

HOUSE BILL REPORT

SHB 1694

As Amended by the Senate

Title: An act relating to the agency council on coordinated transportation.

Brief Description: Requiring the agency council on coordinated transportation to coordinate special needs transportation.

Sponsors: By House Committee on Transportation (originally sponsored by Representatives Flannigan, Upthegrove and Kenney).

Brief History:

Committee Activity:

Transportation: 2/8/07, 2/26/07 [DPS].

Floor Activity:

Passed House: 3/9/07, 97-0.

Senate Amended.

Passed Senate: 4/4/07, 47-0.

House Refuses to Concur.

Senate Amended.

Passed Senate: 4/17/07, 46-0.

Brief Summary of Substitute Bill

- Reauthorizes the Agency Council on Coordinated Transportation (Council) by extending the termination date from June 30, 2007, to June 30, 2010.
- Repeals the Program for Agency Coordinated Transportation.
- Modifies and streamlines the Council's duties, and requires the Council to submit a progress report to the Legislature by December 1, 2009.
- Beginning July 1, 2007, and every other year thereafter, requires that each regional transportation planning organization submit to the Council an updated plan that includes elements identified by the Council.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Directs the Joint Transportation Committee, with cooperation from the Council, to study and review the legal and programmatic changes and best practices necessary for providing effective coordination of special needs transportation at the subregional level, and to submit its report to the Legislature by December 1, 2007.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Clibborn, Chair; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton, Armstrong, Campbell, Curtis, Dickerson, Eddy, Hailey, Hankins, Hudgins, Kristiansen, Lovick, Rodne, Rolfes, Sells, Simpson, Springer, B. Sullivan, Takko, Upthegrove, Wallace and Wood.

Staff: Kathryn Leathers (786-7114).

Background:

State Coordination Requirements

In 1998, the Legislature created the Program for Agency Coordinated Transportation (PACT or the Program) and the Agency Council on Coordinated Transportation (ACCT or the Council) for the purpose of improving the efficiency and coordination of transportation systems for persons with special transportation needs, and to facilitate a statewide approach to coordination that supports the development of community-based coordinated transportation systems serving persons with special transportation needs.

"Persons with special transportation needs" means those persons, including their personal attendants, who, because of physical or mental disability, income status, or age, are unable to transport themselves or to purchase transportation.

The 17-member Council consists of nine voting members and eight non-voting legislative members. The nine voting members are the Secretary of Transportation, who serves as the Chair; the Secretary of the Department of Social and Health Services; the Superintendent of Public Instruction; and six members appointed by the Governor, representing consumers of special needs transportation, pupil transportation, the Community Transportation Association of the Northwest, the Community Action Council Association, and the State Transit Association. The eight non-voting legislative members include four House of Representatives members and four Senators, representing each caucus and the House Transportation, House Appropriations, and Senate Ways and Means committees.

The Council is required to perform various duties, in coordination with stakeholders, designed to assure implementation of the Program. To that end, the Council's duties include: (1) developing guidelines for local planning of coordinated special needs transportation; (2) providing a state-level forum at which state agencies may discuss and resolve coordination and program policy issues; (3) administering and managing grant funds to develop, test, and facilitate the implementation of coordinated systems; (4) identifying barriers to coordinated

transportation; and (5) recommending statutory changes to the Legislature to assist in coordinated transportation.

The Council expires on June 30, 2007, and the remainder of the enabling legislation expires on June 30, 2008.

Federal Coordination Requirements

In 2005, the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was enacted, which conditions receipt of certain federally-funded public transportation grant projects on the establishment of locally-developed, coordinated public transportation plans.

The SAFETEA-LU guidance issued by the Federal Transportation Administration indicates that each plan should identify special transportation needs, prioritize services, and establish comprehensive strategies for meeting special transportation needs. The new federal requirement is addressed in the planning process of regional transportation planning organizations or metropolitan planning organizations.

Summary of Substitute Bill:

The Agency Council on Coordinated Transportation (ACCT or the Council) is reauthorized by extending its termination date from June 30, 2007, to June 30, 2010.

The Program for Agency Coordinated Transportation and its duties are repealed.

The Council's duties are streamlined and modified to require the Council to (a) identify and address barriers in laws, policies, operations, and procedures; (b) focus on results; (c) increase advocacy for special needs transportation; (d) review and recommend certification of local plans based on meeting federal requirements and the implementation of coordinated human service and transportation plans; and (e) submit a progress report to the Legislature by December 1, 2009.

Beginning July 1, 2007, and every other year thereafter, each regional transportation planning organization is required to submit to the Council an updated plan that includes the elements identified by the Council.

The Joint Transportation Committee (JTC), with cooperation from the Council, is directed to study and review the legal and programmatic changes and best practices necessary for providing effective coordination of special needs transportation at the subregional level, and to submit its report to the Legislature by December 1, 2007. In conducting its review, the JTC must convene local and regional special needs transportation brokers, representatives of user groups, service provider agencies, and others that have related transportation responsibilities.

EFFECT OF SENATE AMENDMENT(S):

Total membership on the Agency Council for Coordinated Transportation (Council) is reduced from 17 to 14, by making the following modifications: reducing non-voting membership from eight to four, and increasing voting members who are consumers of special needs transportation from three to four.

Council meetings are required to be open to the public, with agendas published in advance and minutes kept and made available to the public. Council meetings must also be held in locations that are readily accessible to public transportation, and at a time when public transportation is available.

The Council is required to establish guidelines for customer complaint processes. After January 1, 2008, agency eligibility for certain grants is made contingent on implementation of a process that follows the Council's customer complaint guidelines.

The frequency of submitting updated plans by regional transportation planning organizations (RTPO) to the Council is modified from every two years to every four years. The RTPOs are required to submit a prioritized regional human service and transportation project list every two years.

In conducting its study to identify best practices and to improve coordination of special needs transportation, permits the JTC to consult with the joint legislative audit and review committee.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) The workshop presentation on ACCESS Transportation Systems, Pittsburgh, Pennsylvania's special needs transportation system, focused on the customer -- the rider, the user of those services -- regardless of who pays, where the transportation goes, and where the transportation comes from. That is not something that is always first and foremost on the minds of people in Washington, but it is something we should strive for. We need to think of the individual people who use these services, and to help in the real coordination of these services, so that people can participate fully in their lives. The actual users of these services should have a greater role on the Agency Council on Coordinated Transportation (ACCT). Perhaps ACCT should be renamed Council on Coordinated Transportation, and take the agency focus away from the Council.

Users of the services know where the problems are, and can come up with solutions that work. For example, in bad weather, users can come up with solutions so that fewer people are stranded. Also, Medicaid is currently not paying for wheelchairs that fit on fixed route transportation services, so more people will be needing paratransit services.

Some suggested changes for the bill include: conducting an all-inclusive survey of public transit services that are available across the state; and giving the ACCT the authority to collect data from transportation, fixed route, and paratransit services. A survey is needed so that people know what kind of opportunities are available to them in order to get around the state.

Statistically, many people will live at least 11 years beyond their ability to drive. It is important to make sure that those people have access not only to health care, medical appointments, and housing, but also to life. No one wants to be stranded without options. This is a systemic issue. The Legislature is charged with solving transportation problems, and it probably cannot solve all problems, but this one can be solved if the state and federal government continue to push to coordinate transportation.

Coordination should be at the level of all public transportation and human services transportation, and not limited to those special needs population sets that are most reliant. The key is that we need to coordinate all public mobility. It is a basic human right. We need to expand the vision of the ACCT.

Transit agencies work to coordinate trips, and there is a need for a greater role of the state in coordinating special needs transportation. But there is also a need for good data related to special needs transportation, and a need for a uniform system for reporting that information. There are 60 federally-funded programs, and all of these programs need to work together. State agencies that are part of the ACCT should be required, when making decisions on where to locate agencies, to consider whether there is public transportation that will provide access to these agencies.

The Department of Transportation and the ACCT are very interested in continuing the ACCT's efforts. The ACCT knows that its work is not done, but much has been learned about opportunities to improve on what has already been accomplished. It is critical to make sure that these services remain in place.

(Opposed) None.

Persons Testifying: (In support) Representative Flannigan, prime sponsor; Emily Rogers, ARC of Washington; Heather Harper, Self-Advocates in Leadership; Jason Pelerine, People First of Grays Harbor; Margaret Casey, Agency Council on Coordinated Transportation, American Automobile Association of King County; Karl Johanson, Council on Aging/Senior Transportation; Peter Thein, Washington State Transit Association; Mike Harbour, Intercity Transit; Paula Hammond, Agency Council on Coordinated Transportation and Washington State Department of Transportation; and Genesee Adkins, Transportation Choices Coalition.

Persons Signed In To Testify But Not Testifying: None.