

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED



Business Meeting Agenda October 28, 2020 1:00 PM until Completion

*Marion Hart, Chairman
Dr. Phillip Stevens, Vice-Chairman
Renee Knight, Commissioner
Christinne Rudd, Commissioner
Dr. Robin Tellez, Commissioner
Mike Willingham, Commissioner*

GoToMeeting Webinar:

<https://global.gotomeeting.com/join/794113117>

Alternative Conference Call-In Number:

888-585-9008; Conference Code: 837-653-349

Item #	Agenda Item	Speaker(s)
I.	Call to Order	Chairman Marion Hart
II.	Pledge of Allegiance	Chairman Marion Hart
III.	Introduction of Commissioners and Advisors	Commissioners and Advisors
IV.	Public Comments (Comments limited to the current agenda items)	Public
Action Items		
V.	Approval of August 26, 2020 Meeting Minutes	Chairman Marion Hart
VI.	Community Transportation Coordinator Designation for Martin County	Ricardo Vazquez, Martin County MPO
VII.	Fiscal Year 2020-21 Innovation and Service Development Grant Recommendations (Third Round Applications)	Commissioner Renee Knight
VIII.	Amendments to Rule Chapter 41-2.007 and 41-2.014, F.A.C. – Trip & Equipment Grant Allocation Formula	Commissioner Phil Stevens Rachelle Munson, CTD General Counsel
Information Items		
IX.	Upcoming Annual Performance Report and Other Analysis Reports	Jeff Barbacci and Casey Perkins, Thomas Howell Ferguson

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| X. | Technical Assistance for the Innovation & Service Development Grant | Martin Catala,
University of South Florida-
Center for Urban
Transportation Research |
| XI. | Americans with Disabilities Act (ADA) Complimentary Paratransit Services | David Darm,
CTD Executive Director |
| XII. | Quorum Requirements for Local Coordinating Boards | David Darm,
CTD Executive Director |
| XIII. | Commissioner and Advisor Reports | Commissioners and Advisors |
| XIV. | Public Comments | Public |
| XV. | Commissioner and Advisor Closing Comments | Commissioners and Advisors |
| XVI. | Adjournment | Chairman Hart |

Next Meeting: December 2020 (Date To Be Determined)

When operating under Florida’s Government in the Sunshine Law, the Florida Supreme Court recognizes the importance of public participation in open meetings. The Commission provides that right of access at each public meeting and adheres to Chapter 286.011, Florida Statutes. This meeting will be recorded and a summary of the discussion will be published at a future date.

Members of the public interested in speaking during the “Public Comments” segments are encouraged to complete the attached public comment card and return to David Darm prior to the meeting date at: David.Darm@dot.state.fl.us. The chairman will call on each speaker in the order public comment cards are received. Public comments are limited to five (5) minutes per speaker.

In accordance with the Americans with Disabilities Act (ADA), and Chapter 286.26, Florida Statutes, persons in need of special accommodation to participate in the meeting (including an agenda) shall email David Darm or contact our office listed below, at least 48 hours before the meeting:

Commission for the Transportation Disadvantaged
605 Suwannee Street, MS-49
Tallahassee, FL 32399-0450
(850) 410-5703 or (800) 983-2435
(850) 410-5708 (TDD/TTY).

This meeting is subject to change upon the chairman’s request.

State of Florida
Commission for the Transportation Disadvantaged
Commission Business Meeting

MEETING DATE: October 28, 2020

AGENDA ITEM:

V. Approval of Minutes – August 26, 2020

BACKGROUND INFORMATION:

The Commission met via GoToMeeting webinar and teleconference on August 26, 2020, to hold its quarterly business meeting.

ATTACHMENTS:

Minutes of the August 26, 2020 Commission Business Meeting

EXECUTIVE DIRECTOR RECOMMENDATION/MOTION:

Approve Minutes from the August 26, 2020 Commission Business Meeting.

ACTION TAKEN AT MEETING:

MEETING SUMMARY

Commission for the Transportation Disadvantaged Commission Business Meeting

GoToMeeting Webinar
Conference Call Meeting
Tallahassee, Florida 32399

August 26, 2020
1:00 PM

<i>Commissioners Present</i>	<i>Commissioners Absent</i>
Chairman Marion Hart (via teleconference)	
Vice-Chairman Dr. Phillip Stevens (via teleconference)	
Renee Knight (via teleconference)	
Christinne Rudd (via teleconference)	
Dr. Robin Tellez (via teleconference)	
Mike Willingham (via teleconference)	

<i>Advisors Present</i>	<i>Advisors Absent</i>
Liz Stutts, FDOT	Erica Floyd-Thomas, AHCA
Kent Carroll, APD	Dennis Latta, FDVA
Diane Harris, DCF	Krysta Carter, DOEA

Call to Order

Chairman Hart called the meeting to order. Executive Director David Darm called the roll. A quorum was present.

Pledge of Allegiance

Chairman Hart led the Pledge of Allegiance.

Introduction of Commissioners/Advisors/Public

Chairman Hart asked the Commissioners to introduce themselves and provide a brief summary of their connection with the Transportation Disadvantaged program. Chairman Hart thanked Jeff Barbacci and his staff from Thomas Howell Ferguson for providing support and assistance with hosting the Commission meeting via GoToMeeting. He also thanked Casey Perkins for his assistance with drafting the report and designing the website for the Funding Study. Chairman Hart introduced Rachelle Munson, the Commission's new General Counsel.

Executive Director Darm opened the meeting for Commissioner and Advisor Reports, none were presented.

Megan Townsend, representing Thomas Howell Ferguson, provided introduction to the webinar participants on the features of GoToMeeting.

Public Comments

Chairman Hart recognized members of the public who requested to speak on agenda items.

Scott McDade, representing i-Enable, spoke on i-Enable's applications for the Innovation and Service Development Grant. He said i-Enable submitted four grant applications, of which one application is a part of today's agenda. If the application is approved, Mr. McDade requested the pilot be moved from Leon County to Escambia County. He said i-Enable was currently involved with a short-term pilot in Escambia County, funded by Source America and Global Connections through October. He said they wish to continue and expand services funded by this pilot and appreciated the Commission's consideration of this request.

Chairman Hart asked Mr. McDade if there was a difference in the amount to be financed between the Escambia County proposal and the Leon County proposal? Mr. McDade said yes, stating that the Escambia proposal was approximately \$10,000 less than the Leon County proposal.

Commissioner Knight [who chaired the review subcommittee for the Innovation and Service Development Grant] shared her understanding of i-Enable's request and explained why the subcommittee initially recommended the Leon/Gadsden County project. She explained that it was for clarification regarding the request because the subcommittee recognized that i-Enable did submit four projects, which were basically the same except for the location. The subcommittee had recommended the Leon/Gadsden project because it was closest to the i-Enable registered address. But Commissioner Knight understood that i-Enable has built relationships and has a pilot in the Escambia county area and that they would like the award to be changed from Leon/Gadsden to the Escambia/Santa Rosa. Mr. McDade concurred with Commissioner Knight that her statement was correct.

John Donlon, representing UZURV, spoke on UZURV's application for the Innovation and Service Development Grant. UZURV has been serving the Tampa Bay region for some time with previous grants. He shared about UZURV's previous program with the Commission, the Advantage Ride program, which provided over 20,000 trips to more than 500 persons with intellectual and developmental disabilities. He stated that cross-county trips for TD persons to better access health care, jobs, education and other critical sustaining activities, is a needed service in the Tampa Bay area.

Mr. Donlon addressed the staff comments on UZURV's proposal in the Commission Meeting Packet. First, the staff mentioned the application did not include the required breakdown to support the amount of funding requested. Mr. Donlon clarified their proposal requested \$1.5 million to provide 30,000 trips between October 1, 2020 and June 30, 2021. He said the funding would only be used to support trips and that other activities (marketing, reports and customer satisfaction surveys) would be the responsibility of their partner, Tampa Bay Area Regional Transportation Authority (TBARTA).

Second, Mr. Donlon addressed staff concerns with the eligibility process. He understood the critical importance of ensuring only eligible transportation disadvantaged persons receive transportation services through this grant. He said his staff researched previous grants awarded by the Commission, and modeled the regional eligibility process, contained in their proposal, after the grant submitted by Saint Lucie County, which was awarded by the Commission during the last round without a stated concern about a regional eligibility process. That said, Mr. Donlon understood that communicating with the five CTCs and developing something innovative is an important part of this grant. UZURV established an objective for the first year, which stated "develop an efficient eligibility process for the region to gather eligibility lists and share them with the regional transportation provider, ensuring that services are provided only to the eligible clients."

Lastly, Mr. Donlon addressed staff concerns that mentioned there was no evidence of support from CTCs. In July, Mr. Donlon said representatives of UZURV and TBARTA communicated with most of the CTCs in the Tampa Bay area. There were discussions on how they could share this information in a way that alleviates any concerns that may be held with any CTC. After the submission of their proposal, UZURV and TBARTA continued to communicate with CTCs, LCBs and MPOs about the proposed project. Mr. Donlon also stated nobody refused (or was opposed) to sharing the eligibility information. He said they do not want to see anyone limiting transportation disadvantaged persons from access to services. However, if this happens, UZURV would adapt their process to make sure that was addressed. Mr. Donlon said they developed a concept under this grant that is, and has included, testing evaluation, modifying and retesting until they have a completely new innovative model.

Mr. Donlon concluded by requesting the Commission reconsider the subcommittee's recommendation and award the Innovation and Service Development Grant to UZURV, so they could partner with TBARTA and the five CTCs to improve the lives of transportation disadvantaged persons through the project.

Chairman Hart asked Mr. Donlon if he believed UZURV submitted sufficient information within their proposal? Mr. Donlon said yes, but there may have been a misinterpretation of the items. He reiterated that the \$1.5 million being requested was only intended for trips.

Commissioner Knight said the review subcommittee only had what was submitted in the application. Over and over again, they read that it would be up to the CTC to determinate eligibility and that a list would be sent to the applicant. But the subcommittee wanted clarity. Commissioner Knight asked Mr. Donlon if UZURV had all 5 CTCs' buy-in on eligibility of riders? Mr. Donlon said yes, with an understanding that eligibility data that is shared would be protected. Mr. Donlon said no one had refused to share eligibility data as a part of this grant.

Commissioner Knight asked Mr. Donlon if a new rider is interested in participating, but not on a list provided by a CTC, would UZURV determine the rider's eligibility or redirect the rider to the CTC to do the eligibility assessment? Mr. Donlon said defining this process would be determined between TBARTA and the CTC. At this time, TBARTA would determine eligibility.

Commissioner Knight added that it was not clear in the proposal how often the CTC would provide an updated eligibility list. She also stated the subcommittee wanted clarity on the project budget – they understood the request was \$1.5 million, but did not have additional information within the proposal to justify the request. She appreciated Mr. Donlon providing clarity on some of these issues.

Commissioner Tellez asked Commissioner Knight if the subcommittee believed it did not have all of the information related to the proposal [as to why it did not recommend approval]? Commissioner Knight said that is correct. She said Mr. Donlon provided additional information about the work that has been done with the CTCs, but the subcommittee did not have all that information, or letters of support, within the application.

Chairman Hart spoke on the integrity of the process. The subcommittee makes decisions based on the information presented in the applications. He said the Commission would consider the public comments and make a decision after Commission Knight presents the subcommittee's recommendations.

Robert Feigel, representing Forward Pinellas, spoke in support of UZURV's application for the Innovation and Service Development Grant. He said the need for this project has been very well established throughout the Tri-County area. The LCB developed a Tri-County subcommittee to address the transportation disadvantaged needs, which included an area regional mobility study in 2014. He said the subcommittee reaffirmed the findings from the study in 2018, which established the need for the type of cross county trips this project would provide. Mr. Feigel said Forward Pinellas is currently drafting a letter of support for UZURV's application.

Chairman Hart clarified that the Innovation and Service Development Grant subcommittee credited the proposal for addressing the needs of the area, but that they needed clarity on some of the pieces of the proposal.

Chris Jadick, Director of Communications of TBARTA, spoke in support of UZURV's application. He said their local CTCs do an outstanding job in providing transportation services (and they look forward to working with them through this project), but they have limitations. First, Mr. Jadick cited the 2014 study that Mr. Feigel shared in his comments, which identified 14 areas of unmet need in the area. One is the need for paratransit services that cross-county lines, which is rarely captured in trip request data because riders are informed of the limitations of cross-county trips. Second, Mr. Jadick cited the Hillsborough County Transportation Disadvantaged Service Plan, which identified the need for additional regional routes to connect the Tri-County area with the surrounding counties, including Hernando (which is part of the TBARTA five-county area). Mr. Jadick requested the Commission approve the UZURV application to address these unmet needs.

Chairman Hart reiterated that the subcommittee did not oppose the concept of UZURV's application; rather, there were questions based on the limited information presented in the proposal. He said it appeared that one of these questions – whether there was local support for the project – was being clarified by the public comments.

David Green, Executive Director of TBARTA, spoke in support of UZURV's application. TBARTA represents a five-county area, including Hernando, Pasco, Hillsborough, Pinellas, and Manatee Counties. He said TBARTA has been around for a while, but was given a transit specific focus three years ago, at which point, included the responsibility of developing a regional transit development plan (the first such plan in the Tampa Bay area). The plan was adopted in June 2020 and included a focus to provide transit options for people to go from one county to another, which is something they cannot do today. Among other things, the plan includes a prioritized list of regional transit projects, including bus rapid transit, rail, ferry, and commuter bus service, but it also identifies regional service for the transportation disadvantaged as a significant need. The number one short-term strategy that was identified was accessible transit for all (including individuals who are transportation disadvantaged).

Mr. Green stated the UZURV grant application was structured with the entire funding amount going towards the cost of trips, and the 10% local match coming from passenger fares. TBARTA's role in the partnership is to contribute an additional \$150,000 per year to market and promote the service, and cover program requirements like the customer satisfaction surveys in the year-end report. Regarding eligibility, Mr. Green said they did not want to develop new criteria and create the possibility of people being eligible for regional cross county trips, but not trips within their own counties. So, they want to use the evaluation processes in place with each CTC. With a proposed October 1st start date, TBARTA has already been in communication with CTCs about the project, without knowing the Commission's decision, because they did not want to risk delaying services (if the Commission approved the application). Mr. Green thanked the Commission for their consideration.

Lisa Bacot, representing Florida Public Transportation Association (FPTA), spoke on the Trip and Equipment Grant Funding Allocation Study. FPTA submitted several letters to the Commission on the proposed methodology presented in the study and public workshops, which some of their comments were addressed during the workshops and final report. Ms. Bacot said the study's recommended formula was more complicated than the current methodology within rule. She also questioned the proposed weighting of the trips and miles being based on the costs at which they are reimbursed under the grant would discourage cost-effective services (as the higher cost trips are given a higher weight in the formula). Ms. Bacot also expressed concerns about transit systems providing (or are moving towards) "fare free" trips, which means they cannot bill the CTD for reimbursement of those trips and be counted in the allocation formula.

Ms. Bacot shared concerns over the Commission's position to not reimburse paratransit services required by the Americans with Disabilities Act (ADA) within a fixed bus route corridor. Looking at the weighted invoice totals presented by the study, she noted Miami-Dade reported "0s" under 10 of the factors, which were trips and miles Miami-Dade could not report due to the CTD position on the ADA corridor. She believed other urban systems are artificially reporting lower trip numbers due to this position. Ms. Bacot said FPTA would be reaching out to Chairman Hart to discuss this matter and see if they could bring about a resolution in the near future, as it relates to the proposed funding formula.

Chairman Hart thanked Ms. Bacot for participating in the public workshops and continuing to engage in a dialogue with the Commission.

Robert Villar, representing Miami-Dade County Department of Transportation and Public Works (DTPW), spoke on the funding allocation study. DTPW also submitted a letter to the Commission on the proposed formula as well as was a part of the FPTA letter submitted by Lisa Bacot. Mr. Villar thanked the Commission for facilitating a very public process and appreciated the final report addressing some of their comments. He said there is still the issue with ADA paratransit services and whether they fall under "sponsored" or "non-sponsored" trips. He looked forward to a funding formula that facilitates a smooth transition, where systems do not experience a significant decrease or increase in allocations. With respect to emergency provisions that were put in place (in response to the revenue impacts of COVID-19), Mr. Villar requested that these provisions continue to be in place in order to support providers in delivering TD services during the pandemic.

Ross Silvers, representing Pinellas Suncoast Transit Authority (PSTA), spoke on the funding allocation study. He understood the difficulties of developing a formula, where there are no perfect solutions. He appreciated the effort to incentivize cost-effective services throughout the system. For example, the innovation grant funds were used to support routes that connect riders in rural areas in Central Florida. Mr. Silvers contested one part of the study that stated bus pass trips/miles should not be counted in the formula because they are based on the number of days for a rider to use the fixed route system. He believed that was a misconception because the service is all about efficiency – providing as many trips as possible with the amount of funds that are available. The amount of days is irrelevant; what counts is the number of trips that are provided (similar to how ambulatory and wheelchair trips are counted in the formula).

Jeremy Norsworthy, representing Jacksonville Transportation Authority (JTA), spoke on JTA's application for the Innovation and Service Development Grant. The project supports a partnership between JTA and a veterans organization (Patriot Services Group) in Duval County. Mr. Norsworthy addressed concerns cited by the review subcommittee. First, he clarified that the project does provide non-ambulatory (wheelchair) trips, but understood that it was not clearly stated within the application. Second, he clarified that JTA would be responsible in determining eligibility for riders and Patriot Services Group would be responsible for scheduling the trips. Third, he addressed the budget

breakdown, where the rates were based on trips that would be purchased with on-demand service providers (such as Uber and Lyft). Mr. Norsworthy requested the Commission reconsider JTA's application for approval.

Chairman Hart said that the concepts within the proposals are good based on intent, but the subcommittee needs detailed information as part of its evaluation and recommendation for approval. If the Commission does not approve the proposal, he encouraged the applicants to consider the feedback when applying for future grant cycles.

Carolyn Grawi, representing the Center for Independent Living (CIL) of Northwest Florida, spoke in support of UZURV's application. As a person with a disability and Executive Director of a CIL, Ms. Grawi said cross-county trips are needed within the State of Florida. She expressed concerns about service disruptions due to COVID-19, which are impacting individuals with disabilities.

Approval of Minutes

Chairman Hart asked if there was a motion to approve the February 10, 2020, minutes.

ACTION TAKEN: Commissioner Willingham moved and Commissioner Tellez seconded the motion to approve. The motion carried unanimously.

Chairman Hart asked if there was a motion to approve the June 8, 2020, minutes.

ACTION TAKEN: Vice-Chairman Stevens moved and Commissioner Knight seconded the motion to approve. The motion carried unanimously.

Fiscal Year 2020-21 Innovation and Service Development Grant Recommendations (Second Round Applications)

Commissioner Knight provided an overview of the subcommittee's evaluation and recommendations of the applications received. The Commission received six applications from three eligible applicants (one CTC and two TNCs). One applicant (i-Enable) submitted four applications for a similar project in different locations of the state. UZURV submitted an application for a three-year project. The review subcommittee convened August 17 via teleconference, which included representatives from the Department of Transportation and Department of Elder Affairs.

Commissioner Knight recommended the Commission accept the subcommittee's recommendation to approve one application, submitted by i-Enable, to support transportation services for individuals with intellectual and developmental disabilities to access employment opportunities, with one amendment to change the location from Leon/Gadsden County to Escambia/Santa Rosa County. Regarding the application submitted by UZURV, Commissioner Knight wanted to have further discussion on the concerns that were raised by the subcommittee and respond to the public comments shared in today's meeting (after a vote is taken on the i-Enable application).

Chairman Hart asked for a motion to approve the recommendation to award the i-Enable application for Escambia/Santa Rosa pilot project.

ACTION TAKEN: Commissioner Knight moved and Commissioner Tellez seconded the motion to approve the award. The motion carried unanimously.

Commissioner Knight discussed the subcommittee's concerns with UZURV's application (reflected in the spreadsheet in the Commission Meeting Packet) pertained to the eligibility, budget, and lack of information. Though the public comments addressed some of the concerns over local support of the

project, Commissioner Knight stated this information was not clear within the application. She said she was still not clear on whether the project had support from all 5 CTCs in terms of providing the eligibility – it would have helped to see letters of support included within the application. Commissioner Knight also was not certain that the application indicated whether TBARTA would provide \$150,000 of additional funding to support the project, which was stated during the public comments. On the budget, she said the only information that was provided was the request for \$1.5 million, but there was no supporting documentation explaining how they arrived at that amount. She said the subcommittee took this role very seriously and made the best decision with the information that was provided in the application.

Chairman Hart asked Commissioner Knight for her recommendation. Commissioner Knight recommended the Commission not approve the UZURV application at this time. However, she asked if the Commission would be willing to offer a third round of applications.

Vice-Chairman Stevens supported the idea of a third round. He liked the ideas that were presented in the public comments today, but also wanted to respect the process the subcommittee used to evaluate the proposals. He supported an expedited timeline for a third round.

Chairman Hart asked Executive Director Darm to speak on the possibility of facilitating a third round of applications. Mr. Darm said the Commission staff could facilitate a third round, but it would have to be a short turnaround on the deadline in order for the subcommittee to review and make recommendations in time for the October Commission Meeting. The other consideration is the third round would be for the current fiscal year, so applicants would have to plan for a shorter project timeline since the funding ends on June 30, 2021.

Commissioner Tellez noted that UZURV's application is for a three-year grant and asked if there was an expectation for reporting on performance during that three-year period. Mr. Darm stated the Commission offered grant applicants the opportunity to apply for a multi-year project, contingent on legislative appropriation and Commission approval each year.

In response to Commissioner Tellez, Chairman Hart said performance reporting would be required as part of the quality assurance process, as is expected of all grant recipients.

Chair Hart asked Commissioner Knight to make a motion regarding her recommendation.

ACTION TAKEN: Commissioner Knight moved and Commissioner Rudd seconded the motion to not approve the other applications that were submitted for the Innovation and Service Development Grant, but to hold a third round application cycle for the current fiscal year. The motion carried unanimously.

Chairman Hart encouraged the applicants that were not approved during this round to re-apply for the third round. Commissioner Stevens encouraged participants to be patient with the process as this is a new program. The Commission is working hard to institutionalize and normalize this process, but it takes several iterations to figure that out. Commissioner Stevens did not want to discourage applicants from presenting new ideas.

Review and Approval of FY 2020-2021 Annual Regulatory Plan

Rachelle Munson, Commission General Counsel, provided an overview of the annual regulatory plan included in the Commission Meeting Packet. The plan is due on September 1, 2020.

ACTION TAKEN: Vice-Chairman Stevens moved and Commissioner Knight seconded the motion to approve the 2020-21 Annual Regulatory Plan. The motion carried unanimously.

Notice of Development of Rulemaking 41-2.014, F.A.C.

Ms. Munson requested the Commission open Rule 41-2.014, F.A.C., to begin the rule development process related to the Trip and Equipment Grant allocation methodology.

ACTION TAKEN: Commissioner Tellez moved and Commissioner Willingham seconded the motion to open and begin the process of proposing amended language for Rule 41-2.014, FAC. The motion carried unanimously.

Ms. Munson provided an overview of the rule development process. She said they expected to begin holding rule development workshops in September, with a goal of presenting amended language for Commission approval in October. If the Commission approves, Ms. Munson said the general process for amended language to be codified in rule usually takes 90 days (unless there is a hearing that would require potential changes to the proposed language).

Trip & Equipment Grant Funding Allocation Study

With the exception of public comments, Chairman Hart tabled the rest of the agenda items to allow time for the Commission to discuss the allocation formula study.

Vice-Chairman Stevens provided an overview of the objectives of the study and guiding principles that assisted the Commission in proposing the new formula. He discussed the website and public workshops that were facilitated to provide information to stakeholders of the current methodology and proposed changes. The draft final report was presented the week prior to the August 26 Commission meeting.

Executive Director Darm discussed the recommendations within the final report of the study. He said the action item is concerning approval of the final report, but the Commission would still need to develop and approve rule language in order to codify the recommended changes to the formula. He said the goal for this discussion is to establish the direction for the rule making process. Mr. Darm introduced Casey Perkins, representing Thomas Howell Ferguson, as the co-presenter of the study.

Mr. Darm provided an overview of the current methodology in rule, which consists of two components: 1) a base allocation that is a fixed amount that was allocated to each county in FY 1999-2000; and 2) a formula that allocates the remaining funds not allocated through the base. The formula consists of four variables: 1) total population; 2) geographic square miles; 3) total system trips reported in the Annual Operating Report (AOR); and 4) total vehicle miles reported in the AOR. He discussed some of the challenges that were identified with the existing methodology. Mr. Perkins discussed how the current methodology has not adapted to the changes in the state. For example, Sumter County has experienced an increase in its population over the last 20 years, yet base allocation has not adjusted to provide the intended level of stability.

Mr. Darm discussed the four new variables being proposed to the allocation formula by the study:

1. **TD Population (Demand)** – Using American Community Survey 5-year data, allocate funds more directly to county residents eligible to be served by TD program.
2. **Centerline Miles (CLM) (Demand)** – As an alternative to square miles, allocate funds to a county's total miles of public roads using data from the Federal Highway Administration.

3. **Trip and Equipment Grant Funded Services (Performance)** – Instead of AOR systemwide trips/miles, allocate funds only for TD non-sponsored services (trips, miles, bus passes) using grant invoice data.
4. **Base Funding** – Add the Base as a variable within the Formula and allocate funds based on a percent of a county's previous year allocation (instead of the amount from FY1999-2000).

Mr. Darm discussed the proposed weightings for the datasets within each of the variables. The proposed weightings for the demand variables (TD population and CLM) are weighted equally. The proposed weightings for the performance variable are based on the relative cost (or rate) of reimbursement for the equivalent trip or mile. For the bus passes, the proposed weightings are significantly higher than the rates of reimbursement to incentivize these services, whenever possible, as the most cost-effective option.

Mr. Perkins explained that the data sources cited within the demand variables are used by various state and federal programs to allocate funding. However, the performance invoice data has never been considered in the past, but there is no other set of data that comes close to illustrating how these allocated funds are being used. Also, the proposed weights for trips and miles are based on a study that was previously conducted by Thomas Howell Ferguson, which looked at the average time it takes a provider to deliver the trip.

Mr. Darm discussed three models that were considered in the initial analysis report of the study, which assigned a different value to each of the variables. Model 1 equally weighed performance and demand at 25%. Model 2 weighed performance at a higher level (37.5%) than demand (6.25% for each variable), whereas Model 3 weighed demand at a higher level (18.75% for each variable) than performance (12.5%). In all three models, the base variable was weighed at 50%. Mr. Perkins discussed how the variables could be adjusted to reflect the program's priority.

Mr. Darm concluded the presentation with an overview of the five recommendations in the final report, as provided below:

RECOMMENDATION 1 – CTD should amend the Trip & Equipment Grant allocation methodology to include the four variables proposed by the study.

RECOMMENDATION 2 – To incentivize the cost-effective provision of TD non-sponsored services, CTD should implement a model that gives greater weight to the proposed performance variable (30% T&E invoices) over inherent demand (5% TD population and 5% CLM). Also, to provide more year-over-year stability and predictability in funding, the same model should give majority weight to the base variable (60%).

RECOMMENDATION 3 – To ensure a smooth transition of the new formula, CTD should phase-in the implementation by weighing the base variable at 80% for the first year, which would also weigh the performance variable at 15% and the demand variable at 5% (TD population + CLM).

Mr. Perkins explained why the final report recommended the base variable be weighed at 60% was because they wanted all the counties to experience a significantly higher level of stability than what is provided under the current formula.

Chairman Hart requested the Commission extend the meeting by 30 minutes to allow time to complete the presentation and take a vote on the final report of the study. There were no objections to the extension.

RECOMMENDATION 4 – When developing rule language, CTD should allow for flexibility in determining the year of data used in each variable in case of a state of emergency that would adversely impact allocations. For example, CTD could use 2018-19 invoice data to allocate funding for performance in response to the impact on COVID 19 in Fiscal Years 2019-20 and 2020-21.

RECOMMENDATION 5 – In addition to implementing a new formula that prioritizes performance, CTD should examine its policies and procedures pertaining to the reimbursement of grant funds to ensure they align with the intent of the new methodology.

If the Commission approves the final report of the study, Mr. Darm said they would begin the rule development process. He said they would plan to hold rule workshops in September and propose amended language as an action item at the October Commission Business Meeting. In response to requests to delay the implementation of the formula, Mr. Darm stated the Florida Legislature appropriated an additional \$4.5 million in non-recurring funding to hold all allocations harmless and allow the Commission a year to implement a new formula, effective July 1, 2021.

Vice-Chairman Stevens asked Mr. Darm to clarify that the rule development process would still provide an opportunity for the Commission to solicit input and make adjustments to the proposed formula, if necessary. Mr. Darm said yes.

Commissioner Tellez asked about the impact the new formula would have on the AOR. Mr. Darm said the CTCs would still be required to submit their Annual Operating Report, and the Commission would still be required to compile that data within the Annual Performance Report to the Governor and Legislature. However, the AOR would no longer be applied to the allocation formula. Mr. Darm stated a goal to take a closer look at the AOR at a future Commission Meeting and identify ways to address the concerns cited in the study, but that goes outside of the scope of this study.

ACTION TAKEN: Vice-Chairman Stevens moved and Commissioner Rudd seconded to conclude the study and take the five recommendations (as presented) into the rule making process of implementing a new allocation methodology within the Trip and Equipment Grant program. The motion carried unanimously.

Public Comments

No additional public comments were received.

Closing Remarks and Adjournment

Chairman Hart asked for a motion to adjourn the meeting.

ACTION TAKEN: Commissioner Willingham moved and Commissioner Tellez seconded the motion to adjourn. The motion carried unanimously.

Minutes compiled by David Darm.

Note: This meeting has been summarized to reduce paperwork in accordance with policies of State government. If an accessible format or more information than is provided herein is needed, please contact the Commission for Transportation Disadvantaged at (850) 410-5700 or 1-800-983-2435 for assistance. A copying or printing fee may be charged to the requesting party.

State of Florida
Commission for the Transportation Disadvantaged
Commission Business Meeting

MEETING DATE: October 28, 2020

AGENDA ITEM:

VI. Community Transportation Coordinator Designation – Martin County

BACKGROUND INFORMATION:

Chapter 427, Florida Statutes, tasks the Designated Official Planning Agency (DOPA) with recommending to the Commission a single Community Transportation Coordinator (CTC). The Martin County Metropolitan Planning Organization (Martin MPO) is the DOPA for Martin County. Senior Resource Association, Inc. (SRA) is currently the Emergency CTC and is providing transportation services to the citizens of Martin County.

A request for qualifications (RFQ) was issued July 6, 2020. Senior Resource Association, Inc., was the only respondent. The Planning Agency has reviewed and confirmed SRA met all the requirements of the RFQ.

At the September 21, 2020 meeting, the Martin MPO board approved the recommendation that SRA has the experience and qualifications to continue to serve as the CTC for Martin County. This designation shall be effective January 1, 2021 through June 30, 2025.

ATTACHMENTS:

- October 6, 2020 Recommendation letter from Martin MPO
- Resolution Martin MPO 20-09

EXECUTIVE DIRECTOR RECOMMENDATION/MOTION:

Approve the Designated Official Planning Agency's recommendation and designate Senior Resource Association, Inc., as the CTC for Martin County, for the period beginning January 1, 2021 to June 30, 2025.

ACTION TAKEN AT MEETING:



3481 S.E. Willoughby Boulevard, Suite 101
Stuart, Florida 34994
(772) 221-1498
<http://www.martinmpo.com>

DOUG SMITH, CHAIR	MARTIN COUNTY COMMISSIONER	EDWARD V. CIAMPI	MARTIN COUNTY COMMISSIONER
STACEY HETHERINGTON, VICE CHAIR	MARTIN COUNTY COMMISSIONER	HAROLD JENKINS	MARTIN COUNTY COMMISSIONER
EULA R. CLARKE	CITY OF STUART COMMISSIONER	JAMES W. CAMPO	SEWALL'S POINT COMMISSIONER
MERRITT MATHESON	CITY OF STUART COMMISSIONER	ANTHONY DOWLING	INDIANTOWN COUNCIL MEMBER

October 6, 2020

Mr. David Darm,
Florida Commission for the Transportation Disadvantaged
605 Suwannee Street, MS 49
Tallahassee, FL 32960

RE: Martin County Community Transportation Coordinator (CTC)

Dear Mr. Darm:

On September 21, 2020, the Martin Metropolitan Planning Organization (MPO) Policy Board unanimously approved Resolution 20-09 recommending to the Florida Commission for the Transportation Disadvantaged (CTD), that the Senior Resource Association (SRA) be recommended as the CTC for the Martin County service area.

The Request for Proposal (RFP) received one submittal by the Senior Resource Association (SRA) by the July 22, 2020, deadline. On August 10, 2020, the CTC Selection Committee met and recommended SRA as the Martin County CTC. Subsequently, on August 31, 2020, the Local Coordinating Board the for the Transportation Disadvantaged (LCB-TD) unanimously voted to recommend SRA as the CTC.

Mr. David Darm
October 6, 2020
Page 2

If you have any questions or need additional information, please contact Beth Beltran, MPO Administrator, at (772) 221-1498.

Sincerely,



Doug Smith
MPO Board Chairman

DS/BB/rv

cc: John Irvine, CTD
Karen Deigl, President/CEO, SRA



Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons with questions or concerns about nondiscrimination, or who require special accommodations under the American with Disabilities Act or language translation services (free of charge) should contact Ricardo Vazquez, Associate Planner (Title VI/Non-discrimination Contact) at (772) 223-7983 or rvazquez@martin.fl.us. Hearing impaired individuals are requested to telephone the Florida Relay System at #711.

RESOLUTION #20-09

A RESOLUTION OF THE MARTIN METROPOLITAN PLANNING ORGANIZATION BOARD RECOMMENDING TO THE FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED, THAT SENIOR RESOURCE ASSOCIATION BE RECOMMENDED AS THE COMMUNITY TRANSPORTATION COORDINATOR FOR THE MARTIN COUNTY SERVICE AREA

WHEREAS, the Martin Metropolitan Planning Organization (MPO) is designated by the Florida Commission for the Transportation Disadvantaged as the Official Planning Agency for the Transportation Disadvantaged Program for Martin County.

WHEREAS, the Martin MPO has the authority to recommend the designation of the Community Transportation Coordinator for Martin County in accordance with Rule 41-2.0.1.0(1), Florida Administrative Code; and,

WHEREAS, the designation of the Community Transportation Coordinator will be accomplished through public competitive bidding or proposals in accordance with Rule 41-2.010(3), Florida Administrative Code; and,

WHEREAS, the Martin MPO issued a request for proposals for the Martin County Community Transportation Coordinator on July 6, 2020; and,

WHEREAS, Senior Resource Association's proposal was the only proposal submitted in response to the request for proposals; and,

WHEREAS, Senior Resource Association's proposal was determined to be responsive to the request for proposals by the Selection Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MARTIN METROPOLITAN PLANNING ORGANIZATION THAT:

Section 1: In accordance with Chapter 427, Florida Statutes, the Martin MPO Policy Board recommends that the Florida Commission for the Transportation Disadvantaged designate Senior Resource Association as the Community Transportation Coordinator for Martin County for a four-and-a-half-year period, effective January 1, 2021.


DULY PASSED AND ADOPTED THIS 21st DAY OF SEPTEMBER 2020.

MARTIN METROPOLITAN PLANNING
ORGANIZATION



Doug Smith, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Sarah W. Woods, County Attorney

ATTEST:



Florence Allen, Clerk

for

State of Florida
Commission for the Transportation Disadvantaged
Commission Business Meeting

MEETING DATE: October 28, 2020

AGENDA ITEM:

VII. Fiscal Year 2020-21 Innovation and Service Development Grant Recommendations (Third Round Applications)

BACKGROUND INFORMATION:

During the 2019 Florida Legislative Session, the Legislature appropriated \$10 million in recurring funding to the Transportation Disadvantaged Trust Fund through the passage of Senate Bill 7068, which created the Multi-Use Corridors of Regional Economic Significance (M-CORES) Program. The funding is administered through the "Innovation and Service Development" Grant program in Rule 41-2.014(2)(c), F.A.C.

The Commission awards the funding through competitive grants to Community Transportation Coordinators (CTCs) and Transportation Network Companies (TNCs) for innovative transportation service projects that:

1. Increase a transportation disadvantaged person's access to and departure from job training, employment, health care, and other life-sustaining services;
2. Enhance regional connectivity and cross-county mobility; or,
3. Reduce the difficulty in connecting transportation disadvantaged persons to a transportation hub and from the hub to their final destination.

In April 2020, the Commission solicited interested parties to apply for the Innovation and Service Development Grant for Fiscal Year (FY) 2020-21, with a deadline of May 15, 2020. On June 8, 2020, the Commission awarded a total of \$4.1 million for fifteen Innovation and Service Development projects for FY 2020-21.

On July 1, 2020, the Commission solicited interested parties to apply for a second round of Innovation and Service Development Grant funding for FY 2020-21, with a deadline of July 31, 2020. On August 26, 2020, the Commission awarded \$313,688 for one project. This was the first project to be awarded to a Transportation Network Company (TNC). The Commission also announced that it would provide one last opportunity to apply for funds for the current fiscal year.

3RD Round of Applications for Grant Cycle Fiscal Year 2020-21

On September 1, 2020, the Commission solicited interested parties to apply for a third and final round of Innovation and Service Development Grant funding for FY 2020-21, with a deadline of September 21, 2020. Two applications were received. One application was from a CTC and the other from a TNC. One applicant (UZURV) requested funding for three years. None of these proposals were previously funded under the Innovation & Service Development Grant.

The Innovation and Service Development Grant Subcommittee met by telephone conference on October 13, 2020. In attendance were Commissioner Renee Knight (Subcommittee Chair); Agency Advisors Erin Schepers, Tony Brandin, Gabe Matthews (FDOT), Krysta Carter (DOEA), and Kent Carroll (APD). Commission staff David Darm, Karen Somerset, Cecile Del Moral, Kyle

Mills, Dan Zeruto, John Irvine, and Sheri Powers also participated in the meeting. The subcommittee reviewed all proposed project requests and evaluated each application using a rubric to guide the discussion of each project. The subcommittee recommends funding both projects for the current fiscal year as reflected in the attached Innovation and Service Development Grant Applications Summary spreadsheet.

If both projects are approved as recommended, the Commission will have awarded over \$5.2 million for 18 Innovation and Service Development Grant projects for FY2020-21.

ATTACHMENT:

Fiscal Year 2020-21 Innovation and Service Development Grant Applications Summary

EXECUTIVE DIRECTOR RECOMMENDATION/MOTION:

Recommend the Commission approve funding the Fiscal Year 2020-21 (Third Round) Innovation and Service Development Grant projects as recommended by the Review Subcommittee.

2020-21 Innovation and Service Development Grant Applications - Third Round Projects Recommended for Funding

Service Area	Applicant	Applicant Type (CTC / TNC)	Project Description	Requested Total Project Cost (100%)	TD Dollar Amount (90%)	Committee Comments	Recommended Funding Amount (90%)
Baker, Clay, Duval, Nassau, Putnam, St Johns	JTA	CTC	<p>Provide on demand and scheduled transportation to homeless veterans enrolled or attempting to enroll in Veterans Affairs and/or Support Services for Veteran Families homeless programs who cannot get transportation. JTA proposes to partner with Patriot Services Group (PSG) who will leverage their existing partnership with One Call utilizing their RelayRide platform to book trips with TNCs (Uber and LYFT). Through a partnership, the JTA and PSG will be able to maximize limited resources and coordinate services to ensure the transportation needs of veterans are being covered.</p> <p>Estimates coordinating approximately 3,282 TD trips.</p>	\$52,513.00	\$47,262.00	<p>Recommend funding.</p> <p>Previously concerned with eligibility process; the provision of non-ambulatory service; and the completion of a budget all of which were addressed with this application.</p>	\$47,262.00
Hernando, Pasco, Pinellas, Hillsborough, Manatee	UZURV Holdings, Inc.	TNC	<p>TD Tampa Bay Region. Partnering with Tampa Bay Area Regional Transit Authority (TBARTA) to provide transportation and regional/ cross-county, weekend and evening trips to eligible TD persons residing in the 5 counties identified for all trip purposes. UZURV will provide on-demand and scheduled ambulatory and wheelchair trips 7 days a week. Services are direct, non-stop and door-to-door. Riders will schedule trips through a call center. A UZURV Rider App is anticipated to become available near the end of the year (4th quarter of 2020) to allow riders to book trips through a mobile app.</p> <p>TBARTA providing \$150,000 to fund various activities to support this project such as marketing, reporting, customer satisfaction surveys, etc.</p> <p>Estimates providing 17,500 trips for approximately 200 riders between 12/1/20 - 6/30/21.</p> <p>This is a 3-year request for funding: 2020-21 Total Project Cost: \$907,830 2021-22 Total Project Cost: \$1,499,135 2022-23 Total Project Cost: \$1,499,107</p>	\$907,830.00	\$817,047.00	<p>Recommend funding for FY2020-21 at this time. Encourage to reapply for future year's funding based on the performance of this year.</p> <p>Previously concerned with eligibility process and the lack of a project budget were addressed. In addition, the partnership with TBARTA was further addressed.</p> <p>Application package included numerous letters of support for the project from CTCs, Planning Agencies, Local Coordinating Boards and the regional office of the Agency for Persons with Disabilities.</p>	\$817,047.00
			Total Funds Requested	\$960,343.00	\$864,309.00		\$864,309.00

Total Amount of Available Funding	\$4,748,978.00
Remaining Balance	\$3,884,669.00

State of Florida
Commission for the Transportation Disadvantaged
Commission Business Meeting

MEETING DATE: October 28, 2020

AGENDA ITEM:

VIII Amendments to Rule Chapter 41-2.007 and 41-2.014, F.A.C. – Trip & Equipment Grant Allocation Formula

BACKGROUND:

Section 427.013(10), F.S., authorizes the Commission to adopt rules to implement its statutory responsibilities to administer the Transportation Disadvantaged (TD) program. The Commission administers the Trip and Equipment Grant program in Rule Chapter 41-2.014, F.A.C., which includes the methodology used to allocate grant funding each year to support the delivery of TD services in every county in Florida.

The Commission conducted a study to explore changes to the Trip and Equipment Grant funding allocation methodology. The Commission approved the final report of the study on August 26, 2020, which included recommendations for the Commission to adopt changes within rule to implement a new funding methodology, effective July 1, 2021. The full study can be accessed at: <https://ctdallocationstudy.com/index.php/final-report/>.

On September 23, 2020, the Commission published proposed amendments to Rule 41-2.014 and 41-2.007, F.A.C., to implement changes recommended by the study. The Commission facilitated two rule development workshops to gather input from stakeholders on September 30 and October 12, 2020. The attached documents include the proposed language and summary of feedback received during the public workshops. Below is a summary of the proposed changes being considered for approval at the October 28th Commission Business Meeting.

SUMMARY OF PROPOSED CHANGES:

The proposed language amends the current allocation methodology within Rule 41-2.014(5), F.A.C., to include the following provisions.

Amended Formula Variables – Proposed Rule 41-2.014(5)(a), F.A.C.

The proposed language amends the Trip and Equipment Grant allocation formula to include the following four variables:

1. **TD Eligible Population** – While the current methodology accounts for *total* population (including individuals who are not transportation disadvantaged), the new formula proposes using the U.S. Census Bureau’s American Community Survey 5-year estimates to allocate funding more directly to a county’s TD eligible population (individuals living with a disability, persons living below poverty, and adults who are 65 or older).
2. **Centerline Miles** – The new formula proposes using public road mileage data from the Federal Highway Administration as an alternative variable to county square miles within the current methodology. This would serve as a more precise measurement of a county’s overall demand for transportation services by considering the miles traveled by residents to access activities within their community.

3. **Trip and Equipment Grant Services** – The current methodology measures performance of all trips and miles reported in the Annual Operating Report (AOR), including services not funded under the Trip and Equipment Grant. At a more granular level, the new formula proposes more directly allocating funds solely for the performance of services reimbursed by the Trip and Equipment Grant program. This variable would be based on the invoice data submitted by Community Transportation Coordinators (CTCs) for their monthly reimbursement of trips, miles and bus passes provided under the grant.
4. **Base Funding** – The current methodology has a base funding component, which is separate from what is allocated through the formula, based on the allocated amounts each county received in FY 1999-2000, to “maintain system and service stability.”¹ The proposed language removes the base as a separate component in the methodology and adds it as a variable within the new allocation formula. The new formula also proposes updating the base amount each year based on a percentage threshold of the county’s total allocated share from the year immediately prior.

Amended Weights to Formula Variables – Proposed Rule 41-2.014(5)(b)-(c), F.A.C.

The current methodology weighs all variables equally (25% each) within the formula.² The proposed amended language provides for greater weight to be given to the base (60%) and performance (30%) variables. This is intended to promote year-over-year stability while incentivizing cost-effective delivery of Trip and Equipment Grant-funded services. The new rule language also proposes the demand variables (TD eligible population and CLM) each be weighed at 5%.

In response to feedback received during public workshops facilitated by the funding allocation study, the new rule language provides for a “phased-in” approach³ for the first year of implementation (FY 2021-22), where the base variable is given a higher weight (80%), to assist CTCs in transitioning to the new formula. The table below provides the proposed weights for each variable during the “phase-in” year and subsequent years thereafter.

Variable	Fiscal Year 2021-22	Fiscal Year 2022-23	Every Year Thereafter
TD Population	2.5%	5%	5%
CLM	2.5%	5%	5%
T&E Grant Services	15%	30%	30%
Base	80%	60%	60%

New Weights to Datasets within Formula Variables – Proposed Rule 41-2.014(5)(d), F.A.C.

The proposed methodology includes new rule language on the weightings for the datasets identified in the amended allocation formula. All proposed weights were recommended by the funding allocation study and are reflected in the final report (p. 52-59).

- **TD Eligible Population and CLM** – The proposed language provides that each person, identified as “TD eligible” within the American Community Survey, be equally weighted. The proposed language also provides that each centerline mile, identified in the state’s public roads data, be equally weighted. For example, an individual with a disability is weighted equally to an individual who is 65 years or older; a CLM in a large urbanized area is weighted equally to a CLM in a rural populated area; etc.

¹ Current Rule 41-2.014(5)(a), F.A.C.

² Current Rule 41-2.014(5)(d), F.A.C.

³ See Recommendation 3 of the Funding Allocation Study, p. 77

- **Trip and Equipment Grant Services** – The proposed language provides that each trip and mile provided under the grant, reflected in the grant invoice data, is weighted relative to the unit cost (or rate) at which they are reimbursed. For example, an ambulatory trip is weighted at 1.0 because it is reimbursed at a standard rate, whereas a wheelchair trip is weighted at 1.7 because it is reimbursed at 1.7 times the rate of an ambulatory trip. The proposed language also provides that each bus pass purchased under the grant be weighted higher than the rate of reimbursement to incentivize their use. This is because “bus passes are the most cost-effective means of providing transportation for people who are in proximity to a fixed route and are able to ride a bus.”⁴

Application of Data to Allocation Formula – Proposed Rule 41-2.014(5)(e), F.A.C.

The funding allocation study recommended the Commission develop rule language that allows for “flexibility in determining the year of data used in each variable in determining allocations for each fiscal year.”⁵ Though the most recent available data should be used when determining allocations, there may be external events that adversely impact the data in any given year, such as a global pandemic or major hurricane. Proposed Rule 41-2.014(5)(e), F.A.C., is intended to provide the Commission with this flexibility by stating: “Fund allocations... shall be administered each fiscal year based on available data from the previous year or applicable period as determined by the Commission.”

Additional Proposed Amendments

The proposed language removes the AOR as part of the “trip and equipment grant distribution” provided in Rule 41-2.007(6), F.A.C. It should be noted that the proposed language does **NOT** remove the requirement for the CTCs to continue submitting the AOR as part of their annual performance evaluation – it only removes the AOR as a dataset used within the allocation methodology.

The proposed language removes the December 15 deadline for the Commission allocate a portion of funds from the Transportation Disadvantaged Trust Fund for certain grant programs (Rule 41-2.014(4), F.A.C.). It also removes the October 1 deadline for CTCs to annually submit their funding requests for the grant programs (Rule 41-2.014(8), F.A.C.) Both of these deadlines are no longer required by the Commission.

ATTACHMENTS:

- Amendments to Rule 41-2.007 and 41-2.014, F.A.C.
- Summary of Public Rule Development Workshops on September 30 and October 12, 2020

EXECUTIVE DIRECTOR RECOMMENDATION/MOTION:

Approve the proposed amendments to Rule Chapter 41-2.007 and 41-2.014, F.A.C., to codify and implement the new allocation formula within rule, effective July 1, 2021.

4 CTD 2019 Annual Performance Report, p. 8.

5 See Recommendation 4, p. 77-78

41-2.007 Reporting Requirements.

(1) Each state agency shall, by September 15 of each year, provide the Commission with an accounting of the actual amount of funds expended and the total number of trips purchased during the previous fiscal year.

(2) Each Designated Official Planning Agency shall provide to the Commission prior to each state fiscal year, an estimate of all transportation disadvantaged funds anticipated to be available for the upcoming state fiscal year budget. The estimate shall include the following information:

(a) Each local government agency within jurisdiction of the Official Planning Agency shall report an estimate of the direct federal funds and local government transportation disadvantaged funds anticipated to be available through the coordinated system for the upcoming state fiscal year to the Official Planning Agency, and

(b) The Official Planning Agency shall request from each federal government agency within its jurisdiction, an estimate of the direct federal transportation disadvantaged funds anticipated to be available through the coordinated system for the upcoming state fiscal year.

(3) The estimate mentioned in subsection (2) above shall include the following information identified by county:

(a) A brief description of the project or program;

(b) The dollar amount of transportation disadvantaged funds reported by categories of Coordinated, Non-Coordinated, Transportation Alternatives, or Other if applicable; and

(c) The estimated number of one-way passenger trips to be provided reported by categories of Coordinated, Non-Coordinated, Transportation Alternatives, or Other if applicable.

(4) Each Metropolitan Planning Organization or designated official planning agency shall annually compile a report accounting for all local government and direct federal funds for transportation for the disadvantaged expended in its jurisdiction, and forward this report by September 15 to the Commission.

(5) Upon receipt of the state agency and Official Planning Agency combined annual budget estimates, the Commission shall develop and distribute a statewide report outlining the expected expenditures for all transportation disadvantaged services through the coordinated system for the state fiscal year.

(6) Each Community Transportation Coordinator shall by September 15 of each year report required operating statistics to the Commission. The operational statistics will be compiled into a report by the Commission and utilized as a part of the analysis of the Community Transportation Coordinator's performance evaluation ~~and the trip and equipment grant distribution~~. The Community Transportation Coordinator's report shall be reviewed by the Coordinating Board with a copy provided to the Metropolitan Planning Organization or Designated Official Planning Agency.

(7) Each Community Transportation Coordinator shall utilize the Chart of Accounts defined in the American Association of State Highway and Transportation Officials, Inc., Comprehensive Financial Management Guidelines For Rural and Small Urban Public Transportation Providers, dated September 1992, incorporated herein by reference, for its financial management. A copy of this document may be obtained from the Commission office located at 2740 Centerview Drive, Suite 1A, Tallahassee, Florida 32301. A copy of the document may also be viewed at Comprehensive Financial Management Guidelines on the Commission's website at www.dot.state.fl.us/ctd/, Community Transportation Coordinators with existing and equivalent accounting systems will not be required to adopt this Chart of Accounts but will be required to prepare all reports, invoices, and fiscal documents relating to the transportation disadvantaged functions and activities using the chart of accounts and accounting definitions as outlined in the above referenced manual.

(8) The Commission shall make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1 of each year. The report will contain a summary of the Commission's accomplishments for the preceding state fiscal year, the most current operational statistics for transportation disadvantaged services, identified unmet needs and a financial status of the Transportation Disadvantaged Trust Fund. Copies of the report will also be made available to member departments, Metropolitan Planning Organizations, Designated Official Planning Agencies and Community Transportation Coordinators, and others upon request.

41-2.014 Grants Program.

(1) Eligible Applicants. Grant funds will be allocated annually to the following entities:

- (a) Community Transportation Coordinators who have an executed Memorandum of Agreement.
- (b) Metropolitan Planning Organizations or Designated Official Planning Agencies approved by the Commission.

(2) Types of Grants.

(a) Trip and Equipment Related. Trip and equipment related grant funds may be used for the provision of non-sponsored transportation disadvantaged services and for the purchase of capital equipment to be used for services provided to the transportation disadvantaged. Capital equipment expenditures will be limited to no more than 25% of the Commission participation and the required match.

(b) Planning Related. Planning related grant funds may be used by an eligible Metropolitan Planning Organization or Designated Official Planning Agency to assist the Commission in their responsibilities at the local level as identified in chapter 427, F.S., including support to the local Coordinating Board.

(c) Innovation and Service Development. Innovation and service development related grant funds may be awarded competitively to support projects that:

1. Enhance the access of older adults, persons with disabilities, and low income individuals to healthcare, shopping, education, employment, public services, and recreation;
2. Assist in the development, improvement, and use of transportation systems in non-urbanized areas;
3. Promote the efficient coordination of services;
4. Encourage private transportation provider participation.

(3) Match Requirement. Eligible grant recipients for the trip and equipment grants only, must provide at least 10% of the total project cost as a local match. The match must be cash generated from local sources. Voluntary dollar collections do not require a match.

(4) Distribution of Grant Funds. On or about December 15 of eEach year, the Commission shall allocate a portion identified as the Grants Program of the Transportation Disadvantaged Trust Fund in the following manner:

(a) An annual amount of \$1,372,060 of the Grants Program shall be designated for planning grants to assist the Commission with implementation and maintenance of the program at the local level. Beginning with the 2002/2003 grant cycle, the annual cap will be adjusted by the same percentage increase equivalent to state employees as set by the Legislature.

(b) The voluntary dollar collections will be returned to the county where said funds were collected. The voluntary dollar collections shall be designated for additional trips at the local level.

(c) The remaining portion of funds, except as specified in paragraph 41-2.014(4)(b), F.A.C., will be appropriated for the Grants Program and designated for trip and equipment related grants, subject to limitations of paragraphs 41-2.014(1)(a) and (2)(a), F.A.C.

(5) Distribution of Trip and Equipment Related Grant Funds. Each eligible applicant's allocation will be determined for the county or counties within the designated service area for which the applicant provides coordinated transportation disadvantaged services.

~~(a) In order to maintain system and service stability, the Commission's Fiscal Year 99/00 Allocation of Trip and Equipment Grant Funds, dated 02/99, incorporated herein by reference, shall be the base allocation for each subsequent year's distribution for trip and equipment related grant funds. No county shall receive less than the base allocation unless the Commission's five year cash-flow forecast falls below the Fiscal Year 99/00 levels allocated to the trip and equipment grant related program.~~

~~(b) If the level of funding available for distribution to the trip and equipment grant program falls below the base as stated in paragraph 41-2.014(5)(a), F.A.C., a proportionate adjustment to the base allocation will be made. Such adjustment will be based on the five year cash flow forecast of the Commission, and each county's share of the Fiscal Year 99/00 trip and equipment related grant allocation.~~

~~(c) (a) Allocation of additional trip and equipment grant funds above the amount used in the base allocation will be allocated to eligible applicants shall be based on a comparative ranking of all eligible applicants in each of the following four categories:~~

~~1. The applicant's total county area in square miles as a percentage of the total square miles of all eligible applicants. The county's total transportation disadvantaged eligible population as a percentage of the state's total transportation disadvantaged eligible population, based on the U.S. Census Bureau American Community Survey 5-Year Population Estimates.~~

~~2. Total system passenger trips provided as a percentage of all eligible applicant trips reported. The county's total centerline miles of public roads as a percentage of the state's total centerline miles of public roads, based on public mileage data reported by~~

the Federal Highway Administration.

3. Total system vehicle miles traveled as a percentage of all eligible applicants vehicle miles traveled and reported. The county's total transportation disadvantaged services provided by trip and equipment grant funds as a percentage of the state's total transportation disadvantaged services provided by trip and equipment grant funds, as reported on the invoices submitted by applicants for reimbursement under the trip and equipment grant program.

4. Total county population as a percentage of the total population of all eligible applicants. The county's total allocated amount of trip and equipment grant funds as a percentage of the state's total allocated amount of trip and equipment grant funds, based on allocated amounts from the previous fiscal year.

(d) (b) For the 2021-2022 fiscal year, each category shall represent the following percentages of the state's total allocated amount for the trip and equipment grant program: Each category will represent one fourth of the trip related grant funds.

1. 2.5% based on the state's total transportation disadvantaged eligible population.

2. 2.5% based on the state's total centerline miles of public roads.

3. 15% based on the state's total transportation disadvantaged services provided by trip and equipment grant funds.

4. 80% based on the state's total allocated amount from the 2020-2021 fiscal year.

(c) For the 2022-2023 fiscal year and each fiscal year thereafter, each category shall represent the following percentages of the state's total allocated amount for the trip and equipment grant program:

1. 5% based on the state's total transportation disadvantaged eligible population.

2. 5% based on the state's total centerline miles of public roads.

3. 30% based on the state's total transportation disadvantaged services provided by trip and equipment grant funds.

4. 60% based on the state's total allocated amount from the previous fiscal year.

(d) The Commission, in calculating allocated amounts, shall weigh each dataset described in subsection (5)(a) as follows:

1. Every person identified within the state's transportation disadvantaged population shall be weighted equally.

2. Every centerline mile of the state's public roads shall be weighted equally.

3. Each trip and mile provided by trip and equipment grant funds shall be weighted relative to the unit cost at which they are reimbursed. Each bus pass purchased with trip and equipment grant funds shall be weighted higher than the unit cost at which they are reimbursed in order to incentivize their use in service areas where a fixed-route system is available.

(e) Fund allocations pursuant to subparagraph (5)(a) of this rule shall be administered each fiscal year based on available data from the previous year or applicable period as determined by the Commission. The latest required operational statistics report which is submitted by September 15 of each year will be used for obtaining the applicant's coordinated vehicle miles and coordinated passenger trips data. For purpose of this section, coordinated vehicle miles or passenger trips shall not include those services provided through an approved transportation alternative.

(6) Distribution of Planning Related Grants. Planning related grant funds will be apportioned for distribution to the planning agencies as follows:

(a) 25% of the planning allocation shall be divided into shares equal to the percentage of population each county has relative to the total state population, with each planning agency receiving a share for each county within its jurisdiction;

(b) 75% of the planning allocation shall be divided into shares equal to the number of counties throughout the state, with each planning agency receiving no more than one share for each county within its jurisdiction. Eligible applicants not requiring the total amount of funding available may recommend to the Coordinating Board that any excess funds be allocated to the Community Transportation Coordinator for additional non-sponsored trip needs. The Commission shall reallocate any eligible excess funds to that particular county or service area's normal allocation. A local cash match of at least 10% shall be required to obtain this additional allocation.

(7) Distribution of Innovation and Service Development Grant Funds. Innovation and service development related grant funds will be awarded competitively to support such projects based upon available funding identified by the Commission.

(8) All grant applicants will provide their request for funds to the Commission no later than October 1 each year, unless otherwise approved by the Commission.

(9) Prioritization of Non-sponsored Transportation Services. The Community Transportation Coordinator, with approval of the Coordinating Board, shall have the authority to prioritize trips for non-sponsored transportation disadvantaged services which are purchased with Transportation Disadvantaged Trust Funds. Any prioritization of trips or eligibility criteria which is developed shall consider all of the following criteria:

- (a) Cost Effectiveness and Efficiency.
- (b) Purpose of Trip.
- (c) Unmet Needs.
- (d) Available Resources.

Rulemaking Authority 427.013(9), 427.013(10) FS. Law Implemented 427.013, 427.0159, 427.016 FS. History—New 5-2-90, Amended 6-17-92, 7-21-93, 6-26-94, 10-1-96, 3-10-98, 1-13-04, 8-5-18.

PROPOSED

MEETING SUMMARY

Commission for the Transportation Disadvantaged Public Rules Development Workshops

The Commission convened two public rules development workshops on Wednesday, September 30, 2020, at 9:30AM, and Monday, October 12, 2020, at 3:00PM. The workshops were held via GoToMeeting webinar and telephone conference. The purpose of the workshops was to discuss proposed amendments to Rule Chapter 41-2.007 and 41-2.014, F.A.C., which were published on September 23, 2020.

Below is a summary of the information that was discussed at both public workshops. Members of the public were invited to participate and speak on the proposed changes to the rule. This meeting summary includes the public input received during both workshops.

The Commission also invited members of the public to provide feedback on proposed rule changes via email to Commission Executive Director, David Darm, at David.Darm@dot.state.fl.us by Monday, October 19, 2020. No public input was received via email in addition to what was received during the public workshops.

Welcome and Meeting Objectives

Commissioner Phil Stevens provided the welcome and discussed the meeting objectives for the public workshops: 1) provide an overview of the 2020 Trip and Equipment Grant Allocation Study; 2) present proposed changes to the Trip and Equipment Grant allocation methodology in Rule 41-2, F.A.C.; and 3) gather public input on proposed rule language prior to the Commission Business Meeting on October 28, 2020.

Commissioner Stevens provided an overview of the Sunshine Law and informed participants that the meetings were being recorded. Commission staff, Deborah Hall, provided an overview of the features of the GoToMeeting webinar.

Presentation on Proposed Changes to Rule 41-2.007 and 41-2.014, F.A.C.

Commission Executive Director, David Darm, provided a presentation on the proposed rule changes for the Commission to implement a new allocation methodology within the Trip and Equipment Grant program, effective July 1, 2021. The presentation included an overview of the current rule language (Rule 41-2.014(5) and 41-2.007(6), F.A.C.) being considered for amendments. Mr. Darm also presented findings from the funding allocation study approved by the Commission on August 26, 2020, including recommendations to implement the new allocation methodology. Mr. Darm concluded the presentation with a summary of the proposed amended language being considered for approval at the October 28, 2020 Commission Business Meeting.

Public Input

Nancy Weizman, representing Broward County, spoke during the September 30, 2020 Public Workshop. Ms. Weizman thanked the Commission for facilitating an open discussion. She expressed concerns on how the bus passes would be represented in the new allocation methodology, where the data may be skewed for larger transit facilities to maximize the efficiency of a bus pass.

Michelle Arnold, representing Collier County, requested Mr. Darm clarify the reason why the proposed language in Rule 41-2.014(8), F.A.C., removes the October 1 deadline for grant applicants to submit their funding requests to the Commission. Mr. Darm stated it was his understanding that this deadline is no longer required, as the Commission cannot project allocations until after the Legislature appropriates funding for the upcoming fiscal year (which usually occurs during or after March).

Paul Strobis, representing Broward County, spoke during the October 12, 2020 Public Workshop. Mr. Strobis stated the proposed rule language does not address “overage” – trips that exceed the grant allocation in a fiscal year – within the Trip and Equipment Grant invoice data. However, during the public forums facilitated by the allocation study, Mr. Strobis understood that there would be a process where these trips would be captured within the new formula. He asked Mr. Darm to speak on how these trips would be addressed.

Mr. Darm confirmed that the proposed rule language does not address “overage” on the invoice data. Though the study considered a model where “overage” could be given less weight in the allocation methodology, Mr. Darm clarified that the final recommendations of the study’s report did not include this model. He said the Commission could reconsider this model as well as the model to capture capital equipment purchased under the grant, which were both presented as options in the appendixes of the final report.¹ Mr. Darm stated “overage” on the invoice data was not included in the proposed rule language because it would complicate the formula.

Mr. Strobis shared concerns about “overage” not being addressed by the proposed rule language. He said the existing Trip and Equipment Grant language allows CTCs to recover trips during a billing cycle when there is an ebb and flow of their flat rate disbursement on a month to month basis. He said this allowed Broward County to recover trips earlier in the grant year before COVID-19 hit in March 2020. If the new allocation methodology in rule does not allow for “overage,” Mr. Strobis said this would discourage CTCs from providing additional services and flatten allocations by not creating a true demand for services.

Lisa Bacot, representing the Florida Public Transportation Association (FPTA), thanked the Commission for the input and openness of the development of the allocation formula. She said FPTA submitted several letters during the allocation study, of which most of the comments were addressed by the final report.

¹ See Appendix C and D of the Funding Allocation Study Report (p 90-91) at: <https://ctdallocationstudy.com/index.php/final-report/>.

Ms. Bacot spoke at the October 12, 2020 Public Workshop on behalf of her own company, Bacot Consulting, LLC. She said she felt the proposed formula was overly complicated. Ms. Bacot shared concerns of double-dipping by weighting the invoice data based on trip cost, which is not common within the transit industry. She also believed some of the proposed weights would disincentivize CTCs to provide more cost-effective services, such as group trips. She thought it was an odd choice for the Commission to contract with an accounting firm (Thomas Howell Ferguson) to conduct the allocation study.

Conclusion

Commissioner Stevens thanked everyone for participating in the public workshops. He stated the proposed rule language is expected to be voted on by the full Commission on October 28, 2020. If anyone wishes to provide additional feedback on the proposed language, Commissioner Stevens directed them to email David Darm no later than Monday, October 19, 2020.

Minutes compiled by David Darm.

Note: This meeting has been summarized to reduce paperwork in accordance with policies of State government. If an accessible format or more information than is provided herein is needed, please contact the Commission for Transportation Disadvantaged at (850) 410-5700 or 1-800-983-2435 for assistance. A copying or printing fee may be charged to the requesting party.

State of Florida
Commission for the Transportation Disadvantaged
Commission Business Meeting

MEETING DATE: October 28, 2020

AGENDA ITEM:

IX Upcoming Annual Performance Report and Other Analysis Reports

BACKGROUND INFORMATION:

On September 15 of each year, Community Transportation Coordinators (CTCs) are required to submit an Annual Operating Report (AOR) to the Commission, which includes operating statistics of all Transportation Disadvantaged services that were provided within the county the previous state fiscal year.¹ The Commission compiles this data within its Annual Performance Report, which is submitted to the Governor and Legislature on January 1 of each year.²

During the 2020 Trip and Equipment Grant Funding Allocation Study, the integrity of data within the AOR was cited as a major concern in relation to allocating funding based on performance.³ The final report recommended the Commission remove the AOR within the allocation formula and replace it with the invoice data submitted by CTCs on trips, miles and bus passes directly reimbursed under the Trip and Equipment Grant program. In addition to changes to the allocation methodology, the study recommended the Commission consider incorporating the invoice data within the Annual Performance Report and re-evaluate the role of the AOR in measuring the performance of the broader coordinated Transportation Disadvantaged system:

This will likely require a thorough analysis of the reporting methodology to determine what is needed to improve the quality and accuracy of data. Until these issues can be addressed, CTD should rely on Trip and Equipment Grant invoice data as the primary dataset within the Annual Performance Report to the Governor and Legislature.⁴

The Commission has hired Thomas Howell Ferguson (THF) to assist in the development the upcoming Annual Performance Report for Fiscal Year 2019-20. This will include an in-depth analysis of the invoice data and recommended changes to improve the AOR for future reports, as recommended by the funding allocation study.

Additional Ad-Hoc Reports and Public Workshops

In addition to the Annual Performance Report, THF will assist the Commission in conducting ad-hoc analysis reports in response to other issues impacting the Transportation Disadvantaged program. Such issues may include (but not be limited to) the impact of COVID-19 on Trip and Equipment Grant funding; the use of Transportation Disadvantaged Trust Fund monies in relation to paratransit services for individuals with disabilities living in a community with a fixed-bus route (see Agenda Item XI); etc. The outcome of each analysis report would include a summary of findings and (if appropriate) recommended policies or procedures to address the issue identified in the report.

THF will also facilitate public workshops to gather feedback from stakeholders on various issues

¹ Section 427.0155(2), F.S., and Rule 41-2.011(4), F.A.C.

² Section 427.013(13), F.S., and Rule 41-2.007, F.A.C.

³ The full report can be accessed at: <https://ctdallocationstudy.com/index.php/final-report/>. See pages 27-29 on the AOR.

⁴ Page 79

identified within the Annual Performance Report or other ad-hoc reports. Similar to the forums held during the funding allocation study, these workshops will serve to promote a greater understanding among stakeholders on a given issue and ensure transparency in decision-making at the Commission level.

Thomas Howell Ferguson will provide an overview of the scope of this project at the October 28, 2020 Commission Business Meeting.

EXECUTIVE DIRECTOR RECOMMENDATION/MOTION:

For information purposes only. No action required.

State of Florida
Commission for the Transportation Disadvantaged
Commission Business Meeting

MEETING DATE: October 28, 2020

AGENDA ITEM:

X Technical Assistance for the Innovation and Service Development Grant

BACKGROUND INFORMATION:

During the 2019 Legislative Session, the Legislature appropriated \$10 million in recurring funding to the Transportation Disadvantaged Trust Fund, through the passage of the Multi-Use Corridors of Regional Economic Significance (M-CORES) Program, to support competitive grant opportunities for innovative projects within the TD program.¹ The Commission administers the funding through the Innovation and Service Development Grant program.²

In FY 2020-21, the Commission received legislative authority to use a portion of the M-CORES funding to provide technical assistance to eligible grant applicants. The technical assistance will serve to provide: 1) support for the Commission in administering the grant program, including designing of the application and evaluation process of applicant proposals for future grant cycles; and 2) training and resources for eligible grant applicants in developing proposals that fulfill the expectations of the grant program.

The Commission is contracting with the University of South Florida-Center for Urban Transportation Research (CUTR) to conduct the technical assistance for this grant program. Martin Catala from CUTR will provide an overview of the scope of this project at the October 28, 2020 Commission Business Meeting.

EXECUTIVE DIRECTOR RECOMMENDATION/MOTION:

For information purposes only. No action required.

¹ Section 338.2278(8), F.S.

² Rule 41-2.014(2)(c), F.A.C.

State of Florida
Commission for the Transportation Disadvantaged
Commission Business Meeting

MEETING DATE: October 28, 2020

AGENDA ITEM:

XI Americans with Disabilities Act Complimentary Paratransit Services

BACKGROUND:

The U.S. Americans with Disabilities (ADA) is a comprehensive civil rights law that affords individuals with disabilities the right to access all areas of public life, including public transportation. The ADA requires¹ transit entities that operate fixed route bus services to provide “complimentary paratransit” services to individuals with disabilities who live within ¾ miles of a fixed route and cannot access the route itself due to their disability. These paratransit services are provided on a door-to-door (or curb-to-curb), demand-response basis.

The legislative intent of the state’s Transportation Disadvantaged Trust Fund (TDTF) is “to subsidize a portion of a transportation disadvantaged² person’s transportation costs which is not sponsored by an agency” (s. 427.0159(3), F.S.). In order for a transportation disadvantaged person (including a person with a disability) to qualify for TDTF “non-sponsored”³ services, they must at minimum demonstrate: 1) no availability of any other funding or reimbursement (including self-pay); and 2) no means of any other transportation, including a personal vehicle, public transit, etc.

It has been determined that in areas where ADA Complimentary Paratransit are available, a qualified individual with a disability has access to transportation. These trips would not be eligible to be subsidized by the state’s TDTF. The following are exceptions to this determination:

- A qualified individual with a disability has a financial hardship and is unable to afford the fare, at which time TDTF could subsidize a portion of the rider’s fare;
- A qualified individual with a disability travels outside of the ADA Complimentary Paratransit corridor, at which time TDTF could subsidize a portion of the trip cost; and/or
- A qualified individual with a disability travels outside of normal operating hours/days, at which time TDTF could subsidize a portion of the trip cost.

The Florida Public Transportation Association (FPTA) and some Community Transportation Coordinators (CTCs) that operate fixed route systems have requested the Commission reconsider its position on subsidizing ADA Complimentary Paratransit services on the premise that they are “not sponsored” by the federal government (see correspondence letters attached). On January 28, 2020, Commission Executive Director David Darm responded to these requests via email, stating, “the Commission is not in a position to take action on ADA paratransit services or similar issues impacted by the Trip and Equipment Grant until the allocation formula

¹ See 49 CFR 37.131 at: <https://www.law.cornell.edu/cfr/text/49/37.131>.

² “Transportation Disadvantaged” means those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life sustaining activating, or children who are handicapped or high risk or at risk as defined in Section 411.202, F.S. (s. 427.011(1), F.S.)

³ “Non-sponsored” services are defined as “not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund” (s. 427.011(12), F.S.).

study is complete.” The Trip and Equipment Grant Funding Allocation Study was completed and approved by the Commission on August 28, 2020.

POLICY AND BUDGET CONSIDERATIONS

The Commission currently does not have a written policy on the use of TDTF monies in relation to ADA Complimentary Paratransit, beyond what is interpreted as “non-sponsored” transportation in Chapter 427, F.S., and Rule 41-2, F.A.C. Given the concerns raised by FPTA and others on what constitutes as “non-sponsored” trips, the Commission should develop a written policy that provides guidance on the appropriate use of TDTF funding as it relates to ADA Complimentary Paratransit services.

As part of the development of this policy, the Commission should review services provided by fixed route systems and facilitate public workshops to gather feedback from various stakeholders. This process would help the Commission gain a stronger understanding of the fiscal impact of a policy and determine whether there are unmet needs within a county, where TDTF funding could be more effectively utilized to promote greater access to TD riders. It should be noted that any change in policy must consider the potential impact on Trip and Equipment Grant allocations, as the new funding formula proposes a portion of a county’s allocation be based on the number of trips, miles and bus passes purchased under the grant.

ATTACHMENTS:

- FPTA Letter to Federal Transit Administration (FTA) – November 20, 2019
- FTA Response Letter to FPTA – January 8, 2020
- Kenneth Fischer Letter to Chairman Marion Hart – January 24, 2020
- David Darm Response Email to Kenneth Fischer and Lisa Bacot – January 28, 2020
- FPTA Letter to CTD – February 8, 2020

EXECUTIVE DIRECTOR RECOMMENDATION/MOTION:

The Commission should appoint a board member to facilitate the development of a policy related to the use of TDTF funding in relation to serving transportation disadvantaged individuals who live within an ADA fixed route corridor. This should include an analysis of fixed route services and public workshops with stakeholders as part of the policy development.



February 3, 2020

David Darm, Executive Director
Florida Commission for the Transportation Disadvantaged
605 Suwannee Street, MS 49
Tallahassee, FL 32399-0450

Dear Mr. Darm:

The Florida Public Transportation Association (FPTA) greatly appreciates the guidance and support the Florida Commission for the Transportation Disadvantaged (CTD) provides to all of the transit systems across the state. The Transportation Disadvantaged (TD) Program is a key component to keeping individuals safe and mobile within our communities.

Issue Statement

In 2016, it was brought to the FPTA board's attention that several policy changes had been implemented that had a major effect on the ability of our larger transit systems to pull down the TD dollars that have been allocated to their respective counties. The two major changes were as follows:

- Lack of TD eligibility for passengers living within the Americans with Disabilities Act (ADA) service area and/or near fixed route service (unless they are traveling after hours or their origin/destination is outside the fixed route/ADA service area).
- Allowing only the passenger fare to be billed to the CTD if the customer lives within the ADA service area and/or near fixed route and cannot pay the fare.

Unfortunately, these changes above appear to have been made with little to no input from CTC's, no formal policy or procedure was sent to the CTC's for guidance, and no discussion at the CTD Board level.

FPTA and FTA's Response

After several verbal discussions with the CTD staff, over the course of 3 years, FPTA decided to seek guidance from the Federal Transit Administration (FTA). The FTA Associate Administrator for Civil Rights responded stating that the ADA is not a sponsored program, but is to be considered a comprehensive civil rights act. Therefore, the availability of ADA complementary transportation should not be used to deny access to eligible recipients of state TD dollars. Further, FTA cited 49 CFR 37.131(c)(4), which states that public transit operators may negotiate a fare that covers the cost of transporting a trip that should be sponsored by the CTD Program.

Executive Director: Lisa M. Bacot

Phone 850.878.0855 > Fax 850.878.0725

PO Box 10168 > Tallahassee, FL 32302 > E-mail: LisaBacot@FloridaTransit.org > Web: www.floridatransit.org



Chapter 427.017, F.S.

Chapter 427.017, F.S. clearly states that “Upon notification by an agency of the Federal Government that any provision of this act conflicts with federal laws or regulations, the state or local agencies involved may take any reasonable steps necessary to assure continued federal funding.” While the CTD may not be at risk of losing federal funding, if the CTD continues to require that the Community Transportation Coordinators (CTCs) enforce this policy, the individual transit systems are indeed at risk of losing federal dollars.

Implications of This Policy Continuing Forward

Many of our fixed route systems have been struggling with the implementation of this policy due to the federal implications of the loss of federal funding and a decrease in the ability to pull down TDTF funding. Now that FTA has issued the January 8, 2020 letter, it is a high priority that this issue be resolved immediately.

Further, if the CTD is allowed to continue with this policy, this sets a precedent for other state agencies. According to Federal Guidelines, the Medicaid agency is the “funder of last resort”, and has previously been told by FTA to not deny eligible riders access to Medicaid transportation when they live within the ADA service area. This is referred to as “trip shedding” to other agencies. Since the CTD is allowing this to happen for TD trips, Medicaid could quite easily state that they agree with the CTD’s policy and begin denying eligible riders in the ADA service area. It could also go a step further and Medicaid could require TD funding be used for all other Medicaid clients who do not have a disability or live outside of the ADA service area, prior to the use of Medicaid funding. Medicaid clients who do not have transportation are indeed eligible for TDTF funding. This scenario could then affect every county in the State of Florida and have a devastating impact on the use of TDTF funding and coordination as we know it.

Allocation Formula

We are pleased that the CTD staff is currently exploring changes to the formula used to allocate funds for the Trip and Equipment Grant within the Transportation Disadvantaged Trust Fund (TDTF). *However, this issue is a separate and distinct subject from the issue statement above and the policy that has been enforced for over 3 years.* The dollars that are allocated to the CTC’s are a finite amount, there are no more dollars that could be spent on TD services, once the CTC reaches the cap allocated to them, they no longer provide services.

Request to Rescind the Policy

FPTA respectfully requests that the CTD rescind this informal policy at the CTD Board meeting on February 10. Further, we do indeed understand the hesitation of the CTD that allowing TD trips to



Florida Public Transportation Association

be used within the ADA service area would limit the types of riders and the location of where the TD dollars are spent; however, the CTC's that operate the fixed route transit service are there to serve the entire community and provide as much service as possible. They are monitored by both the Local Coordinating Board and a separate oversight board, which is usually made up of locally elected officials. We do not believe this would occur and would be supportive of asking our CTC's to amend their Transportation Disadvantaged Service Plan (TDSP) to address how the TD Trust Fund dollars will be spent within their community and ensuring fair coverage of the entire county and fair access to the dollars by all types of TD eligible recipients.

Conclusion

We have tried for several years to resolve this issue, to no avail. The policy is not related to the allocation methodology, is inconsistent with Federal guidelines, and should be rescinded at the February 10 board meeting.

We thank you for your continued open dialogue on this subject and we hope to find a mutually beneficial solution that ensures fixed route transit systems are not at risk of losing federal dollars, and that other state agencies, who often serve clients who are eligible for multiple funding sources, do not begin to "prioritize" which funding sources should be used first for their clients.

Please feel free to reach out to me at 850.445.8329 for any further information. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lisa Bacot', is written over a light blue rectangular background.

Lisa M. Bacot
Executive Director

Attachments: Letter dated November 20, 2019 from FPTA
Letter dated January 8, 2020 from FTA

CC: All CTD Commissioners
FPTA General Managers/Board Members

Executive Director: Lisa M. Bacot

Phone 850.878.0855 > Fax 850.878.0725

PO Box 10168 > Tallahassee, FL 32302 > E-mail LisaBacot@FloridaTransit.org > Web www.floridatransit.org



November 20, 2019

Selene Dalton-Kumins
Civil Rights Associate Administrator
Federal Transit Administration
Region 4 Office 230 Peachtree NW, Suite 1400
Atlanta, Georgia 30303

Dear Ms. Dalton-Kumins:

The Florida Public Transportation Association (FPTA) represents 45 public transit systems in the State of Florida and acts as the “voice” of public transit in our state. We are seeking guidance from the Federal Transit Agency (FTA) on the actions of one of our state agencies.

It has come to our attention that the Florida Commission for the Transportation Disadvantaged (CTD), which is a state agency that oversees the Transportation Disadvantaged Trust Fund (TDTF), has been utilizing a policy that we feel is problematic to those fixed route agencies who are charged with implementing the American’s with Disabilities Act (ADA) of 1990. The CTD has informed our fixed route transit systems that they can no longer use their allocated TDTF dollars within the ADA corridor because the trip a person would be taking within the corridor is already “sponsored by an agency”, as individuals with disabilities can use the ADA paratransit services.

Chapter 427.0159(3) of Florida Statutes does indeed state that TDTF dollars should only be used for trips that are “not sponsored by an agency”; however, it is our understanding that ADA paratransit service should not be considered a sponsored program, since it is a civil rights law. In addition, only 10% of 5307 funds can be used towards paratransit service costs, which does not nearly cover the expenses of implementing the federally mandated ADA law.

It is also our understanding that in the early to mid-90’s the Medicaid agency in several states also attempted to deem their clients that lived within the ADA corridor to be ineligible for Medicaid transportation. I believe FTA provided a statement specifying that since the ADA is a piece of civil rights legislation, it is therefore not considered a “sponsored program.” Consequently, the Medicaid agency was informed that it should work with the local transit provider to provide the trips for Medicaid utilizing state Medicaid transportation dollars and that the

Executive Director: Lisa M. Bacot

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agency should negotiate a fair rate with the transit system to provide the service. It was determined that the state Medicaid Agency could not shift the financial burden to the local transit provider.

We are asking your office to reconfirm that the ADA services provided by transit providers are still meeting a civil right as required by Federal law and that it is not considered a sponsored program. This clarification will be helpful for our state as we work with the Florida Commission for Transportation Disadvantaged to ensure that all Floridians are provided with the mobility they need and that the financial burden is appropriately placed.

If there are any other questions or more information that you require, please feel free to reach out to me via phone, (850) 445-8329, or email, lisabacot@floridatransit.org.

Thank you for your attention and guidance to this important manner.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lisa Bacot', is placed over a light blue rectangular background.

Lisa M. Bacot
Executive Director

cc:
Dee Foster, FTA
Sarah Majdiak, FTA
Robert Sachnin, FTA
Marion Hart, Chair, CTD
Murriah Dekle, Chair, FPTA
David Darm, Executive Director, CTD



U.S. Department
of Transportation
**Federal Transit
Administration**

Headquarters

East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

January 8, 2020

Lisa M. Bacot
Executive Director
Florida Public Transportation Association
P.O. Box 10168
Tallahassee, FL 32302

Dear Ms. Bacot:

I am writing in response to your November 20, 2019 letter expressing concern regarding recent decisions by the Florida Commission for the Transportation Disadvantaged (CTD) and their effect on your members' ability to operate paratransit services. You stated that the CTD has indicated it will no longer use its Transportation Disadvantaged Trust Fund to pay for passenger trips taken via complementary paratransit because such trips are "sponsored by an agency."

I agree with your point that paratransit under the Americans with Disabilities Act (ADA) is not a "sponsored program" as characterized. The ADA is a comprehensive civil rights act ensuring that people with disabilities are afforded the same rights and responsibilities as all citizens. The right to use public transportation is covered by Title II, which, among other things, requires public operators of fixed route transit to provide complementary paratransit for those persons whose disabilities prevent them from independently using the accessible fixed route system. The cost of providing a paratransit trip is typically funded partly by passenger fares, and partly by funds from various levels of governmental entities. This is also true of trips taken by passengers riding the fixed route system (bus or rail). Neither trip can be said to be in any way "sponsored" by any of these agencies, unless one regards trips taken in private automobiles on public highways constructed using Federal, state, and local tax dollars as "sponsored" in the same manner.

In fact, 49 CFR 37.131(c)(4) permits public transit operators to charge more than the maximum paratransit fare to a social service agency or other organization for agency trips (i.e., trips guaranteed to the organization). To the extent that CTD is relying on local transit operators' paratransit systems to transport its constituents according to CTD's requirements, DOT ADA regulations permit Florida Public Transportation Association members to negotiate a fare that covers the cost of a CTD-sponsored trip.

I hope this information is helpful to you. If you have any questions, please contact John Day of my staff at (202) 366-1671 or by email at john.day@dot.gov.

Sincerely,

Selene Faer Dalton-Kumins
Associate Administrator for Civil Rights

January 24, 2020

Chairman Marion Hart
Florida Commission for the Transportation Disadvantaged
605 Suwannee Street, MS-49
Tallahassee, FL 32399

Dear Chairman Hart,

I hope all is going well in your role as Chairman of the Florida Commission for the Transportation Disadvantaged (CTD). Funding and coordinating transportation services for older adults, persons with disabilities, persons of low income and children at risk is a vital service for all our counties in Florida.

Volusia County has served as the Community Transportation Coordinator (CTC) for the past twenty-seven years. During this time, we have actively participated with the Commission and staff in promoting the coordination of paratransit in Volusia County as well as the rest of the state of Florida.

I would like to bring to your attention, as a result of the 2016-2017 Compliance Monitoring Report completed by Thomas Howell Ferguson that includes an internal policy change, Volusia County can no longer use their allocated Transportation Disadvantaged Trust Fund (TDTF) dollars within the ADA corridor. This internal policy change reflects that a disabled person taking a trip within the ADA corridor is already "sponsored by an agency", as disabled individuals can use ADA paratransit service.

Chapter 427.0159(3) of Florida Statutes does indeed state that TDTF dollars should only be used for trips that are not "sponsored by an agency"; however, it is our understanding that ADA paratransit service should not be considered a sponsored program, since it is a civil rights law. In addition, only 10% of 5307 funds can be used toward paratransit services costs, which does not nearly cover the expenses of implementing the federally mandated ADA law.

This internal policy changes affects more that Volusia County. On November 20, 2019, the Florida Public Transportation Association (FPTA) sent a letter to the Federal Transit Administration (FTA) asking that FTA reconfirm that ADA services provided by transit providers are still meeting a civil right as required by federal law and that it is not considered a FTA sponsored program. FTA responded that they agree that paratransit under the Americans with Disabilities Act (ADA) is not a "sponsored program" as characterized.

This change in internal policy had a significant impact on the Volusia County's transit operating and capital budget. Volusia County is now considering capitalizing more operating costs with

Mr. Hart
January 24, 2020
Page 2

FTA funds, service reductions and fare increases to offset the loss of TDTF dollars. Volusia County has been a long-time partner with the Commission on delivering safe and efficient coordinated transportation services for the older adult persons with disabilities, persons of low income, and children at risk. I am requesting your review and reconsideration of this internal policy change.

Sincerely,

Kenneth R. Fischer
Regional Vice President
RATP Dev USA

Somerset, Karen

From: Darm, David
Sent: Tuesday, January 28, 2020 6:11 PM
To: Bacot, Lisa; FISCHER Kenneth
Cc: Stutts, Elizabeth; Dona DeMarsh Butler; Marion Hart; Somerset, Karen
Subject: RE: Letter to Marion Hart

Good afternoon Ken and Lisa,

Thank you for reaching out to the Commission regarding your concerns over the use of Transportation Disadvantaged funds related to ADA complementary paratransit activities. Chairman Hart asked that I respond on his behalf.

As you know, the Commission is currently exploring changes to the formula used to allocate funds for the Trip and Equipment Grant within the Transportation Disadvantaged Trust Fund (TDTF). This includes an examination of the trips and miles reported in the Annual Operating Report, including ADA paratransit, and consideration of how those variables are weighted in the Trip and Equipment allocation formula. This analysis will lead to discussions with stakeholders on potential changes that the Commission should consider to the funding formula as well as other policies governing the coordinated transportation system.

At this time, the Commission is not in a position to take action on ADA paratransit services or similar issues impacted by the Trip and Equipment Grant until the allocation formula study is complete. However, the Commission will provide a progress report on the analysis and announce dates when we will host stakeholder workshops on the allocation formula at its February 10th business meeting. We encourage you to participate in those forums and raise these concerns in the context of potential changes to the funding formula.

As stated at the last quarterly Commission meeting in September, it is our goal to promote an inclusive process as we explore changes to grow and strengthen our program. Though the Commission makes the final decisions, those decisions will be “better and better understood if transparency, discussion and debate, communication and collaboration precede them.” Based on these principles, we look forward to working with you and others to gain a better understanding of this issue in the coming months.

Sincerely,

David Darm
Executive Director
Florida Commission for the Transportation Disadvantaged
Cell: (850) 688-2953
David.Darm@dot.state.fl.us

“Public business must always be done by somebody... if wise men decline it, others will not; if honest men refuse it, others will not.” John Adams

From: Lisa Bacot <lisabacot@floridatransit.org>
Sent: Friday, January 24, 2020 2:12 PM
To: marionhart89@gmail.com; Darm, David <David.Darm@dot.state.fl.us>
Cc: Stutts, Elizabeth <Elizabeth.Stutts@dot.state.fl.us>; Dona DeMarsh Butler <ddbutler@volusia.org>; FISCHER Kenneth

<kenneth.fischer@ratpdev.com>

Subject: Re: Letter to Marion Hart

EXTERNAL SENDER: Use caution with links and attachments.

Thank you, Ken.

Chairman Hart and David, will this be placed on the next board meeting agenda for action? Or, will the policy be rescinded internally, since I believe it was never actually approved by the Commission?

Thank you for your guidance on this important issue.

Lisa M. Bacot
Executive Director
Florida Public Transportation Association
PO Box 10168
Tallahassee, FL 32302
850.878.0855
850.445.8329 Cell
www.FloridaTransit.org

From: FISCHER Kenneth <kenneth.fischer@ratpdev.com>

Date: Friday, January 24, 2020 at 12:55 PM

To: Marion Hart <marionhart89@gmail.com>

Cc: "lisabacot@floridatransit.org" <lisabacot@floridatransit.org>, Elizabeth Stutts <elizabeth.stutts@dot.state.fl.us>, David Darm <David.Darm@dot.state.fl.us>, Dona DeMarsh Butler <ddbutler@volusia.org>

Subject: Fw: Letter to Marion Hart

Attached Letter

Kenneth R Fischer
Director, Quality and Standards

(386) 290-1644

RATP Dev USA
3800 Sandshell Drive, Suite 180
Ft.Worth, TX, 76137

ratpdevusa.com



From: FISCHER Kenneth
Sent: Friday, January 24, 2020 11:14 AM
To: marionhart89@gmail.com <marionhart89@gmail.com>
Cc: Lisa Bacot <lisabacot@floridatransit.org>; Stutts, Elizabeth <elizabeth.stutts@dot.state.fl.us>;
David.Darm@dot.state.fl.us <David.Darm@dot.state.fl.us>; Dona DeMarsh Butler <[ddbutler@volusia.org](mailto:dabutler@volusia.org)>
Subject: Letter to Marion Hart

Marion,

Good morning. I hope you are doing well. Please find attached a letter regarding Volusia County's challenges with a change in policy made by the Florida Commission for the Transportation Disadvantaged. Your review and consideration is appreciated.

Thanks,
Ken

Kenneth R. Fischer
Director, Quality and Standards

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State of Florida
Commission for the Transportation Disadvantaged
Commission Business Meeting

MEETING DATE: October 28, 2020

AGENDA ITEM:

XII Quorum Requirements for Local Coordinating Boards

BACKGROUND:

Local Coordinating Boards (LCBs) are established in Section 427.0157, F.S., and governed by Rule 41-2.012, F.A.C., to “develop local service needs and to provide information, advice, and direction” on the coordination of transportation disadvantaged services. Each LCB serves as an “advisory body to the Commission in its local service area,” where its members are appointed in each county (or multi-county service area) by the metropolitan planning organization or designated official planning agency (planning agency). The board is statutorily required to meet at least quarterly and fulfill certain responsibilities, including annually approving the local Transportation Disadvantaged Service Plan.

LCB meetings are required to have a minimum number of board members physically present in the same location to establish a quorum. On March 20, 2020, Governor Ron DeSantis issued Executive Order 20-69 in response to the COVID-19 public health emergency, which suspended the requirements for local government bodies to hold in-person meetings. This allowed local government bodies, including LCBs, to hold meetings through virtual or telephonic means. The executive order expires November 1, 2020.

The Commission received several inquiries from planning agencies regarding the requirements for LCBs to hold in-person meetings following the expiration of Executive Order 20-69. The Commission worked with its general counsel to review the requirements and develop the attached memorandum to provide clarification and guidance to planning agencies. Effective November 1, 2020, LCB members are required to have a minimum number of members in a physical location to take action on agenda items. Commission staff will work with planning agencies to identify strategies to fulfill this requirement while practicing safety regulations to prevent the spread of COVID-19.

ATTACHMENT:

Memorandum on Quorum Requirements for LCBs – October 15, 2020

EXECUTIVE DIRECTOR RECOMMENDATION/MOTION:

For information purposes only. No action required.



Ron DeSantis
Governor

TO: Designated Official Planning Agencies

Marion Hart, Jr.
Chairperson

FROM: David Darm, Executive Director

Phillip W. Stevens, Ph.D.
Vice Chairperson

DATE: October 15, 2020

SUBJECT: Quorum Requirements for Local Coordinating Boards

David Darm
Executive Director

The Commission has received inquiries regarding the quorum requirements for Local Coordinating Boards (LCBs). This memo serves to provide guidance and clarification on these requirements, specifically on whether board members are required to attend meetings “in person” to establish a quorum.

In-Person Quorum Requirement

In consideration of the COVID-19 public health emergency, Governor Ron DeSantis issued Executive Order 20-69 on March 20, 2020, which suspended “any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place.” The order cited Attorney General Opinion (AGO) 2020-03, which provided “that local government bodies may only conduct meetings by teleconferencing or other technological means if either a statute permits a quorum to be present by means other than in-person” or if the in-person requirement is lawfully suspended due to a state of emergency. Executive Order 20-69 expires November 1, 2020.

The Commission has taken the position that the LCB functions as a “local government body,” as board members are appointed in each Florida county (or multi-county service area) by the metropolitan planning organization or designated official planning agency (s. 427.0157, F.S.). Though the LCB is defined as an “advisory body to the Commission” in Rule 41-2.012, F.A.C., neither the statute or rule explicitly shield the board from the requirement of physical and in-person attendance for establishing a quorum. Therefore, unless executive mandate or rule provides otherwise, quorum can only be established by board members physically present and in person for the meetings.

As of the date of this memo, in-person quorum requirements for LCBs will be reinstated effective November 1, 2020. The LCB must have a physical quorum present to take action on agenda items. Moreover, based on a review of attorney general opinions,¹ board members not physically present may still participate and vote on matters if a quorum is established by those physically present. Further, board members who are at-risk or show symptoms of contracting COVID-19 should only participate via telephone conference or web-based platform.

Memorandum
October 15, 2020
Page Two

Public Access and Participation

Notwithstanding the requirements cited above, the provisions of the Sunshine Law, Sections 286.011 and 286.012, F.S., do not restrict a public meeting from being conducted through teleconferencing or other technological means, so long as there is proper notice and sufficient access for members of the general public to attend.

It is strongly encouraged that a telephone conference call-in number and/or a web-based link be provided for members of the public to attend in order to ensure sufficient meeting space is available for board members who must be physically present to establish a quorum.

Additional Guidance

We understand these requirements present unique challenges in meeting the deliverables of the Planning Grant. The Commission will facilitate regional conference calls with planning agency staff in the coming weeks to assist in identifying strategies that may mitigate these challenges. We will also monitor the progress of meeting these deliverables and provide an update at a future Commission Business Meeting.

We appreciate everyone's efforts to fulfill these requirements while staying safe. We look forward to working with you in the coming weeks.

/dd

State of Florida
Commission for the Transportation Disadvantaged
Commission Business Meeting

MEETING DATE: October 28, 2020

AGENDA ITEM:

IV. and XIV. Public Comments

BACKGROUND INFORMATION:

When operating under Florida's Government in the Sunshine Law, the Florida Supreme Court recognizes the importance of public participation in open meetings. The Commission provides that right of access at each public meeting and adheres to Chapter 286.011, Florida Statutes.

The Commission facilitates two "Public Comments" segments on its agenda. For participants interested in providing public comments, the Commission requests speakers complete the attached public comment form and return to David Darm prior to the meeting date at David.Darm@dot.state.fl.us. The chairman will call on speakers in the order public comment cards are received.

Participants planning to speak during the first public comments segment (Item IV.) of the agenda must direct their remarks to agenda items only. The Commission welcomes input on any topic during the second public comments segment (Item XIV.) of the agenda. All speakers are limited to five minutes per public comment.

ATTACHMENTS:

Public Comment Form



Commission for the Transportation
Disadvantaged
PUBLIC COMMENT FORM

Instructions:

1. Complete comment form, including your address. PLEASE TYPE OR PRINT
2. Email comment card to David.Darm@dot.state.fl.us
3. The chairman will call on speakers in the order comment cards are received. Please indicate below whether you plan on participating via webinar or conference call.
4. Comments must be limited to five (5) minutes per speaker.

How will you be participating in the public workshop? Webinar _____ Phone _____

Name _____

E-Mail _____

Phone _____

Address _____

City _____

Zip Code _____ County _____

Representing _____

Subject _____

Support _____ Oppose _____ Neutral _____