

FTA Awards TLPA a Grant to Foster Private Sector Participation

By Harold Morgan

Federal Transit Administration Deputy Administrator, Sherry E. Little, announced on October 9th, in her Keynote Speech at TLPA's Annual Convention & Trade Show in Denver, that a grant had been awarded to TLPA in the form of a cooperative agreement. The money is to be used for funding to provide educational seminars, instructional articles and other web-based materials to assist private for-hire vehicle operators in understanding and becoming involved in the local collaborative transportation planning processes through their local Metropolitan Planning Organization (MPO) or through their statewide planning processes. The funding will also explain the United We Ride program and its importance in assisting local communities with coordinated human services transportation planning. Additionally, the cooperative agreement will also provide technical assistance (via the telephone and if necessary, on-site) by expert consultants, experienced in dealing with private operator issues in participating in transportation planning processes and transit contracting, to facilitate an increase in competitive contracting opportunities developed through local planning processes for private transportation providers as well as securing a stronger voice for private operators in the planning process.

President Bush signed the Executive Order on Human Service Transportation Coordination (EO number 13330) on February 24, 2004. The Executive Order calls for action to enhance access to transportation to improve mobility; job opportunities and access to services for people who are transit dependent. The Executive Order recognizes the need to get every Federal agency with transportation programs to coordinate their efforts. The President has charged 11 agencies with the tasks of eliminating duplication and overlapping federal transportation programs; identifying useful practices and improving the coordination of federally supported transportation services at all levels. A new Council formed by the Executive Order, the Coordinating Council on Access and Mobility, is responsible for identifying and implementing strategies to improve coordination of human service transportation services.

In 2004, the Coordinating Council on Access and Mobility launched the United We Ride initiative. This five-part program is designed to encourage government agencies and non-profit organizations to collaborate on transportation planning and to share resources in order to provide the best service for all their customers.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act – a Legacy for Users (SAFETEA-LU) was signed into law by President Bush on August 10, 2005. In SAFETEA-LU, there are numerous opportunities for private operators to participate in the planning and provision of transportation funded by the Federal Transit Administration (FTA). There are three planning elements in SAFETEA-LU: (1) metropolitan planning for areas with populations of 50,000 or greater as of the 2000 Census, (2) statewide planning for rural, non-metropolitan communities and (3) a new planning requirement for recipients of FTA funds under the Section 5310 Elderly and Persons with Disabilities program, the Section 5316 Job Access & Reverse Commute Program and the Section 5317 New Freedom Program for coordinated human services transportation planning.

Since becoming law in 1964, the Federal Transit Act has recognized the importance of private operator participation in Federal public transportation programs. The Act provides that grants of financial assistance may be used only if the Secretary of Transportation finds that the program, to the maximum extent feasible, provides for the participation of privately owned and operated public transportation companies. Other language in the Act directs FTA grant recipients to encourage, to the maximum extent feasible, private operator participation in plans and programs required by the planning requirements in the Act. Finally, the urbanized area grant funding program requires the participation of private enterprise in the development of a program of projects to be financed and consideration of the comments and views of private operators. SAFETEA-LU reinforces and strengthens these tenants.

The participation of private operators in FTA funded programs is important for a number of reasons including: (1) the need to guard against inequitable government subsidized competition, (2) to guarantee efficiency and effectiveness in the expenditure of Federal public transportation assistance through competition, and (3) to prevent wasted resources through duplicative expenditures.

SAFETEA-LU requires Metropolitan Planning Organizations (MPOs) to develop and utilize a "participation plan" that provides reasonable opportunities for interested parties including private operators, to comment on the metropolitan transportation plan and metropolitan Transportation Improvement Plan (TIP). Therefore, it is important that every company in the private for-hire passenger transportation industry that wants to participate in the New Freedom program; the Job Access and Reverse Commute program; the Section 5310 Elderly and People with Disabilities Capital program; the United We Ride initiative; and other SAFETEA-LU funded programs, get involved in their local MPO, Statewide planning and coordinated human services transportation planning processes.

As a means to facilitate meaningful private operator participation in the planning process, TLPA urged FTA to initiate a technical assistance

program designed to facilitate the inclusion of private operators in the statewide and metropolitan planning processes and to educate private operators on how the process works and the benefits of getting involved. The result is this cooperative agreement announced by Deputy Administrator Little at the TLPA Annual Convention in Denver. The TLPA technical assistance effort is divided into six elements.

Task One. TLPA will meet with the FTA Office of Planning & Environment to select a Project Advisory Panel including private operators, MPO representatives, public transit representatives, a state DOT representative and an FTA liaison to serve as a Project Review Team to suggest what strategies would be most effective in gaining an MPO's interest in fully including private operators in their local planning process. TLPA will hold a meeting with the Project Advisory Panel to develop strategies and outcomes.

Task Two. TLPA will issue a solicitation to recruit a core set of consultants with the technical expertise and knowledge of transit planning and competitive contracting issues who will be used to provide assistance to private providers who want to effectively participate in the transit planning process or assist a private operator in developing a potential opportunity for contracting with a transit agency.

Task Three. TLPA will establish a national office for the project. This will entail securing a 1-800 number to facilitate receiving, organizing, and filling requests for technical assistance. TLPA will notify members of the availability of this new assistance through articles in its Transportation Leader magazine, Dispatch newsletter, its TLPA NewsBriefs and on its Web Site. Other products and activities the TLPA National Office will develop include:

- A fact sheet outlining MPO and state planning office responsibilities and private sector involvement
- A fact sheet outlining transit agency responsibilities
- A fact sheet on the United We Ride Program and involvement in local coordinated human services transportation planning

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- A primer for MPOs on who the private providers are and how to find them in the areas that the MPOs serve
- A frequently asked questions (FAQ) paper
- A flow chart showing FTA funding sources, where the funds go and the role of the FTA
- An MPO clearinghouse – TLPA will request that MPO's provide information on the number of inquires they have from private operators

Task Four. TLPA will develop training seminars to present to TLPA members and other private operators across the country on how to participate in the MPO process. TLPA will seek input from its Project Advisory Panel, the panel of expert consultants that it places under contract and TLPA's Taxicab and Paratransit & Contracting Steering Committees. TLPA will select a consultant to develop the final Planning Seminar program. At least five seminars will be provided across the country. Also, as issues or problems arise with a particular private operator having difficulty with an MPO, the TLPA will assign one of its expert consultants to provide hands-on (primarily via telephone) consulting assistance to assist the MPO and private operator understand the importance of having a collaborative planning process including how private operators should be involved in the planning process and how to overcome problems private operators have getting involved in the planning process.

Task Five. TLPA will utilize the expertise of the consultants it is using for this project to develop a list of programs and services that private operators could propose in their localities and present to their transit agencies or MPO for funding consideration. This list of programs and services would include cost elements, service characteristics and examples (case studies) of these programs and services being utilized in other areas. TLPA expects that the

expertise and experience of its expert consultants will be essential to ensure the success of this task by providing hands-on (primarily via telephone) consulting assistance to further the development of specific local projects.

Task 6. One of the benefits of this technical assistance project to FTA will be the invaluable, objective feedback FTA will receive from the quarterly reports the TLPA National Office will furnish. These reports will provide excellent opportunities for FTA to hear from the field the progress being made on implementation of the SAFETEA-LU metropolitan, statewide and human services coordinating planning requirements. TLPA will file a detailed report at the project's completion that will list the measurable results of the project and make policy recommendations to FTA for program improvements to increase public private initiative in planning and provision of transit services.

This is a very ambitious but necessary project. Planning organizations are required to establish early and continuous public involvement opportunities regarding transportation issues and decision making processes. Meaningful opportunities for private transportation providers to present their views concerning the development of local plans, programs, and services must be included in the local process and with this grant TLPA's goal is to facilitate private operator participation in the planning processes to the maximum extent feasible.

Over the next four weeks, TLPA will announce the members of our Project Advisory Committee, the toll-free telephone number, web site information, and the release of our RFP to retain consultants to provide technical assistance to private operators. Check TLPA's home page at www.tlpa.org often for updates on this new project. ■