the providers.
- Educating others on your services and benefits to the community.
- Providing comments on plans and programs for providing new or more efficient services based on your insights.
- Forming new relationships and partnerships.

Tip: *To find out what the public wants, spend a day in a busy transportation area in your community, and make note of every vehicle being operated by a non-transportation agency, for example vehicles operated by a nursing home or hospital.*

Why are they providing transportation services? Why didn't they think of your company to provide that service?

- Identifying new business opportunities.
- Building upon a positive image of your company, or begin reshaping a new one.

A goal is a dream with a deadline. Keep that in mind as you consider the following questions and link your participation in the transportation planning process to your business plan and your company's mission and vision:

- What are my objectives?
- What are my short term goals?
- What are my long term goals?
- How will I accomplish my goals? What is my plan?
- How will I measure my success?

As you consider these questions and think about the investment you want to make to the transportation planning process, and the most effective way for your company to benefit from your involvement, you may also want to consider the following:

- You may discover that your involvement in a related entity, like a local mobility coalition, is a quicker path to your goals.
- Start as an observer, and then look for opportunities to be part of a committee.
- Keep your eyes open, ask questions, introduce yourself to everyone, and bring plenty of business cards.
- Get involved in planning activities, such as serving on subcommittees and task forces that pique your interest (more information on possible committees can be found in Section 4).

Don't ever forget why you got involved in the transportation planning process in the first place, and be willing to move in the direction of most value to you and your company.

Section 3: Key Funding Programs and Opportunities for Private Transportation Operators

While your community can benefit from your participation in the transportation planning process just through the expertise and the depth of knowledge that you bring to the planning table, as noted earlier, your involvement also needs to make business sense. So, where are there business opportunities for private transportation operator involvement? For starters, the FTA has several funding programs where private operators are involved in many communities across the country. Some of these programs are designed for specialized rider groups, such as older adults, and others are designed for the general public. These funding programs are identified below along with examples of private operator involvement.

Three key FTA programs focus on the transportation needs of older adults, people with disabilities, and people with lower incomes. Projects funded through these three programs must be derived from a “locally developed, coordinated public transit-human services transportation plan”

***Tip:** As you can imagine, funding through FTA programs is very competitive. In addition to being involved in the transportation planning process and getting to know the players in your community or state, it is just as critical to submit a well-written proposal to the designated funding recipient. If needed, ask for help in writing your proposal through TLPA or other resources.*

that is detailed in Section 4. This coordinated transportation planning process provides an excellent opportunity for private transportation operator involvement.

Section 5310 – Elderly Individuals and Individuals with Disabilities Program

The federal grant funds awarded under the Section 5310 program provide financial assistance for purchasing capital equipment to be used to transport older adults and

Section 5310 Program – Some Opportunities for Private Providers:

- Participate in the coordinated transportation planning process (see Section 4).
- While private operators cannot be direct recipients, purchase of services is eligible expense (check with your state), therefore non-profits can contract for service with a private transportation operator instead of acquiring a vehicle.
- Partner with a non-profit agency whereby that agency acquires a wheelchair accessible vehicle that it then leases to your company under an agreement about use and availability.

persons with disabilities. Funds are apportioned annually by a formula that is based on the number of elderly persons and persons with disabilities in each state, and are typically administered by a State DOT. Private non-profit corporations are eligible to receive these grant funds. The Section 5310 grant provides 80% of the cost of the equipment purchased, with the remaining 20% provided by the applicant.

JARC / Section 5316 Program

The JARC Program provides funding to develop new or expanded transportation services that connect welfare recipients and other low income persons to jobs and other employment related services. Projects are eligible for both capital (80% Federal funded) and operating (50% Federal funded) expenses. Eligible entities to receive JARC funds include “Operators of public transportation services, including private operators of public transportation services”. Check with the agency in your community or state that is the recipient of JARC funds to confirm eligibility.

JARC funds are allocated by formula. In communities with population less than 200,000, the State is the designated recipient. In communities greater than 200,000 in population, there is a designated public entity - typically the local MPO or the local transit agency - for the JARC funds. Projects must be competitively selected by the designated recipient.

New Freedom Program / Section 5317

The New Freedom Program provides funding to assist individuals with disabilities with accessing transportation services, including transportation to and from jobs and employment support services. Projects funded through the New Freedom Program must be both new and go beyond the requirements of the ADA. New service has been defined by FTA as any service or activity not operational prior to August 10, 2005, or one without an identified funding source as of that date.

JARC Program - Some Opportunities for Private Providers:

- Participate in the coordinated transportation planning process.
- Operate vanpools between cities and suburban job sites.
- Provide late-night and weekend service.
- Provide guaranteed ride home service.
- Operate demand-response transportation service.
- Accept vouchers from low-income individuals to purchase taxi trips.
- Participate in mobility management programs (see Section 2 and later in this section for more information on possible mobility management projects).

New Freedom Program – Some Opportunities for Private Providers:

- Participate in the coordinated transportation planning process.
- Provide expanded paratransit services beyond ¾ mile ADA requirement.
- Provide expanded paratransit service hours beyond ADA requirement.
- Operate same day service for ADA paratransit riders.
- Provide door-through-door paratransit service.
- Acquire accessible vehicles for use in taxi, ridesharing, and vanpool programs.
- Accept vouchers provided to individuals with disabilities to purchase taxi trips.
- Participate in mobility management programs.

Similar to the JARC Program, projects are eligible for both capital (80% Federal funded) and operating (50% Federal funded) expenses. Also, like JARC, mobility management projects are eligible for funding and are considered an eligible capital expense, and eligible subrecipients include “operators of public transportation services, including private operators of public transportation services.” Again, check with the New Freedom Program recipient in your state or community to confirm eligibility.

Like the JARC Program, for communities with population less than 200,000 the State is the designated funding recipient. In communities greater than 200,000 in population, there is a designated public entity – which may be the local MPO. Similar to the JARC Program, projects funded through the New Freedom Program must be competitively selected by designated funding recipient.

Key Programs for Private Provider Participation Checklist:

So, as you consider a greater role for you and your company in the transportation planning process, remember to:

- ✓ Determine who administers transportation funding programs in your community and state. Contact your local transit provider, your local transportation planning agencies, and your state Department of Transportation.
- ✓ Network – through the planning process, by attending program application meetings, attending transit events, etc. See Section 4 for more information.
- ✓ Determine which funding programs offer the best business opportunities in your community for your company.

Private Transportation Operators' Involvement in the Section 5310, JARC, and New Freedom Programs

Private transportation operators have been involved in a variety of Section 5310, JARC, and New Freedom projects across the country. When looking at a sampling of successful efforts, some common themes emerge:

- Successful companies have a history of being involved in local business organizations, regional transit planning, and community outreach.
- Key management representatives are well-known in the community.
- In many cases, the private transportation operator was involved in the development of the coordinated transportation plan required for these programs (detailed in Section 4).

This last point is no small detail. When reviewing applications for Section 5310, JARC, or New Freedom Programs in a given state or community, the members of the review committee need to believe that the applicant is not only qualified to perform the proposed service in terms of company experience, but that the proposing firm also passes the “belief test”. The members of the review committee must believe that the applicant will perform the duties as stated in its proposal application, and that the company possesses the kind of integrity needed to operate their proposed service in the best interest of the community. Having a company manager or executive who is a well respected member of the business community goes a long way to establishing that belief.

Tips from TLPA members in regard to Federal funding programs, from the “Business Growth Opportunities for TLPA Members in Federally Funded Transportation Programs” report:

- Federally funded programs typically offer high volumes but low profit margins.
- You don’t have to take the rates that are offered, and you should not be involved in unfair contracting practices.
- Know what’s going on in your community.
- Become a part of the local planning process.
- Know which agencies are responsible for planning transportation improvements, how they do this, and when.
- Focus on providing better transportation service.
- Develop relationships: get to know your community’s leaders.
- Be creative.
- Make yourself available to the community.
- Make yourself heard if there’s a problem.
- Be prepared to invest real time and effort.
- Don’t miss the opportunities in private sector contracts.

Several case studies of successful involvement by private transportation operators in these FTA programs are included in the Appendix on page A-3. In studying these examples of successful applications, it was found that each applicant had spent some years establishing itself as the “go-to” company in the region (more information on this is included in Section 5). Being the “go-to” company means just that—your company is the company that local entities, both public and private “go to” to solve a transportation problem. The “go-to” company is considered the local expert, and is always the first option when the participation of a private company is considered.

If you become your area’s “go-to” company, that means that your experience, capabilities, integrity, and reliability are already pre-established in the minds of local community leaders and transit officials. Problems that face other companies like “establishing your company’s credentials” and “selling yourself” do not concern your company as your reputation has long been cemented into the minds of prominent local stakeholders. In short, if you are your community’s “go-to” company, the road in front of you is already paved, and you have done the paving. At this point, you just need to be aware of what opportunities come down that road.

Participation in these FTA programs will often involve working through issues and potential barriers. For instance, a taxi provider’s opportunity to purchase an accessible taxi through the New Freedom Program was hindered by a restriction on the geographic area the taxi could serve, and making the acquisition unprofitable. However, through participation in the

transportation planning process there is a greater possibility that these issues can be overcome.

More Mobility Management

As noted in Section 2, through the JARC and New Freedom Programs there is an emphasis on mobility management, with these projects considered an eligible capital expense and therefore eligible for 80% federal funding—even if the project involves hiring personnel or other typical operating expenses.

So, how can private transportation operators be involved and benefit from this focus on mobility management? While your level of interest and involvement must be based on current conditions in your community, these opportunities include:

- Ensuring that any mobility management activities in your community, such as the creation of an inventory of available transportation services, include information on private transportation providers.
- Leading or participating in local efforts to explore local mobility management options.
- Exploring the possibility of operating mobility management brokerages or call centers.
- Advocating for taxi and other voucher programs and real-time demand-response services that offer customers expanded transportation options, but that may be able to be provided more economically through a private provider.

Other FTA Programs

In addition to these three key FTA programs, there are other FTA funding sources with which private transportation operators should be familiar:

Section 5307 – Urbanized Area Formula Program

The FTA’s Section 5307 Program provides funding assistance for transit services in areas with a population greater than 50,000. For populations between 50,000 and 200,000, there is a designated state recipient, typically the State DOT. For communities with a population greater than 200,000, there is a designated local recipient, often the local transit provider.

For areas with a population between 50,000 and 200,000, both operating and capital assistance is available, and for areas over 200,000 Section 5307 funds are available for capital expenses.

Section 5307 Program – Some Opportunities for Private Providers:

- Provide contracted public transit services for transit agencies.
- Provide paratransit services to meet ADA requirements (see Section 2).
- Get involved in taxi voucher programs.

Section 5311 Program

FTA also provides funding for public transportation services in rural areas with a population less than 50,000 through the Section 5311 Program. Funding goes to a designated state recipient, typically the

DOT. Funding can be used for both capital and operating expenses.

Typical subrecipients for Section 5311 Program funding are local government agencies who can provide services directly or contract services with public transit agencies or authorities, private non-profit organizations, or private transportation operators.

Section 5311(f) Program

States must use 15 percent of their Section 5311 Program funds to support intercity bus services unless their governor certifies that rural intercity bus needs are met. This certification must include consultation with affected intercity bus operators. Eligible intercity bus service is defined as “regularly scheduled bus service for the general public that operates with limited stops over fixed routes connecting two or more urban areas not in close proximity”, but does not include commuter bus services.

Funding through the Section 5311(f) Program can support operating and capital expenses. Private intercity bus companies can be either subrecipients or contractors of services through Section 5311(f) Program activities.

In April, 2008, the FTA issued revised Charter Service Regulations. The TLPA Charter Service Final Rule Private Operator’s “Bill of Rights” provides more information and is included in the Appendices.

Congestion Mitigation and Air Quality (CMAQ) Improvement Program

Federal transportation legislation allows for the use of certain funds for use with either highway or transit projects. This flexible funding provides community with the ability to transfer funds (with certain restrictions) between highway and transit programs and apply to their highest priority transportation projects. The decision to transfer funds flows from the transportation planning process – in urbanized areas over 200,000 population the decision on the transfer of flexible funds is made by the Metropolitan Planning Organization (MPO), in areas under 200,000 population the decision is made by the MPO in cooperation with the State Department of Transportation (DOT), and in rural areas the transfer decision is made by the State DOT.

CMAQ - Opportunities for Private Providers:

The National Capital Region Transportation Planning Board's "Commuter Connections" offers a Guaranteed Ride Program. CMAQ funds are used to reimburse private operators who provide transportation for commuters when they have unexpected emergencies or must work unscheduled overtime. Does your community offer a similar program?

The CMAQ Program is one source of flexible funds, and provides funding for surface transportation and other related projects that contribute to air quality

improvements and reduce congestion. Many communities use these funds to implement ridesharing and other commuter assistance programs. These programs may include a "Guaranteed Ride Home" program so that commuters who regularly carpool, vanpool, bike, walk or take transit to work have a reliable ride home when emergencies arise, often through taxi services. Local planning agencies, such as a MPO, are often the recipient of CMAQ funds and administer commuter assistance and guaranteed ride home programs.

Surface Transportation Program (STP)

Another source of flexible Federal funding is the Surface Transportation Program (STP). These Federal Highway Administration (FHWA) funds can be transferred to the FTA for a variety of projects, including ridesharing programs and intercity or intracity bus terminals and bus facilities.

Other Federal Programs for Private Operator Involvement

The vast majority of federal programs that support transportation services fall outside FTA oversight. Private transportation operators should be aware that the U. S. Department of Health and Human Services (HHS) administers several funding programs that are vital sources for transportation in many communities. Two of the most important are the Medicaid program under the Centers for Medicare & Medicaid Services (CMS) and the Title III Grants for State and Community Programs on Aging through the Administration on Aging. In addition, the Department of

Veterans Affairs (VA) administers a program that funds transportation services.

Medicaid

A major federal program that funds transportation services, the Medicaid Program provides funding for transportation services for low income individuals and families to access health care. Medicaid is funded jointly by the Federal and state governments, and administered by the states – with each state taking its own approach to Medicaid-funded transportation services. Therefore, there are a myriad of approaches and standards and Medicaid transportation programs vary greatly around the country from state to state. In addition, the challenge for transit providers and private transportation operators alike is that the Medicaid transportation program is often overseen by a state human service department, not by the State DOT.

TLPA members have enjoyed success with involvement in the Medicaid transportation program. The TLPA Resource Center Paper—*Medicaid Transportation: How to Maximize Safety and Cost Effectiveness*—noted that this program was the best known and most used Federal funding program among TLPA members, with 90% having knowledge of the program and 61% involved in Medicaid transportation services.

Title III B Supportive Services

Another key federal program is the Title III B Supportive Services Program that provides funding through the Older Americans Act for community-based services for older adults. Local Area Agencies on Aging (AAA) are charged with development and implementation of

services with these funds. The AAA organizations typically use a portion of funds to purchase and/or operate transportation services. Opportunities for private providers include contracts for individual/group trips and taxi subsidy programs.

This program is the second most used one among TLPA members, with 42% reporting use of this program.

Veterans Medical Benefits

The third most used program among TLPA members according to “Business Growth Opportunities for TLPA Members in Federally Funded Transportation Programs,” with 25 percent reporting use, is the Veterans Medical Benefits Program. Funded through the VA, this program reimburses individual veterans for transportation costs and services through VA Medical Centers. Common opportunities for private transportation operators include contracts to transport veterans to medical services through these centers.

State Funded Transportation Programs

In addition to the federally funded programs, there are state-funded transportation programs. These programs vary from state-to-state, so you will need to check with your state representatives. Typically these programs are designed to support transportation services for older adults, people with disabilities, and people with lower incomes. Some examples include the Maryland Statewide Special Transportation Assistance Program (SSTAP) that funds specialized transportation programs including taxi voucher programs.

Section 4: The “Nuts And Bolts” of the Transportation Planning Process

One of the challenges to participating in the transportation planning process is that this process goes on at various levels of government, and therefore where your company is located (e.g., in a large city, or in a rural town) will impact how you will become involved and your areas of interest. In this section, we discuss transportation planning that occurs:

- In metropolitan or urbanized areas
- In rural areas
- At the statewide level
- At the local level

At times the various processes, plans, and organizations can seem overwhelming. It may help to think about your involvement in transportation planning in the same way that you think about your involvement with your local Chamber of Commerce—your entry to expanded business opportunities. In this way, gaining a general knowledge of what an MPO is, and learning about what is in a Metropolitan Transportation Plan (MTP) and a Transportation Improvement Plan (TIP), will have a purpose. You will also venture into transportation planning with a basic knowledge of the process, and therefore be able to more quickly determine where your time and energy would be well spent.

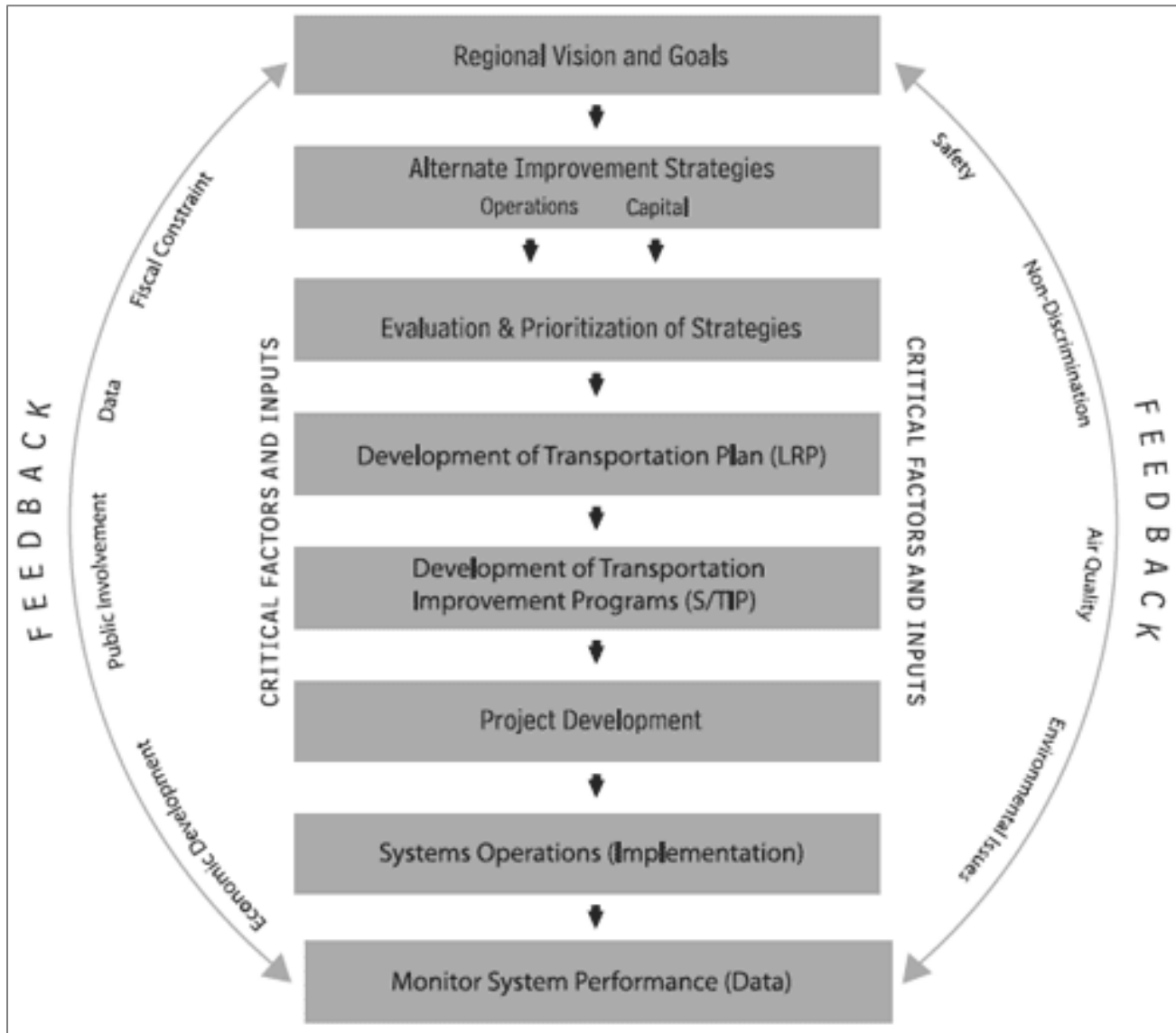
Typical Transportation Planning Steps

While there are planning processes at different levels of government, what goes on is fairly consistent. These are the typical steps to the transportation planning process, and each allows for early involvement from the public, such as private transportation operators.

- Monitor existing conditions.
- Forecast future population and employment growth.
- Identify current and future transportation needs and analyze potential strategies to address these needs.
- Develop long-range plans, and short-term programs.
- Estimate the impact of recommended improvements that conform to the long-term plan.
- Develop financial plan for costs to implement recommended strategies.

The following figure provides an overview of the typical transportation planning process. The plans noted are described in more detail in this section. Also, note that “feedback” is an ongoing component of the entire process—an opportunity for you to provide your input to the transportation planning in your community and state.

Typical Planning Process



Source: *The Transportation Planning Process Key Issues: A Briefing Book for Transportation Decisionmakers, Officials, and Staff*

Metropolitan Planning Process Structure and Process

A Metropolitan Planning Organization (MPO) is required by law in urbanized areas with a population greater than 50,000, and is the required forum for cooperative transportation decision making in the

metropolitan area. MPOs develop plans and programs for existing and future expenditures based on a “3C” planning process:

- Continuing
- Cooperative
- Comprehensive

Core functions of an MPO:

- Establish and manage a fair and impartial setting.
- Identify and evaluate alternative transportation improvement options.
- Prepare and maintain a Metropolitan Transportation Plan (MTP) or Long-Range Transportation Plan (LRTP).
- Develop a Transportation Improvement Program (TIP).
- Involve the public and stakeholders.

MPOs have a variety of organizational arrangements. If you operate services in an urbanized area, the MPO in your community may be an independent organization or could be hosted by another agency, i.e. a Regional Planning Organization (RPO) or Council of Government (COG). Often a regional organization or other existing agency is designated as the MPO. Depending on the size of the community, the MPO administration can vary, with some MPOs having a large staff while others have only a few. In addition to the MPO role, the agency may have additional regional or State-level responsibilities.

Policy Board

Each MPO is required to have a Policy Board that serves as the required decision making policy body. The Policy Board consists of:

- Local elected officials and decision-makers
- Officials of public agencies that administer or operate major modes of transportation services
- Appropriate State officials

Technical Committee

The MPO structure also includes a Technical Committee (commonly referred to as just the “tech committee”). This committee includes staff level representatives from local and state planning and transportation agencies, and provides recommendations to the Policy Board on specific strategies or projects. This committee meets on a regular basis.

Citizens Advisory Committee or Task Force

This committee serves in advisory capacity to the Policy Board. The Citizens Advisory Committee includes members of the public, usually appointed by the MPO Policy Board, and local jurisdictions. This committee may be formally designated by the MPO for the purpose of reviewing proposed plans and providing comments, as well as input on the MPO’s public participation plan and effectiveness. Alternatively, the MPO may rely upon an informal “task force” to provide community and stakeholder input. Both forms represent important opportunities for private transportation operators to access the planning process.

Not sure of the MPO in your community? Find it by going to the MPO Database:

<http://www.planning.dot.gov/overview.asp>

Other Possible Subcommittees, Work Groups, or Task Forces

In addition to these committees, MPOs often have other committees. Some examples include:

- Bicycle & Pedestrian
- Transit Services
- Rideshare /Park and Ride

While rare, some MPOs even have specially-formed subcommittees related to private transportation operators. For instance, the National Capital Region Transportation Planning Board, the MPO for the Washington, D.C. region, has both a Private Providers and Regional Taxicab Regulators Task Forces.

Key MPO Documents

An MPO is responsible for both short-term and long-range plans. Here's an overview of each:

Metropolitan Transportation Plan (MTP)

- Prepared by MPO at least every 4-5 years.
- Twenty-year planning horizon.
- Includes both short- and long-range strategies/actions.
- Also known as a Long-Range Transportation Plan (LRTP).
- Locally, may have different name (i.e. in Washington, D.C. region = Constrained Long-Range Transportation Plan or CLRP).

Most MPO committee meetings are open to the public. You can attend and find out what sorts of transportation projects are being considered in your community, and learn more about the committee members and the committee's role. Committee meeting dates and past meeting minutes can typically be found on the MPO Website.

- Developed based on future funding reasonably expected to be available for transportation uses

Typical MTP/LRTP projects include:

- Highway Improvements
- Transit Projects
- Bicycle and Pedestrian Projects
- High-Occupancy Vehicle (HOV) Improvements
- Needed Studies
- May include hundreds of projects – from simple ones to billion dollar highway or transit projects – which must be included in the Transportation Improvement Program (TIP) to be eligible for FTA funding

Transportation Improvement Program (TIP)

- Covers minimum 4-year period.
- Includes projects from, or consistent with, the MTP/LRTP from which FTA will be requested.
- Updated at least every 4 years, though typically amended several times a year to add or change projects – a “fluid” document.

- Realistic in terms of available funding – fiscally constrained, high priority projects.
- Approved by MPO and Governor.
- Incorporated without change into the Statewide TIP.
- FTA funded projects need to be in approved TIP.
- Immediate spending priorities for a community are drawn from this document.

Unified Planning Working Program (UPWP)

- The “plan for planning”.
- Lists transportation studies and tasks to be completed by MPO in next 1-2 years. These can include studies to collect data and to forecast future needs, methods to ensure public participation, and the preparation of plans and programs.
- Includes schedule of activities and responsible agency for each task/study.

Public Participation Plan

- MPO must develop and document in consultation with interested parties (i.e. Citizens Advisory Committee), and publicize for a 45-day comment period.
- Details strategies for engaging the public and responding to public input, including that information is available in various formats, meetings will be held at convenient locations and times, etc.

State-level Transportation Planning

Like MPOs, State DOTs have specific and required planning responsibilities. These include:

- Prepare and maintain a Long-Range Statewide Transportation Plan (LRSTP).
- Develop a STIP (see below).
- Involve the public and stakeholders.

Long-Range Statewide Transportation Plan

- Twenty-year planning horizon.
- Includes both short- and long-range strategies/actions.
- Includes nonurbanized areas.
- May be project specific or more of a policy document.

Statewide Transportation Improvement Program

- Similar to TIP – for the State.
- Covers minimum 4-year period, but like TIP is typically amended several times a year.
- Updated at least every 4 years.
- Fiscally constrained, high priority projects.
- Projects consistent with LRSTP.
- Joint approval by FTA/FHWA.

Key Planning Document Recap

Here is an overview of the various plans and acronyms, along with the agencies and organizations that are responsible for developing and updating.

Tips: The earlier “Common Terms and Acronyms” section can also help with the “alphabet soup” of transportation planning!

	Who Develops?	Who Approves?	Time Horizon	Content	Update Requirements
UPWP	MPO	MPO	1 or 2 Years	Planning Studies and Tasks	Every 1-2 Years
MTP	MPO	MPO	20 Years	Future Goals, Strategies, and Projects	Every 5 Years 4 years for nonattainment and maintenance areas
TIP	MPO	MPO and State DOT	4 Years	Transportation Investments	Every 4 Years*
LRSTP	State DOT	State DOT	20 Years	Future Goals, Strategies, and Projects	Not Specified
STIP	State DOT	State DOT and US DOT (FTA/FHWA jointly)	4 Years	Transportation Investments	Every 4 Years*

Source: *A Transportation Planning Process: Key Issues (updated for guidebook)*

*While an update is required every four years, these plans are typically amended several times a year to add or change projects

Rural Transportation Planning

Transportation planning in rural areas (also called non-urbanized areas) typically takes place through county and regional agencies, involving local officials. Transportation planning is typically only one of the responsibilities of these organizations. Some states have established regional planning structures

that encompass rural areas. For instance, in Connecticut there are Regional Planning Organizations (RPO) that have been established by statute, and in Virginia there are Planning District Commissions (PDC) established by code. Like MPOs, information on structure, meetings, and planning process should be available through their Website.

Much more information on the transportation planning process can be found in “The Transportation Planning Process Key Issues: A Briefing Book for Transportation Decisionmakers, Officials, and Staff”, a publication of FTA and the Federal Highway Administration. To access this resource, go to <http://www.planning.dot.gov/documents/briefingbook/bbook.htm>

Coordinated Public Transit-Human Services Transportation Plans

As noted in Section 3, three key federal programs that offer opportunities for private transportation provider participation are the Section 5310, JARC, and New Freedom Programs. FTA requires that projects funded through these be derived from a locally developed coordinated public transit-human services transportation plan, and this process must include representatives of public, private, and non-profit transportation and human service providers, and participation by members of the public.

FTA guidance defines a coordinated public transit-human services transportation plan as one that identifies the transportation needs of individuals with disabilities, older adults, and persons with low incomes; provides strategies for meeting those local needs; and prioritizes transportation services for funding and implementation. A plan must contain these elements:

- An assessment of available services that identifies current providers (including private operators),
- An assessment of transportation needs for individuals with disabilities, older adults, and persons with low incomes,
- Strategies, activities, and/or projects to address the identified gaps and achieve efficiencies in service delivery; and
- Relative priorities for implementation based on resources, time, and feasibility for implementing specific strategies or activities identified.

Coordinated transportation planning is a key place to get involved in the planning process. First, and obviously, private transportation operators can provide critical input into each of the required coordinated plan elements. Also, the services your company provides should be documented in the plan, and the experience from private transportation providers considered in the assessment of local transportation needs. Importantly, private transportation operators can provide their input on the strategies identified in the plan and the possible projects to be funded through the Section 5310, JARC and New Freedom Programs.

Even if you have not been involved in the development of the coordinated transportation plan in your community, there are future opportunities. While FTA requirements encourage communities to update the coordinated plan based on needs identified at the local levels, at a minimum the coordinated plan must be updated at least every four years.

While the strategies to improve transportation in a community vary from plan to plan, many of the current plans often include ones that are ideal for private operator involvement and partnership. These include:

- Voucher programs to subsidize the cost of a taxi trip or other use of a private transportation provider.
- Acquisition of accessible vehicles for provision of taxi services.
- Targeted shuttle services that provide access to job locations.

- Transportation services for unscheduled and last minute transportation needs that arise and require same-day transportation services.
- Mobility managers that coordinates services between various providers and serve as a central point of access for customers.
- Expansion of intercity bus services to fill gaps in service and to connect communities.

Local Transit Service Planning

As part of the assessment of local transit services, many transit providers develop specific transit plans. Depending on the transit system's service area, these plans may be within an MPO region, but often are county-based or for services provided in rural areas. The typical transit service planning process includes:

- Inventory of available transportation services (including private transportation providers).
- Assessment of unmet transportation needs.
- Recommendations of service alternatives and improvements.

Transportation Planning Checklist

Understanding the various organizations that lead transportation planning, and the variety of plans that result from this process, may seem overwhelming. Here are some key actions to help you through the process:

- ✓ Find out the organization responsible for the coordinated transportation planning process in your community. It could be a MPO or other planning agency, the local transit provider, or even the state government.
- ✓ Get to know the planners who are responsible for the planning process.
- ✓ Ask about the status of the coordinated transportation plan in your community.
- ✓ Ask questions about the planning process – When do committees meet? When are plans updated?
- ✓ Attend appropriate meetings or join a coordinated transportation committee to add input on the plan and form new partnerships.
- ✓ Provide possible solutions to mobility issues in your community, particularly ones that can be funded through the Section 5310, JARC, and New Freedom Programs.

Section 5: Taking Advantage of the Opportunity for Private Sector Participation

Now that you have a basic understanding of the transportation planning process and various funding sources, you are more prepared to participate. Building on this knowledge, now is the perfect time to reflect on the role of your company in the community and how you can take full advantage of the time and energy needed to invest in the transportation planning process.

It's difficult to sell your company unless you have established your value to the community. Therefore, this section focuses on a self-assessment questionnaire to help establish your company's value, and to better sell yourself and your company, to know the right questions to ask when participating in the transportation planning process, and to learn more about the "planning table" in your community and how the local "funding pie" is sliced. In addition, the appendices include a separate "Action Plan" that incorporates this self-assessment into an easy to use checklist so that you can assess your progress moving forward.

Self-Assessment Questionnaire

Who's Who at the Planning Table:

- ✓ Do you know the key local players?
- ✓ What is everyone's role, and where do you fit in?
- ✓ What makes up your local transportation universe?

- ✓ Who is the designated local recipient of FTA funds?

Establishing Your Value:

What is your value to your community?

- ✓ What do you have to offer?
- ✓ What is your value compared to other transportation resources in the market?
- ✓ Do you have knowledge of the entire transit community?
- ✓ Are you familiar with public transit, private operators, non-profits, and other transportation providers that operate services in your community?
- ✓ Where does your company fit in with these services?

Knowing the Right Questions:

- ✓ How much do you know about your local transit environment?
- ✓ What is your value in relation to the overall value of your local transit community?
- ✓ What percentage of annual trips in your community is transported by your company?
- ✓ What percentage of overall local vehicle inventory does your fleet represent?
- ✓ How does your technology compare to the best technology in the local market?

- ✓ How do your drivers compare to other local transit drivers in regard to quality, talent, and training?
- ✓ Do you know how many vehicles your local public transit system is operating?
- ✓ Do you know how many vehicles your competitors are operating?
- ✓ What is the role of local non-profit agencies- the “under the radar” fleet found in almost every community? How big is their cumulative fleet?

Discovering the Facts and Figures:

- ✓ What are the facts about local public transit? (Number of buses/other vehicles, number of routes, hours/days, number of riders, etc.)
- ✓ How does local transit expand or contract? What are the criteria?
- ✓ How are their problems solved? Is it always through additional expenditures?
- ✓ Can the private sector offer alternatives?
- ✓ Are you aware of all the services your private sector competitors are offering?
- ✓ Take inventory. Who is doing what?
- ✓ Are non-transportation entities (hospital, hotel, large employer, non-profit, charitable organization) operating their own transportation? Why?
- ✓ Do these entities not perceive the same value that you perceive when they look at your company?

Getting Info on Transit

The National Transit Database (NTD) is the FTA national database of statistics for the transit industry. The NTD includes data reported by more than 600 transit agencies across the country, and includes all modes of public transportation utilized on local and regional routes throughout the country (including taxi services operated under contract to a public transportation agency).

To access the NTD data, go to <http://www.ntdprogram.gov/ntdprograms>.

Determining Your Company's Value to the Community:

- ✓ Are you a major or minor player?
- ✓ Does your company have something to offer that is singular to your community? Do you have a specialty that fills a niche?
- ✓ How does your management and staff compare to that of your competitors, both in the public and private sector?
- ✓ How does your driver fleet compare to that of your competitors, both in the public and private sector?
- ✓ How does your technology and physical plant compare with those of your competitors?

Selling Your Company to the Public and Designated Recipients

- ✓ Are you the best you can be, or do you need to change? What will it take to improve?

- ✓ When you look at your company, do you like what you see?
- ✓ Will others like what they see? How will they perceive the product?
- ✓ Do your staff and your physical plant all look the part?
- ✓ Do you hold yourself and your company to high standards? Are high standards such as appearance, performance, behavior – in all phases of customer, client, and public interaction – part of your company’s philosophy?
- ✓ If a company that you admire bought your company tomorrow, what do you think they would change?
- ✓ Remember – your company is only as good as your weakest driver or customer service representative!

After completing this self-assessment, you have a more realistic idea of how your company’s value relates to the big picture of your entire transportation community and you can now sit more knowledgeably at the planning table and contribute to the discussion. Remember, every provider of transit sitting at the planning table is your potential client, and every entity at the table should know that you are an available option and see the opportunities for your services to serve their needs!

You now have the opportunity to:

- Educate the community about your company, and to establish your value in their eyes and in their minds.
- Explain how you serve the community.

Ever try the “crumpled paper test” to help evaluate the commitment of your staff to the physical appearance of your company’s office? Crumple up a piece of paper, and throw it on the floor in a hallway. See how long it takes for someone to pick it up!

- Demonstrate how you could fill new transit needs when those needs emerge.
- Explain how your company could be a viable alternative in addressing some future problem.
- Become your community’s local transportation expert, the “Go-To” company in your community.
- Be thought of as the “problem-solver,” that is, the “solution.”
- Identify and fill local transit/ paratransit service gaps by applying for New Freedom and other FTA funding.
- Use the opportunities that the industry offers and find out what other services are being offered around the country, and how to perform that service yourself.

Taking Advantage Checklist

The transportation planning process provides you an opportunity, but is your company ready? Be ready for the opportunities by:

- ✓ Learning about the “planning table” – that is, how the transportation planning process works in your community.
- ✓ Establishing your value to the community.
- ✓ Determining the right questions to ask.

- ✓ Gaining information on your local transit system and other transportation providers to determine common goals and issues.
- ✓ Selling your company!

Section 6: Aligning Your Company to New Business Opportunities

Building upon an assessment of your company and its value to your community, you can align your company to new opportunities through the transportation planning process. This may involve forming stronger partnerships with your local public transit provider, developing new business models to meet human service and coordinated transportation opportunities, and assessing community needs to better compete in both urban and rural areas. This section discusses the need for change—traditional business models may not work in today’s environment.

Fortunately, the private transportation industry has a history of innovation and change to build upon. This includes changes to the driver payment process such as having drivers go from a share of the meter to leasing vehicles, implementing technology improvements such as Mobile Data Terminals and dispatching software.

Local transportation firms have excellent opportunities if they understand the community’s mobility needs, ensure their drivers and vehicles look good, properly manage their drivers, and are flexible to offer different services tailored to the community’s needs. These opportunities also involve understanding and relating to the issues faced by potential partners. For example, transit agencies often experience fiscal constraints at the same time their community is voicing the need for expanded services. In addition, these agencies must procure services through a competitive—and often lengthy process to select a subcontractor of services. These are just a few of the many facets that can be

“Respect” is more than a song written by Otis Redding – it is a state of mind! Is your company respected in the community?

considered when aligning your company to these opportunities and developing a relationship of trust and respect in your community.

Why Change?

A change in your business model may be needed for:

- Responding to new business opportunities—in some cases the traditional taxi model may not work.
- Providing the dedicated service that is the norm in many coordination efforts with transit systems and human service agencies.
- Exhibiting the professional image, with educated drivers and strong management, that new business partners will require.
- Scheduling groups of customers to maximize productivity—often more complex than dispatching in taxi mode.
- Adapting to new paradigms. Paratransit has undergone a transformation since the advent of the ADA.

- Responding to new service needs that are often not compatible with traditional taxi service.
- Meeting the demands of operating transportation for ADA paratransit, Medicaid and other human service agencies that require strong management and accountability.
- Recognizing that demographics, technology, and communication have made our world very different from just ten years ago.
- The reality that if we do not adapt and change, then we run the risk of being irrelevant to our community.

What are Some of the New Business Models?

As you are considering new business models, keep these critical thoughts in mind:

- You don't operate a taxi cab company or a limo company – it's a "transportation firm".
- Transportation firms are flexible and can offer a variety of services:
 - Taxi service
 - Dedicated taxi service
 - Dedicated/scheduled bus service
 - Fixed-route and paratransit service
- Transportation firms are forming new business units.
- Drivers are employees paid by the hour.
- Dispatchers schedule trips in advance – often groups.

- Contractual payments are typically by the hour or by the trip.
- Human service and other coordinated agencies require a different kind of service.
- ADA paratransit, as noted in Section 1, can be very demanding.

What is Involved to Align Your Company to New Business Opportunities?

- You will probably need to attend many more meetings, but now you will be more informed about the transportation planning process, and can be selective of the ones that offer the best opportunity for partnerships and business opportunities. Also, plan to be vocal and involved in the ones that you do attend.
- There will probably be more regulation – but this can ultimately be a selling point if your company can successfully meet regulations such as FTA drug and alcohol testing or human service agency background check requirements.
- Greater community involvement is correlated with finding new business opportunities. This means you will need to get out more in the community, and get involved in community organizations to listen for opportunities.
- You will need the ability to identify issues and needs and to develop an appropriate response that your company can provide.

What Should My Company Consider so that I Can Better Compete for New Business Opportunities?

Focus on quality service. In this effort:

- Consider hiring drivers as employees.
- Provide sufficient training. For some business opportunities this may require a minimum of two weeks training for your drivers. In some cases, more training may be even better.
- Take the steps to maintain a low turnover rate for drivers.

Focus on safety and security. In this effort:

- Ensure vehicles that meet all safety requirements.
- Recognize that service is closely monitored by customers, guardians, human service agencies/advocates, and the local transit system.

Is there a Level Playing Field for Private Transportation Operators?

More and more transit systems and agencies are learning how to write a scope of work that levels the playing field and encourages involvement by private transportation operators, especially in regard to driver requirements, management requirements, and vehicle standards. Drug and alcohol testing programs will be required in contractual obligations using FTA funds, and is a good idea in any contracts to provide transportation for human service agencies. While drug testing may not be required in some “premium” services where the customer calls the company directly, if your company doesn’t have a drug and alcohol program, it may be time to do so. See the “Resources” section for more information for setting up a drug testing program to meet FTA requirements.

*Does your company pass the
“Mother Test”?
Would you let your mother ride
with your worst driver?*

Section 7: Continued Support

As noted earlier, this guidebook is part of a FTA-funded technical assistance program administered by TLPA. The appendices include FTA regional office information. For additional assistance, contact TLPA through the toll free hot line, 1-866-928-6550. Assistance can be provided in various areas including:

- How to get involved in the transportation planning process.
- How to overcome problems you may face in getting involved.
- How to develop transportation services that your company would like to offer in the community in response to the transportation plans that are developed.
- Any other question you may have about getting involved and being at the table.

APPENDICES

- Action Plan
- Case Studies
- Resources

Action Plan

Who's Who at the Planning Table:

- Do I know the key local players at the planning table?
- What is everyone's role, and where do I fit in?
- What makes up my local transportation universe?
- Who is the designated local recipient of FTA funds?

Establishing My Value:

- What is my value to your community?
- What do I have to offer?
- What is my value compared to other transportation resources in the market?
- Do I have knowledge of the entire transit community?
- Am I familiar with public transit, private operators, non-profits, and other transportation providers that operate services in my community?
- Where does my company fit in with these services?

Knowing the Right Questions:

- How much do I know about your local transit environment?
- What is my value in relation to the overall value of my local transit community?
- What percentage of annual trips in my community is transported by my company?
- What percentage of overall local vehicle inventory does my fleet represent?
- How does my technology compare to the best technology in the local market?
- How do my drivers compare to other local transit drivers in regard to quality, talent, and training?
- How many vehicles is my local public transit system operating?
- How many vehicles are my competitors operating?
- What is the role of local non-profit agencies? How big are their fleets?

Discovering the Facts and Figures:

- What are the facts about public transit in my community? (Number of buses/other vehicles, number of routes, hours/days, number of riders, etc.)
- How does local transit expand or contract? What are the criteria?
- How are their problems solved? Is it always through additional expenditures?
- Can I offer alternatives?
- What services are my competitors offering?
- Are non-transportation entities (i.e., hospitals, hotels, large employers) operating their own transportation? Have I offered them information on my services?

Determining Your Company's Value to the Community:

- Does my company have something to offer that is singular to the community? Do I have a specialty that fills a niche?
- How does my management and staff compare to that of my competitors, both in the public and private sector?
- How does my driver fleet compare to that of my competitors, both in the public and private sector?
- How does my technology and physical plant compare with those of my competitors?

Selling Your Company to the Public and Designated Recipients:

- Is my company the best it can be, or do we need to change? What will it take to improve?
- When I look at my company, do I like what I see? Do others like what they see? How will they perceive our product?
- Does my staff and physical plant all look the part?
- Do I hold myself and my company to high standards in appearance, performance, behavior -- in all phases of customer, client, and public interaction?

Examples of Successful Involvement by Private Transportation Operators in the Transportation Planning Process

As discussed in Section 3, private transportation operators have benefitted from involvement in the transportation planning process, and in particular accessing FTA funding programs through this effort. The following examples provide information on a few of these efforts, and demonstrate that regardless of size of population, number of vehicles in your fleet, and number of years in operation, a company can become the its community go-to company by getting involved in their local transportation planning process and being involved in the local transportation network.

Memphis, Tennessee

The City of Memphis, Tennessee is famous for many things, including its barbecue restaurants and its connection to musical giants such as Elvis Presley, W. C. Handy, Aretha Franklin and Otis Redding. Shelby County, in which Memphis sits, is geographically interesting in that it borders two other states, and many of Memphis' growing suburbs are in Mississippi and Arkansas.

Yellow Cab is Shelby County's oldest and most prominent taxicab company. Company president Hamilton Smythe IV, as well as his father before him (Hamilton Smythe III) has long been involved in not just the local Memphis transportation industry, but in the business community as a whole. The company is an active member of the Chamber of Commerce, the Better Business Bureau, the Hotel Association, the Restaurant Association, the Hospitality and

Marketing Association, as well as being a founding member of the Convention and Visitors Bureau.

While involvement in those traditional business associations is somewhat typical of a community's top taxicab company, Mr. Smythe's involvement with another group—an organization with a lot less notoriety—may have been the key to his company's recent successful FTA New Freedom Grant application.

Over the past four years, Mr. Smythe has had a seat on the Citizen's Advisory Council of his local Metropolitan Planning Organization (MPO). Local MPOs conduct a variety of activities and create several planning documents for the community, including studies like the area's Long Range Transportation Plan and the Transportation Improvement Plan. Having a seat on a committee like Mr. Smythe does, not only gives him the opportunity to contribute to the aforementioned plans, but puts him a step toward being involved in putting together the community's Coordinated Transportation Plan (see Section 4).

This is the plan that mentions local transportation needs that are not being filled by current transit services. These listed needs become opportunities for local private companies to fill by applying for FTA grant awards when the next round of projects comes out. In nearly every Coordinated Plan in the country (Memphis' plan included) there is a mention of a need

for taxicabs that are accessible to people with disabilities.

When the Memphis Call for Projects (CFP) came out in mid-2008, Mr. Smythe was acutely aware that the citizens of Shelby County had a glaring need for wheelchair accessible taxicabs. Furthermore, the fact that Yellow Cab was qualified to operate an accessible taxicab service was known by his MPO staff, his local transportation authority, and to the members of the grant application review committee. In fact, Memphis Area Transit Authority planner John Lancaster said that Mr. Smythe's contributions to the local planning process were invaluable and that his knowledge of the local transportation environment greatly contributed to the Coordinated Transportation Plan itself.

Obviously, Yellow Cab Company was clearly established as Memphis' go-to company. Further, the fact that his company was ready, willing and able to provide accessible taxicab service to older adults and people with disabilities in Shelby County was well known to the individuals who were administering the FTA Grant Projects.

So, how did this all turn out? Yellow Cab of Memphis was awarded eight accessible taxicabs, and after local transit officials matched the federal 80% capital expenditure with a 10% match of their own, Yellow Cab wound up paying only 10% of the cost of these new vehicles.

Gardena, California

Fiesta Taxi is a Southern California taxicab co-op of approximately 100 taxicabs that serves eastern Los Angeles County. Fiesta is a member of a larger organization,

Administrative Services Cooperative, Inc. (ASC), which includes Los Angeles Yellow Cab Co., Long Beach Yellow Cab Co., South Bay Yellow Cab Co., and United Checker Cab Co. Combined, ASC is one of the largest taxicab co-ops in the Western United States with approximately 1,200 vehicles. ASC manages the daily operations of each co-op, including dispatching of calls, customer service, fleet management and back office administrative functions.

Within this environment, Fiesta Taxi was founded in 1996 by Mitchell Rouse and Gonzalo Pulido to serve Los Angeles County's growing Latino and Spanish-speaking community east of Los Angeles. From a humble beginning of less than 20 vehicles and a small staff, Fiesta now has more than 100 drivers. The company has grown to become the largest taxicab service in the southeast Los Angeles County area.

As we saw with the previous two success stories above, ACS has a long history of involvement in the local business community. William Rouse, the General Manager, is a director and past president of the Taxicab and Paratransit Association of California, the industry's statewide trade association, and a current director of the Long Beach Area Convention and Visitors Bureau.

With its strong knowledge of the community and of what services the community requires, Fiesta Taxi got involved some years ago in filling local needs that were being unmet by city and county transit services. Over the years, Fiesta has developed a strong record of operating successful municipal Dial-A-Ride programs for older adults and people with disabilities throughout southeast LA County. Each program features accessible

taxicab service from the company's current roster of wheelchair-ramp style vehicles. Fiesta Taxi has provided such programs for the following cities:

- Norwalk Dial-A-Taxi
- Whittier Dial-A-Ride
- Paramount Dial-A-Taxi
- Bell Gardens Dial-A-Taxi
- Huntington Park Dial-A-Taxi
- Compton Dial-Ride
- Santa Fe Springs Dial-A-Ride.

Due to its on-going efforts at providing such services, Fiesta Taxi has been honored numerous times for its commitment to excellence in filling community needs and gaps in current municipal transit services. This recognition has included resolutions from local, state, and even the federal government itself.

However, Fiesta is not a company to rest on its laurels. When the chance to apply for wheelchair accessible taxicabs presented itself in the form of their region's New Freedom Call for Projects, William Rouse saw an opportunity to fill even more gaps in local transit needs for older adults and people with disabilities in southeast Los Angeles County. With much of the work being done by ASC staff member Marco Soto, Fiesta conducted a comprehensive examination of local un-met needs, identified several large gaps in current transit and paratransit services, and tendered a proposal for six accessible vehicles under the New Freedom program.

So how did this story end? Fiesta Taxi received an award for all six vehicles, and is now expanding what was already one of the largest accessible fleets in the state. Once funding is received and the vans are on the road, Fiesta will be servicing an even larger population of people with disabilities and older adults that greatly need this important transportation service.

Treasure Valley, Idaho

The following example includes information from an article published by the Community Transportation Association of Idaho.

As part of efforts to move forward on *Idaho's Mobility and Access Pathway*, and to meet the FTA coordinated transportation planning requirement, the Idaho Department of Transportation's Division of Public Transportation led the development of Local Mobility Management Network (LMMN) Plans. Northwestern Trailways participated in this planning process, providing information on their services for inclusion in plans and input on unmet transportation needs and potential strategies.

One of the outcomes from their participation in the transportation planning process was a ticketing partnership with Treasure Valley Transit (TVT). TVT's Lake Fork office now serves as a ticketing agent for Northwestern Trailways—providing additional options for people traveling along TVT's route in Valley County where they can make connections to Northwestern Trailways providers headed across the country or to Canada and Mexico. "TVT has been pro-active in fostering private-public transportation partnerships for many years," said TVT Executive Director Terri Lindenberg.

In the regional LMMN Plan, there was an identified need to “Improve coordination between public transit, intercity bus, human service transportation providers and provide a central point of contact for information about all modes of mobility services.”

The partnership between TVT and Northwestern Trailways was a natural step forward in this process of coordination. The end result will be easy access to mobility options with one phone call to TVT’s Transit Center in Valley County.

“Our partnership with Treasure Valley Transit is proof that the local planning and coordination process can lead to great things,” said Bill Brannan of Northwestern Trailways. “Through the local process, we were able to learn a great deal about other providers and how we might be able to collaborate. Together Northwestern Trailways and Treasure Valley Transit are improving the customer experience.”

Becoming a ticketing agent involves no out of pocket expense and partner agencies receive 10% of the ticket sales. According to Brannan, “Partnering offers Northwestern Trailways and TVT the opportunity to expand our services and provide more seamless travel options for people utilizing our services.”

Resources

In addition to this guidebook, the following resources may assist you in your efforts to be at the table, and are included in this section:

- *Private Participation in Planning Q & A*
- *Private Participation in Service Delivery Q & A*
- *FTA Programs for Private Participation Q & A*
- *FTA Oversight for Private Enterprise Participation Q & A*
- *Statutory Protections for Private Enterprise*
- *Private Enterprise Provisions in Statutes, Regulations, and FTA Circulars*
- *Coordinated Transportation Planning Requirements*
- *Charter Service Final Rule – Private Operator’s “Bill of Rights”*

Private Participation in Planning Questions and Answers

What should private sector providers do if they want to be more involved in transportation planning or service delivery?

To get more involved in the transportation decisions made in their areas and to take advantage of opportunities for providing services, private sector operators should become familiar and involved with the procedures, products, and players in transportation planning. In urbanized areas, transportation funding decisions are made by a metropolitan planning organization (MPO). MPOs are comprised of state and local officials, including representatives of public transit operators, and are responsible for working with providers of transportation services to prepare long- and short-range plans for delivering those services. These plans form the basis for decisions on improving transportation systems and services. In rural or non-urbanized areas, transportation planning is managed at the statewide level by state departments of transportation (state DOTs).

Joint regulations issued by FTA and the Federal Highway Administration (FHWA) require the public to be involved in the transportation planning process and specifically require that private providers be given an opportunity to consult in developing transportation plans and programs in both urban and rural areas. Public involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process.

Each MPO is required to prepare a participation plan that describes how interested organizations and individuals, including private providers of transportation, can be involved in the transportation planning process. Furthermore, MPOs are required to consult with all interested parties as they prepare that participation plan. Similarly, each state is required to develop and use a documented public involvement process that provides for public review and comment at key decision points.

What you, the private provider, can do:

1. **Get on the mailing list.** Most MPOs and state DOTs maintain a mailing list of all interested parties who have expressed an interest or who have participated in a previous transportation planning process. The mailing list is used to inform the public of meetings and can be used to provide information or copies of various planning documents to the public.
2. **Attend MPO meetings.** The proceedings of MPOs are open to the public, including private sector operators. Private providers can attend meetings of the MPO Board of Directors, as well as the many committees that advise the Board, to offer insight and ideas on how to serve new customer markets or better serve existing riders. By participating in

these meetings, private sector providers may learn the status of transportation plans and funding programs, as well as procedures for voicing their service suggestions and proposals. In addition, they can use these occasions to make valuable contacts with state and local officials, including public transit providers, for service and contracting opportunities.

3. **Review and comment on the participation plan.** The participation plan documents the MPO's strategies for engaging customers and stakeholders, both public and private, in the transportation planning and decision making process. MPOs are required by law to involve customers and stakeholders in preparing the participation plan. Private sector providers should contact the MPO to determine the status of the MPO's participation plan and to identify all available opportunities for getting involved.
4. **Review and comment on the Plan and TIP.** Two of the critical documents prepared by the MPO are the Metropolitan Transportation Plan (Plan) and Transportation Improvement Program (TIP) which should encourage, to the maximum extent feasible, the participation of private enterprise. The Plan outlines long-range (minimum 20 years) mobility needs for the metropolitan area and a fiscally reasonable set of proposed strategies for serving them. The TIP lists transportation improvement projects and services proposed over the next four years - in effect, a near-term menu of potential contract opportunities. By participating in the planning process or by simply reviewing the Plan and TIP, private operators can gain advance notice of possible future contracting opportunities. Contact your local MPO or local planning agency to learn more about the planning processes, the availability of the Plan and TIP, and how you can become more informed.
5. **Participate in the long-range statewide transportation plan and STIP process.** As with MPOs, the work of state DOTs in managing statewide transportation planning is open to the public, including private sector providers. The long-range statewide transportation plan and Statewide Transportation Improvement Program (STIP) serve the same function as the metropolitan transportation Plan and TIP in metropolitan areas, listing projects and services proposed over the long-term and in the coming four years, respectively. Contact the state DOT or local planning agency to learn more about the statewide planning process, the availability of the long-range statewide transportation plan and STIP, and how you can become more involved.
6. **Participate in the locally developed and coordinated public transit-human services transportation plan.** Three FTA programs - Elderly and Persons with Disabilities, Job Access and Reverse Commute, and New Freedom - require that projects be derived from a local coordinated transportation plan. Private providers are encouraged to participate, along with local transit operators, human service agencies, and other stakeholders, to identify the gaps in service appropriate for the elderly, individuals with disabilities, and low income individuals. They are encouraged to identify ways to provide services for those target populations.

Why should state DOTs, MPOs, and transit agencies work with private sector providers to plan and deliver transportation services?

State DOTs, MPOs, and public transit providers can gain valuable insight on customers' needs and opportunities for service improvements from locally based private sector providers who may be aware of mobility needs and strategic opportunities to serve those needs, have the equipment and staffing capabilities to serve selected customer markets at lower costs than public providers, and be able to assemble resources and deliver services more quickly than public providers.

Federal laws and regulations require FTA grantees to involve the private sector in the planning process and encourage private sector participation in delivering transportation service. Federal statutes and FTA regulations mandate that in the annual development of the proposed program of projects, private transportation providers must be consulted; they must be allowed to examine and comment on each project; and those comments must be considered, especially when a public provider prepares a final program of projects.

Source: http://www.fta.dot.gov/planning/programs/planning_environment_7023.html

Private Participation in Service Delivery Questions and Answers

What opportunities are there for private sector providers to deliver public transportation services?

Opportunities for private sector providers generally fall into two categories:

1. Introducing private transportation service to new or expanded customer markets, and
2. Contracting with public providers to provide service on particular routes or to particular customer markets.

Direct Service to New or Expanding Markets

Important opportunities for development of new or expanded services often exist in the areas of job access and human services transportation. Private providers may be uniquely qualified to serve these potential customers by providing access and circulator services connecting activity centers such as major employers, health care facilities, shopping centers, and government offices to the larger regional public transit services and transfer facilities. To qualify to receive federal funds to provide these services, local officials must first prepare a locally developed, coordinated, public transit-human services transportation plan. That report documents current and future demand for transit services, inventories transit services currently available to serve those needs, and identifies gaps for which new or expanded services will be needed.

Private operators can work with state and local government officials and the general public to identify markets for offering new or improved transit service; they may also decide to offer services directly to those customer markets. State and local governments, in the course of preparing plans and budgets for future services, should seek involvement and advice from private sector providers. A private operator may propose that its own directly operated transportation services be included in the federally assisted program. To qualify, the private operator must be authorized by a local authority to provide such service and the service must qualify under one of FTA's programs as an eligible public transportation service.

Contracting with Public Operators

Private sector providers may also provide service under contract to public transit operators in corridors and communities within the service areas of those public operators. Suburban employment and activity centers and other community-based markets are among the many "niche" customer bases that private sector providers may be uniquely qualified to serve.

The Americans with Disabilities Act of 1990 (ADA) requires public transit systems that provide fixed-route service to also provide ADA complementary paratransit service. Many

systems contract for this service. An FTA grant recipient in compliance with the ADA can treat as a reimbursable capital expenditure up to ten percent of its annual formula apportionment under the urbanized and rural area formula grant programs to provide this service, or use federal operating assistance.

Express commuter service in selected corridors and implementation of vanpool programs are two additional types of services that transit providers may find that can be provided more efficiently by the private sector. Public transit operators can use federal funds to contract for these services.

Transit providers in both urbanized and rural areas are permitted to contract with private companies to provide service. Transit providers in all areas, regardless of size, may use FTA funds to pay for the capital costs of contracted service. Cities with a population under 200,000 can also use federal operating assistance funds to contract for service. Transit providers must follow federal third-party procurement rules when contracting to ensure competition.

Source: http://www.fta.dot.gov/planning/programs/planning_environment_7030.html

FTA Programs for Private Participation Questions and Answers

What federally-funded transportation programs provide special opportunities for private sector participation?

Important opportunities to provide service exist particularly in the areas of job access and human services transportation. Human services transportation generally refers to programs designed for individuals with lower incomes, persons with disabilities, elderly persons, and, sometimes, children and youth. Private providers may be uniquely qualified to serve these specialized travel markets.

On behalf of the Federal Interagency Coordinating Council on Access and Mobility, FTA is leading an interdepartmental effort known as United We Ride to promote coordinated human service transportation delivery systems and improve access to transportation-disadvantaged populations. This initiative emphasizes the need to develop coordinated transportation plans at state and local levels. Private operators have the opportunity to be active participants in development of these plans. The United We Ride initiative encourages communities to develop a family of services that may include fixed-route bus, shared ride, demand-response, and volunteer systems that offer a wide range of mobility options for consumers.

Specific FTA-administered programs that present opportunities for participation by private providers include the urbanized and non-urbanized area formula grant programs. As noted above, public entities and private non-profit agencies that receive funds under these programs may contract with private entities for service. In addition, private for-profit companies may qualify for federal funds under the following programs and services:

- **Elderly Individuals and Individuals with Disabilities.** This program is designed to provide public transportation service to meet the special transportation needs of elderly persons and persons with disabilities where public transit is unavailable, inappropriate, or insufficient. Projects are derived from a locally developed, coordinated, public transit-human services transportation plan. Private operators can participate in the local planning processes and as service providers. While private operators cannot be direct recipients under this program, purchase of service by a recipient of federal funds under this program is an eligible capital expense, so the private non-profit agencies that are recipients may contract for service instead of acquiring their own vehicles. In addition, six states are participating in a pilot program that allows use of the funds for operating assistance.
- **Intercity Bus Transportation.** A state must use 15 percent of its annual apportionment under the non-urbanized formula program to support intercity bus service unless the governor certifies that the rural intercity bus needs are adequately met. States must consult with affected intercity bus providers before certifying. Program funds may be used for contracting out intercity bus service, providing capital assistance for intermodal facilities, and for providing feeder services that connect rural transit passengers with privately

operated intercity routes. Private intercity bus companies can be either subrecipients of the state or contractors. Information regarding the status of the intercity bus program in a particular state is available through the state DOT or the appropriate FTA Regional Office.

- **Over-the-Road Bus.** FTA provides direct assistance to private providers of over-the-road buses for the incremental cost of equipment and training required by the ADA. By law, all the recipients under this program are private providers. FTA annually solicits applications and competitively selects recipients under this program through a notice placed in the Federal Register and posted on the FTA website. Additionally, there are contracting opportunities in private providers' costs for wheelchair lifts and/or training services.
- **Job Access and Reverse Commute (JARC).** This program funds local specialized services and may provide contracting opportunities for smaller private providers. Funds are made available directly to large urbanized areas (over 200,000 population), and to the states for all other areas. Each area designates a recipient responsible for managing the program and competitively selecting projects derived from a locally developed, coordinated, public transit-human service transportation plan. Private operators can participate in the local planning process and as service providers. Private operators can contact the FTA Regional Office to identify the designated recipient and the lead agency for the planning processes in any area.
- **New Freedom.** This program funds new public transportation service and alternatives to public transportation that go beyond the requirements of the ADA to help individuals with disabilities participate more fully in the community. Funds are made available directly to large urbanized areas (over 200,000 population), and to the states for all other areas. Each area designates a recipient responsible for managing the program and competitively selecting projects derived from a locally developed, coordinated, public transit-human service transportation plan. Private operators can participate in the local planning process and as service providers. For example, funds may be made available for private providers to acquire accessible taxicabs for service in the community. Private operators can contact the FTA Regional Office to identify the designated recipient and the lead agency for the planning process in any area.

Source: http://www.fta.dot.gov/planning/programs/planning_environment_7032.html

FTA Oversight for Private Enterprise Participation Questions and Answers

How does FTA monitor opportunities for private enterprise participation?

Planning Program Oversight

On an ongoing basis, FTA Regional Offices and FHWA Division Offices jointly oversee local planning efforts. At least every four years, FTA and FHWA jointly review planning processes in each state to ensure that they are being carried out in compliance with federal requirements. At least once every four years, FTA and FHWA also jointly review planning processes in each of the largest metropolitan areas (over 200,000 in population) and certify that they are meeting all statutory and regulatory requirements. Private enterprise participation in these planning processes is one of the planning elements monitored.

FTA's Oversight Reviews

FTA conducts about 180 Triennial Reviews each year, completing a review of all grant recipients of urbanized area formula funds every three years. The Triennial Review includes a review of the grantee's oversight of private provider performance and compliance with FTA regulations, including the statutory protections for the private sector. Similarly, FTA conducts periodic State Management Reviews of the states' administration of the non-urbanized, Elderly and Persons with Disabilities, JARC, and New Freedom programs.

Compliance

If FTA finds, when conducting oversights or reviews, that a grantee has not met these requirements, FTA will seek appropriate action by the grantee to come into compliance.

What should a private sector operator do if it is not being given the opportunity to participate in community transportation planning?

If a private sector transportation provider believes that it is not being afforded the opportunity to participate in state or local metropolitan transportation planning, it should first contact the responsible planning organization for the local area, i.e., the MPO in urbanized areas and state DOT in rural areas. It should convey its interest in becoming involved in local planning processes and attempt to work through any problems. Federal requirements for private sector participation in the transportation planning work in metropolitan and rural areas are clear and specific, and an expression of interest or discussion of the issues may serve to address the problems.

If the private operator is not satisfied with the results, the next step is to contact the responsible FTA Regional Office regarding its concerns, including as many specifics as possible about the complaint. While FTA does not mandate specific procedures to foster

private sector participation in the operation of transit services, an opportunity for private participation in metropolitan and statewide planning is required for MPOs and state DOTs.

Source: http://www.fta.dot.gov/planning/programs/planning_environment_7033.html

Statutory Protections for Private Enterprise/ Private Enterprise Provisions Resource Sheet

- **49 U.S.C. § 5307 (c)(2) – Public Participation Requirements.** Federal transit laws and regulations require recipients of federal financial assistance to consult with private transportation providers in developing and finalizing a program of projects.
- **49 U.S.C. § 5323 (a)(1) – General Provisions on Assistance.** FTA funded mass transportation equipment or facilities may operate in competition with transportation service provided by an existing mass transportation company only if the Secretary of Transportation determines that the program provides for the participation of private mass transportation companies to the maximum extent feasible.
- **49 U.S.C. § 5323 (d) – Charter Bus Operations.** Federal transit law prohibits recipients of federal financial assistance from providing charter service, except under certain circumstances. Any charter service that is provided by FTA recipients must be “incidental.” This means that the charter service may not interfere with or detract from regularly scheduled mass transportation service or shorten the life of the equipment or facilities. The charter rule is summarized in a separate brochure available from FTA. For further information, the complete text of FTA’s Charter Service regulation can be accessed on line at http://www.access.gpo.gov/nara/cfr/waisidx_03/49cfr604_03.html.

49 U.S.C. § 5323 (f) – School Bus Operations. Federal transit laws and regulations limit the use of public transportation to transport students to and from school and school-sponsored activities, or trips in competition with private transportation providers. In general, recipients of FTA grants cannot provide transportation for students and school personnel if that transportation excludes the general public or competes with private school bus operators. The school bus rule is summarized in a separate brochure available from FTA. For further information, the complete text of FTA’s School Bus Operations regulations can be accessed on line at http://www.access.gpo.gov/nara/cfr/waisidx_03/49cfr605_03.html.

Source: http://www.fta.dot.gov/planning/programs/planning_environment_7034.html

Private Enterprise Provisions in Statutes, Regulations, and FTA Circulars

Statutes

- **49 U.S.C. § 5303 (i)(5) – Metropolitan transportation planning.** Participation by interested parties. (A) In general. Each metropolitan planning organization shall provide . . . private providers of transportation . . . with a reasonable opportunity to comment on the transportation plan.
- **49 U.S.C. § 5303 (k)(5) – Planning programs.** Transportation management areas. Certification. (A) In general. The Secretary shall (i) ensure that the metropolitan planning organization serving a transportation management area is being carried out in accordance with applicable provisions of Federal Law; and (ii) subject to subparagraph (B), certify, not less often than once every 4 years, that the requirements of this paragraph are met with respect to the metropolitan planning process.
- **49 U.S.C. § 5304 (f)(3) – Statewide transportation planning.** Participation by interested parties. (A) In general. In developing the statewide transportation plan, the State shall provide . . . private providers of transportation . . . with a reasonable opportunity to comment on the proposed plan.
- **49 U.S.C. § 5304 (g)(3) – Statewide transportation improvement program.** Participation by interested parties. In developing the program, the State shall provide . . . private providers of transportation . . . with a reasonable opportunity to comment on the proposed program.
- **49 U.S.C. § 5306 – Private enterprise participation in metropolitan planning and transportation improvement programs and relationship to other limitations.**
 - (a) Private enterprise participation. A plan or program required by sections 5303, 5304, or 5305 of this title shall encourage to the maximum extent feasible, as determined by local policies, criteria, and decisionmaking, the participation of private enterprise. If equipment or a facility already being used in an urban area is to be acquired under this chapter, the program shall provide that it be improved so that it will better serve the transportation needs of the area.
 - (b) Relationship to other limitations – Sections 5303-5305 of this title do not authorize—a metropolitan planning organization to impose a legal requirement on a transportation facility, provider, or project not eligible under this chapter of title 23; and intervention in the management of a transportation authority.

- **49 U.S.C. § 5307 (c) – Public Participation Requirements.** Each recipient of a grant shall
 - (1) make available to the public information on amounts available to the recipient under this section and the program of projects the recipient proposes to undertake.
 - (2) develop, in consultation with interested parties, including private transportation providers, a proposed program of projects for activities to be financed;
 - (3) publish a proposed program of projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed program and submit comments on the proposed program and the performance of the recipient;
 - (4) provide an opportunity for a public hearing in which to obtain the views of citizens on the proposed program of projects;
 - (5) ensure that the proposed program of projects provides for the coordination of public transportation services assisted under section 5336 of this title with transportation services assisted from other United States Government sources.
 - (6) consider comments and views received, especially those of private transportation providers, in preparing the final program of projects; and
 - (7) make the final program of projects available to the public.

Joint FTA/FHWA Planning Regulation: Planning Assistance and Standards, 23 CFR Part 450

- **Section 450-210 (a) – Interested parties, public involvement, and consultation.** In carrying out the statewide transportation planning process, including development of the long-range statewide transportation plan and the STIP [Statewide Transportation Improvement Program], the State shall develop and use a documented public involvement process that provides opportunities for public review and comment at key decision points. (1) The State’s public involvement process at a minimum shall: (i) Establish early and continuous public involvement opportunities that provide timely information about transportation issues and decisionmaking processes to . . . private providers of transportation . . . and other interested parties.
- **Section 450-214 (k) – Development and content of the long-range statewide transportation plan.** Section (k). In developing and updating the long-range statewide transportation plan, the State shall provide . . . private providers of transportation . . . with a reasonable opportunity to comment on the proposed long-range statewide transportation plan. In carrying out these requirements, the State shall, to the maximum extent practicable utilize the public involvement process described under 450.210(a).

- **Section 450-216 (a) - Development and content of the statewide transportation improvement program (STIP).** The State shall develop a statewide transportation improvement program (STIP) for all areas of the State.
- **Section 450-216 (f) - Development and content of the statewide transportation improvement program (STIP).** The Governor shall provide all interested parties with a reasonable opportunity to comment on the proposed STIP as required by 450.210(a).
- **Section 450-316 (a) - Interested parties, participation, and consultation.** The MPO shall develop and use a documented participation plan that defines a process for providing . . . private providers of transportation . . . with reasonable opportunities to be involved in the metropolitan transportation planning process. (1) The participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for: (i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP; (ii) Providing timely notice and reasonable access to information about transportation issues and processes.
- **Section 450.322 (i) - Development and content of the metropolitan transportation plan.** The MPO shall provide . . . private providers of transportation . . . with a reasonable opportunity to comment on the transportation plan using the participation plan developed under Section 450.316(a).
- **Section 450.324 - Development and content of the transportation improvement program (TIP).** (a) The MPO, in cooperation with the State(s) and any affected public transportation operator(s), shall develop a TIP for the metropolitan planning area. . . . (b) The MPO shall provide all interested parties with a reasonable opportunity to comment on the proposed TIP as required by 450.316(a). . . .

The complete text of the joint Federal Highway Administration and Federal Transit Administration "Planning Assistance and Standards" regulation, 23 CFR Part 450, can be accessed online at

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=0f951b5d5c6fc2e82a3340379b74509b&rgn=div5&view=text&node=23:1.0.1.5.11&idno=23>.

Private Enterprise Provisions in FTA Circulars

The following FTA Circulars provide statutory, regulatory and policy guidance to applicants and recipients concerning private enterprise provisions applicable to FTA recipients:

- **Circular 8100.1B - Program Guidance and Application Instructions for Metropolitan Planning Grants, October 25, 1996.** Chapter I, 1. j. An opportunity must be made available for participation of private enterprise in developing and implementing transportation plans and programs.

The complete text of FTA's "Program Guidance and Application Instructions for Metropolitan Planning Grants" can be accessed on line at http://www.fta.dot.gov/laws/circulars/leg_reg_4123.html

- **Circular 9030.1C - Urbanized Area Formula Program: Grant Application Instructions**, October 1, 1998.

24. Private Enterprise Concerns

- a. Participation by Private Enterprise (Reference to §5306(a); 5323(a)(1)(B); 23 CFR Part 450.322(c); Federal Register Notice "Private Enterprise Participation," of April 26, 1994 (59 Fed.Reg.21890 et seq. (1994); 49 USC §5303-5306)
- b. Acquisition of Private Mass Transportation Facilities (Reference to 49 USC §5306(a); 49 USC §5323(a)(1)(C))

The complete text of FTA's "Urbanized Area Formula Program: Grant Application Instructions" can be accessed on line at

http://www.fta.dot.gov/laws/circulars/leg_reg_4125.html

- **Circular 9040.1F - Nonurbanized Area Formula Program Guidance and Grant Application Instructions**, April 1, 2007.

X. Other Provisions

7. Private Enterprise Participation
13. Charter Service
21. School Transportation

The complete text of FTA's "Nonurbanized Area Formula Program Guidance and Grant Instructions" can be accessed on line at

http://www.fta.dot.gov/laws/circulars/leg_reg_6519.html

- **Circular 9045.1 - New Freedom Guidance and Application Instructions**, May 1, 2007.

V. Coordinated Planning

VIII. Other Provisions

6. Private Enterprise Participation
17. School Transportation

The complete text of the Federal Transit Administration "New Freedom Guidance and Application Instructions," can be accessed on line at:

http://www.fta.dot.gov/laws/circulars/leg_reg_6624.html

- **Circular 9050.1 - Job Access and Reverse Commute (JARC) Program Guidance and Application Instructions**, May 01, 2007.

V. Coordinated Planning

X. Other Provisions

6. Private Enterprise Participation
11. Charter Service
18. School Transportation

The complete text of the Federal Transit Administration “Job Access and Reverse Commute (JARC) Program Guidance and Application Instructions,” can be accessed on line at:
http://www.fta.dot.gov/laws/circulars/leg_reg_6623.html

- **Circular 9070.1F – The Elderly and Persons with Disabilities Program Guidance and Application Instructions**, May 1, 2007.

V. Coordinated Planning

VIII. Other Provisions

6. Private Sector Participation

The complete text of FTA’s “The Elderly and Persons with Disabilities Program Guidance and Application Instructions” can be accessed on line at
http://www.fta.dot.gov/laws/circulars/leg_reg_6622.html

- **Circular 9300.1A – Capital Program: Grant Application Instructions**, October 1, 1998.

VI. 9. Private Enterprise Concerns.

a. Participation by Private Enterprise

b. Acquisition of Private Mass Transportation Facilities

c. Charter and School Bus Operations

The complete text of FTA’s “Program Guidance and Application Instructions for Metropolitan Planning Grants” can be accessed on line at
http://www.fta.dot.gov/laws/circulars/leg_reg_4128.html

Source: http://www.fta.dot.gov/planning/programs/planning_environment_7035.html

Coordinated Transportation Planning Requirements

The following excerpt is from the final guidance from the Federal Transit Administration (FTA) on the coordinated planning requirements for the Section 5310 (Elderly Individuals and Individuals with Disabilities), Section 5316 (Job Access and Reverse Commute – JARC) and Section 5317 (New Freedom) Programs:

- **THE COORDINATED PUBLIC TRANSIT-HUMAN SERVICES TRANSPORTATION PLAN.** Federal transit law, as amended by SAFETEA-LU, requires that projects selected for funding under the Elderly Individuals and Individuals with Disabilities (Section 5310), Job Access and Reverse Commute (JARC), and New Freedom programs be “derived from a locally developed, coordinated public transit-human services transportation plan” and that the plan be “developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public.” The experiences gained from the efforts of the Federal Interagency Coordinating Council on Access and Mobility (CCAM), and specifically the United We Ride (UWR) Initiative, provide a useful starting point for the development and implementation of the local public transit-human services transportation plan required under the Section 5310, JARC and New Freedom Programs. Many States have established UWR plans that may form a foundation for a coordinated plan that includes the required elements outlined in this chapter and meets the requirements of 49 U.S.C. 5317.
- **DEVELOPMENT OF THE COORDINATED PUBLIC TRANSIT-HUMAN SERVICES TRANSPORTATION PLAN.**
 - a. **Overview.** A locally developed, coordinated, public transit-human services transportation plan (“coordinated plan”) identifies the transportation needs of individuals with disabilities, older adults, and people with low incomes, provides strategies for meeting those local needs, and prioritizes transportation services for funding and implementation. Local plans may be developed on a local, regional, or statewide level. The decision as to the boundaries of the local planning areas should be made in consultation with the State, designated recipient and the metropolitan planning organization (MPO), where applicable. The agency leading the planning process is decided locally and does not have to be the designated recipient.

In urbanized areas where there are multiple designated recipients, there may be multiple plans and each designated recipient will be responsible for the competitive selection of projects in the designated recipient’s area. A coordinated plan should maximize the programs’ collective coverage by minimizing duplication of services. Further, a coordinated plan must be developed through a process that includes representatives of public and private and non-profit transportation and human services transportation providers, and participation by members of the public. Members of the public should include representatives of the targeted population(s) including individuals with disabilities, older adults, and people with low incomes. While the plan is only required in communities seeking funding under one or more of the three specified FTA programs, a coordinated plan should also incorporate activities offered

under other programs sponsored by Federal, State, and local agencies to greatly strengthen its impact.

- b. **Required Elements.** Projects competitively selected for funding shall be derived from a coordinated plan that minimally includes the following elements at a level consistent with available resources and the complexity of the local institutional environment:
- (1) An assessment of available services that identifies current transportation providers (public, private, and non-profit);
 - (2) An assessment of transportation needs for individuals with disabilities, older adults, and people with low incomes. This assessment can be based on the experiences and perceptions of the planning partners or on more sophisticated data collection efforts, and gaps in service (Note: If a community does not intend to seek funding for a particular program (Section 5310, JARC, or New Freedom), then the community is not required to include an assessment of the targeted population in its coordinated plan);
 - (3) Strategies, activities and/or projects to address the identified gaps between current services and needs, as well as opportunities to improve efficiencies in service delivery; and
 - (4) Priorities for implementation based on resources (from multiple program sources), time, and feasibility for implementing specific strategies and/or activities identified.

Note: FTA will consider plans developed before the issuance of final program circulars to be an acceptable basis for project selection for FY 2007 if they meet minimum criteria. Plans for FY 2007 should include 1) an assessment of available services; 2) an assessment of needs; and 3) strategies to address gaps for target populations; however, FTA recognizes that initial plans may be less complex in one or more of these elements than a plan developed after the local coordinated planning process is more mature. Addendums to existing plans to include these elements will also be sufficient for FY 2007. Plans must be developed in good faith in coordination with appropriate planning partners and with opportunities for public participation.

- c. **Local Flexibility in the Development of a Local Coordinated Public Transit-Human Services Transportation Plan.** The decision for determining which agency has the lead for the development and coordination of the planning process should be made at the State, regional, and local levels. FTA recognizes the importance of local flexibility in developing plans for human service transportation. Therefore, the lead agency for the coordinated planning process may be different from the agency that will serve as the designated recipient. Further, FTA recognizes that many communities have conducted assessments of transportation needs and resources regarding individuals with disabilities, older adults, and/or people with low incomes. FTA also recognizes that some communities have taken steps to develop a comprehensive, coordinated, human

service transportation plan either independently or through United We Ride efforts. FTA supports communities building on existing assessments, plans and action items. As all new Federal requirements must be met, however, communities may need to modify their plans or processes as necessary to meet these requirements. FTA encourages communities to consider inclusion of new partners, new outreach strategies, and new activities related to the targeted programs and populations.

Plans will vary based upon the availability of resources and the existence of populations served under these programs. A rural community may develop its plans based on perceived needs emerging from the collaboration of the planning partners, whereas a large urbanized community may use existing data sources to conduct a more formal analysis to define service gaps and identify strategies for addressing the gaps.

This type of planning is also an eligible activity under three other FTA programs—the Metropolitan Planning (Section 5303), Statewide Planning (Section 5304), and Urbanized Area Formula (Section 5307) programs, all of which may be used to supplement the limited (10%) planning and administration funding under this program. Other resources may also be available from other entities to fund coordinated planning activities. All “planning” activities undertaken in urbanized areas, regardless of the funding source, must be included in the Unified Planning Work Program (UPWP) of the applicable MPO.

- d. **Tools and Strategies for Developing a Coordinated Plan.** States and communities may approach the development of a coordinated plan in different ways. The amount of available time, staff, funding, and other resources should be considered when deciding on specific approaches. The following is a list of potential strategies for consideration.
- (1) Community planning session. A community may choose to conduct a local planning session with a diverse group of stakeholders in the community. This session would be intended to identify needs based on personal and professional experiences, identify strategies to address the needs, and set priorities based on time, resources, and feasibility for implementation. This process can be done in one meeting or over several sessions with the same group. It is often helpful to identify a facilitator to lead this process. Also, as a means to leverage limited resources and to ensure broad exposure, this could be conducted in cooperation or coordination with the applicable metropolitan or statewide planning process.
 - (2) Self-assessment tool. *The Framework for Action: Building the Fully Coordinated Transportation System*, developed by FTA and available at www.unitedweride.gov, helps stakeholders realize a shared perspective and build a roadmap for moving forward together. The self-assessment tool focuses on a series of core elements that are represented in categories of simple diagnostic questions to help groups in States and communities assess their progress toward transportation coordination based on standards of excellence. There is also a Facilitator’s Guide that offers detailed advice on how to choose an existing group or construct an ad hoc group. In addition, it describes how to

develop elements of a plan, such as identifying the needs of targeted populations, assessing gaps and duplications in services, and developing strategies to meet needs and coordinate services.

- (3) Focus groups. A community could choose to conduct a series of focus groups within communities that provides opportunity for greater input from a greater number of representatives, including transportation agencies, human service providers, and passengers. This information can be used to inform the needs analysis in the community. Focus groups also create an opportunity to begin an ongoing dialogue with community representatives on key issues, strategies, and plans for implementation.
- (4) Survey. The community may choose to conduct a survey to evaluate the unmet transportation needs within a community and/or available resources. Surveys can be conducted through mail, e-mail, or in-person interviews. Survey design should consider sampling, data collection strategies, analysis, and projected return rates. Surveys should be designed taking accessibility considerations into account, including alternative formats, access to the internet, literacy levels, and limited English proficiency.
- (5) Detailed study and analysis. A community may decide to conduct a complex analysis using inventories, interviews, GIS mapping, and other types of research strategies. A decision to conduct this type of analysis should take into account the amount of time and funding resources available, and communities should consider leveraging State and MPO resources for these undertakings.

- **PARTICIPATION IN THE COORDINATED PUBLIC TRANSIT-HUMAN SERVICES TRANSPORTATION PLANNING PROCESS.** Recipients shall certify that the coordinated plan was developed through a process that included representatives of public, private, and non-profit transportation and human services providers, and participation by members of the public. Note that the required participants include not only transportation providers but also providers of human services, and members of the public (e.g., individuals with disabilities, older adults, and individuals with low incomes) who can provide insights into local transportation needs. It is important that stakeholders be included in the development and implementation of the local coordinated public transit-human services transportation plan. A planning process in which stakeholders provide their opinions but have no assurance that those opinions will be considered in the outcome does not meet the requirement of ‘participation.’ Explicit consideration and response should be provided to public input received during the development of the coordinated plan. Stakeholders should have reasonable opportunities to be actively involved in the decision-making process at key decision points, including, but not limited to, development of the proposed coordinated plan document. The following possible strategies facilitate appropriate inclusion:

- a. **Adequate Outreach to Allow for Participation.** Outreach strategies and potential participants will vary from area to area. Potential outreach strategies could include

notices or flyers in centers of community activity, newspaper or radio announcements, e-mail lists, website postings, and invitation letters to other government agencies, transportation providers, human services providers, and advocacy groups. Conveners should note that not all potential participants have access to the Internet and they should not rely exclusively on electronic communications. It is useful to allow many ways to participate, including in-person testimony, mail, e-mail, and teleconference. Any public meetings regarding the plan should be held in a location and time where accessible transportation services can be made available, and adequately advertised to the general public using techniques such as those listed above. Additionally, interpreters for individuals with hearing impairments and English as a second language and accessible formats (e.g., large print, Braille, electronic versions) should be provided as required by law.

- b. **Participants in the Planning Process.** Metropolitan and statewide planning under 49 U.S.C. 5303 and 5304 require consultation with an expansive list of stakeholders. There is significant overlap between the lists of stakeholders identified under those provisions (e.g., private providers of transportation, representatives of transit users, and representatives of individuals with disabilities) and the organizations that should be involved in preparation of the coordinated plan.

The projects selected for funding under the Section 5310 , JARC, and New Freedom Programs must be “derived from a locally developed, coordinated public transit-human services transportation plan” that was “developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public.” The requirement for developing the local public transit-human services transportation plan is intended to improve services for people with disabilities, older adults, and individuals with low incomes. Therefore, individuals, groups and organizations representing these target populations should be invited to participate in the coordinated planning process. Consideration should be given to including groups and organizations such as the following in the coordinated planning process if present in the community:

- (1) Transportation partners:
 - (a) Area transportation planning agencies, including MPOs, Councils of Government (COGs), Rural Planning Organizations (RPOs), Regional Councils, Associations of Governments, State Departments of Transportation, and local governments;
 - (b) Public transportation providers (including Americans with Disabilities Act (ADA) paratransit providers and agencies administering the projects funded under FTA urbanized and nonurbanized programs);
 - (c) Private transportation providers, including private transportation brokers, taxi operators, van pool providers, school transportation operators, and intercity bus operators;

- (d) Non-profit transportation providers;
 - (e) Past or current organizations funded under the JARC, Section 5310, and/or the New Freedom Programs; and
 - (f) Human service agencies funding, operating, and/or providing access to transportation services.
- (2) Passengers and advocates:
- (a) Existing and potential riders, including both general and targeted population passengers (individuals with disabilities, older adults, and people with low incomes);
 - (b) Protection and advocacy organizations;
 - (c) Representatives from independent living centers; and
 - (d) Advocacy organizations working on behalf of targeted populations.
- (3) Human service partners:
- (a) Agencies that administer health, employment, or other support programs for targeted populations. Examples of such agencies include but are not limited to Departments of Social/Human Services, Employment One-Stop Services; Vocational Rehabilitation, Workforce Investment Boards, Medicaid, Community Action Programs (CAP), Agency on Aging (AoA); Developmental Disability Council, Community Services Board;
 - (b) Non-profit human service provider organizations that serve the targeted populations;
 - (c) Job training and placement agencies;
 - (d) Housing agencies;
 - (e) Health care facilities; and
 - (f) Mental health agencies.
- (4) Other:
- (a) Security and emergency management agencies;
 - (b) Tribes and tribal representatives;
 - (c) Economic development organizations;

- (d) Faith-based and community-based organizations;
- (e) Representatives of the business community (e.g., employers);
- (f) Appropriate local or State officials and elected officials;
- (g) School districts; and
- (h) Policy analysts or experts.

Note: Participation in the planning process will not bar providers (public or private) from bidding to provide services identified in the coordinated planning process. This planning process differs from the competitive selection process, and it differs from the development and issuance of a Request for Proposal (RFP) as described in the Common Grant Rule (49 CFR part 18).

- c. **Levels of Participation.** The suggested list of participants above does not limit participation by other groups, nor require participation by every group listed. Communities will have different types of participants depending on population and size of community, geographic location, and services provided at the local level. It is expected that planning participants will have an active role in the development, adoption, and implementation of the plan. Participation may remain low even though a good faith effort is made by the lead agency to involve passengers, representatives of public, private, and non-profit transportation and human services providers, and others. The lead agency convening the coordinated planning process should document the efforts it utilized, such as those suggested above, to solicit involvement.

In addition, Federal, State, regional, and local policy makers, providers, and advocates should consistently engage in outreach efforts that enhance the coordinated process, because it is important that all stakeholders identify the opportunities that are available in building a coordinated system. To increase participation at the local levels from human service partners, State Department of Transportation offices are encouraged to work with their partner agencies at the State level to provide information to their constituencies about the importance of partnering with human service transportation programs and the opportunities that are available through building a coordinated system.

- d. **Adoption of a Plan.** As a part of the local coordinated planning process, the lead agency in consultation with participants should identify the process for adoption of the plan. A strategy for adopting the plan could also be included in the designated recipient's Program Management Plan (PMP) further described in Chapter VII.

FTA will not formally review and approve plans. The designated recipient's grant application (see Appendix A) will document the plan from which each project listed is derived, including the lead agency, the date of adoption of the plan, or other

appropriate identifying information. This may be done by citing the section of the plan or page references from which the project is derived.

▪ **RELATIONSHIP TO OTHER TRANSPORTATION PLANNING PROCESSES.**

- a. **Relationship Between the Coordinated Planning Process and the Metropolitan and Statewide Transportation Planning Processes.** The coordinated plan can either be developed separately from the metropolitan and statewide transportation planning processes and then incorporated into the broader plans, or be developed as a part of the metropolitan and statewide transportation planning processes. If the coordinated plan is not prepared within the broader process, the lead agency for the coordinated plan should ensure coordination and consistency between the coordinated planning process and metropolitan or statewide planning processes. For example, planning assumptions should not be inconsistent.

Projects identified in the coordinated planning process, and selected for FTA funding through the competitive selection process must be incorporated into both the Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) in urbanized areas with populations of 50,000 or more; and incorporated into the STIP for nonurbanized areas under 50,000 in population. In some areas, where the coordinated plan or competitive selection is not completed in a timeframe that coincides with the development of the TIP/STIP, the TIP/STIP amendment processes will need to be utilized to include competitively selected projects in the TIP/STIP before FTA grant award.

The lead agency developing the coordinated plan should communicate with the relevant MPOs or State planning agencies at an early stage in plan development. States with coordination programs may wish to incorporate the needs and strategies identified in local coordinated plans into statewide coordination plans.

Depending upon the structure established by local decision-makers, the coordinated planning process may or may not become an integral part of the metropolitan or statewide transportation planning processes. State and local officials should consider the fundamental differences in scope, time horizon, and level of detail between the coordinated planning process and the metropolitan and statewide transportation planning processes. However, there are important areas of overlap between the planning processes, as well. Areas of overlap represent opportunities for sharing and leveraging resources between the planning processes for such activities as: (1) needs assessments based on the distribution of targeted populations and locations of employment centers, employment-related activities, community services and activities, medical centers, housing and other destinations; (2) inventories of transportation providers/resources, levels of utilization, duplication of service and unused capacity; (3) gap analysis; (4) any eligibility restrictions; and (5) opportunities for increased coordination of transportation services. Local communities may choose the method for developing plans that best fits their needs and circumstances.

- b. **Relationship Between the Requirement for Public Participation in the Coordinated Plan and the Requirement for Public Participation in Metropolitan and Statewide Transportation Planning.** SAFETEA-LU strengthened the public participation requirements for metropolitan and statewide transportation planning. Title 49 U.S.C. 5303(i)(5) and 5304(f)(3), as amended by SAFETEA-LU, require MPOs and States to engage the public and stakeholder groups in preparing transportation plans, TIPs, and STIPs. “Interested parties” include, among others, affected public agencies, private providers of transportation, representatives of users of public transportation, and representatives of individuals with disabilities.

MPOs and/or States may work with the lead agency developing the coordinated plan to coordinate schedules, agendas, and strategies of the coordinated planning process with metropolitan and statewide planning in order to minimize additional costs and avoid duplication of efforts. MPOs and States must still provide opportunities for participation when planning for transportation related activities beyond the coordinated public transit-human services transportation plan.

- c. **Cycle and Duration of the Coordinated Plan.** At a minimum, the coordinated plan should follow the update cycles for metropolitan transportation plans (i.e., four years in air quality nonattainment and maintenance areas and five years in air quality attainment areas). However, communities and States may update the coordinated plan to align with the competitive selection process based on needs identified at the local levels. States, MPOs, designated recipients, and public agencies that administer or operate major modes of transportation should set up a cycle that is conducive to and coordinated with the metropolitan and statewide planning processes, to ensure that selected projects are included in the TIP and STIP, to receive funds in a timely manner.
- d. **Role of Transportation Providers that Receive FTA Funding Under the Urbanized and Other Than Urbanized Formula Programs in the Coordinated Planning Process.** Recipients of Section 5307 and Section 5311 assistance are the “public transit” in the public transit-human services transportation plan and their participation is assumed and expected. Further, 49 U.S.C. 5307(c)(5) requires that, “Each recipient of a grant shall ensure that the proposed program of projects (POP) provides for the coordination of public transportation services ... with transportation services assisted from other United States Government sources.” In addition, 49 U.S.C. 5311(b)(2)(C)(ii) requires the Secretary of the DOT to determine that a State’s Section 5311 projects “provide the maximum feasible coordination of public transportation service ... with transportation service assisted by other Federal sources.” Finally, under the Section 5311 program, States are required to expend 15 percent of the amount available to support intercity bus service. FTA expects the coordinated planning process in rural areas to take into account human service needs that require intercity transportation.

Charter Service Final Rule Private Operator's "Bill of Rights"

Effective Date of Final Rule: 4/30/08

- You may register at FTA's new Charter Registration Website (49 CFR 604.13)
 - <http://www.fta.dot.gov/CharterRegistration>
 - You should register BEFORE 4/30/08
 - Your registration lasts two years
 - You will receive notification from the system when your registration is about to expire
 - You must own at least one bus or van and have the legal authority to operate a charter business
- After registering, you may receive notification of proposed charter trips by public transit agencies (49 CFR 604.14):
 - That charge a "premium" fare
 - That are subsidized by a third party
 - That were not previously made available to private charter operators
- You may request an advisory opinion from FTA (49 CFR 604.17)
- You may request a cease and desist order from FTA as part of an advisory opinion (49 CFR 604.22)
- You may request that a Qualified Human Service Organization or other Registered Charter Provider be removed from FTA's Charter Registration Website (49 CFR 604.26)
- You may file a complaint against a public transit agency for unauthorized charter service (49 CFR 604.27)
- You may review public transit agencies' reports on charter service (49 CFR 604.12)
- You may review a Qualified Human Service Organization's registration requesting free or reduced rate services (49 CFR 604.15)
- You may review which public transit agencies requested additional hours under the Government Officials exception (49 CFR 604.6)
- You may review petitions requesting an exception for Events of Regional or National Significance, Hardship, or Discretion (49 CFR 604.11)
- You may request assistance from FTA's Ombudsman for Charter Service, who can be contacted at: ombudsman.charterservice@dot.gov

Fact sheet provided for summary purposes only. Please consult regulatory text for exact requirements.

Helpful Websites

While some of these Websites are noted in this guidebook, here's a cumulative list along with other helpful sites:

- Taxicab, Limousine & Paratransit Association (TLPA):
<http://www.tlpa.org>
- Federal Transit Administration (FTA):
<http://www.fta.dot.gov>
- United We Ride:
<http://www.unitedweride.gov>
- American Bus Association:
<http://www.buses.org/>
- Easter Seals Project ACTION:
www.projectaction.org
- Community Transportation Association of America (CTAA)
www.ctaa.org
- American Public Transportation Association (APTA)
www.apta.com
- AMPO (membership organization serving needs and interests of MPOs):
<http://www.ampo.org>
- A Transportation Planning Process: Key Issues document:
<http://www.planning.dot.gov/documents/briefingbook/bbook.htm>
- Metropolitan Planning Organization (MPO) Database:
<http://www.planning.dot.gov/overview.asp>
- Private Enterprise Participation in Planning and Service Delivery:
http://www.fta.dot.gov/planning/programs/planning_environment_7013.html
- FTA Metropolitan & Statewide Planning Website:
http://www.fta.dot.gov/planning/planning_environment_4160.html
- National Transit Database (NTD):
<http://www.ntdprogram.gov/ntdprogram>

- Transit at the Table Guidebook:
http://www.fta.dot.gov/planning/metro/planning_environment_3544.html
- Transit Cooperative Research Program (TCRP):
<http://www.tcrponline.org>

FTA Regional Offices

Region I

Maine, New Hampshire, Vermont, Massachusetts,
Rhode Island, and Connecticut
Transportation Systems Center
Kendall Square
55 Broadway, Suite 920
Cambridge, MA 02142-1093
Phone: (617) 494-2055
Fax: (617) 494-2865

Region II

New York, New Jersey, and Connecticut commuter
rail operations
One Bowling Green
Room 429
New York, NY 10004-1415
Phone: (212) 668-2170
Fax: (212) 668-2136

Region III

Delaware, District of Columbia, Maryland,
Pennsylvania, Virginia, and West Virginia
1760 Market St
Suite 500
Philadelphia, PA 19103-4124
Phone: (215) 656-7100
Fax: (215) 656-7260

Region IV

Alabama, Florida, Georgia, Kentucky, Mississippi,
North Carolina, South Carolina, Tennessee, Puerto
Rico, and the U.S. Virgin Islands
230 Peachtree, NW
Suite 800
Atlanta, GA 30303
Telephone (404) 865-5600
Fax (404) 865-5605

Region V

Illinois, Ohio, Minnesota, Wisconsin, Indiana, and
Michigan
200 W Adams St
Suite 320
Chicago, IL 60606
Phone: (312) 353-2789
Fax: (312) 886-0351

Region VI

Texas, Oklahoma, Arkansas, Louisiana, and New
Mexico
819 Taylor St
Room 8A36
Fort Worth, TX 76102
Phone: (817) 978-0550
Fax: (817) 978-0575

Region VII

Missouri, Iowa, Nebraska, and Kansas
901 Locust Street, Suite 404
Kansas City, MO 64106
Phone: (816) 329-3920
Fax: (816) 329-3921

Region VIII

Colorado, Utah, Montana, Wyoming, South
Dakota, and North Dakota
12300 W Dakota Ave
Suite 310
Lakewood, CO 80228-2583
Phone: (720) 963-3300
Fax: (720) 963-3333

Region IX

Arizona, California, Hawaii, Nevada, Guam,
American Samoa, and the Northern Mariana
Islands
201 Mission St
Room 1650
San Francisco, CA 94105-1839
Phone: (415) 744-3133
Fax: (415) 744-2726

Region X

Washington, Oregon, Idaho, and Alaska
Jackson Federal Building
915 Second Ave, Suite 3142
Seattle, WA 98174-1002
Phone: (206) 220-7954
Fax: (206) 220-7959