



SAFETEA-LU – The Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (Public Law 109-59)

Of Interest to People and Programs on Disability

Enacted on Aug. 10, 2005, SAFETEA-LU supports federal transit programs and establishes an upper limit on the amount of funds that can be made available. The bill authorizes a total of \$45.3 billion in guaranteed funding from Sept. 30, 2005 through September 2009 (FY 2005 - FY 2009), a 46 percent increase over transit funding guaranteed in TEA-21, the previous transportation legislation. The actual amount of funding available for individual programs is subject to the annual congressional appropriations process.

This brief Q&A highlights a few of the programs that relate to transportation for people with disabilities, including the New Freedom Initiative which intends to reduce barriers to transportation and provide services beyond requirements of the Americans with Disabilities Act (ADA).

What's new for funding?

The New Freedom Program (Section 5317) is a new transit program under SAFETEA-LU. This formula-based program (as measured by state and urbanized areas' populations of people with disabilities), is to provide transportation services for people with disabilities beyond the requirements of the ADA. Key features:

- An emphasis on linking people with disabilities to employment;
- Distribution of Section 5317 funds at 60 percent to urban transit systems in areas with 200,000 or more population, 20 percent to states in areas with populations between 50,000 and 200,000, and 20 percent for use in rural areas;
- Stipulates that statewide competitive solicitations will occur for awards to units of state or local governments, non-profit organizations, or operators of public transportation services.

The award funds may be given for capital expenses such as vehicles and facilities, (80 percent federal share) or operating projects (50 percent federal share). Starting in FY 2007, projects receiving New Freedom funds are to be selected through locally developed, coordinated public transit/human service transportation plans. In FY 2006, funding is \$78.0 million (total); rural share, \$15.6 million. In FY 2009, the total funding is \$92.5 million.

What about other funding of transportation for people with disabilities and older adults?

The ongoing Elderly Individuals and Individuals with Disabilities program (Section 5310) provides funding to states to assist private nonprofit groups in meeting the transportation needs of people with disabilities and older adults. Funds are based on each state's share of population for these groups: for FY 2005, \$94.5 million (total) and FY 2006, \$112.0 million (total)

The bill also authorizes a demonstration project in seven states, including Alaska, Minnesota, Oregon, Wisconsin and three other states to be selected by the FTA, because of strong interest in extending the authority to use section 5310 grant funds for operating assistance. This demonstration program is established for fiscal years 2006 through 2009 to determine whether this expanded authority improves services to people with disabilities and older adults.

What about programs that fund transportation in rural areas?

In addition to the rural provisions of the New Freedom Program, SAFETEA-LU assures a substantial increase in rural transit funding. Most of the

funds in the continuing Rural Transit Assistance Program (Section 5311) will continue to be allocated to states based on their population in non-urbanized areas. Twenty percent of each year's Sec. 5311 authorization will be allocated to states based on their non-urbanized land area. Some funds will be added to each state's Sec. 5311 allocation based on their 15-year population forecasts, under the new Sec. 5340(c) category. The seven states with population densities greater than 370 persons per square mile (Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, and Rhode Island) will receive additional Sec. 5311 funds under the new Sec. 5340(d) category.

- FY 2005: \$250.9 million
- FY 2006: \$388.0 million, plus approx. \$58.2 million from Sec. 5340(c)

What about continued improvements in the coordination of transportation service for people with disabilities, older adults and low-income individuals?

Building on the federal United We Ride human service coordination initiative, the bill requires local communities to establish community-wide funding priorities through a locally coordinated plan. Supporting this requirement, SAFETEA-LU provides for related administrative expenses, planning, and technical assistance. The law also permits the use of non-Department of Transportation federal funds, such as Medicaid or Temporary Assistance for Needy Families (TANF), as local match for Federal Transit Administration (FTA) programs serving these groups.

Is there additional assistance for people with disabilities seeking employment?

The ongoing Job Access and Reverse Commute (JARC) Formula Grants (Section 5316) program develops transportation services for welfare recipients and low-income individuals to and from jobs and develops transportation services to suburban employment destinations for residents of urban, rural and suburban areas. Each year, JARC funds will be allocated to states based on percentages of their low-income and TANF populations in rural areas, urbanized areas with populations between 50,000 and 200,000, and Sec. 5307 recipients in urbanized areas with populations greater than 200,000.

The bill contains language expecting the FTA to continue providing maximum flexibility to job access projects designed to meet the needs of

individuals who are not effectively served by public transportation. States will fund projects based on statewide competitive solicitations. Funds may be awarded for capital projects (80 percent federal share) or operating projects (50 percent federal share).

- FY 2005: \$124.0 million (total); rural share, approximately \$24.8 million
- FY 2006: \$138.0 million (total); rural share, \$27.6 million

Does the statute continue grant funding to encourage private bus companies to purchase accessible vehicles?

An over-the-road bus is one with an elevated passenger deck located over a baggage compartment. The Over the Road Bus Accessibility Program makes funds available to private bus operators to finance the incremental capital and training costs of complying with the transportation provisions of the ADA. Eligible capital projects include adding lifts and other accessibility features to purchasing new vehicle and lifts to retrofit existing vehicles. FTA conducts a national solicitation for applications for these grant funds.

- FY 2005: \$6.9 million (total)
- FY 2006: \$7.5 million (total)

Is it possible to fund the purchase of accessible vehicles for taxicab service?

Under the law, taxicab providers are not eligible sub-recipients of FTA funds. A non-profit organization could purchase an accessible vehicle using 5310 funds and lease the vehicle to the provider or contract with a provider for service.

Where can I get more information on these aspects of the new law?

Contact Easter Seals Project ACTION for information relating to people with disabilities and the coordination of human service transportation (www.projectaction.org.) Additional sources for information about the law are the Web sites of The American Public Transportation Association (APTA) www.apta.com and The Community Transportation Association of America (CTAA) www.ctaa.org.

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