

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

December 5, 2012

SUBJECT:

Assignment of the Designated Recipient for Federal Transit Administration (FTA), Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310) Program in the MAG region.

SUMMARY:

Under Moving Ahead for Progress in the 21st Century Act (MAP-21), the MAG region in Coordination with the State may determine which agency will be their Designated Recipient (DR) of FTA, Section 5310 Program funding. Previously under SAFETEA-LU, the State of Arizona, Department of Transportation, Multimodal Planning Division was the DR of the Elderly and Persons with Disabilities Transportation Program, and the City of Phoenix, Public Transit Department was the DR of the New Freedom program. Under MAP-21, the two programs have been combined and renamed and several agencies are eligible to accept the responsibilities of the DR. The Section 5310 Elderly and Individuals with Disabilities Transportation Program, and the Section 5317 New Freedom Program eligible activities have been combined under the new MAP-21 program which has been renamed to Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program. Under MAP-21, the program no longer provides a single apportionment to the state. The program now provides apportionments specifically for large urbanized, small urbanized, and rural areas with a choice to designate a new DR in large UZA's.

In urbanized areas over 200,000 in population, the recipient charged with administering the Section 5310 Program must be officially designated through a process consistent with sections 5303 and 5304 prior to grant award. The MPO, State, or another public agency may be a preferred choice based on local circumstances. The designation of a recipient shall be made by the governor in consultation with responsible local officials and publicly owned operators of public transportation, as required in sections 5303 and 5304. As such, FTA asks that in the large urbanized areas, the MPO initiates the process for designating a 5310 Designated Recipient as soon as possible. Funds cannot be awarded until this designation is on file with the FTA Regional office. A State agency could be designated as the recipient of section 5310 funds for a large urbanized area. However, if the State is selected as the designated recipient in a large urbanized area, the apportioned funds for the large urbanized area must be allocated to agencies within the urbanized area.¹ Current Section 5310 designations remain in effect until changed by the Governor of a State by officially notifying the appropriate FTA regional administrator of designation. The designated DR preference for the region must be on file with the FTA regional office.

Some of the responsibilities as DR include administering the program, quarterly reporting on each project, ensuring all compliance with Federal and FTA regulations, certifications and

¹ (Accessed 12-26-2012, http://www.fta.dot.gov/documents/2012-10-10_MAP-21_FINAL.pdf).

assurances, applying for, maintaining and management of grants based on a Program Of Projects as developed by the region each year, and to procure capital items.

ADOT is an eligible recipient to take on the assignment of the DR in the MAG region for the 5310 Program. ADOT has been the state administrator for the Section 5310 program for the large urbanized, small urbanized, and rural areas for several years . ADOT has policies and procedure in place, and staff in place to administer the Section 5310 award program. ADOT has recommended that they remain the DR and to continue to administer the urbanized 5310 funds.

The City of Phoenix Public Transit Department (PTD) is also an eligible recipient to take on the assignment of the DR in the MAG region for the 5310 Program. Currently PTD is the DR for Section 5307, 5309, CMAQ-Flex, STP-Flex, and competitive and earmark grants. PTD administered the former Section 5317 New Freedom award program for a number of years, that is now consolidated under Section 5310. PTD also has administered the Section 5316 JARC for the Phoenix/Mesa urbanize areas which has been combined with the 5037 program under MAP-21. PTD staff is knowledgeable in all aspects of FTA grant administration; they have policies and procedures in place, and staff in place to administer the Section 5310 award program. PTD currently, and for the past several years had a representative on the MAG Section 5310 Ad Hoc Committee. They have coordinated and collaborated with MAG and ADOT on past Section 5310, Section 5316, and Section 5317 application processes.

Historically federal law has required that an agency be designated to dispense the Urbanized Area Formula Program funds attributable to Transportation Management Areas (urban areas over 200,000 in population). The recipient must be a public body and have the legal authority to receive and dispense federal funds in the urbanized area. The Governor, responsible local officials and publically owned operators of transit services are required to designate a recipient to apply for, receive and dispense funds for the TMA. To amend the recision requires concurrence from the Governor and an appropriately certified resolution from the MPO concurring in the designation. On February 26, 1975, the Regional Council approved the City of Phoenix request to be the Designated Recipient for federal transit funds for this urban area. On March 27, 1975, the Urban Mass Transportation Administration concurred in the designation.

MAG will continue in the planning capacities that provide Human Services Coordination Plans, program of project development and evaluation, and related planning. With apportionments now being allocated specifically to large urbanized areas, federal guidelines are requesting MPOs to initiate the process for designating DR for Section 5310. The guidelines indicates that the DR to be chosen can address the needs of the community "based on local circumstance." The City of Phoenix, as the regional DR distributes approximately \$54 million per year in Federal Section 5307 formula funds for transit capital and operating expenses. ADOT as the State DR for the Section 5310 has distributed approximately 2.8 million per year under this awards program. In a process consistent with Section 5303 and 5304. MAG has evaluated each agencies' roles, and based on these roles and responsibilities MAG is collecting comments to make a recommendation for the DR of Section 5310 funding in MAG region.

PUBLIC INPUT: None at this time.

PROS & CONS:

PROS: Phoenix Public Transit Department (PTD) staff is knowledgeable in all aspects of FTA grant administration and currently manage other FTA regional funds. PTD has previously administered the Section 5317 grant now consolidated into Section 5310. They have provided ADOT assistance with the FY 2012 Section 5317 application process. As referred to in the federal

guidelines PTD would provide an opportunity for more local input into the awards program by being located closer to the population to administer the program in the MAG region. Communication and coordination with PTD and MAG has been excellent in the past. PTD is able to take over as DR for the Section 5310 program and will be able to complete the grant for FFY2013 funding in a timely manner.

ADOT has been the DR for Section 5310 funding for many years and understands all aspect of the federal regulations. ADOT brings a statewide perspective to the 5310 program.

CONS: Leaving the DR with the State does not take advantage of the provisions offered in the federal guidelines of designating a DR that will best address the needs of older adults and persons with disabilities “based on local circumstances.” No perceived cons of the City of Phoenix Public Transit Department as the designated DR.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: If approved, MAG will request that ADOT prepare and send the Designation Letter to the Governor’s office for signature, stating that the City of Phoenix, Phoenix Public Transit Department, OR, ADOT is the Designated Recipient of FTA Section 5310 funds for the MAG region. After the Governor’s signature, ADOT will submit the Governor’s signed letter to FTA for approval. FTA will notify ADOT, MAG, and PTD of acceptance.

POLICY: Under MAP-21, change of the Section 5310 Designated Recipient may be initiated and requested by the MPO. If no preference is made to the state, ADOT remains the DR for Section 5310 funds in the MAG region.

ACTION NEEDED:

Recommend approval to designate the City of Phoenix, Phoenix Public Transit Department as the MAG region’s Designated Recipient of Federal Transit Administration, Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program.

Or

Recommend approval to keep the Arizona Department of Transportation as the MAG region’s Designated Recipient of Federal Transit Administration, Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program.

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COMMENTS FOR THIS TOPIC:

May be submitted to DeDe Gaisthea at DGaisthea@azmag.gov