

2005 Federal Transportation Bill Reauthorization

House Version: HR3

SEC. 3011. FORMULA GRANTS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

(a) In General- Section 5310 is amended--

(1) by striking the section heading and inserting the following:

'Sec. 5310. Formula grants for special needs of elderly individuals and individuals with disabilities';

(2) by striking subsections (a) through (g) and inserting the following:

(a) General Authority-

(1) GRANTS- The Secretary may make grants to States and local governmental authorities under this section for public transportation capital projects, and operating costs associated with public transportation capital projects, planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities.

(2) SUBRECIPIENTS- A State that receives a grant under this section may allocate the amounts of the grant to--

(A) a private nonprofit organization if the public transportation service provided under paragraph (1) is unavailable, insufficient, or inappropriate; or

(B) a governmental authority that--

(i) is approved by the State to coordinate services for elderly individuals and individuals with disabilities; or

(ii) certifies that there are not any nonprofit organizations readily available in the area to provide the services described under paragraph (1).

(3) ACQUIRING PUBLIC TRANSPORTATION SERVICES- A public transportation capital project under this section may include acquisition of public transportation services as an eligible capital expense.

(4) ADMINISTRATIVE EXPENSES- A State or local governmental authority may use not more than 10 percent of the amounts apportioned to the State under this section to administer, plan, and provide technical assistance for a project funded under this section.

(b) Apportionment and Transfers-

(1) APPORTIONMENT-

(A) FORMULA- The Secretary shall apportion amounts made available to carry out this section under a formula the Secretary administers that considers the number of elderly individuals and individuals with disabilities in each State.

(B) LOW DENSITY ADJUSTMENT- In administering the apportionment formula under subparagraph (A)--

`(i) in the case of a State with a population density of 10 or fewer persons per square mile, the Secretary shall multiply

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by a factor of 2 the number of elderly individuals and individuals with disabilities in the State (as determined using the most recent decennial United States Census); and
`(ii) in the case of a State with a population density of more than 10 but equal to or fewer than 30 persons per square mile, the Secretary shall multiply by a factor of 1.25 the number of elderly individuals and individuals with disabilities in the State (as determined using the most recent decennial United States Census).

`(2) TRANSFERS- Any State's apportionment remaining available for obligation at the beginning of the 90-day period before the end of the period of availability of the apportionment is available to the State for transfer to supplement amounts apportioned to the State under section 5311(c) or 5336(a)(1), or both. Any funds transferred pursuant to this paragraph shall be made available only for eligible projects as described in this section.

`(c) Government's Share of Costs-

`(1) CAPITAL PROJECTS- A grant for a capital project under this section shall be for 80 percent of the net capital costs of the project, as determined by the Secretary; except that in the case of a State described in section 120(b)(1) of title 23, such percentage shall be increased in accordance with such section.

`(2) OPERATING ASSISTANCE- A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

`(3) REMAINDER- The remainder of the net project costs--

`(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

`(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation .

`(4) USE OF CERTAIN FUNDS- For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

`(d) Grant Requirements-

`(1) IN GENERAL- A grant under this section shall be subject to all requirements of a grant under section 5307. A grant to a subrecipient

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under this section shall be subject to such requirements to the extent the Secretary considers appropriate.

`(2) COORDINATION WITH NONPROFIT PROVIDERS- A recipient that transfers funds to an apportionment under section 5336(a)(1) pursuant to subsection (b)(2) shall certify that the project for which the funds are requested under this section has been coordinated with nonprofit providers of services.

`(3) PROJECT SELECTION AND PLANNING- A recipient of funds under this section shall certify that--

`(A) the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and

`(B) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

`(4) FAIR AND EQUITABLE DISTRIBUTION- A recipient of a grant under this section shall certify that allocations of the grant to subrecipients are distributed on a fair and equitable basis.

`(e) State Program-

`(1) IN GENERAL- Amounts made available to carry out this section may be used for transportation projects to assist in providing transportation services for elderly individuals and individuals with disabilities that are included in a State program of projects.

`(2) SUBMISSION AND APPROVAL- A program shall be submitted annually to the Secretary for approval and shall contain an assurance that the program provides for maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other Government sources.

`(f) Leasing Vehicles- Vehicles acquired under this section may be leased to local governmental authorities to improve transportation services designed to meet the special needs of elderly individuals and individuals with disabilities.'; and

(3) by redesignating subsections (h) through (j) as subsections (g) through (i), respectively.

(b) Conforming Amendment- The analysis for chapter 53 is amended by striking the item relating to section 5310 and inserting the following:

`5310. Formula grants for special needs of elderly individuals and individuals with disabilities.'.

SEC. 3017. JOB ACCESS AND REVERSE COMMUTE FORMULA GRANTS.

(a) In General- Chapter 53 is amended by inserting after section 5315 the following:

`Sec. 5316. Job access and reverse commute formula grants

`(a) Definitions- In this section, the following definitions apply:

`(1) ACCESS TO JOBS PROJECT- The term `access to jobs project' means a project relating to the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including--

`(A) transportation projects to finance planning, capital, and operating costs of providing access to jobs under this chapter;

`(B) promoting public transportation by low-income workers, including the use of public transportation by workers with nontraditional work schedules;

`(C) promoting the use of transit vouchers for welfare recipients and eligible low-income individuals; and

`(D) promoting the use of employer-provided transportation , including the transit pass benefit program under section 132 of the Internal Revenue Code of 1986.

`(2) ELIGIBLE LOW-INCOME INDIVIDUAL- The term `eligible low-income individual' means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

`(3) RECIPIENT- The term `recipient' means a designated recipient (as defined in section 5307(a)(2)) and a State that receives a grant under this section directly.

`(4) REVERSE COMMUTE PROJECT- The term `reverse commute project' means a public transportation project designed to transport residents of urbanized areas and other than urbanized areas to suburban employment opportunities, including any projects to--

`(A) subsidize the costs associated with adding reverse commute bus, train, carpool, van routes, or service from urbanized areas and other than urbanized areas to suburban workplaces;

`(B) subsidize the purchase or lease by a nonprofit organization or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace; or

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`(C) otherwise facilitate the provision of public transportation services to suburban employment opportunities.

`(5) SUBRECIPIENT- The term `subrecipient' means a State or local governmental authority, nonprofit organization, or operator of public transportation services that receives a grant under this section indirectly through a recipient.

`(6) WELFARE RECIPIENT- The term `welfare recipient' means an individual who has received assistance under a State or tribal program funded under part A of title IV of the Social Security Act at any time during the 3-year period before the date on which the applicant applies for a grant under this section.

`(b) General Authority-

`(1) GRANTS- The Secretary may make grants under this section to a recipient for access to jobs and reverse commute projects carried out by the recipient or a subrecipient.

`(2) ADMINISTRATIVE EXPENSES- A recipient may use not more than 10 percent of the amounts apportioned to the recipient under this section to administer, plan, and provide technical assistance for a project funded under this section.

`(c) Apportionments-

`(1) FORMULA- The Secretary shall apportion amounts made available to carry out this section as follows:

`(A) 60 percent of the funds shall be apportioned among designated recipients (as defined in section 5307(a)(2)) for urbanized areas with a population of 200,000 or more in the ratio that--

`(i) the number of eligible low-income individuals and welfare recipients in each such urbanized area; bears to
` (ii) the number of eligible low-income individuals and welfare recipients in all such urbanized areas.

`(B) 20 percent of the funds shall be apportioned among the States in the ratio that--

`(i) the number of eligible low-income individuals and welfare recipients in urbanized areas with a population of less than 200,000 in each State; bears to
` (ii) the number of eligible low-income individuals and welfare recipients in urbanized areas with a population of less than 200,000 in all States.

`(C) 20 percent of the funds shall be apportioned among the States in the ratio that--

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`(i) the number of eligible low-income individuals and welfare recipients in other than urbanized areas in -each State; bears to

`(ii) the number of eligible low-income individuals and welfare recipients in other than urbanized areas in all States.

`(2) USE OF APPORTIONED FUNDS- Except as provided in paragraph (3)--

`(A) funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of 200,000 or more;

`(B) funds apportioned under paragraph (1)(B) shall be used for projects serving urbanized areas with a population of less than 200,000; and

`(C) funds apportioned under paragraph (1)(C) shall be used for projects serving other than urbanized areas.

`(3) EXCEPTIONS- A State may use funds apportioned under paragraphs (1)(B) and (1)(C)--

`(A) for projects serving areas other than the area specified in paragraph (2)(B) or (2)(C), as the case may be, if the Governor of the State certifies that all of the objectives of this section are being met in the specified area; or

`(B) for projects anywhere in the State if the State has established a statewide program for meeting the objectives of this section.

`(d) Competitive Process for Grants to Subrecipients-

`(1) AREAWIDE SOLICITATIONS- A recipient of funds apportioned under subsection (c)(1)(A) shall conduct, in cooperation with the appropriate metropolitan planning organization, an areawide solicitation for applications for grants to the recipient and subrecipients under this section.

`(2) STATEWIDE SOLICITATION- A recipient of funds apportioned under subsection (c)(1)(B) or (c)(1)(C) shall conduct a statewide solicitation for applications for grants to the recipient and subrecipients under this section.

`(3) APPLICATION- Recipients and subrecipients seeking to receive a grant from funds apportioned under subsection (c) shall submit to the recipient an application in the form and in accordance with such requirements as the recipient shall establish.

`(4) GRANT AWARDS- The recipient shall award grants under paragraphs (1) and (2) on a competitive basis.

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`(e) Transfers-

`(1) **IN GENERAL-** A State may transfer any funds apportioned to it under subsection (c)(1)(B) or (c)(1)(C), or both, to an apportionment under section 5311(c) or 5336, or both.

`(2) **LIMITED TO ELIGIBLE PROJECTS-** Any apportionment transferred under this subsection shall be made available only for eligible job access and reverse commute projects as described in this section.

`(3) **CONSULTATION-** A State may make a transfer of an amount under this subsection only after consulting with responsible local officials and publicly owned operators of public transportation in each area for which the amount originally was awarded under subsection (d)(4).

`(f) Grant Requirements-

`(1) **IN GENERAL-** A grant under this section shall be subject to the requirements of section 5307.

`(2) **FAIR AND EQUITABLE DISTRIBUTION-** A recipient of a grant under this section shall certify to the Secretary that allocations of the grant to subrecipients are distributed on a fair and equitable basis.

`(g) Coordination-

`(1) **IN GENERAL-** The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

`(2) **WITH NONPROFIT PROVIDERS-** A State that transfers funds to an apportionment under section 5336 pursuant to subsection (e) shall certify to the Secretary that any project for which the funds are requested under this section has been coordinated with nonprofit providers of services.

`(3) **PROJECT SELECTION AND PLANNING-** A recipient of funds under this section shall certify to the Secretary that--

`(A) the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and

`(B) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

`(h) Government's Share of Costs-

`(1) **CAPITAL PROJECTS-** A grant for a capital project under this section may not exceed 80 percent of the net capital costs of the project, as determined by the Secretary.

`(2) **OPERATING ASSISTANCE-** A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

`(3) **REMAINDER-** The remainder of the net project costs--

`(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service

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agreement with a State or local social service agency or a private social service organization, or new capital; and

`(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation .

`(4) USE OF CERTAIN FUNDS- For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

`(5) LIMITATION ON OPERATING ASSISTANCE- A recipient carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.

`(i) Program Evaluation-

`(1) COMPTROLLER GENERAL- Beginning 1 year after the date of enactment of the Federal Public Transportation Act of 2005, and every 2 years thereafter, the Comptroller General shall--

`(A) conduct a study to evaluate the grant program authorized by this section; and

`(B) transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of the study under subparagraph (A).

`(2) DEPARTMENT OF TRANSPORTATION - Not later than 3 years after the date of enactment of Federal Public Transportation Act of 2005, the Secretary shall--

`(A) conduct a study to evaluate the effectiveness of the grant program authorized by this section and the effectiveness of recipients making grants to subrecipients under this section; and
` (B) transmit to the committees referred to in paragraph (1)(B) a report describing the results of the study under subparagraph (A).'

(b) Conforming Amendment- The analysis for chapter 53 is amended by inserting after the item relating to section 5315 the following:

`5316. Job access and reverse commute formula grants.'

(c) Repeal- Section 3037 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 387) is repealed.

SEC. 3018. NEW FREEDOM PROGRAM.

(a) In General- Chapter 53 is further amended by inserting after section 5316 the following:

`Sec. 5317. New Freedom program

`(a) Definitions- In this section, the following definitions apply:

`(1) RECIPIENT- The term `recipient' means a designated recipient (as defined in section 5307(a)(2)) and a State that receives a grant under this section directly.

`(2) SUBRECIPIENT- The term `subrecipient' means a State or local governmental authority, nonprofit organization, or operator of public transportation services that receives a grant under this section indirectly through a recipient.

`(b) General Authority-

`(1) GRANTS- The Secretary may make grants under this section to a recipient for new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) that assist individuals with disabilities with transportation , including transportation to and from jobs and employment support services.

`(2) ADMINISTRATIVE EXPENSES- A recipient may use not more than 10 percent of the amounts apportioned to the recipient under this section to administer, plan, and provide technical assistance for a project funded under this section.

`(c) Apportionments-

`(1) FORMULA- The Secretary shall apportion amounts made available to carry out this section as follows:

`(A) 60 percent of the funds shall be apportioned among designated recipients (as defined in section 5307(a)(2)) for urbanized areas with a population of 200,000 or more in the ratio that--

`(i) the number of individuals with disabilities in each such urbanized area; bears to

`(ii) the number of individuals with disabilities in all such urbanized areas.

`(B) 20 percent of the funds shall be apportioned among the States in the ratio that--

`(i) the number of individuals with disabilities in urbanized areas with a population of less than 200,000 in each State; bears to

`(ii) the number of individuals with disabilities in urbanized areas with a population of less than 200,000 in all States.

`(C) 20 percent of the funds shall be apportioned among the States in the ratio that--

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`(i) the number of individuals with disabilities in other than urbanized areas in each State; bears to

`(ii) the number of individuals with disabilities in other than urbanized areas in all States.

`(2) USE OF APPORTIONED FUNDS- Except as provided in paragraph (3)--

`(A) funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of 200,000 or more;

`(B) funds apportioned under paragraph (1)(B) shall be used for projects serving urbanized areas with a population of less than 200,000; and

`(C) funds apportioned under paragraph (1)(C) shall be used for projects serving other than urbanized areas.

`(3) LOW DENSITY ADJUSTMENT-

`(A) SMALLER URBANIZED AREAS- In administering the apportionment formula under paragraph (1)(B)--

`(i) in the case of a State with a population density of 10 or fewer persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 2 the number of individuals with disabilities in urbanized areas of the State with a population of less than 200,000 (as determined using the most recent decennial United States Census); and

`(ii) in the case of a State with a population density of more than 10 but equal to or fewer than 30 persons per square mile, the Secretary shall multiply by a factor of 1.25 the number of individuals with disabilities in urbanized areas of the State with a population of less than 200,000 (as determined using the most recent decennial United States Census).

`(B) OTHER THAN URBANIZED AREAS- In administering the apportionment formula under paragraph (1)(C)--

`(i) in the case of a State with a population density of 10 or fewer persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.5 the number of individuals with disabilities in other than urbanized areas of the State (as determined using the most recent decennial United States Census); and

`(ii) in the case of a State with a population density of more than 10 but equal to or fewer than 12 persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.25 the number of

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individuals with disabilities in other than urbanized areas of the State (as determined using the most recent decennial United States Census).

`(4) TRANSFERS-

`(A) IN GENERAL- A State may transfer any funds apportioned to it under paragraph (1)(B) or (1)(C), or both, to an apportionment under section 5311(c) or 5336, or both.

`(B) LIMITED TO ELIGIBLE PROJECTS- Any funds transferred pursuant to this paragraph shall be made available only for eligible projects selected under this section.

`(C) CONSULTATION- A State may make a transfer of an amount under this subsection only after consulting with responsible local officials and publicly owned operators of public transportation in each area for which the amount originally was awarded under subsection (d)(4).

`(d) Competitive Process for Grants to Subrecipients-

`(1) AREAWIDE SOLICITATIONS- A recipient of funds apportioned under subsection (c)(1)(A) shall conduct, in cooperation with the appropriate metropolitan planning organization, an areawide solicitation for applications for grants to the recipient and subrecipients under this section.

`(2) STATEWIDE SOLICITATION- A recipient of funds apportioned under subsection (c)(1)(B) or (c)(1)(C) shall conduct a statewide solicitation for applications for grants to the recipient and subrecipients under this section.

`(3) APPLICATION- Recipients and subrecipients seeking to receive a grant from funds apportioned under subsection (c) shall submit to the recipient an application in the form and in accordance with such requirements as the recipient shall establish.

`(4) GRANT AWARDS- The recipient shall award grants under paragraphs (1) and (2) on a competitive basis.

`(e) Grant Requirements-

`(1) IN GENERAL- Except as provided in paragraph (2), a grant under this section shall be subject to all the requirements of section 5307.

Senate Version

SEC. 6012. NEW FREEDOM FOR ELDERLY PERSONS AND PERSONS WITH DISABILITIES.

(a) IN GENERAL- Section 5310 is amended to read as follows:

Sec. 5310. New freedom for elderly persons and persons with disabilities

¶(a) GENERAL AUTHORITY-

¶(1) AUTHORIZATION- *The Secretary may award grants to a State for capital public transportation projects that are planned, designed, and carried out to meet the needs of elderly individuals and individuals with disabilities, with priority given to the needs of these individuals to access necessary health care.*

¶(2) ACQUISITION OF PUBLIC TRANSPORTATION SERVICES- *A capital public transportation project under this section may include acquiring public transportation services as an eligible capital expense.*

¶(3) ADMINISTRATIVE COSTS- *A State may use not more than 15 percent of the amounts received under this section to administer, plan, and provide technical assistance for a project funded under this section.*

¶(b) ALLOTMENTS AMONG STATES-

¶(1) IN GENERAL- *From amounts made available or appropriated in each fiscal year under subsections (a)(1)(C)(iv) and (b)(2)(D) of section 5338 for grants under this section, the Secretary shall allot amounts to each State under a formula based on the number of elderly individuals and individuals with disabilities in each State.*

¶(2) TRANSFER OF FUNDS- *Any funds allotted to a State under paragraph (1) may be transferred by the State to the apportionments made under sections 5311(c) and 5336 if such funds are only used for eligible projects selected under this section.*

¶(3) REALLOCATION OF FUNDS- *A State receiving a grant under this section may reallocate such grant funds to--*

¶(A) a private nonprofit organization;

¶(B) a public transportation agency or authority; or

¶(C) a governmental authority that--

¶(i) has been approved by the State to coordinate services for elderly individuals and individuals with disabilities;

¶(ii) certifies that nonprofit organizations are not readily available in the area that can provide the services described under this subsection; or

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∅(iii) will provide services to persons with disabilities that exceed those services required by the Americans with Disabilities Act.

∅(c) GOVERNMENT SHARE-

∅(1) MAXIMUM-

∅(A) IN GENERAL- A grant for a capital project under this section may not exceed 80 percent of the net capital costs of the project, as determined by the Secretary.

∅(B) EXCEPTION- A State described in section 120(d) of title 23 shall receive an increased Government share in accordance with the formula under that section.

∅(2) REMAINING COSTS- The costs of a capital project under this section that are not funded through a grant under this section--

∅(A) may be funded from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

∅(B) may be derived from amounts appropriated to or made available to any Federal agency (other than the Department of Transportation, except for Federal Lands Highway funds) that are eligible to be expended for transportation.

∅(3) EXCEPTION- For purposes of paragraph (2), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

∅(d) GRANT REQUIREMENTS-

∅(1) IN GENERAL- A grant recipient under this section shall be subject to the requirements of a grant recipient under section 5307 to the extent the Secretary determines to be appropriate.

∅(2) CERTIFICATION REQUIREMENTS-

∅(A) FUND TRANSFERS- A grant recipient under this section that transfers funds to a project funded under section 5336 in accordance with subsection (b)(2) shall certify that the project for which the funds are requested has been coordinated with private nonprofit providers of services under this section.

∅(B) PROJECT SELECTION AND PLAN DEVELOPMENT- Each grant recipient under this section shall certify that--

∅(i) the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and

∅(ii) the plan was developed through a process that included representatives of public, private, and nonprofit

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transportation and human services providers and participation by the public.

“(C) ALLOCATIONS TO SUBRECIPIENTS- Each grant recipient under this section shall certify that allocations of the grant to subrecipients, if any, are distributed on a fair and equitable basis.

“(e) STATE PROGRAM OF PROJECTS-

“(1) SUBMISSION TO SECRETARY- Each State shall annually submit a program of transportation projects to the Secretary for approval with an assurance that the program provides for maximum feasible coordination between transportation services funded under this section and transportation services assisted by other Federal sources.

“(2) USE OF FUNDS- Each State may use amounts made available to carry out this section to provide transportation services for elderly individuals and individuals with disabilities if such services are included in an approved State program of projects.

“(f) LEASING VEHICLES- Vehicles acquired under this section may be leased to local governmental authorities to improve transportation services designed to meet the needs of elderly individuals and individuals with disabilities.

“(g) MEAL DELIVERY FOR HOMEBOUND INDIVIDUALS- Public transportation service providers receiving assistance under this section or section 5311(c) may coordinate and assist in regularly providing meal delivery service for homebound individuals if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

“(h) TRANSFERS OF FACILITIES AND EQUIPMENT- With the consent of the recipient in possession of a facility or equipment acquired with a grant under this section, a State may transfer the facility or equipment to any recipient eligible to receive assistance under this chapter if the facility or equipment will continue to be used as required under this section.

“(i) FARES NOT REQUIRED- This section does not require that elderly individuals and individuals with disabilities be charged a fare.’.

(b) CONFORMING AMENDMENT- The item relating to section 5310 in the table of sections for chapter 53 is amended to read as follows:

‘5310. New freedom for elderly persons and persons with disabilities.’.

SEC. 6038. JOB ACCESS AND REVERSE COMMUTE GRANTS.

Section 3037 of the Federal Transit Act of 1998 (49 U.S.C. 5309 note) is amended--

(1) in subsection (b)--

(A) in paragraph (1)--

(i) by striking 'means an individual' and inserting the following: 'means--

(A) an individual'; and

(ii) by striking the period at the end and inserting '; or

(B) an individual who is eligible for assistance under the State program of Temporary Assistance to Needy Families funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et. seq.) in the State in which the recipient of a grant under this section is located.'; and

(B) in paragraph (2), by striking 'development of' each place it appears and inserting 'development and provision of';

(2) in subsection (i), by amending paragraph (2) to read as follows:

(2) COORDINATION-

(A) **IN GENERAL-** The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

(B) **CERTIFICATION-** A recipient of funds under this section shall certify that--

(i) the project has been derived from a locally developed, coordinated public transit human services transportation plan; and

(ii) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.';

(3) by amending subsection (j) to read as follows:

(j) GRANT REQUIREMENTS-

(1) IN GENERAL-

(A) **URBANIZED AREAS-** A grant awarded under this section to a public agency or private company engaged in public transportation in an urbanized area shall be subject to the all of the terms and conditions to which a grant awarded under section 5307 of title 49, United States Code, is subject, to the extent the Secretary considers appropriate.

(B) **OTHER THAN URBANIZED AREAS-** A grant awarded under this section to a public agency or a private company engaged in public transportation in an area other than urbanized areas shall be subject to all of the terms and conditions to which a grant

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awarded under section 5311 of title 49, United States Code, is subject, to the extent the Secretary considers appropriate.

(C) NONPROFIT ORGANIZATIONS- A grant awarded under this section to a private nonprofit organization shall be subject to all of the terms and conditions to which a grant made under section 5310 of title 49, United States Code, is subject, to the extent the Secretary considers appropriate.

(2) SPECIAL WARRANTY-

(A) IN GENERAL- Section 5333(b) of title 49, United States Code, shall apply to grants under this section if the Secretary of Labor utilizes a Special Warranty that provides a fair and equitable arrangement to protect the interests of employees.

(B) WAIVER- The Secretary may waive the applicability of the Special Warranty under subparagraph (A) for private non-profit recipients on a case-by-case basis as the Secretary considers appropriate.'; and

(4) by striking subsections (k) and (l).