



# HUMAN SERVICE TRANSPORTATION COORDINATION AND LEGISLATIVE OVERSIGHT

NATIONAL  
CONFERENCE  
of  
STATE  
LEGISLATURES

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In a single year, the average American takes 1,500 trips and travels 14,500 miles. For many people, travel is as simple as driving or walking to the nearest transit station. For a growing number of Americans who lack transportation options—those with an age-related condition or a disability or who are poor—travel is more difficult. Many cannot afford a car or safely operate a vehicle. For others, mobility may be affected by inadequate access to public transportation.

Diminished mobility does not mean that the need to travel lessened. As the baby boom generation ages, more Americans will have mobility needs. Much of the burden will fall to state policymakers to provide adequate, affordable transportation for millions of older and less mobile adults.

Better coordination enhances services for people who use specialized transit and saves money in the process. A 2005 study published by the National Conference of State Legislatures found human service transportation coordination efforts in all 50 states. Although the degree of coordination varied among jurisdictions, NCSL found coordination-related laws in 34 states and statutes that specifically require coordination of human service transportation programs in at least 21 states. Many states have effectively executed coordination strategies. A key factor in effective implementation has been strong legislative oversight.

The NCSL study also uncovered problems with implementation. Some state laws often did not appear to improve statewide coordination of human service transportation programs. In a few states, legislatively mandated coordination processes had been abandoned or ignored. In others, a lack of cooperation among state agencies, failure to cooperate with the state legislature or lack of effective legislative oversight frustrated efforts. Legislative audits in several jurisdictions identified other coordination challenges.

This brief examines challenges with implementation of state human service transportation coordination statutes. It provides contextual information about emerging human service transportation needs and existing state coordination efforts. The brief also provides analysis of major hurdles and provides recommendations for state legislatures.

## THE EMERGING TRANSPORTATION CRISIS

States are beginning to address new mobility needs for an aging population. The Census Bureau estimates that, by 2025, the number of people in the United States age 65 and older will grow by 80 percent to more than 62 million, or 1 in every 5 Americans. The National Household Travel Survey reports that 87 percent of daily trips in the United States occur in personal vehicles. For many older Americans, however, common age-related physical conditions—such as loss of vision and slower response times—make it difficult to retain a driver's license or safely operate a motor vehicle. A 2002 AARP survey found that 16 percent of Americans over age 75 had no driver's license, and 25 percent had not driven a car in over a month.

When it is available, senior citizens frequently use public transportation. The Surface Transportation Policy Partnership estimates that older Americans take 310 million trips on public transportation annually. Public transportation is not always available, however. Nearly 70 percent of rural residents live in communities where there is no public transportation option or service is extremely limited. Even in large urban areas, transit stations might be too far away to reach on foot. According to the U.S. Department of Transportation, 50 percent of non-drivers over age 65—3.6 million Americans—stay home on any given day because they lack transportation options.

Mobility is not only a challenge for older Americans. Many people who live in poverty cannot afford to purchase, maintain, insure and operate a motor vehicle. An estimated 34.6 million people live at or below the poverty level, and experts estimate that 90 percent of public assistance recipients do not own a car.

A significant number of Americans also have permanent disabilities that make it difficult to drive or use public transportation. The 2000 U.S. census counted 49.7 million people—representing 19.3 percent of the noninstitutionalized population age 5 and older—with some type of long-lasting condition or disability. Among that figure, more than 21 million Americans have a condition that limits basic physical activities such as walking, climbing stairs, reaching, lifting or carrying. The National Organization on Disability reports that a significant number of people with disabilities have difficulty accessing transportation. According to a NOD survey, 30 percent of people with disabilities reported problems with inadequate transportation, and 16 percent cite inadequate transportation as a major problem. In contrast, among people without disabilities, only 10 percent reported problems with access to transportation, and only 4 percent said inadequate transportation was a major problem.

## STATE LEGISLATIVE COORDINATION EFFORTS

Hundreds of federal, state and local government agencies, private for-profit companies and nonprofit organizations provide or support specialized transportation services for those who lack transportation options. To prevent overlap, increase efficiency, reduce costs and ultimately enhance customer service, transportation experts have advocated improved coordination. Coordinated approaches for human service transportation can include the harmonization of program standards, shared use of resources, synchronized planning and dispatch, multi-agency program discussion and various other techniques.

State legislatures are uniquely positioned to create long-term, sustainable human service transportation coordination. Legislatures oversee the state agencies that provide or support specialized transportation services. Directly or indirectly, legislatures can affect or decide program eligibility requirements and rules. Legislatures make decisions that can determine funding for state and local projects, but, local ordinances, state legislation extends to a much larger territory.

Some states have attempted to enhance coordination of specialized transportation programs through the executive branch. Governors in a dozen states have issued executive orders with the intent to improve transportation coordination, and executive branch agencies in 28 states have initiated coordination efforts.<sup>1</sup> However, executive branch coordination initiatives can be short-lived. Executive orders technically terminate when the governor leaves office, and agency-level coordination occurs at the discretion of agency officials.

Coordination through state legislation promises longer-term results. Once passed, state laws generally are more permanent.

### *State Coordination Overview*

NCSL's research shows evidence of coordination in all 50 states and the District of Columbia. In 34 states, coordination efforts include statutory provisions. Laws vary dramatically among these jurisdictions. NCSL identified 21 states with statutes that specifically address human service transportation coordination, and 16 with statutes that require or authorize the coordination of human services but are not specific to transportation programs.

Among the 21 states with specific coordination statutes, the degree of coordination varies. Thirteen states have comprehensive statutes that seek to coordinate specialized transportation services across many agencies, organizations, officials and disadvantaged populations. Statutes in five states coordinate transportation programs for a single, distinct disadvantaged population. Other statutory approaches include consolidation of services, support for local coordination and legislatively mandated coordination studies.

## *Legislative Oversight of Implementation*

The potential scope and longevity of state statutes make them an attractive mechanism for coordinating specialized transportation services. In theory, state legislation should be a more effective long-term solution than an executive order or administrative action by a state agency. In practice, state legislatures are entities with constantly shifting interests and priorities. Membership, leadership, party strength and the interests of individual lawmakers are never constant and can change each election and even from session to session. It is this collective change that often can make it difficult for a state legislature to follow legislation after it has passed and ensure that both the intent and the provisions of the statute are implemented.

Effective legislative oversight is key to ensuring that legislative intent is followed in the agency implementation process. Broadly speaking, legislative oversight is the process by which a legislative body makes certain that state agencies are following the enabling statute and determining if associated programs could be run more cost-effectively. This is exercised in a variety of ways, including conducting committee oversight hearings, requiring an annual agency report to the legislature, and nonpartisan written evaluations by legislative program evaluation offices. Described below are examples of several state human service transportation coordination programs that grew out of legislative action and a review of their implementation status, including the role of legislative oversight where appropriate.

In a number of states, including Florida, Kentucky and Washington, in-depth evaluations by program evaluation offices have resulted in improvements in human service transportation coordination programs.

### **ARKANSAS**



In 1993, Arkansas lawmakers mandated coordination of specialized transportation programs through the Arkansas Public Transportation Coordination Act. The law created the Arkansas Public Transportation Coordination Council (APTCC), composed of several governor-appointed members and directors from seven key state agencies. It directed the council to “...accomplish the coordination of transportation services provided to the general public, particularly the transportation disadvantaged.” Further, the law stated that “...the goal of this coordination shall be to assure the cost effective provision of public transportation by qualified transportation operators.”

Arkansas lawmakers gave the APTCC several tasks. They required that the council serve as an information clearinghouse; establish statewide objectives for providing public transportation services; and develop policies and procedures for coordinating federal, state and local funding for public transportation and services. The law also instructed the council to identify coordination barriers; help local communities develop public transportation systems; ensure that state agency rules and guidelines are conducive to coordination; develop coordination standards; and coordinate all public transportation programs with the appropriate local, state and federal agencies to ensure compatibility with existing transportation programs.

Since the legislature enacted the coordination program, the law remains in effect, but the APTCC no longer is functioning. According to the Arkansas Highway and Transportation Department, the APTCC has not met in the last three years because there are not enough people to come to the meetings.

### **FLORIDA**



Florida’s coordination efforts, begun in 1979, have resulted in a well-developed system of mobility management. The Florida Commission for the Transportation Disadvantaged was established by the Legislature to meet the needs of those who are unable to transport themselves due to physical or mental disability, age or income status. It serves an estimated 697,000 transportation disadvantaged annually. Each county has designated a community transportation coordinator that is responsible for coordinating transportation services in a designated area.

Florida's Office of Program Policy Analysis and Government Accountability (OPPAGA) has reviewed the state's transportation-disadvantaged program a number of times over the years and made periodic recommendations for improvement. Another important oversight tool is the annual report submitted by the Commission for the Transportation Disadvantaged to the Legislature detailing the agency's efforts for the previous year. Together these efforts have served to keep legislators aware of how the state is serving the transportation disadvantaged and created a base of information to allow legislators to continue supporting such efforts.

## ILLINOIS

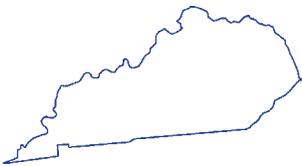


Illinois' efforts to coordinate specialized transportation services date to 1991. The Illinois code seems to create a comprehensive plan to coordinate transportation services for multiple transportation disadvantaged populations throughout the state. The Interagency Coordinating Committee on Transportation Act of 2003 (20 ILCS §3968/1 et seq.) established the Illinois Coordinating Committee on Transportation (ICCT). The ICCT, composed of the governor and 17 officials, was to facilitate coordination of transportation services in the state. Its enabling legislation requires the ICCT to encourage coordination of both private and public transportation services, with priority given to services directed toward those who currently are not served or are underserved by existing public transit. The law also requires that the ICCT seek innovative approaches to providing and funding local transportation services. The Illinois Code specified four goals for the ICCT:

- Facilitate coordination of community-based transportation programs in the state.
- Develop goals and objectives to reduce duplicative services and achieve coverage that is complete as possible.
- Serve as a clearinghouse for information about funding sources and innovations in serving transportation disadvantaged.
- Submit a report to the legislature by Feb. 1, 2006.

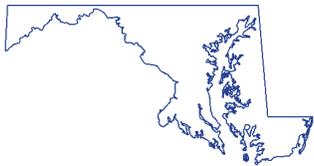
Although Illinois lawmakers re-created the ICCT in 2003, it appears the committee no longer is functioning. The ICCT submitted a coordination report to the governor and legislature in 2006. Among its findings, the report contained 27 recommendations for continuance of the ICCT. However, NCSL could find no evidence that the committee continues to function. Interviews with experts knowledgeable about the Illinois coordination effort suggested that the ICCT may have been established solely to complete the report to the governor.

## KENTUCKY



A 2004 report from the Program Review and Investigations Committee and the Kentucky Legislative Research Commission (LRC) stated that the Kentucky program appears to be containing cost growth and that the overall satisfaction of recipients appears to be high, but that the current quality assessment system may be insufficient. It recommended several steps to improve accountability including better rider satisfaction surveys, the development of a quality improvement plan, more timely submission of data by transportation brokers and possible realignment of regions, among others. These recommendations gave direction to implementing agencies as to where resources should be directed to see program improvement. In addition, his scrutiny and other steps resulted in legislation in 2007 to broaden the state's help to local agencies, set up a Coordinated Transportation Advisory Committee and create a better system for addressing complaints.

## MARYLAND



Several Maryland statutes require or encourage coordination of human service transportation. The mass transit enabling statute (§7-102.1) requires "...a unified and coordinated regional transit system without unnecessary duplicating or competing service." Section 2-103.3, which governs transportation services for seniors and individuals with disabilities, encourages counties to maximize the use of existing funding programs for elderly and handicapped transportation services and enter into cooperative agreements with other local or state resource providers. Maryland's job access statute (§2-103.6) requires transportation providers to "...cooperate with other transportation providers in the proposed service area to best serve the transportation needs of low-income workers...and...enter into cooperative agreements with other local or state transportation providers."

In 1997, then-Governor Parris Glendening issued an executive order that established a State Coordinating Committee for Human Service Transportation. Combined with Maryland's statutory provisions, the executive order helped create a comprehensive coordination program for specialized transportation services within the state. The coordinating committee developed a five-year coordination plan, mandated formation of regional coordination bodies, and wrote the *Maryland Transportation Coordination Manual*. Maryland lawmakers then committed \$500 million to coordination efforts.

The executive order that created the coordinating committee expired when the governor's term ended. Follow-up research in 2009 found that the committee still meets, but has a difficult time recruiting someone from every state agency that has a transportation aspect to it to attend the meetings. When the committee meets, members discuss activities in their agencies, oversee the grants the committee awards, and let recipients know how much grant money is available for rewards. The committee does not meet as regularly as it used to, but plans to meet in May 2009.

## MISSOURI



Missouri statutes appear to detail a comprehensive plan for coordinating specialized transportation services. Distinct provisions create two councils for coordinating special transportation services within the state: the Coordinating Council on Special Transportation and the Interagency Committee on Special Transportation. The laws are duplicative in several areas.

Section 208.275 of the Missouri Revised Statutes governs the Coordinating Council on Special Transportation. According to the law, the council, staffed by the Missouri Department of Transportation, must include legislative and executive branch members and consumer representatives appointed by the governor with advice of the Senate. The council must meet at least quarterly and perform the following duties:

- Recommend and periodically review policies for coordinated planning and delivery of special transportation;
- Identify special transportation needs and recommend agency funding allocations and resources to meet these needs when appropriate;
- Identify legal and administrative barriers to effective service delivery;
- Review agency methods for distributing funds within the state and make recommendations when appropriate;
- Review agency funding criteria and make recommendations when appropriate;
- Review are transportation plans and make recommendations for plan format and content;
- Establish measurable objectives for the delivery of transportation services;

- Review annual performance data and make recommendations for improved service delivery, operating procedures or funding, when appropriate; and
- Review local disputes and conflicts on special transportation and recommend solutions.

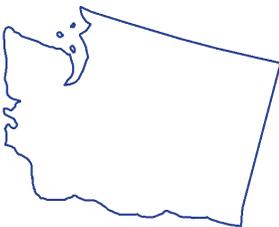
The law also requires the council, in cooperation with the Department of Social Services, to coordinate existing transportation reports for Missouri's elderly and those with disabilities. The reports must be compiled as a single comprehensive plan and must contain a strategy for implementation and recommendations for funding.

The Missouri Revised Statutes also create the Interagency Committee on Special Transportation. According to §226.805, the committee is to be composed of leading officials from key state agencies responsible for providing special transportation services and other members the governor deems appropriate. The committee must perform the following functions:

- Designate substate special transportation and service areas within the state.
- Designate a special transportation planning council for each special transportation planning and service area. The special transportation planning councils will oversee and approve the preparation of special transportation plans.
- Establish a uniform planning format and content.
- Establish uniform budgeting and reporting standards for all transportation funds administered by the member agencies.
- Establish annual allocations of funds to support special transportation services in each of the designated planning and service areas.
- Adopt a five-year planning budget for the capital and operating needs of special transportation in Missouri.
- Develop rules for the substate division of special transportation funds.
- Review and accept annual capital and operating plans for the designated special transportation planning and service areas.

According to state executive branch officials, the Coordinating Council on Special Transportation has never met because the legislature never appointed the required members to the council. Nevertheless, the Interagency Committee on Special Transportation met in the 1990s to perform the functions required of it by the legislature, but then suspended its activities until 2006. The committee then met to develop the coordination plans required by 49 USCA §5310. The committee does not plan to meet in the future unless it is mandated to do so by either the federal or state government.

## WASHINGTON



In 1998, the Washington Legislature passed one of the nation's most comprehensive coordination laws. In the enabling legislation, state lawmakers recognized that specialized transportation systems within the state had not operated efficiently or effectively. The new law determined that coordination was necessary so that "...programs will achieve increased efficiencies and will be able to provide more rides to a greater number of persons with special needs."

The Washington law established a Program for Agency Coordinated Transportation and created the Agency Council on Coordinated Transportation (ACCT) to implement the program. The ACCT, composed of legislators, consumer

advocates, transportation providers and state agency representatives, was charged with several core functions: promote the coordination of specialized transportation services, provide an institutional framework for discussing issues and initiating change, and report to the Legislature to recommend legislative changes.

The ACCT received funding from the Legislature and identified several key coordination hurdles. In 2004, the Federal Transit Administration recognized Washington's effort with an award for effective coordination. The ACCT's annual report to the Legislature was a key element of the legislative oversight. Recently, however, state lawmakers have expressed some concerns about ACCT implementation. Some have described the ACCT as a success at planning, but with some failures at implementation. Among issues identified were continuing cooperation problems among state agencies.

To address concerns with the ACCT, the Washington Legislature passed SHB 1694, which made changes to ACCT and authorized an interim coordination study in 2008. The comprehensive study will examine many coordination issues, including funding duplications, unnecessary overlaps in state and federal regulations, lack of service problems, complaint processes for system users, and existing coordination mechanisms. The results from the study are due Dec. 15, 2008, as this paper is being published.

## RECOMMENDATIONS FOR STATE LEGISLATORS

Legislators who are concerned about the coordination of human service transportation programs in their state can take several steps to oversee effective implementation. Recommended actions include the following.

1. *Identify the State's Coordination Mechanism*—State coordination programs vary dramatically according to the mechanism used and the degree of coordination attempted. The first step is to undertake a review of relevant statutes and regulations.
2. *Use State Legislative Audit Mechanisms*—Several states have used legislative auditing procedures to evaluate the effectiveness and implementation of coordination programs. As noted, an audit completed by Kentucky's Program Review and Investigation Committee found mixed results of legislatively mandated coordination efforts in 2004. The audit discovered that, although the program had increased the number of trips, it had not always improved customer service or limited costs.

Several audits of Florida's Transportation Disadvantaged Program by the Office of Program Policy Analysis and Government Accountability found that, in many ways, statewide coordination had been successful. The audits also uncovered several potential problems, however. OPPAGA could not determine whether services were being provided cost-effectively or whether the program may have actually limited transportation options for some people.

3. *Committee Oversight*—Legislative committees in many states have oversight for agencies responsible for implementing coordination mechanisms. Legislators can effectively monitor coordination efforts through hearings and interim studies.
4. *Follow Up on Executive Orders*—NCSL's 2005 report identified nine states that attempted to coordinate specialized transportation services through executive orders. In most of those jurisdictions, the executive orders have expired. Legislators should not assume that the state has achieved effective coordination through an executive order. Statutory changes offer a better chance for long-term solutions.
5. *Use NCSL Resources*—NCSL staff track state efforts to improve the coordination of human service transportation. Through a cooperative agreement with the Federal Transit Administration and the U.S. Department of Labor, NCSL provides a Coordinated Human Services Transportation page on its website and maintains a legislative tracking database. NCSL staff are available to provide expert assistance to state lawmakers and testify before state legislative committees.
6. *Use Federal Resources*—Coordination of specialized transportation services is a key federal issue, and federal resources are available to assist with state coordination efforts. Many federal programs provide or support special transportation services, and federal agencies actively promote coordination at the federal, state and local levels. A 2003 U.S. Government Accountability Office report identified 62 federal programs that have some transportation

component. It concluded that more effective federal coordination was needed to ensure that transportation services reach the greatest number of recipients. In 2004, President Bush issued an executive order to require 10 federal agencies to meet and work to eliminate duplication and overlapping services.

The Federal Transit Administration has taken the lead in federal coordination. FTA has issued coordination regulations that states must follow to receive funding under three programs administered by the agency. The federal United We Ride program—staffed by the departments of Transportation, Labor, Health and Human Services, and Education—provides the latest information about coordination strategies. A key requirement for receiving certain federal funding is developing a human services transportation coordination plan.

## LINKS TO ADDITIONAL INFORMATION

- NCSL's Coordinated Human Service Transportation page – [www.ncsl.org/programs/transportation/HUMANSVSTRAN.htm](http://www.ncsl.org/programs/transportation/HUMANSVSTRAN.htm)
- United We Ride – [www.unitedweride.gov/](http://www.unitedweride.gov/)
- Community Transportation Association of America – [www.ctaa.org](http://www.ctaa.org)

## RESOURCES

Boerner, Robert D. “Legislation Oversight in the States,” *LegisBrief* 13, no. 45. Denver: National Conference of State Legislatures, November/December 2005.

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