



## Federal Transit Administration Guidance Clarification: Coordination with Human Services Organizations and National Transit Database Reporting

Personal mobility is essential to the success of America’s residents, communities, and economy. However, transportation services can be costly and fragmented due to a lack of interagency collaboration. The Federal Transit Administration (FTA) is providing guidance clarification to reduce overlap between the 130 Federal programs across 9 agencies that may fund human services transportation and incentivize collaboration by clarifying eligible reporting into the National Transit Database (NTD). This guidance addresses the following topics as they relate to NTD reporting:

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

### **Coordination of Human Services and Public Transportation**

FTA leads the [Coordinating Council on Access and Mobility \(CCAM\)](#), an interagency partnership established in 2004 by Executive Order 13330 to coordinate the efforts of the Federal agencies that fund transportation services for transportation-disadvantaged populations. The CCAM’s mission is to issue policy recommendations and implement activities that improve the availability, accessibility, and efficiency of transportation for CCAM’s targeted populations: people with disabilities, older adults, and individuals of low income.

Together, the [CCAM agencies](#) developed the [CCAM Program Inventory](#), which identifies 130 Federal programs that are eligible to provide funding for [human services transportation](#) for transportation-disadvantaged populations. In this guidance, a “CCAM program” is one that is funded by one of these 130 Federal programs. No single law or statute created these programs, therefore no uniform requirements on program administration or delivery exists, and each program maintains its own regulations, eligibility requirements, and operating procedures. Thus, there is duplication across Federal programs in services funded.

### **National Transit Database**

#### **What is the NTD?**

FTA’s [National Transit Database \(NTD\)](#) is the Nation’s primary repository of public transportation data. The NTD collects the financial data, operating statistics, safety events, and asset conditions from American transit systems. FTA uses NTD data to apportion funding to urbanized and rural areas in the United States, and to inform decision makers at all levels of government.

#### **What is the benefit of reporting public transportation trips to NTD?**

FTA uses data from the NTD for formula program apportionment purposes. Reporting all public transportation service data to the NTD will result in your state or your urbanized area receiving the

maximum possible FTA formula funds for public transportation service. Additionally, if you already receive or benefit from FTA funds from either the [Urbanized Area Formula Program](#) or the [Rural Formula Program](#), then you are required to report all of your public transportation service to the NTD, regardless of the funding source used for the program.

### **What can be reported to NTD?**

All public transportation services that you provide may be reported to the NTD. This includes services that are directly operated (DO) yourself and those that are operated through purchased transportation agreements (PT). This includes agreements with taxi operators (TX) and Transportation Network Companies (TN) to provide public transportation service.

### **What do we mean by “public transportation services you provide?”**

You are the provider of service that you directly operate. You also provide the service if you have a written contract for someone else to provide the service in your name, in which you specify the terms and conditions by which the service will be provided (e.g. the dates, times, places, and fares for the service). You cannot report to the NTD service that you do not provide. Service may only be reported to the NTD by the organization that is actually providing the service.

## **Public Transportation**

### **How is public transportation defined?**

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; and does not include—

- (i) intercity passenger rail transportation provided by the entity described in chapter 243 (or a successor to such entity);
- (ii) intercity bus service;
- (iii) charter bus service;
- (iv) school bus service;
- (v) sightseeing service;
- (vi) courtesy shuttle service for patrons of one or more specific establishments; or
- (vii) intra-terminal or intra-facility shuttle services.

### **What does it mean to be *regular, continuing*?**

When a service is *regular and continuing*, it is not a short-term project. The service is not temporary in nature and does not have a specified end date. Although FTA does not have a formal definition of *short-term*, a project that is scheduled to last for less than a year would generally be considered *short-term*. Service that begins as a pilot project may become regular and continuing. This would happen when the decision is made to continue the service with no plans to end it at the end of the pilot period.

### **What does it mean to be *shared-ride*?**

When a service is *shared-ride*, it means that empty seats on the vehicle can be filled by riders with no relationship or connection to the existing riders. Neither the rider nor the driver can deny the use of the empty seat to another willing rider. This means that the rider may receive a less-direct trip to their destination in order to accommodate picking up or dropping off additional riders. Every trip does not have to be shared ride for the service to be considered shared-ride; however, for it to be public transportation, the general nature of the service must include shared rides.

For example, a [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 does it mean to be “open to the general public”?**

When a service is open to the public, its service can be characterized by the following:

- The branding of the vehicle is generally understood to be “open to the public,” and is not specific to client-based program or service (e.g. Veterans to Care, Senior Rides, etc.). You can ensure that the branding of the vehicle is understood in this way by clearly marking the vehicle with the words “open to the public.” Alternatively, you could include a phone number or website on the vehicle that encourages the public to seek information about the service;
- Program brochures and websites give equal prominence to how to ride the service, regardless of whether you are a member of the general public or a member of a client-based service (e.g. Senior Center, Community Health Center, Head Start, etc.); and
- Members of the general public are charged the same amount as would be paid by a client and/or the client's sponsoring program.

### **What does it mean to be “open to a segment of the general public defined by age, disability, or low-income status”?**

Service may be limited to all individuals with one or more of the above characteristics, such as all older adults or all persons with disabilities. Service may not be limited to just clients of a particular program or a particular facility.

## **Paratransit and NTD Reporting**

### **What is paratransit?**

The term “paratransit” has a specific meaning under the Americans with Disabilities Act of 1990 (ADA). Under 49 CFR 37.3, “paratransit” refers to comparable transportation service required by the ADA for individuals with disabilities who are unable to use a transit agency's fixed route transportation system. It is subject to specific eligibility and service criteria enumerated in Subpart F of 49 CFR Part 37, designed to limit service to persons whose disabilities prevent the use of the accessible fixed route transit system (bus and/or rail) and mimic the level of service available by the fixed route system.

### **What is not paratransit?**

Services such as human services transportation, general public dial-a-ride, and other forms of demand-responsive service are not paratransit, though that term is often incorrectly used to describe them. Such services are not provided as a complement to a fixed route system, and typically have their own eligibility and service criteria designed to meet different community requirements.

### **Should I report ADA paratransit trips as public transportation to NTD?**

Yes. ADA paratransit functions as a “safety net” for persons whose disabilities prevent them from using the transit agency's fixed route system; it is not human services transportation. The DOT ADA

regulations permit transit agencies to provide “agency trips” to human services agencies under certain conditions. As stated above, when a client of a QHSO requires an exclusive ride, or if the QHSO reserves the paratransit bus for its own clients, those trips are not open to the public, are not public transportation, and therefore are not reported to the NTD. All other ADA paratransit trips provided as required to meet the requirements of 49 CFR Part 37, Subpart F, should be reported as ADA complementary paratransit.

### **Charter Service and NTD Reporting**

#### **What is Charter Service?**

Charter service occurs when you provide exclusive use of a vehicle 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. Under the Charter Rule, with limited exceptions, local transit agencies are restricted from operating charter services.

#### **If I provide Charter Service under an exception, such as to a Qualified Human Services Organization (QHSO), can that service be reported to NTD?**

No. Charter service is not public transportation. If you provide service to any of the 130 CCAM programs that is *exclusive* to the CCAM program(s) sponsoring the service (i.e., the CCAM program(s) reserve the vehicle or otherwise do not allow general public passengers to share the vehicle), then that service is not open to the public and is not public transportation.

#### **What is the Charter Rule exception for QHSO?**

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](#). Recipients of FTA funds may provide service to clients of a QHSO without violating the Charter Rule, but trips not open to the public or to a segment of the public defined by age, disability, or low-income status, are not reportable to NTD.

#### **When are QHSO trips reportable to NTD?**

QHSO trips are reportable to NTD when they meet the criteria of sponsored service (sponsored unlinked passenger trips) as described in 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 (see ‘shared-ride’ section above), 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.

### **Incidental Use and NTD Reporting**

#### **What is “Incidental Use”?**

Incidental use is when a transit system allows the use of federally funded assets by another entity for non-transit purposes. Incidental use of federally funded assets is permitted for recipients of funding under all FTA grant programs.

The incidental use cannot interfere with the purpose of the original grant (2 C.F.R. 200.313). That is, the non-transit activity may not reduce or limit transit service provided with those same assets. For example, if the original grantee regularly uses a vehicle for public transportation trips during the day, and begins to use its vehicle to deliver meals to older adults, thereby limiting the availability of the vehicle to provide transit service, the meal delivery is no longer incidental use. If, on the other hand, the vehicles are used

for public transportation only during peak commute times, then the incidental use for meal delivery in the middle of the day or over the weekend is allowable.

If you require assistance making a determination about whether an activity constitutes incidental use, consult your [FTA Regional Office](#).

### **Can Incidental Use be reported to the NTD?**

No. Incidental use by definition is not public transportation. Thus, it is impossible for an incidental use trip to be a public transportation trip. FTA is required to exclude service data for incidental use from the apportionment of formula grants. Grantees using their vehicles for incidental use must keep records sufficient to exclude the vehicle service miles, vehicle service hours, passenger trips, passenger miles, and operating expenses for incidental use from their NTD report.

Note: when reporting on asset conditions, the NTD asks you to report the total vehicle miles on the vehicle. For this purpose, you do not exclude miles on the asset accrued during incidental use. You should report the total miles (e.g. the total odometer reading) on the vehicle.

### **What are some examples of Incidental Use?**

#### *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](#); [Office of Juvenile Justice and Delinquency Prevention \(OJJDP\) Youth Mentoring Program](#); [Administration for Children and Families \(ACF\) Temporary Assistance for Needy Families \(TANF\) Program](#); [Health Resources and Services Administration \(HRSA\) Healthy Start Program](#), etc.) uses the vehicle on weekends to take their low-income 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 transit agency 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: 6:30 am - 10:00 am and 4:00 pm - 6:30 pm M-F. The local CCAM grantee (e.g. [Older Americans Act \(OAA\) Nutrition Program](#) that reduces hunger and malnutrition of older adults; [U.S. Department of Agriculture \(USDA\) Summer Food Service Program](#) that serves free healthy meals to children in low-income areas when school is out; etc.) uses the vehicle during lunchtime. The vehicle sharing arrangement may vary from free to reimbursement to the transit agency for the fully allocated cost of using the vehicle.

## **Trip Brokering**

### **What is “Trip Brokering”?**

FTA encourages participation in trip brokering. A trip broker is a central clearinghouse that allows riders to be placed on vehicles with an empty seat that is already traveling between a similar origin and a similar destination at approximately the same time.

### **How can FTA grantees report trip brokering to NTD?**

NTD reports are based on the vehicles that you operate. Thus, if riders from other programs are brokered onto your vehicle(s) with general public passengers, you should report them as riders and report any revenue received from the program sponsoring the trip as organization-paid fares. This is true even if the

riders are from client-specific programs that would ordinarily be excluded from the definition of public transportation. However, if the client-specific program reserves the bus for its exclusive use, those trips would not be reported.

**When a program that operates client-specific transportation services participates in a brokerage, does that make the service open to the public?**

No. Accepting passengers through a brokerage from a general public demand-response program does not make the vehicles *open to the public*. If a client-specific non-profit provides trips assigned by a broker, then those trips are not *public transportation*.

For example, the One-Call-One-Click Center brokers trips on general public demand response as well as closed-door vehicles. ABC non-profit operates a vehicle funded from FTA's Section 5310 program for its clients and has agreed to participate in the One-Call-One-Click brokerage. The broker assigns a general public passenger to ABC's vehicle. Even though the passenger is from the general public, the service is still client-specific, and is not public transportation; the ride would not be reported to NTD.

Likewise, Village Transit Agency operates an ADA paratransit service, and also participates in the One-Call-One-Click Center. The broker assigns a client of ABC non-profit to one of its vehicles. The trip is reported as public transportation because it was provided on public transportation service. The key consideration in these examples is who operated the vehicle, and whether the vehicle is operating as *public transportation*.

**Where can I find more information?**

FTA guidance can be found in FTA Circulars for [Section 5307](#), [Section 5310](#), and [Section 5311](#), as well as on the [grant program webpages](#). FTA grant recipients and sub-recipients should contact their [FTA Regional Office](#) to determine what is appropriate and allowable for your specific project.

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