

New York Metropolitan Transportation Council Region

Job Access and Reverse Commute  
&  
New Freedom  
Programs

2010 Overview & Guidance  
For  
Federal Fiscal Year 2008  
& 2009 Funding

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## I. JARC & NEW FREEDOM GRANT PROGRAM INFORMATION

The current Federal legislation authorizing funding for transportation programs through Federal Fiscal Year 2009 is the Safe, Affordable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA: LU). SAFETEA: LU requires the establishment of a locally developed, Coordinated Public Transit Human Services Transportation Plan (Coordinated Plan) for the following Federal Transit Administration (FTA) programs:

1. **Section 5316** - Job Access Reverse Commute Program (JARC);
2. **Section 5317** - New Freedom;
3. **Section 5310** - Elderly Individuals and Individuals with Disabilities<sup>1</sup>;

Projects selected for funding from these programs must be derived from this Coordinated Plan and be competitively selected.

This funding overview guidance addresses two of these three FTA Programs funded under SAFETEA: LU, the *Job Access and Reverse Commute Program* and the *New Freedom Program*. For complete program guidance and instructions, applicants should review the Federal Transit Administration's May 1, 2007 Program Circulars (*JARC - FTA C 9050.1 / New Freedom - FTA C 9045.1*) which are available through the FTA website <http://www.fta.dot.gov>.

JARC and New Freedom are intended to fund innovative and flexible programs that identify and address the transportation and mobility needs of individuals with disabilities, and individuals with limited incomes. Projects are required to address transportation gaps and/or barriers identified in a locally developed Coordinated Plan. In the New York Region, development of a Coordinated Plan was undertaken by the New York Metropolitan Transportation Council (NYMTC), which is the metropolitan planning organization for New York City, Long Island and the Lower Hudson Valley. This Coordinated Plan was adopted on June 18, 2009 by the NYMTC Program, Finance and Administration Committee (PFAC) and is available on the NYMTC website, [www.nymtc.org](http://www.nymtc.org). Grant applicants in the NYMTC Region must ensure their project is developed in accordance with the Coordinated Plan's guidelines and parameters.

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<sup>1</sup> Section 5310 – Transportation for Elderly Persons and Persons with Disabilities Program

In New York State, the Section 5310 Program is an annual competitive grant program that provides for the purchase of vehicles to transport elderly persons or persons with disabilities. Section 5310 is administered by the New York State Department of Transportation (NYSDOT). Funding is allocated to the State from the FTA. This program provides 80 percent of the cost to purchase new vehicles. The other 20 percent must be covered by the applicant. Additionally, the applicant must pay for the vehicle's operating costs. Vehicles are generally awarded to privately funded, non-profit agencies that serve the elderly and people with disabilities. Public entities that coordinate services for the elderly and people with disabilities and do not have any non-profit organizations that provide service in their particular area are also eligible for funding. Allocations to New York State are based on percentage of the elderly and persons with disabilities residing within the state.

The Section 5310 Program is not part of this grant application and is included in this section for information purposes. The Coordinated Plan required coordination with Section 5310 grantees as applicable and appropriate for your specific project. To obtain more information and apply for the Section 5310 Program contact the NYSDOT 5310 Program at (518) 457-8355 or e-mail your request to: [mhaas@dot.state.ny.us](mailto:mhaas@dot.state.ny.us).

## II. PROGRAM OVERVIEW

### A. Section 5316 - Job Access and Reverse Commute Program

JARC is a FTA formula grant program for projects relating to the development and maintenance of transportation services designated to transport welfare recipients and eligible low-income individuals to and from jobs and job related activities to their employment, and for public transportation projects designated to transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities. (49 U.S.C. 5316.)

The JARC Program is designed to help get lower income residents to work opportunities and to address reverse commuting needs. According to the United States Census Bureau, families whose income is below 150 percent of the poverty line are considered low-income families. Funds may be used for capital expenses with Federal funds providing up to 80 percent of the cost of the project, or operating expenses with Federal funds providing up to 50 percent of the cost of the project. The matching funds may not come from the United States Department of Transportation (USDOT); however other federal funding, as well as state operating funds can be used for a match.

### B. Section 5317 - New Freedom Program

New Freedom is a FTA formula program for **new** transportation services and public transportation alternatives **beyond** those required by the Americans with Disabilities Act<sup>2</sup> (ADA) of 1990 (42 U.S.C. 12101 et seq.) that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services. (49 U.S.C. 5317.)

New Freedom is a new program under SAFETEA: LU. Funds are allocated through a formula based upon the number of persons with disabilities. Matching share requirements are flexible to encourage coordination with other Federal programs that may provide transportation, such as Health and Human Services or Agriculture. Funds may be used for capital expenses with Federal funds providing up to 80 percent of the cost of the project, or operating expenses with Federal funds providing up to 50 percent of the cost of the project. The New Freedom Program can only be used to fund new services. See FTA Circular for definition of new services.

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<sup>2</sup> FTA recently expanded the types of project it considers “beyond ADA requirements”; The final rule states that new or expanded fixed route service and new or expanded demand response service constitute new public transportation services beyond those required by ADA of 1990 (42 USC Section 12101) that assist individuals with disabilities, and are therefore eligible for funding under the New Freedom program, provided that these services: 1) are identified in the grant applicant’s coordinated public transit-human services transportation plan; 2) are available to the public at large but were planned and designed to meet the mobility needs of individuals with disabilities in response to circumstances where existing fixed route and demand response transportation is unavailable or insufficient to meet the mobility needs of individuals with disabilities, and 3) were not operational on August 10, 2005 and did not have an identified funding source as of August 10, 2005. This information can be found in the Federal Register/Vol. 74, No. 81, Wednesday, April 29, 2009. <http://edocket.access.gpo.gov/2009/pdf/E9-9774.pdf>

**C. Eligible applicants for JARC & New Freedom include:**

Private non-profit organizations  
State and local government authorities  
Operators of public transportation services (public and private)

**D. FTA Funding Availability<sup>3</sup>:**

JARC: \$7,985,774 (FFY 2008) \$9,373,210 (FFY 2009) Total Funds - \$17,358,984  
New Freedom: \$4,260,171 (FFY 2008) \$4,910,625 (FFY 2009) Total Funds - \$9,170,796

**E. Matching Requirements for JARC and New Freedom:**

Projects classified as operating require a 50% local match.  
Projects classified as capital and mobility management require a 20% match.  
Matching funds may not come from USDOT.  
Possible matching funds include, but are not limited to:

- State or local appropriations;
- Other non-Department of Transportation Federal funds;
- Dedicated tax revenues; private donations;
- Revenue from human service contracts;
- Toll revenue credits;
- Net income generated from advertising and concessions.

**F. In-kind Valuation Plan:**

*"Non-cash share such as donations, volunteered services, or in-kind contributions such as staff time are eligible to be counted toward the local match as long as the value of each is documented and supported, represents a cost which would otherwise be eligible under the program, and is included in the net project costs in the project budget."* (FTA Circular 9050.1 & FTA Circular 9045.1)

In-kind contributions can only be used for operating and Mobility Management projects. In-kind contributions are the value of non-cash contributions, received from a third party, for real property, equipment, and/or goods and services directly benefitting and specifically identifiable to the project.

In-kind contributions must be included as project costs, and the value of the services must be documented. If your organization intends to use in-kind contributions as a match, certain conditions apply. Those conditions are:

- An In-kind Valuation Plan must be submitted to NYSDOT for approval as part of the application. The plan must be approved in writing prior to using the in-kind for your grant.
- The organization must keep detailed documentation that includes:
  - A statement from the person or organization providing the goods or services.
  - The value of the goods or services.
- The goods or services must be necessary for the project.

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<sup>3</sup> FTA funding availability is for Federal Fiscal Year 2008 & 2009 and represents the maximum award amount. The FFY 2008 funds have to be programmed or else the funds will lapse and return to the National allocation. Decisions on which funds to award a selected project will be made by evaluation of the project.

If your project is successful, the In-kind Valuation Plan MUST BE APPROVED in writing by NYSDOT prior to being used for the project.

#### **G. Eligible Sub-recipient - Type of Applicant: Private Non-Profits Agencies**

All Sub-recipients must be approved by the NYSDOT and execute a contract with NYSDOT. To successfully execute a contract with NYSDOT, the entity is required to provide a NYS Charitable Registration Number from the NYS Attorney General's Office and a Vendor Responsibility Questionnaire (VRQ) that is available on the Office of the State Comptroller (OSC) website.

OSC electronic version "Vend Rep System". The VRQ should be filed online at OSC website:  
<http://www.osc.state.ny.us/vendrep/index.htm>

NYS Charitable Registration Number from the NYS Attorney General's Office website:

<http://www.oag.state.ny.us/bureaus/charities/about.html>

#### **H. OMB Circular References online: <http://www.whitehouse.gov/OMB/circulars/>**

For each type of organization that is an eligible sub-recipient for JARC or New Freedom, there is a set of Federal cost principles for determining allowable costs. Allowable costs will be determined in accordance with the cost principles applicable to the type of organization that has been awarded project funds.

The sub-recipient should become familiar with the OMB circulars, as they pertain to your particular organization applying for Federal funds.

A-21: Cost Principles for Educational Institutions

A-87: Cost Principles for State, Local and Indian Tribal Government

A-122: Cost Principles for Non-Profits Organizations

A-133: Audit of States, Local and Non-Profit Organizations

#### **I. Civil Rights Requirements for using Section 5316 & Section 5317 funds**

As a condition of receiving Federal Transit Administration Section 5316 or 5317 program funds all designated or sub-recipients must comply with the requirements of the US Department of Transportation's Title VI regulations. The purpose of Title VI is to ensure that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. All recipients are responsible for ensuring compliance of each third party contractor at any tier of the project.

#### **REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES:**

All recipients must develop procedures for investigating and tracking Title VI complaints filed against them and makes their procedures for filing a complaint available to members of the public upon request. In order to reduce the administrative burden associated with this requirement, sub-recipients may adopt the Title VI complaint investigation and tracking procedures developed by the New York State. Information pertaining to the NYSDOT Civil Rights program can be found at <https://www.nysdot.gov/main/business-center/civil-rights>

#### **REQUIREMENT TO RECORD TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS.**

All recipients must prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and that allege discrimination on the basis of race, color, or national origin. The current list of active investigations for sub-recipients must be provided to NYSDOT at the time of the application.

#### **REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LIMITED ENGLISH PROFICIENCY PERSONS.**

All recipients must take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). To this end recipients may develop and carry out a language implementation plan. Certain recipients, such as those serving very few LEP persons or those with very limited resources may choose not to develop a written LEP plan. However, the absence of a written LEP plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to a recipient's program or activities. All recipients electing not to prepare a written language implantation plan should consider other ways to provide reasonable meaningful access and document them.

#### **REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI.**

All recipients must provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients that provide transit service shall disseminate this information to the public through measures that can include but shall not be limited to a posting on the agency's Web site, and notice on board the service vehicle.

#### **REQUIREMENT TO PREPARE TITLE VI REPORT.**

All recipients must submit compliance reports to FTA. Successful sub-recipients must submit compliance reports to NYSDOT consistent with reporting timelines established by the NYSDOT Division of Audit and Civil Rights. The following contents will be required with the submission of the standard agreement for sub-recipients:

1. A summary of public outreach and involvement activities undertaken and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities.
2. A copy of the sub-recipient's plan for providing language assistance for persons with limited English proficiency that was based on the DOT LEP Guidance or a copy of the agency's alternative framework for providing language assistance.
3. A copy of the sub-recipient procedures for tracking and investigating Title VI complaints.
4. A list of any Title VI investigations, complaints, or lawsuits filed with the sub-recipient. This list should include only those investigations, complaints, or lawsuits that pertain to the sub-recipient submitting the report, not necessarily the larger agency or department of which the entity is a part.
5. A copy of the sub-recipient's notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint (May point to NYSDOT site if using in place).

**I. Solicitation Schedule:**

Application Issue Date: Monday, January 6<sup>th</sup>, 2010

Proposal Due Date: Friday, March 12<sup>th</sup>, 2010

Notice of Selection, Late April 2010

Intent to Award: Early Fall 2010

If you have specific questions on these programs, please contact:

Angelina Foster, NYMTC Program Manager or

Jaeki Min, NYMTC Project Coordinator

NYMTC (212) 383-7201

afoster1@dot.state.ny.us

jmin@ dot.state.ny.us

Tom Vaughan, NY State Coordinator

NYSDOT (518) 457-7248

tvaughan@dot.state.ny.us

***Applicants should note that these FTA programs are reimbursement programs. Applicants will be required to pay all project expenses first, and then apply for reimbursement through the granting agency FTA or NYSDOT.***

## Appendix A - Acronyms

ADA - Americans with Disabilities Act of 1990

CHTSP – Coordinated Public Human Transportation Services Plan

DUNS – Data Universal Numbering System

FTA - Federal Transit Administration

GIS - Geographic Information System

ICE – Independent Cost Estimate

ITS - Intelligent Transportation Systems

JARC - Job Access and Reverse Commute

NEPA – National Environmental Policy Act

NYMTC - New York Metropolitan Transportation Council

NYCDOT – New York City Department of Transportation

NYS DOT - New York State Department of Transportation

PFAC - Program, Finance and Administration Committee

SAFETEA: LU - Safe, Affordable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users

SEQRA – State Environmental Quality Review Act

STIP - State Transportation Improvement Plan

TDM – Travel Demand Management

TIP - Transportation Improvement Plan

USDOT – United States Department of Transportation

## Appendix B - Definitions

**Access to Jobs Projects:** Projects relating to the development and maintenance of transportation services designated to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment.

**Capital Costs** - The total costs of construction, vehicles, engineering, management, testing, and other capital expenses.

**Charitable organizations:** In New York State, any benevolent, philanthropic, patriotic, or eleemosynary person or one who is purporting to be such.

**Charitable Registration Number:** Every charitable organization (as defined by New York State law) which intends to solicit contributions from persons in this state or from any governmental agency shall, prior to any solicitation, file with the New York State attorney general a prescribed registration form. For additional information visit the New York State, Office of the Attorney General, Charities Bureau website:  
<http://www.ag.ny.gov/bureaus/charities/about.html>

**Designated Recipient:** In large urbanized areas over 200,000 in population, an entity designated, in accordance with the planning process under 49 U.S.C. 5303, 5304, and 5306, by the chief executive officer of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under JARC and New Freedom programs that is attributable to a transportation management area.

**Data Universal Numbering System (DUNS):** A unique nine-digit numbering system which identifies an individual business, it is assigned by Dun and Bradstreet, Inc.

**Elderly Individuals and Individuals with Disabilities Program (Section 5310):** FTA formula program for public transportation capital projects planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities 49 U.S.C. 5310.

**Elderly Individual/ Older Adult:** Includes, at a minimum, all persons 65 years or age or older. Grantees may use a definition that extends eligibility for service to younger (e.g., 62 or 60 and over) persons.

**Eligible Low-income Individuals:** Individuals whose family income is at or below 150 percent of poverty line (as that term is defined in Section 673(2) of the Community Service Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

**Federal Transit Administration Compliance:** Applicants in the New York Metropolitan Transportation Council area must demonstrate technical and financial capacity to comply with the FTA's master agreement, as well as state and local municipal requirements. Grantees will be subject to FTA federal rules and requirements. Non-compliance will jeopardize federal participation in the project. Projects will be awarded through a Regional competitive selection process.

**Fixed Route System:** A public transportation system provided in vehicles operating along a pre-determined route according to a fixed schedule.

**Human Service Transportation:** Transportation services provided by or on behalf of a human service agency to provide access to agency services and/or meet basic, day-to-day mobility needs of transportation-disadvantaged populations, especially individuals with disabilities, older adults, and people with low-incomes.

**Individual with a Disability:** An individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use effectively, without special facilities, planning, or design, public transportation service or a public transportation facility. 49 U.S.C. 5302(a) (5)

**Job Access and Reverse Commute Program (Section 5316):** FTA formula grant program for projects relating to the development and maintenance of transportation services designated to transport welfare recipients and eligible low income individuals to and from jobs and job activities related to their employment, and for public transportation projects designated to transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities. 49 U.S.C. 5316

**Locally Developed, Coordinated Public Transit-Human Services Transportation Plan:** A plan that 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 implementation.

**Mobility Management:** Consists of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a government entity, under 49U.S.C. Chapter 53. Mobility management does not include operating public transportation services.

**National Environmental Policy Act (NEPA):** NEPA was signed into law on January 1, 1970 [42 U.S.C. 4321 et seq]. The Act establishes national environmental policy and goals for the protection, maintenance, and enhancement of the environment and it provides a process for implementing these goals within the federal agencies.

**New Freedom Program (Section 5317):** FTA formula grant program for new transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services. 49 U.S.C. 5317

**Non-profit Organization:** A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. 501(c) which is exempt from taxation under 26 U.S.C. 501(a) or one which has been determined under State law to be non-profit and for which the designated State agency has received documentation certifying the status of the non-profit organization.

**Operation and Maintenance Costs:** Incremental operating/maintenance costs of the project and the transit system.

**Paratransit:** Comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems.

**Reverse Commute Project:** A public transportation project designated to transport residents in urbanized areas and other than urbanized areas to suburban employment areas.

**Reimbursement Program:** Grant Programs are reimbursement programs. Approved grantees will be required to pay all project expenses first, and then apply for reimbursement through your local designated recipient. Grantees must enter into a formal agreement with the designated recipient to be eligible for reimbursement. Expenses incurred prior to execution of this agreement may not be reimbursable.

**State Environmental Quality Review (SEQR):** SEQR was signed into law on August 1, 1975 (Article 8 of NYS Environmental Conservation Law). The law required a state policy which would encourage a productive and enjoyable harmony between humans and the environment. The regulations of the law can be found in Part 617 of the New York Code of Rules and Regulations [6 N.Y.C.R.R. Part 617].

**Subrecipient:** Any entity that receives Federal assistance awarded by a FTA Designated Recipient, rather than FTA directly.

**Travel Demand Management Groups:** Organizations that encourage reduction of car use by promoting alternative means of transportation i.e. carpooling, vanpooling, bicycling programs, mass transit use and related support services such as guaranteed ride programs. MetroPool and CommuterLink are not-for-profit organizations that provide a variety of ridesharing services. Additionally, Trips 123 and 511NY are websites that provides traffic and transit information for a substantial part of the region, offering critical information for individuals who utilize alternate means of transportation. Trips 123 can be accessed at the following web address: <http://www.trips123.com/>. 511NY can be accessed at the following web address: <http://www.511ny.org/>.

**Welfare Recipient:** Refers to an individual who has received assistance under a State or tribal program funded under part A of Title IV of the Social Security Act at any time during the three-year period before the date on which the applicant applies for a grant under JARC.

## Appendix C - Contact Information for Travel Demand Management Groups

CommuterLink (Serving the New York City Area and Long Island)

120-32 Queens Blvd, 3<sup>rd</sup> Floor

Kew Gardens, NY 11415

Phone: (866) 692-6668

E-Mail: [info@commuterlink.com](mailto:info@commuterlink.com)

Website: <http://www.commuterlink.com/>

MetroPool Inc. (Serving the lower Hudson Valley)

1 Landmark Square, 8th Floor

Stamford, CT 06901

Phone: (800) 346-3743

E-Mail: [info@metropool.com](mailto:info@metropool.com)

Website: <http://www.metropool.com/>

## Appendix D - Examples of Eligible Projects

### 1. SECTION 5316 - JARC ELIGIBLE ACTIVITIES

Funds from the JARC program are available for capital, planning, and operating expenses that support the development and maintenance of transportation services designed to transport low income individuals to and from jobs and activities related to their employment and to support reverse commute projects.

In the conference report accompanying SAFETEA-LU, the conferees stated an expectation that FTA would "continue its practice of providing maximum flexibility to job access projects that are designed to meet the needs of individuals who are not effectively served by public transportation, consistent with the use of funds described in the *Federal Register*, Volume 67 (April 8, 2002)" (H.R. Report 109-203, at Section 3018 (July 28, 2005)). Therefore, eligible projects may include, but are not limited to capital, planning, and operating assistance to support activities such as:

- a. Late-night and weekend service;
- b. Guaranteed ride home service;
- c. Shuttle service;
- d. Expanding fixed-route public transit routes;
- e. Demand-responsive van service;
- f. Ridesharing and carpooling activities;
- g. Transit-related aspects of bicycling (such as adding bicycle racks to vehicles to support individuals that bicycle a portion of their commute or providing bicycle storage at transit stations);
- h. Local car loan programs that assist individuals in purchasing and maintaining vehicles for shared rides;
- i. Promotion, through marketing efforts, of the:
  - (1) use of transit by workers with non-traditional work schedules;
  - (2) use of transit voucher programs by appropriate agencies for welfare recipients and other low income individuals;
  - (3) development of employer-provided transportation such as shuttles, ridesharing, carpooling; or
  - (4) use of transit pass programs and benefits under Section 132 of the Internal Revenue Code of 1986;
- j. Supporting the administration and expenses related to voucher programs. This activity is intended to supplement existing transportation services by expanding the number of providers available or the number of passengers receiving transportation services. Vouchers can be used as an administrative mechanism for payment to providers of alternative transportation services. The JARC program can provide vouchers to low income individuals to purchase rides, including (1)

mileage reimbursement as part of a volunteer driver program, (2) a taxi trip, or (3) trips provided by a human service agency. Providers of transportation can then submit the voucher to the JARC project administering agency for payment based on pre-determined rates or contractual arrangements. Transit passes for use on fixed route or Americans with Disabilities Act of 1990 complementary paratransit service are not eligible. Vouchers are an operational expense which requires a 50/50 (Federal/local) match;

- k. Acquiring Geographic Information System (GIS) tools;
- l. Implementing Intelligent Transportation Systems (ITS), including customer trip information technology;
- m. Integrating automated regional public transit and human service transportation information, scheduling and dispatch functions;
- n. Deploying vehicle position-monitoring systems;
- o. Subsidizing the costs associated with adding reverse commute bus, train, carpool van routes or service from urbanized areas and nonurbanized areas to suburban work places;
- p. Subsidizing the purchase or lease by a non-profit organization or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace;
- q. Otherwise facilitating the provision of public transportation services to suburban employment opportunities;
- r. Supporting new mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management is an eligible capital cost. Mobility management techniques may enhance transportation access for populations beyond those served by one agency or organization within a community. For example, a non-profit agency could receive JARC funding to support the administrative costs of sharing services it provides to its own clientele with other low-income individuals and coordinate usage of vehicles with other non-profits, but not the operating costs of the service. Mobility management is intended to build coordination among existing public transportation providers and other transportation service providers with the result of expanding the availability of service. Mobility management activities may include:
  - (1) The promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, older adults, and low-income individuals;
  - (2) Support for short term management activities to plan and implement coordinated services;
  - (3) The support of State and local coordination policy bodies and councils;
  - (4) The operation of transportation brokerages to coordinate providers, funding agencies and customers;
  - (5) The provision of coordination services, including employer-oriented Transportation Management Organizations' and Human Service Organizations' customer-oriented travel

- navigator systems and neighborhood travel coordination activities such as coordinating individualized travel training and trip planning activities for customers;
- (6) The development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs; and
  - (7) Operational planning for the acquisition of intelligent transportation technologies to help plan and operate coordinated systems inclusive of Geographic Information Systems (GIS) mapping, Global Positioning System technology, coordinated vehicle scheduling, dispatching and monitoring technologies as well as technologies to track costs and billing in a coordinated system and single smart customer payment systems (acquisition of technology is also eligible as a stand alone capital expense).

## 2. SECTION 5317 - NEW FREEDOM ELIGIBLE ACTIVITIES

New Freedom Program funds are available for capital and operating expenses that support new public transportation services beyond those required by the Americans with Disabilities Act of 1990 (ADA) and new public transportation alternatives beyond those required by the ADA designed to assist individuals with disabilities with accessing transportation services, including transportation to and from jobs and employment support services. For the purpose of the New Freedom Program, "new" service is any service or activity that was not operational on August 10, 2005, and did not have an identified funding source as of August 10, 2005, as evidenced by inclusion in the Transportation Improvement Plan (TIP) or the State Transportation Improvement Plan (STIP). In other words, if not for the New Freedom Program, these projects would not have consideration for funding and proposed service enhancements would not be available for individuals with disabilities.

Maintenance of Effort: Recipients or subrecipients may not terminate ADA paratransit enhancements or other services funded as of August 10, 2005, in an effort to reintroduce the services as "new" and then receive New Freedom funds for those services.

Eligible projects funded with New Freedom funds may continue to be eligible for New Freedom funding indefinitely as long as the project(s) continue to be part of the Coordinated Plan.

Both new public transportation services and new public transportation alternatives are required to go beyond the requirements of the ADA and must (1) be targeted toward individuals with disabilities; and (2) meet the intent of the program by removing barriers to transportation and assisting persons with disabilities with transportation, including transportation to and from jobs and employment services.

The list of eligible activities is intended to be illustrative, not exhaustive. Recipients are encouraged to develop innovative solutions to meet the needs of individuals with disabilities in their communities.

- a. **New Public Transportation Services Beyond the ADA.** The following activities are examples of eligible projects meeting the definition of new public transportation.
  - (1) Enhancing paratransit beyond minimum requirements of the ADA. ADA complementary paratransit services can be eligible under New Freedom in several ways as long as the services provided meet the definition of "new:"

- (a) Expansion of paratransit service parameters beyond the three-fourths mile required by the ADA;
  - (b) Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services;
  - (c) The incremental cost of providing same day service;
  - (d) The incremental cost of making door-to-door service available to all eligible ADA paratransit riders, but not as a reasonable modification for individual riders in an otherwise curb-to-curb system;
  - (e) Enhancement of the level of service by providing escorts or assisting riders through the door of their destination;
  - (f) Acquisition of vehicles and equipment designed to accommodate mobility aids that exceed the dimensions and weight ratings established for common wheelchairs under the ADA and labor costs of aides to help drivers assist passengers with over-sized wheelchairs. This would permit the acquisition of lifts with a larger capacity, as well as modifications to lifts with a 600 lb design load, and the acquisition of heavier-duty vehicles for paratransit and/or demand-response service; and
  - (g) Installation of additional securement locations in public buses beyond what is required by the ADA.
- (2) Feeder services. New “feeder” service (transit service that provides access) to commuter rail, commuter bus, intercity rail, and intercity bus stations, for which complementary paratransit service is not required under the ADA.
- (3) Making accessibility improvements to transit and intermodal stations not designated as key stations. Improvements for accessibility at existing transportation facilities that are not designated as key stations established under 49 CFR 37.47, 37.51, or 37.53, and that are not required under 49 CFR 37.43 as part of an alteration or renovation to an existing station, so long as the projects are clearly intended to remove barriers that would otherwise have remained. New Freedom funds are eligible to be used for new accessibility enhancements that remove barriers to individuals with disabilities so they may access greater portions of public transportation systems, such as fixed-route bus service, commuter rail, light rail and rapid rail. This may include:
- (a) Building an accessible path to a bus stop that is currently inaccessible, including curb cuts, sidewalks, accessible pedestrian signals or other accessible features,
  - (b) Adding an elevator or ramps, detectable warnings, or other accessibility improvements to a non-key station that are not otherwise required under the ADA,
  - (c) Improving signage, or wayfinding technology, or
  - (d) Implementation of other technology improvements that enhance accessibility for people with disabilities including Intelligent Transportation Systems (ITS).

(4) Travel training. New training programs for individual users on awareness, knowledge, and skills of public and alternative transportation options available in their communities. This includes travel instruction and travel training services.

b. **New Public Transportation Alternatives Beyond the ADA**. The following activities are examples of projects that are eligible as new public transportation alternatives beyond the ADA under the New Freedom Program:

(1) Purchasing vehicles to support new accessible taxi, ride sharing, and/or vanpooling programs. New Freedom funds can be used to purchase and operate accessible vehicles for use in taxi, ridesharing and/or van pool programs provided that the vehicle has the capacity to accommodate a passenger who uses a "common wheelchair" as defined under 49 CFR 37.3, at a minimum, while remaining in his/her personal mobility device inside the vehicle, and meeting the same requirements for lifts, ramps and securement systems specified in 49 CFR part 38, subpart B.

(2) Supporting the administration and expenses related to new voucher programs for transportation services offered by human service providers. This activity is intended to support and supplement existing transportation services by expanding the number of providers available or the number of passengers receiving transportation services. Only new voucher programs or expansion of existing programs are eligible under the New Freedom Program. Vouchers can be used as an administrative mechanism for payment of alternative transportation services to supplement available public transportation. The New Freedom Program can provide vouchers to individuals with disabilities to purchase rides, including: (a) mileage reimbursement as part of a volunteer driver program; (b) a taxi trip; or (c) trips provided by a human service agency. Providers of transportation can then submit the voucher for reimbursement to the recipient for payment based on pre-determined rates or contractual arrangements. Transit passes for use on existing fixed route or ADA complementary paratransit service are not eligible. Vouchers are an operational expense which requires a 50/50 (Federal/local) match.

(3) Supporting new volunteer driver and aide programs. New volunteer driver programs are eligible and include support for costs associated with the administration, management of driver recruitment, safety, background checks, scheduling, coordination with passengers, and other related support functions, mileage reimbursement, and insurance associated with volunteer driver programs. The costs of new enhancements to increase capacity of existing volunteer driver programs are also eligible. FTA notes that any volunteer program supported by New Freedom must meet the requirements of both "new" and "beyond the ADA" FTA encourages communities to offer consideration for utilizing all available funding resources as an integrated part of the design and delivery of any volunteer driver/aide program.

(4) Supporting new mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management is an eligible capital cost. Mobility management techniques may enhance transportation access for populations beyond those served by one agency or organization within a community. For example, a non-profit agency could receive New Freedom funding to support the administrative costs of sharing services it provides to its own clientele with other individuals with disabilities and coordinate usage of vehicles with other non-profits, but not the operating costs of the service. Mobility management is intended to build coordination among

existing public transportation providers and other transportation service providers with the result of expanding the availability of service. Mobility management activities may include:

- (a) The promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, older adults, and low income individuals;
- (b) Support for short term management activities to plan and implement coordinated services;
- (c) The support of State and local coordination policy bodies and councils;
- (d) The operation of transportation brokerages to coordinate providers, funding agencies and customers;
- (e) The provision of coordination services, including employer-oriented Transportation Management Organizations' and Human Service Organizations' customer-oriented travel navigator systems and neighborhood travel coordination activities such as coordinating individualized travel training and trip planning activities for customers;
- (f) The development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs; and
- (g) Operational planning for the acquisition of intelligent transportation technologies to help plan and operate coordinated systems inclusive of GIS mapping, Global Positioning System Technology, coordinated vehicle scheduling, dispatching and monitoring technologies as well as technologies to track costs and billing in a coordinated system and single smart customer payment systems (acquisition of technology is also eligible as a stand alone capital expense).

## Appendix E – Environmental Classifications

The National Environmental Policy Act (NEPA) [42 U.S.C. §§4331 et seq.], the former Section 4(f) of the Department of Transportation Act (now codified at 49 U.S.C. §303), and Section 106 of the National Historic Preservation Act (16 U.S.C. §470f) and other environmental laws generally apply to all FTA grants and cooperative agreements. The extent of the environmental review of an FTA-assisted project will depend on the complexity of the project and the availability of alternatives to avoid or reduce impacts, but some level of FTA environmental review is always required, even if it is simply to read the project description and make a determination that a CE applies to the project.

Section 102(2) (C) of NEPA (42 U.S.C. 4332(2) (C)) requires the preparation of an EIS before the Federal Government undertakes a “major Federal action significantly affecting the quality of the human environment.” As an aid in identifying such projects, the regulations implementing NEPA group Federal actions into three Classes of action as follow:

Class I (EIS), a major Federal action that is likely to affect significantly the quality of the human environment requires the preparation of an Environmental Impact Statement (EIS);

Class II (CE), a Federal action that clearly does not significantly affect the quality of the human environment qualifies for a Categorical Exclusion (CE) from the required preparation of an EIS. FTA may or may not require documentation to determine the applicability of a CE;

Class III (EA), a Federal action for which significant effects on the human environment are not clear at the outset, or that would otherwise benefit from an organized environmental evaluation and public review, requires an Environmental Assessment (EA). If FTA determines that the project will have a significant impact on the human environment, an EIS will be required. Otherwise, the EA process will be concluded with a Finding of No Significant Impact by FTA.

## Appendix F - Evaluation Criteria

SCORING RUBRIC FOR JARC AND NEW FREEDOM PROGRAM PROPOSALS		
For use by CPT-HST Evaluation Committee		Pts
<b>A.</b>	<b>Project Description</b>	<b>10</b>
1	Are all items on check list fulfilled?	
2	Has the applicant provided a clear project description including but not limited to route mileage, service frequency, hours of operation, new routes, route extensions, termini, reduced travel times for new or improved transportation service; and/or details on proposed project if you are proposing accessibility improvements or mobility management/training programs?	
3	Is the proposed project service area clearly defined (i.e. identifying geographic boundaries -map/s)?	
4	Does the applicant provide the number and percentages of individuals with disabilities, elderly individuals and low-income individuals within the proposed project service area?	
5	Is there an estimate of the number of individuals that will be served by the proposed project? How was the estimate determined? Did the applicant cite the source used (i.e. Census 2000)?	
6	Does the applicant describe target origins and destination? (i.e. is there a description of the routes for vehicle services as well as a description of location where services will be offered for non vehicle service)?	
<b>B.</b>	<b>Coordination</b>	<b>10</b>
1	Have they included both the public providers and the Human service providers?	
2	Has the applicant described how coordination & integration necessary for this project will be provided?	
3	Does the applicant's project covers an area or population targeted by the Coordinated Plan; did they cite the page and area of the plan?	
<b>C.</b>	<b>Planning</b>	<b>15</b>
1	Does the application clearly identify the page in the interim plan that this project will address? If not, has the applicant given justification as to how the planning process they do cite meets the needs of the target population?	
2	Is there a well defined project schedule with milestones and steps to implement the project?	
3	Is there a description of public outreach efforts and promotion of public awareness to the community being served?	
4	Is there a reasonable data collection and performance measure plan in place to evaluate the project on an ongoing basis?	
<b>D.</b>	<b>Budget</b>	<b>15</b>
1	Did the applicant fill out the request table and does it support the narrative and description of the project?	
2	Did the applicant submit a letter of commitment or other proof of the matching funds?	
3	Has the applicant provided a detailed budget similar to the example and detailed enough to understand how the projects costs are built and scalable?	
4	Does the applicant provide a long term strategy for converting these services into mainstream funding?	
5	If the Applicant has received Federal JARC/NF prior to this and does not fill out, they receive a 0 value. Otherwise 1 value for all others.	