

Comments on Federal Register, SAFETEA-LU, published 11-30-05

#### About Pace

Pace is the suburban bus agency for northeastern Illinois, a region of six counties and nine million people. Pace operates 240 bus routes, dozens of local Dial-a-Ride programs and the nation's second-largest vanpool program. Its fleet consists of approximately 1,600 vehicles and has an annual budget of \$202 million.

#### IV.B.2. Coordination

- This organization has advocated for years for greater mandates on the coordination of demand-response transportation. Too often there are myriad groups receiving various taxpayer-supported grants and providing duplicative transportation services at a higher cost than could have been provided by the local public transit agency. Our recommendations are that, first, non-Section 5307 recipients not be allowed to receive federal grants for transportation purposes unless the transit agency in its geographic area is unable to provide the desired transportation service, and second, that recipients of federal grants who make any expenditures related to transportation would be required to contact and participate with recipients of Section 5307 FTA funds in the creation of the Human Service Transportation Plan. If they do not actively participate, the grant could be transferred to the 5307 recipient. (This provision would address the problem of transit agencies and/or MPOs having no knowledge of the various organizations who provide such service and being powerless to coordinate their services.)

#### IV.B.9. Charter Service and School Bus

- Pace operates a number of services that are subsidized by and designed to serve people traveling to certain businesses, schools or other entities. These services are all open to the public, have a published schedule and require all riders to pay a fare, and hence are allowable under current FTA charter regulations. Our recommendation is that these arrangements for service remain legal.
- Pace also periodically receives requests from units of local government and elected officials to assist with one-time transportation needs for community events. Frequently, the local unit will offer no financial compensation. Current FTA rules prohibit a transit agency from operating this type of service and we have not done so. However, as a result of our desire to act as a willing partner to these local governments (who, in some cases, subsidize Pace operations), we would like to be able to provide such service. Our recommendation is that transit agencies be able to provide charter service if it meets the following conditions: is at the request of a unit of local government; and is not tied to financial compensation above the cost of operation.

#### VI.M. Job Access and Reverse Commute Program (49 USC 5316)

- One of the eligible JARC expenses identified in SAFETEA-LU is the “subsidy or purchase by a nonprofit organization or public agency of a van or bus dedicated to shuttling employees from their residences to workplaces.” We believe this action is contrary to the spirit of United We Ride and the newly-mandated Human Services Transportation Plan. When a small non-profit secures its own vehicle, there is significant likelihood of redundant demand-response service being provided. Instead, the resources should be used for the operation of service for the constituents of that organization. The local public transit agency is already equipped to provide the service and can do so with lower cost and greater expertise, while still ensuring the transportation needs of the individual organization(s) are met. Our recommendation is that an application to FTA for funding for a vehicle for a nonprofit organization would only be approved if the local transit agency is unable or unwilling to provide service to that organization’s constituents.
- SAFETEA-LU mandates that JARC funds lapse after three years. The experience of transit agencies has been that it can be extremely difficult to secure a local match for new routes or extensions of routes, since JARC requires operating costs to be matched at the 50% level. Our recommendation is that a transit agency can apply for an extension of the three-year time period on operating grants if it can show a good faith effort to secure local match and has been unable to do so.

#### VI.N. New Freedom Program (49 USC 5317)

- Funding for service that goes beyond ADA requirements is of tremendous benefit, as this agency’s most frequently heard complaint from persons with disabilities is that our current ADA paratransit service’s geographic boundary requirement is too constrictive. The need for a local match for this funding, however, will be burdensome, given the tremendous cost of providing paratransit service. Our recommendation is that FTA allow a transit agency to charge a higher fare for “extra-ADA service” than it charges for current ADA service (i.e., more than twice the standard fare). These higher fares would then be able to cover the local match requirement.
- This agency already provides a significant amount of paratransit service beyond ADA requirements, with funding assistance from dozens of units of local government. Our recommendation is that FTA allows on-going contributions from these units of local government to count as local match for New Freedom Initiative operating grants.
- While FTA’s intention is to set a three-year period of availability for New Freedom grants, the experience of transit agencies has been that it can be extremely difficult to secure a local match for new service, especially when they require a match of 50%. Our recommendation is that a transit agency can apply for an extension of the three-year time period on operating grants if it can show a good faith effort to secure local match and has been unable to do so.
- FTA staff indicated that projects funded under New Freedom need to be in compliance with ADA. There is an inherent conflict with a legal requirement that these services go ‘beyond ADA’ while also being in compliance with ADA. Our

recommendation is that the final rule clarifies the necessary compliance with ADA.

#### VI.P. Alternatives Analysis Program (49 USC 5339)

Just as it was difficult for smaller agencies to compete with large transit agencies in the New Starts program under TEA-21, it will be difficult for Pace to compete with larger agencies to receive Alternatives Analysis funding under Sec. 5339. Smaller agencies' need for federal assistance with AA is actually greater because smaller agencies have fewer discretionary resources to allocate to expensive studies. Our recommendation is that FTA set aside a certain portion (\$5 million) of the \$25 million annually allocated to Alternatives Analysis studies for projects that qualify as "Small Starts."

#### VII.3. Coordination of Non-Emergency Human Service Transportation

Pace has successfully coordinated demand-response services involving over 50 separate providers and funding sources in an innovative program called Ride DuPage. The program began July 1, 2004. DuPage County is one of six suburban counties in Pace's service territory, and we had previously partnered with dozens of units of local government on individual Dial-a-Ride programs that existed only within separate geographic areas. The Ride DuPage program is an attempt to coordinate those programs through centralized dispatching and the ability of a passenger to cross geographic boundaries of neighboring services. In addition, Ride DuPage coordinates the services of other non-profit agencies and the County's medical transportation program. In 16 months, ridership has risen 123% and service has improved. Based on the success of this program, a new state law gives Pace the authority to operate ADA paratransit service previously under the jurisdiction of its sister agency, the Chicago Transit Authority, to provide a coordinated regional system for ADA passengers.

More documentation on this program is attached for submission as a model of coordination of non-emergency human service transportation.