

Understanding the Human Services Agency Exception to the Charter Rule

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Transportation Coordination

Transportation coordination involves multiple entities working together to deliver one or more components of a transportation service to increase capacity. **FTA's [2022 Transportation Coordination Guidance](#)** aims to reduce overlap between the [130 Federal programs](#) that may fund human services transportation and incentivize collaboration by clarifying eligible reporting into the National Transit Database (NTD). The guidance addresses the following topics as they relate to NTD reporting:

- Definition of public transportation
- Charter service
- Incidental use of transit assets
- Paratransit
- Trip brokering



Charter Service Exception: Appendix A

Charter service occurs when FTA grant recipients provide exclusive use of vehicle(s) to an individual or group for a price. FTA's [Charter Service](#) Regulation (49 C.F.R. Part 604), which implements 49 U.S.C. 5323(d), protects private charter operators from unauthorized competition from FTA grant recipients. The charter regulations were implemented to ensure that transit agencies subsidized with Federal money do not unfairly compete with privately owned bus companies.

Recipients of FTA funds may provide service to clients of [Qualified Human Service Organizations \(QHSOs\)](#) without violating the Charter Rule.

There is a Charter Rule exception for QHSOs that

- (1) are registered on the [FTA website](#) (updated biennially) or
- (2) receive funding from one of the sources listed in [Appendix A - Federal Programs Providing Transportation Assistance](#).



Grants for Supportive Services and Senior Centers, Administration on Aging




Head Start Program, Administration for Children and Families

Coordinating Council on Access and Mobility (CCAM) Overview

Mission

The CCAM issues policy recommendations and implements activities that improve the **availability, accessibility, and efficiency** of transportation for the following targeted populations:

 **Individuals with Disabilities**

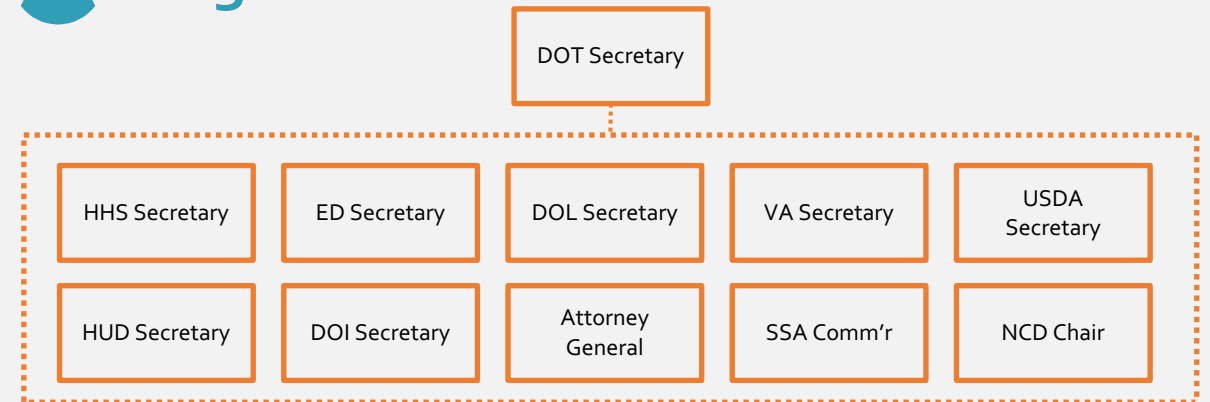
 **Older Adults**

 **Individuals of Low Income**

History

The CCAM is an interagency partnership **established in 2004 by Executive Order 13330** to coordinate the efforts of the Federal agencies that fund human services transportation for CCAM populations. **Section 3006(c) of Pub. L. 114-94** requires the CCAM to improve Federal coordination of transportation services.

Organization



2023-2026 CCAM Strategic Plan Mission and Goals

MISSION STATEMENT

The Coordinating Council on Access and Mobility (CCAM) collaborates to improve transportation access for all people.

GOAL 1

Strengthen the CCAM and improve multisector collaboration at all levels and jurisdictions

GOAL 2

Promote the development of safer and more accessible transportation networks

GOAL 3

Address CCAM agency policies that impede transportation coordination

2023-2026 CCAM Strategic Plan: Update Charter Service Appendix A

Goal 3: Address CCAM agency policies that impede transportation coordination

Activity 3.1: Clarify policies to improve non-emergency medical transportation and transportation coordination that better serves diverse community needs.

Performance Measure 3.1.8: By 2026, update the FTA Charter Service Regulations ([49 CFR Part 604](#)), which implement 49 U.S.C. § 5323(d), [Appendix A to Part 604 — Listing of Human Service Federal Financial Assistance Programs](#), an inventory of Federal programs that provide transportation assistance for transportation-disadvantaged populations.

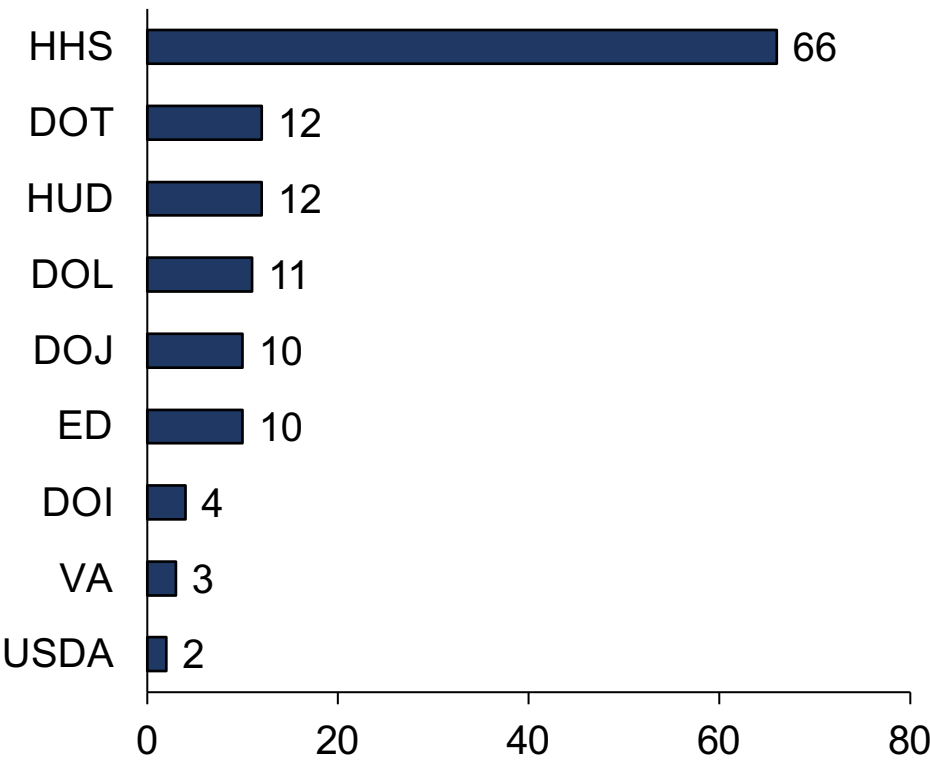
FTA Charter Service Regulation

FTA has committed to providing stakeholders with an up-to-date Federal transportation coordination resource: [Charter Bus Service Rule and Guidance Appendix A: List of Federal Programs Providing Transportation Assistance](#). The Charter Regulations, which were intended to prevent Federally subsidized transit agencies from unfairly competing with privately owned companies, contains a list of Federal CCAM programs that are *exempt* from the regulation. **Updating the exception list will allow more than 60 additional Federal CCAM programs to utilize chartered services provided by FTA recipients**, which increases the mobility options available for transportation-disadvantaged populations in need.

Coordinating Council on Access and Mobility Program Inventory

The [CCAM Program Inventory](#) identifies 130 Federal programs that are able to provide funding for transportation for people with disabilities, older adults, and/or individuals of low income.

Number of Programs by Department



Sample of the 130 Programs



Department of Health and Human Services programs:

- Community Services Block Grant
- Centers for Independent Living (CILs)
- Older Americans Act (OAA) programs
- Head Start
- Rural Health Opioid Program
- Health Center Program



Department of Transportation programs:

- Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities
- Section 5311 Formula Grants for Rural Areas
- Recreational Trails Program
- Tribal Transportation Program




Department of Housing and Urban Development programs:

- Community Development Block Grants
- Supportive Housing for the Elderly
- Continuum of Care Program
- Indian Housing Block Grant



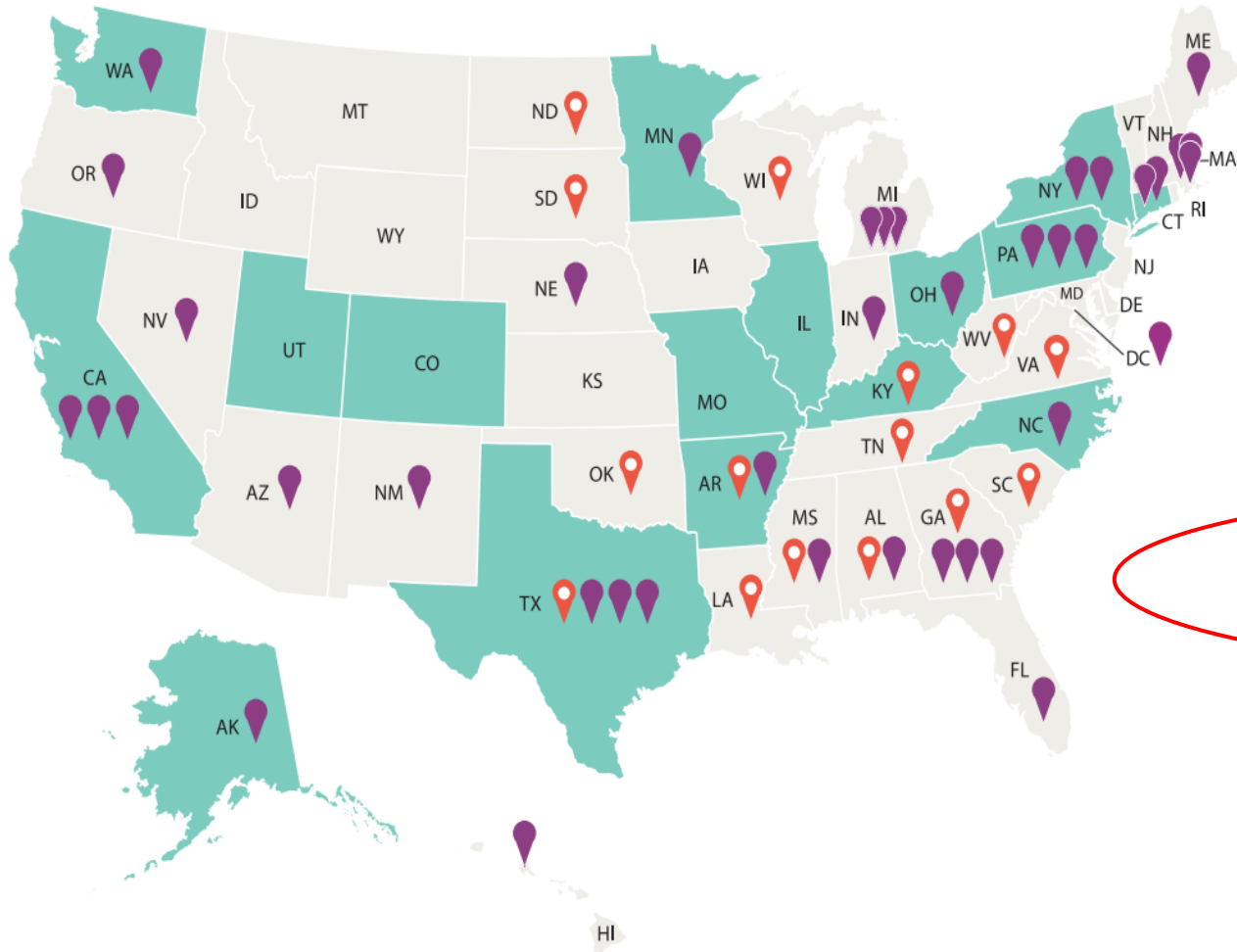
Department of Labor programs:

- National Farmworkers Jobs Program
- Homeless Veterans' Reintegration Program
- Job Corps
- Youthbuild

n=130  *If an organization receives funding from one of these programs, **a portion of the funds may be used for transportation.***



CDC Division of Nutrition, Physical Activity, and Obesity (DNPAO) Program Recipients



Three of the eleven CDC programs that may fund human services transportation that are found in the [CCAM Program Inventory](#):

■ State Physical Activity and Nutrition Program (SPAN)

- 16 state and local recipients

● High Obesity Program (HOP)

- 15 land grant universities

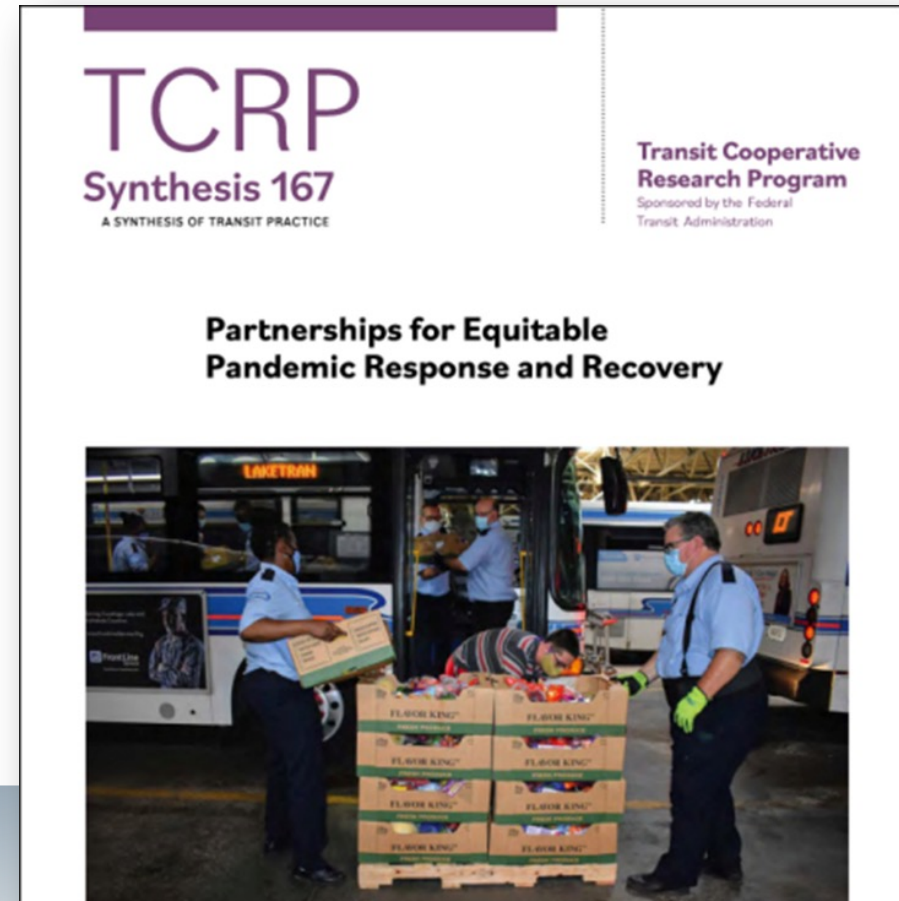
● Racial and Ethnic Approaches to Community Health (REACH) Program

- 40 organizations

Partnerships for Equitable Pandemic Response and Recovery (2023)

[Transportation Cooperative Research Program \(TCRP\) Synthesis 167](#)

- Objective: Identify and document COVID-19 public transit incidental use and other cross-sector partnerships for essential services to vulnerable populations, how the partnerships developed, and what critical services were provided to the community.
 - Explored the state of practice
 - 1.) Literature review
 - Transit agencies shared lessons learned and challenges
 - 2.) Survey
 - 3.) Case studies (4)



Transit Agency Survey Responses on Cross-Sectoral Partnerships

A variety of partnerships formed to implement the nontraditional transit initiatives; most involved an identifiable partner organization that fell into one of the following categories:

- City, county, or municipal government;
- Federal agency;
- Food bank;
- Hospital or other medical facility;
- Internet service provider;
- Nonprofit;
- Public school;
- State DOT;
- State health and human services department;
- University or other higher education institution;
- Other private corporation or business;
- Other state agency; or
- Other transit organization or agency.

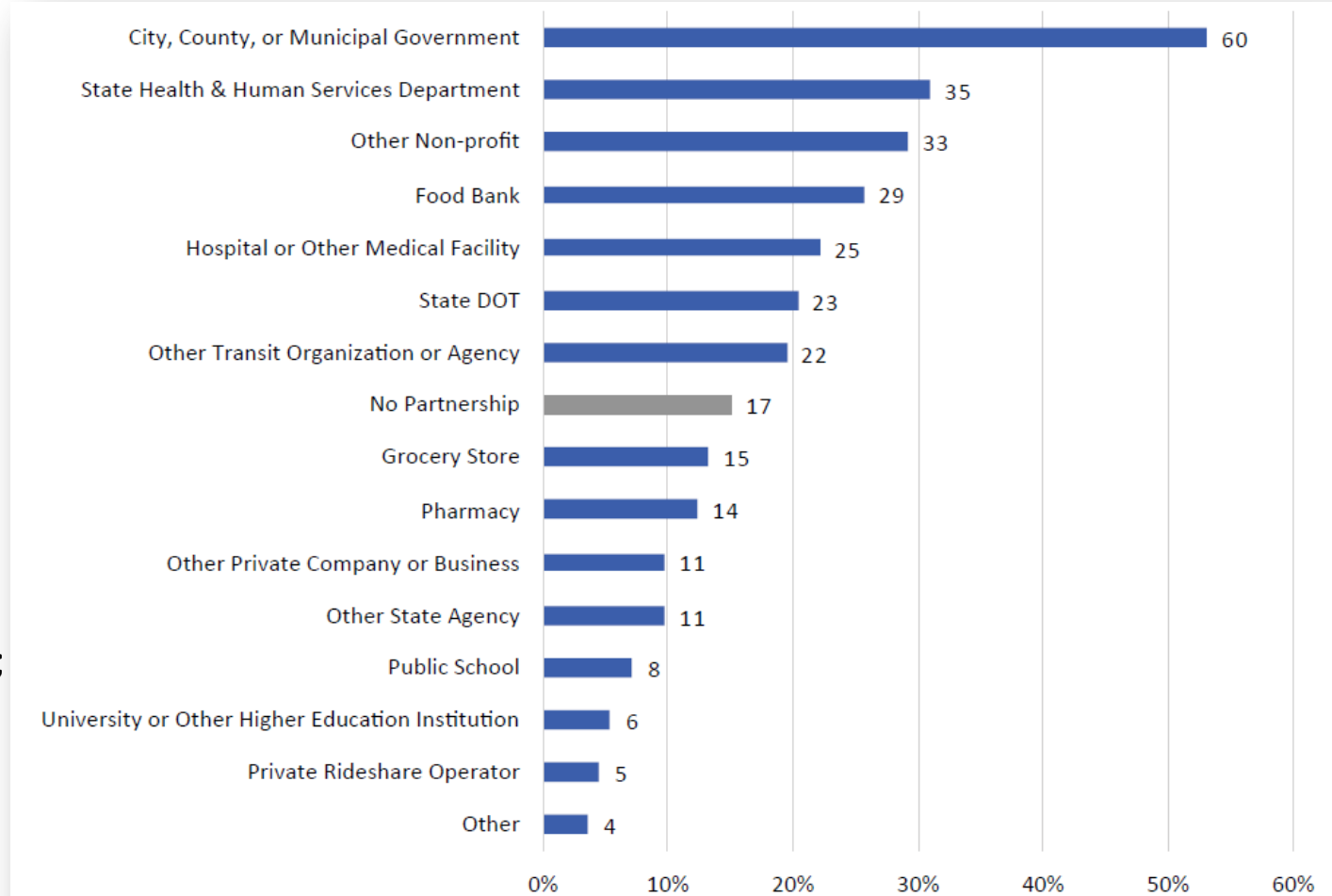


Figure 10. Partner agency types reported by respondents (N = 113). Note: Numbers do not add to the total, as questionnaire respondents were able to select multiple options.

Incidental Use

Incidental use occurs when FTA grant recipients allow the use of federally funded asset (e.g., van) by another public or private entity for non-transit purposes. The non-transit activity may not reduce or limit transit service.

Incidental use of federally funded assets is permitted for recipients of funding under all FTA grant programs.

Incidental use examples:

Vehicle Sharing

- A van, purchased with FTA funding (e.g., [FTA Section 5311](#)), is currently operated by ABC Nonprofit Organization, a sub-recipient to the State DOT. ABC operates Monday – Friday (M-F). The local CCAM program grantee (e.g., [Centers for Disease Control and Prevention \(CDC\) Racial and Ethnic Approaches to Community Health \(REACH\) Program](#)) uses the vehicle on weekends to take their participants to everyday destinations, such as access to healthy food and recreation opportunities. The vehicle sharing arrangement may vary from free to reimbursement to the FTA grantee for the fully allocated cost of using the vehicle.

Meal Delivery

- A vehicle purchased with FTA funding is currently operated by XYZ Transit. XYZ Transit provides public transit during peak hours: 6:30am - 10:00am and 4:00pm - 6:30pm M-F. The vehicle is used during lunchtime to support a local CCAM grantee (e.g., [U.S. Department of Agriculture \(USDA\) Summer Food Service Program](#) that serves free healthy meals to low-income children when school is out). The vehicle sharing arrangement may vary from free to reimbursement to the FTA grantee for the fully allocated cost of using the vehicle.



Source: [Transportation Coordination | FTA \(dot.gov\)](#)

When are Qualified Human Services Organization (QHSO) Trips Reportable to NTD?

QHSO trips are reportable to NTD when they meet the criteria of sponsored service [sponsored unlinked passenger trips (UPT)] as described on pg. 132 of the [NTD reporting manual](#). FTA considers these trips to be public transportation if they are part of a **coordinated human services public transportation plan** and there is an attempt to **share rides, either with clients of other QHSOs, or the general public**. Local areas develop coordinated plans to identify transportation needs and assist individuals with disabilities, older adults, and people with low incomes. See chapter V of [FTA Circular 9070.1G](#) for additional information.

Sponsored service is paid in whole or in part by a third party who, in many cases, handles trip arrangements. Common sponsored services include:

- Medicaid
- Meals-On-Wheels
- Head Start
- The Arc of the United States
- Shelter workshops
- Independent living centers



Shared Ride

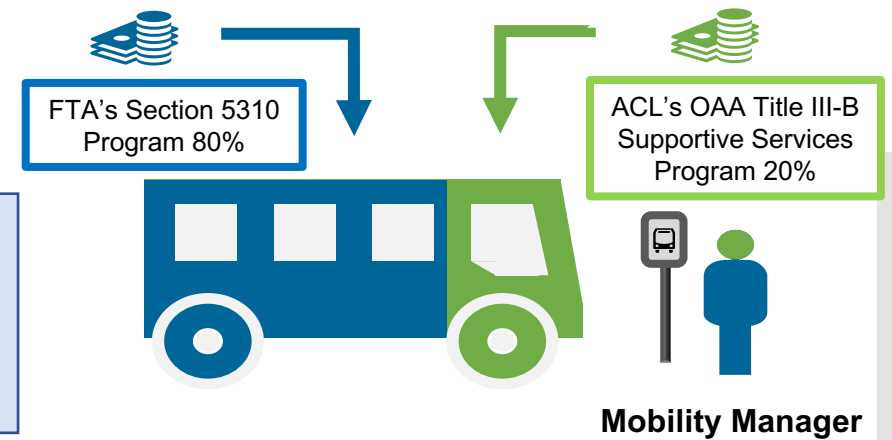
Per 49 U.S.C. 5302(14), the term “public transportation” means regular, continuing **shared-ride** surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low-income status.

Shared-ride means empty seats on the vehicle can be filled by riders with no relationship or connection to the existing riders. Every trip does not have to be shared ride for the service to be considered shared-ride.

- The Qualified Human Services Organization (QHSO) partners with a local transit agency to provide trips for its clients. Many of the agency’s clients can ride in a public transit vehicle with members of the public. **As long as there is an attempt to group rides the trips would be considered public transportation and would be reported to the NTD.**
- The QHSO also supports some clients with severe disabilities who must ride alone or only with a personal care attendant due to safety concerns. In these cases, the QHSO requests an exclusive, non-shared ride for that person. Essentially, the nature of the passenger’s disability acts as a **denial of the use of empty seats to other willing riders. This trip would be an allowable QHSO exception to the Charter Rule or an incidental use trip, and in either case would not count for NTD reporting, as it is not public transportation.**

What is Federal Fund Braiding?

Federal fund braiding for local match is when Federal funds from one grant program are used to fulfill the local match requirement of another Federal grant.



- The term “braiding” describes multiple independent funding streams coming together to fund a single project.
- Federal funding “strands” never lose their identity and grantees report to both participating agencies regarding how specific funds are spent.
- Federal fund braiding can be categorized into 2 types: incoming and outgoing.
 - A program considers a Federal fund braiding arrangement to be incoming when another Federal program’s funds fulfill its match requirement in order to fund a single transportation project.
 - A program considers a Federal fund braiding arrangement to be outgoing when its funds fulfill the match requirements of another Federal program.

FTA's Technical Assistance Network

TACL: The Transportation Technical Assistance Coordination Library

<http://transportation-tacl.org>



Find transportation coordination resources from a diverse range of transportation technical assistance centers and the Federal Transit Administration (FTA).

Participating Technical Assistance Centers:

- National Aging and Disability Transportation Center (NADTC)
- National Center for Applied Transit Technology (N-CATT)
- National Center for Mobility Management (NCMM)
- National Rural Transit Assistance Program (National RTAP)
- Shared-Use Mobility Center (SUMC)
- Transit Workforce Center (TWC)

