

September 25, 2006

Kelly Kirkland
Planning and Support Section Director
Texas Department of Transportation
123 Elm Street-PO BOX 1234
Austin, TX 78000

RE: Coordinated Public Transportation Interim Barriers & Constraints Report for the
Brazos Valley Region

In accordance with the requirements of the directive we have received from the Texas Department of Transportation (TxDOT), below are some of the legal, organizational, and operational barriers and constraints impeding the implementation of a coordinated public transportation system in the Brazos Valley region.

The major barriers affecting coordination of transportation resources in our region are federal funding regulations and insurance carrier provisions, which inhibit the sharing of equipment and resources. Moreover, the listed constraints involve operational and resource-related issues which are the result of a general lack of regional transportation coordination.

The Brazos Valley Council of Governments is working with our Steering Committee to develop an implementation plan for coordinated public transportation in our region which takes into account the barriers and constraints mentioned in this interim report, as well as other factors particular to our region. We have and continue to work vigorously with all of our transportation partners to devise a public transportation system which will better serve our communities, decrease the operating costs of all service providers, and reduce traffic congestion and air pollution in the Brazos Valley. We gladly welcome all constructive feedback from TxDOT, our transportation partners, and the public regarding improvements which can be made to improve public transportation.

Barriers

Barrier #1—Funding Policy

Funding policy regulations, in many instances, prohibit the use of equipment purchased with their funds for a specific purpose to be used for any reason other than the funded purpose.

Source of Barrier: Federal and State Grant Funders

This type of funding restriction is common amongst federal and state funders. Any vehicles purchased with federal or state funds for a particular activity can only be used for the activity stated in the contract. This policy limits the use of these vehicles for other transportation purposes. These funding policies would seriously reduce the effectiveness of any coordinated public transportation by restricting the use of certain vehicles, and eliminating the use of other vehicles altogether.

Specific Example: Project Unity has two vans dedicated to AIDS Services. Because of this policy, these vans can only be used transport clients with HIV AIDS or to make deliveries to clients.

Specific Source: Texas Department of State Health Services Policy

Barrier #2—Confidentiality Regulations

Federal regulations prohibit the transportation of certain types of clients with other persons in order to maintain the clients' confidentiality.

Source of Barrier: Federal statutes

The privacy requirements of these federal regulations would prohibit shared transportation for certain persons. This statute limits the transportation options of certain community service providers whose clients fall under its jurisdiction.

Specific Example: Brazos Valley Council on Alcohol and Substance Abuse (BVCASA) has vans to transport their clients to treatment sessions. However, confidentiality issues prohibit them from transporting other clients, or having a central transportation system pick up their clients and drop them off at BVCASA (as their confidentiality would be violated - everyone else in the van would know they were being taken to treatment for substance abuse problems).

Specific Source: 42 CFR Part 2 & HIPAA Privacy Rule

Barrier #3—Vehicle Operator Qualifications

Differences between federal regulations and state law regarding the operation of certain types of vehicles has contributed to a shortage of qualified vehicle operators, and has discouraged otherwise qualified individuals from becoming vehicle operators.

Source of Barrier: Federal regulations

Federal regulations require all vehicle operators of agencies providing transportation services for Head Start programs to have or obtain a Commercial Drivers License (CDL) for the class of vehicle the program operates; however, state law does not classify the vehicles operated by the local Head Start program as commercial vehicles, and only requires operators of such vehicles to have a regular Class C operator license. This conflict between vehicle classification and operator license requirements means that potential operators must study commercial driver license materials which do pertain to

the vehicles they will be operating, and take the driving portion of the license examination in a vehicle which they are unfamiliar with. Furthermore, the Texas Department of Public Safety which administrates the driver license examination will not allow operators to take the CDL test in the vehicle they will be operating be these vehicles are not classified as commercial vehicles in state law. Therefore, vehicles which are classified as commercial vehicles have to be obtained in order for potential operators to take the CDL test at additional cost to the programs in question.

Specific Source: 45 CFR Ch. XIII Sec. 1310.16(a) (1); Texas Transportation Code, Title 7 Sec. 522.041(d)

Barrier #4—Insurance Requirements

Certain grants have specific insurance coverage requirements. The often varying and conflicting insurance coverage requirements have resulted in agencies and organizations covering multiple grant-specific insurance plans to qualify for funding.

Source of Barriers: Federal Regulations

These grant-specific insurance coverage requirements limit operational flexibility when attempting to share resources across programs or between organizations. Trying to resolve insurance and indemnification issues will be one of the major obstacles to implementing a coordinated public transportation system.

Constraints

Constraint #1—Availability of Transportation Services

The capacity and operations of the region's major public transportation providers has created several access and availability constraints. These issues include current service area boundaries and locations, days and hours of operation, and provider service capacity. Specifically, areas and locations needing public transportation are either underserved or not served at all, and public transportation is limited on weekends and after certain hours of the day.

Because transportation services in the region are not coordinated, the public may not be aware of transportation services available on weekends or during off-peak hours. Moreover, the uncoordinated operation of regional public transportation services has led to inefficient resource allocation resulting in duplication of service in some instances and inadequate service coverage in other instances.

A region-wide coordinated public transportation system would allow better allocation of resources through combined assessment of service area needs, and provide a single point of contact for information on all public transportation service.

Constraint #2—Vehicle Operator Availability & Training

The region suffers from a shortage of qualified vehicle operators which prevents public transportation service providers from operating at maximum capacity or full efficiency.

Identified barriers (See above), low pay, irregular or odd employment hours, and the absence of a formalized regional training program have contributed to a shortage of qualified drivers for transportation service providers.

In addition to addressing identified barriers, the implementation of a coordinated public transportation service would begin to address these problems. Through better resource allocation, standardization of service schedules, and improved financial performance through operational cost saving and increased funding, driver pay could be increased and employment hours improved. A formalized regional training program could also be developed in partnership with the Workforce Board to increase the pool of available drivers for all transportation providers.

Constraint #3—Program Funding

The fragmented and sometimes inconsistent funding of public transportation providers is a major problem. There are purported to be 62 different transportation-related federal funding programs, each with its own requirements and guidelines. Conflicting grant requirements and varying funding levels affect the availability of resources and the capacity of providers.

A coordinated public transportation system could better administrate the complex maze of federal and state funding sources by consolidating the talents of various service

providers and incorporating additional administrative personnel as needed, thus allow providers to focus on improving operational efficiency and improving customer service.

Constraint #4—Insurance & Indemnification

Insurance policy provisions of regional public transportation providers inhibit or prohibit the sharing of resources amongst providers. This includes grant-specific insurance policy requirements. Indemnification is a major constraint to the resource sharing required in a coordinated transportation system.

By pooling resources in a coordinated system, eventually providers may be able to consolidate their insurance policies to eliminate some or all of the insurance-related constraints which currently prevent resource shared.