

(PRE-FILED)

By: **Delegates Leopold and James**
Requested: November 13, 2000
Introduced and read first time: January 10, 2001
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation Services for Elderly and Handicapped Individuals -**
3 **Discretionary Supplemental Grants to Counties**

4 FOR the purpose of establishing a discretionary supplemental grant program for
5 transportation services for elderly and handicapped individuals provided by the
6 counties and Baltimore City; requiring the Secretary of Transportation, in
7 consultation with certain agencies, to develop certain procedures by a certain
8 time, to be used with respect to the grant program under this Act; providing for
9 the criteria and factors on which the procedures are to be based; providing for a
10 formula for the distribution of funds under the program established by this Act;
11 and generally relating to funding for transportation services for elderly and
12 handicapped individuals.

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 2-103.3
16 Annotated Code of Maryland
17 (1993 Replacement Volume and 2000 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Transportation**

21 2-103.3.

22 (a) (1) In this section, the following words have the meanings indicated.

23 (2) "County" includes Baltimore City.

24 (3) "Elderly and handicapped person" means any person who, by reason
25 of illness, injury, age, congenital malfunction, or other permanent or temporary
26 incapacity or disability, is unable to use mass transit facilities and services as
27 effectively as a person who is not so affected.

1 (4) "Transportation service" means any transportation option or mix of
2 options that may include paratransit or fixed route service, established or employed
3 by a county to accommodate the transportation needs of its elderly and handicapped
4 residents.

5 (b) (1) The Secretary shall identify separately within the Department's
6 annual budget an amount that the Secretary deems necessary to be used for elderly
7 and handicapped transportation service in each county.

8 (2) The amount the Secretary identifies, or such other amount as may be
9 appropriated by the General Assembly for the provision of elderly and handicapped
10 transportation service in each county, shall be distributed as provided in subsections
11 (c), (d), and (e) of this section.

12 (c) (1) Of the amount separately identified or otherwise appropriated under
13 subsection (b) of this section, the Secretary shall:

14 (i) Allocate 60 percent equally among the counties; and

15 (ii) Allocate the remaining amount among the counties in
16 proportion to their respective percentages of the State's combined elderly and
17 handicapped population.

18 (2) Subject to the limitations provided in subsection (f) of this section,
19 the Secretary shall distribute all such allocated amounts to those counties which file
20 a written application with the Department in such form and detail as the Secretary
21 requires.

22 (3) A written application submitted by a county under this subsection
23 may not be accepted or considered by the Secretary unless the local area agency on
24 aging certifies its approval of the project for the funding for which the application is
25 made.

26 (4) The Secretary shall consult with the Department of Aging and the
27 Governor's Office for Individuals with Disabilities in distributing the funds available
28 under this section.

29 (d) (1) In determining local transportation needs, the counties shall take
30 into account the elderly and handicapped transportation needs of the municipalities
31 within their jurisdictions. Nothing in this section shall preclude a municipality from
32 requesting the county to apply for part or all of the county's allocation of funds
33 available under this section on behalf of the municipality.

34 (2) In the event a municipality believes it is not afforded a reasonable
35 share of the funds available to the county under this section, the municipality may
36 appeal the county's allocation decision directly to the Secretary.

37 (e) (1) If any of the allocated funds described in subsection (c) of this section
38 are not applied for by the counties within 6 months after the beginning of the fiscal
39 year, the Secretary shall make those funds available to counties pursuant to

1 application procedures and criteria developed by the Secretary, in consultation with
2 the Department of Aging and the Governor's Office for Individuals with Disabilities.
3 The criteria shall provide that:

4 (i) Such funds may be made available to counties in which the
5 Secretary determines that additional funds for transportation service to the elderly
6 and handicapped are most needed; and

7 (ii) Local match requirements described in subsection (f) of this
8 section shall apply to all disbursements.

9 (2) A written application submitted by a county under this subsection
10 may not be accepted or considered by the Secretary unless the local area agency on
11 aging certifies its approval of the project for the funding for which the application is
12 made.

13 (f) (1) The Department shall provide capital assistance with funds
14 described in this section only on the basis of a 95 percent State, 5 percent county
15 matching fund obligation.

16 (2) The Department shall provide operating assistance with funds
17 described in this section only:

18 (i) To fund operating deficits of the county's transportation service;
19 and

20 (ii) On the basis of a 75 percent State, 25 percent county matching
21 fund obligation.

22 (g) The Secretary, in consultation with the Department of Aging and the
23 Governor's Office for Individuals with Disabilities, shall develop procedures for the
24 proper enforcement of this section. The procedures shall provide that:

25 (1) A county shall use all amounts distributed to it under this section
26 only for the acquisition or replacement of equipment or for the operating costs of the
27 county's transportation service;

28 (2) A county, in consultation with the local area agency on aging, shall
29 determine the most effective means of serving the transportation needs of its elderly
30 and handicapped residents;

31 (3) Each county shall cooperate with the others to best serve the
32 transportation needs of the State's elderly and handicapped residents; and

33 (4) A county administering a transportation service that receives funds
34 under this section:

35 (i) Shall provide trips for any purpose;

1 (ii) Shall serve the elderly and handicapped citizens within the
2 service areas identified in its application;

3 (iii) May not restrict its transportation service to clients of social
4 service agencies;

5 (iv) May establish reasonable fares; and

6 (v) May permit persons other than the elderly and handicapped to
7 use or benefit from its transportation service to the extent capacity is available.

8 (h) The Secretary in consultation with the Department of Aging and the
9 Governor's Office for Individuals with Disabilities shall monitor the use of funds
10 provided under this section.

11 (i) A county that receives funds under this section may not use such funds to
12 replace any moneys it receives from other sources for transportation service for the
13 elderly and handicapped.

14 (j) Federal funds provided to the State for use in connection with the
15 provision of transportation service to the elderly and handicapped may not be
16 diverted to other uses by the State.

17 (k) The Secretary shall encourage each county to:

18 (1) Continue to maximize use of existing funding programs for elderly
19 and handicapped transportation service; and

20 (2) Enter into cooperative agreements with other local or State resource
21 providers.

22 (l) Nothing in this section prohibits a county from:

23 (1) Contracting with nonprofit organizations, area agencies on aging,
24 public transportation providers, or private carriers for the provision of transportation
25 service to the elderly and handicapped;

26 (2) Modifying or expanding any existing local transportation system; or

27 (3) Developing a new transportation system with the use or assistance of
28 subsidized volunteers.

29 (M) (1) BEGINNING IN FISCAL 2003 AND IN EACH FISCAL YEAR THEREAFTER,
30 THERE IS A DISCRETIONARY SUPPLEMENTAL GRANT PROGRAM FOR
31 TRANSPORTATION SERVICES FOR ELDERLY AND HANDICAPPED INDIVIDUALS AS
32 PROVIDED FOR IN THIS SUBSECTION.

33 (2) NO LATER THAN JULY 1, 2002, THE SECRETARY, IN CONSULTATION
34 WITH THE DEPARTMENT OF AGING AND THE GOVERNOR'S OFFICE FOR INDIVIDUALS
35 WITH DISABILITIES, SHALL ESTABLISH PROCEDURES FOR COUNTIES THAT RECEIVE
36 FUNDING FOR TRANSPORTATION SERVICES UNDER THIS SUBSECTION.

1 (3) THE PROCEDURES ESTABLISHED UNDER PARAGRAPH (2) OF THIS
2 SUBSECTION SHALL BE BASED ON:

3 (I) PERFORMANCE MEASURES ESTABLISHED BY THE
4 DEPARTMENT;

5 (II) THE ABILITY OF COUNTIES TO CONTRIBUTE, RELATIVE TO
6 THEIR WEALTH BASE, FUNDS TO MATCH STATE FUNDS GRANTED UNDER THE
7 PROGRAM ESTABLISHED BY THIS SUBSECTION; AND

8 (III) ANY OTHER APPROPRIATE FACTORS DETERMINED BY THE
9 SECRETARY, IN CONSULTATION WITH THE DEPARTMENT OF AGING AND THE
10 GOVERNOR'S OFFICE FOR INDIVIDUALS WITH DISABILITIES.

11 (4) BEGINNING IN FISCAL 2003 AND FOR EACH FISCAL YEAR
12 THEREAFTER, IF THE BUDGET OF THE DEPARTMENT FOR TRANSPORTATION
13 SERVICES UNDER SUBSECTION (C) OF THIS SECTION EXCEEDS THE DEPARTMENT'S
14 FISCAL 2001 BUDGET FOR THOSE SERVICES, THE DEPARTMENT SHALL ALLOCATE:

15 (I) 50 PERCENT OF THE AMOUNT OF THE EXCESS TO THE
16 COUNTIES FOR THE TRANSPORTATION SERVICES UNDER SUBSECTION (C) OF THIS
17 SECTION; AND

18 (II) THE REMAINING 50 PERCENT OF THE EXCESS FOR THE
19 DISCRETIONARY SUPPLEMENTAL GRANT PROGRAM ESTABLISHED UNDER THIS
20 SUBSECTION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect July 1, 2001.