

# **Report to the Kentucky Council on Developmental Disabilities**

## **Policy Options for Supporting Community and Faith Based Initiatives to Provide Transportation for Individuals with Disabilities**

Project Director:

Edward T. Jennings, Jr.

Graduate Assistants:

Suzanne Swann Dale

Tracy Black

Derek Bridges

**Martin School of Public Policy and Administration**

**University of Kentucky**

**415 Patterson Tower**

**Lexington, KY 40506-0027**

**859-257-5596**

November 6, 2002

## Executive Summary

Community and faith-based organizations play a huge role in the transportation of the elderly and disabled in Kentucky through their involvement in a number of government transportation programs and in programs which they have developed independently as needs have arisen.

These organizations face several barriers in beginning transportation programs and in sustaining services. In this report, we identify and discuss three major barriers that these organizations encounter:

- Funding and Accessibility Issues
- Insurance and Liability Issues
- Recruiting and Retaining Volunteers

Addressing these barriers is a way to increase the engagement of community and faith based organizations in transportation services for individuals with disabilities. Through our research, we have identified specific courses of action that the Council might take in lowering these barriers for community-based and faith-based organizations. These potential actions include:

- Advocate that the legislature and the Office of Transportation Delivery work together to establish a grant program to supplement Section 5310 funds that will fund the purchase of capital equipment for transportation programs;
- Encourage the Office of Transportation Delivery to identify and assist the communities that are lacking in 5311 operators and to promote an extension of 5311 service hours; identify where new Job Access and Reverse Commute (JARC) programs can be implemented and provide technical assistance to localities interested in JARC;
- Ask the Transportation Cabinet to promote the transportation cooperatives as discussed in this report;
- Recommend that the Office of Transportation Delivery develop a forum at the state/local level to promote dialogue on what faith-based groups and churches can do to fill service gaps;
- Advocate that the Office of Transportation Delivery explore the feasibility of options for an insurance pool for non-profit transportation providers;
- Advocate to the General Assembly for a law that limits the liability of charitable organizations when involved in transportation. This may encourage more non-profits and faith-based organizations to provide transportation;
- Ask the Transportation Cabinet to follow President Bush's Freedom Initiative and push Kentucky's role in it;
- Ask the Transportation Cabinet to promote volunteerism in transportation programs and to encourage local rural governments to become involved in volunteer transportation programs through the flexibility of 5310/5311 funds.

As it sets priorities for pursuing these possibilities, the Council may want to take into account the potential impact of each approach on transportation needs and the difficulty that can be expected in gaining adoption and implementation of the recommendations. The following chart identifies our estimate of importance and difficulty. This is an impressionistic ordering of the options.

## Importance

		Importance		
		Low Effect	Moderate Effect	High Effect
Political and Administrative Feasibility	Difficult	<ul style="list-style-type: none"> <li>• Ask the Transportation Cabinet to promote volunteerism in transportation programs and to encourage local rural governments to become involved in volunteer transportation programs through the flexibility of 5310/5311 funds;</li> </ul>	<ul style="list-style-type: none"> <li>• Recommend that the OTD develop a forum to begin dialogue on what faith-based groups and churches could do to fill service gaps;</li> <li>• Advocate to the General Assembly for a law that limits the liability of charitable organizations when involved in transportation;</li> <li>• Encourage OTD to promote transportation cooperatives;</li> </ul>	<ul style="list-style-type: none"> <li>• Advocate supplemental Grant Program for 5310;</li> <li>• Promote an extension of 5311 service hours;</li> </ul>
	Easy	<ul style="list-style-type: none"> <li>• Advocate that the OTD explore the feasibility of options for an insurance pool for non-profit transportation providers;</li> </ul>	<ul style="list-style-type: none"> <li>• Bring alternative transportation ideas to attention of stakeholders at a summit for increasing transportation options;</li> <li>• Encourage OTD to identify and assist communities that are lacking in 5311 and JARC programs;</li> </ul>	<ul style="list-style-type: none"> <li>• Ask Transportation Cabinet to follow President Bush's Freedom Initiative and push Kentucky's role in it;</li> </ul>

**Definitions:**

**Political and Administrative Feasibility. Difficult v. Easy:** We judged an action to be more difficult if it involves new funding and new activities that are not related to existing agency activities and threatens existing relations between agencies. We considered an action to be easier if it does not involve new funding, builds on existing activities of the agencies, and does not threaten relations between agencies.

**Importance. High Effect v. Moderate Effect v. Low Effect:** We judged an action to have a high effect if it has the potential to expand and improve services the most. An action has a low effect if it would bring modest contributions to expanding services. A moderate effect is somewhere between low and high effect.

## **Barriers for Community-Based and Faith-Based Organizations to Beginning and Participating in Transportation Programs**

“One of the hallmarks of health and human service program delivery is the intensive use of voluntary, faith-based, and community organizations as the local partners in providing these services. To take public transportation as an example, more than a third of all public providers in rural areas are community-based or faith-based non-profit organizations; that figure does not even include the thousands of community-based groups (including hundreds of churches and faith-based service organizations) receiving federal transit assistance to serve the elderly and persons with disabilities.”<sup>1</sup>

*Chris Zeilinger, Governmental Affairs and Training  
Community Transportation Association of America*

Community-based and faith-based organizations play a significant role in our local communities, and as providers of transportation to those with disabilities, their presence has become increasingly important. In Kentucky, community-based organizations are major actors in the Human Service Transportation Delivery Program (HSTDP). Half of the transportation brokers in HSTDP are community-based organizations, and community-based and faith-based organizations also serve as providers. Outside of HSTDP, some of these organizations serve as providers of public transportation in rural areas and as providers of Job Access transportation. Other non-profits run their own transportation programs for the frail elderly and persons with disabilities in their communities, such as Red Cross Wheels, Catholic Charities, and local senior citizen centers.

These organizations face a number of barriers in beginning their programs and sustaining their services. In this paper, we have identified the main barriers to entry and factors in sustainability: funding, insurance/liability coverage, and recruiting volunteers. Another barrier may include identifying and linking to riders, and this factor is addressed in our report on central coordination of information.

### **Barrier: Funding and Accessibility Issues**

The main barrier to the entrance of community-based and faith-based organizations into transportation programs is a lack of funding. The start-up expenses encountered by these organizations include equipment, salaries for employees to run the program and/or drive the vans, fuel, and insurance coverage. Operating expenses are the major factors in the sustainability of their programs.

Community and faith-based organizations receive funding from a myriad of sources. Community-based organizations receive most of their funds from government sources (state, county and city sources), community grants, grants from organizations such as the United Way, donations, and fare boxes. Faith-based organizations rely more on private donations, community grants, church donations, funding from their church hierarchical structure, and direct pay.

A related barrier to funding is the lengthy process involved in receiving grant money. Grant application processes may take up to a year and receiving some government grants will require getting operating authority from the state, which can also be a lengthy process. For new providers for Medicaid recipients, Medicaid funds pay much of their operating costs, but the wait to receive provider status from Medicaid can be a major hurdle to getting their transportation program started.

Another related barrier to funding new providers is the difficulty in getting operating authority from the state. In order to participate in certain programs such as HSTDP and Section 5310/5311, organizations must have operating authority from the Department of Transportation. After speaking with brokers in the Human Service Transportation Delivery Program, many noted that getting additional operating authority from the state to expand services could be a challenge due to competing services.

For those providers of the Human Service Transportation Delivery Program, government funds come from Medicaid, Vocational Rehabilitation, Department of the Blind, Welfare-to-Work and TANF vouchers. The providers must solely serve these populations. In addition, other transportation programs and government funding exist to serve persons with disabilities. We will cover the prominent sources of funding here. However, funds can come from a number of different government agencies, including several sources of non-traditional funds. An information source for all possible federal government sources for disability-related transportation programs can be found in “Building Mobility Partnerships for People with Disabilities: Opportunities for Federal Funding and Promising Practices” located online at <<http://www.projectaction.org/fundguide.htm>>.

## **Government Funds Sources**

### ***Transportation Equity Act for the 21<sup>st</sup> Century (49 U.S.C. § 5310 and § 5311)***

The Transportation Equity Act for the 21<sup>st</sup> Century, commonly known as the TEA-21 Act, was passed by Congress in 1998, and policy makers designed it to fill the gaps in transportation left by public transit providers. Some of the major provisions related to low-income persons, elderly and the disabled include the following:

#### ***Section 5310***

Under TEA-21, Section 5310, known as the Elderly and Persons with Disabilities Program, awards formula grants to states for capital assistance in order to meet the transportation needs of elderly persons and persons with disabilities where existing services are *unavailable, insufficient or inappropriate*. The funds for 5310 are allocated among states by a formula based on the population of the elderly persons and persons with disabilities in each state according to the U.S. Census figures. Grants can be made for 80 percent of the eligible costs while vehicle related equipment required to comply with the ADA might be funded at 90 percent of the cost.

Eligible participants include private, nonprofit organizations and associations or public entities that are approved by the state to coordinate services for elderly persons and persons with disabilities and public entities which certify to the state that no non-profit corporations or

associations are readily available in an area to provide service. The following are eligible capital items: buses, vans, vehicle rehabilitation, initial installment costs, vehicle procurement, testing, inspection, and acceptance costs, wheelchair lifts, lease of equipment when lease is more effective, acquisition of transportation services under a contract, lease, or other agreement.

Section 5310 projects must provide for the maximum feasible coordination of transportation services assisted under this section with transportation assisted by other federal sources and must provide for the maximum feasible participation of private-for-profit operators.<sup>2</sup>

Kentucky was awarded \$1,406,077.00 in Section 5310 funds during the 2002 fiscal year. However, these funds do not begin to cover all who apply for them. According to the Kentucky Transportation Cabinet, **only one-third of organizations that apply for Section 5310 funds receive them (about 40 out of 120 applicants)**, revealing that there is a large need in this state for capital assistance to aid transportation programs for the elderly and disabled.

### *Section 5311*

The Transportation Equity Act for the 21<sup>st</sup> Century also includes Section 5311 funding, which is the Rural and Non-urbanized Public Transportation Program. Section 5311 provides funds for capital and operating assistance to state agencies, local public bodies, nonprofit organizations, and operators of public transportation services. Funds are allocated based on each state's Census statistics of rural population. According to the Kentucky Transportation Cabinet, the goals of the program are: to enhance the access of people in non-urbanized areas, especially elderly persons, persons with disabilities, and economically disadvantaged persons, to health care, shopping, education, employment, public services and recreation; to assist in the maintenance, development, improvement, and use of public transportation systems in rural and small urban areas; to encourage and facilitate the most efficient use of all federal funds used to provide passenger transportation in non-urbanized areas through the coordination of programs and services; to assist in the development and support of intercity bus transportation; and to provide for the participation of private transportation providers in non-urbanized transportation.<sup>3</sup>

Section 5311 funds are for the **general public use**, not just for the elderly or those with disabilities. In Kentucky, these funds are not as limited as the Section 5310 funds and the Transportation Cabinet is able to award almost all of applicants (approximately 20 per year). However, the state gives 5311 operating authority to only one provider in an area.

### *Job Access and Reverse Commute Program*

Also part of the Transportation Equity Act for the 21<sup>st</sup> Century, the Job Access and Reverse Commute (JARC) program was created to expand transportation services to connect welfare recipients and low-income individuals to jobs, training, and childcare. These competitive grants are awarded to state and local governments and non-profit organizations and can be used for capital and operating costs of new or expanded transportation programs. Grants require a 50% match, but this match can be met using other federal funds such as TANF or Welfare-to-Work<sup>4</sup>. In Kentucky, however, TANF funds cannot be given directly to providers anymore but are given to recipients in the form of vouchers, some of whom do not use transportation.

In order to be awarded these funds, applicants must present to the Department of Transportation a plan of coordination. The applicants must consult with both transportation and social service agencies to coordinate a regional and comprehensive approach to filling transportation gaps. Since this is a relatively new program, the Kentucky Department of Transportation awards only a few of these grants per year. One example in Kentucky occurs in Louisville where a number of organizations including the City of Louisville, Kentuckiana Regional Planning and Development Agency, Transit Authority of River City, Louisville Empowerment Zone and the Bluegrass Industrial Park came together to plan a Reverse Commute project that transported residents of the city or in rural areas out to suburban employment centers.

Community-based organizations can play a large role in administering the JARC grants. A prime example of this is a non-profit organization in Tennessee, the Southeast Tennessee Human Resource Agency (SETHRA):

“The Southeast Tennessee Human Resource Agency (SETHRA) is using Job Access and Reverse Commute funds to expand the transportation options of Families First (Tennessee’s TANF program) clients and other low-income people. Specifically, SETHRA purchased vehicles, and is operating five new van programs in a nine-county region, taking riders to training, job interviews and jobs. One beneficiary of this new service is the school-to-work program of the Sequatchie Valley Department of Vocational Rehabilitation.

The school-to-work program provides services to youths with learning, physical and mental disabilities in the Sequatchie Valley, a very rural area that covers three counties and has a population of 11,000 people. Without transportation, many of the valley’s low-income residents would be unable to take advantage of the training and employment opportunities available to them just over the mountain. Because SETHRA can use its Job Access funding to provide transportation to those under 150 percent of the poverty line, DVR clients have been able to ride SETHRA buses and vans to training sites, sheltered workshops, and \$8.00 to \$9.00 an hour jobs beyond the valley.”<sup>5</sup>

While some JARC transportation programs have succeeded, some have not. One example in Kentucky exists where a recipient of a JARC grant bought a number of vehicles with their grant money, but had little participation due to the slowing economy. Their vans are now sitting idle.

Kentucky has already established work groups that bring together transportation planning organizations, local transit providers, social service agencies, state and local government, and local businesses to discuss the best way to provide transportation for their low-income residents through the creation of the HSTDP system.<sup>6</sup> More communities should be made aware of the JARC grants (which were \$2.5 million for Kentucky in FY2000) and regional coordination should be encouraged in order to fill service gaps. If the rider participation is low, perhaps more cooperation with employers, accessible living centers, mental health/mental retardation centers, vocational rehabilitation and other stakeholders needs to occur.

## **Transportation Cooperatives**

Since funding can be hard to come by and since a number of providers already exist, a solution to the lack of funding could be to encourage cooperation between agencies, between church groups, or to begin coordinated volunteer transportation.

### ***Creating transportation cooperatives among agencies that have purchased vehicles with federal funds.***

An example of this is a senior citizen's center, a mental health center, and a provider of services to the developmentally disabled combining their transportation budgets and fleets of vehicles to develop a "community transportation cooperative" that serves not only their clients but also other disabled in the communities. Some problems that might arise are turf wars between the agencies, due to the fears over loss of control over their budgets and vans. The communities must also be large enough to have two agencies with vans that are willing to participate in such a program.<sup>7</sup> While many agencies may feel possessive of their vans, if these vans are funded with Section 5310/5311 funds then they are encouraged to serve the elderly and disabled not affiliated with their agencies. When it is not using a vehicle for a "grant-related purpose," even those agencies that are allowed to provide transportation to their clients only, must (if feasible) make its vehicle available to others who are elderly or disabled.<sup>8</sup>

### ***Creating an interfaith association where churches in the community coordinate resources and/or use their vans to transport those with disabilities.***

Many examples of this exist in other states such as the Memphis Interfaith Association in Memphis, Tennessee that has raised private and public funds (60 % private and 40% public) to acquire 30 vans to transport low-income people around their area. This idea requires many churches in one area committed to such a program and willing to come together to pool funds and to hire a few people to run a program. Another example exists in Chattanooga, Tennessee called Senior Citizens Interfaith Services, which is funded by local churches and provides transportation to the local elderly citizens. In this example, the churches took over a failing non-profit transit provider and used the vans for their services.

Most churches own their own buses or vans that they use to provide services to their members. Churches that use their vehicles for community outreach mainly use them to bring those with developmental disabilities or children or the elderly to their church activities. While this is a noble effort in itself, church vans and buses that could fill transportation gaps sit idle for most of the week. The main barriers for churches to use their vans for community outreach are liability issues, operating expenses that include gas and upkeep on the vehicles, recruiting and sustaining certified drivers and coordination of transportation services. Another barrier is the fact that many churches do not realize that they could fill this need.

A potential funding source for such cooperation is the Robert Wood Johnson Foundation's Faith In Action (FIA) Program. This program brings religious communities of all faiths together with organizations such as clinics, hospitals and hospices to provide volunteer care to those with a chronic illness or disability. A start-up grant of \$35,000 for a 30-month period is offered by FIA

to help communities organize a coalition for volunteer care giving. Possible care giving activities include transportation, shopping, visiting, respite for caregiver, housework, and telephone reassurance. The care must be home-based and provided where people reside, but transportation services to and from a day center or clinic is permissible. Currently, FIA has helped to create 1,100 interfaith volunteer care giving programs across the country, eighteen of which are in Kentucky (these mainly serve the frail elderly or abused children or provide hospice services). The Foundation is looking to develop 2,000 more FIA programs, providing start-up funds and continued technical assistance to help the communities develop their programs.<sup>9</sup>

***Creating a cooperative between a church and a community-based agency such as an independent living center.***

Independent living centers provide needed services for those with disabilities and are a good resource for finding those who need transportation, but their budgets are small and most do not have transportation programs. One possibility could be an alliance formed between these centers and community churches. An example of this is in New Mexico where an Independent Living Center and a community church acquired and shared an accessible van.<sup>10</sup>

**Volunteer-Based Transportation.**

Many community and faith-based organizations rely on volunteers to deliver their services and transportation programs are no exception. These volunteers coordinate rides and drive the vehicles. Many faith-based organizations such as Catholic Charities and Lutheran Services rely almost solely on volunteers to make their program work. These two programs and many other

The following chart displays a comparison between costs for running a program with one paid driver and a purchased vehicle with costs associated with running a program with ten volunteers in their own vehicle.

<b>Annual Costs Associated with One Paid Driver and Purchased Vehicle</b>	
Manager, salary and benefits (50%)	\$15,000
Driver, salary and benefits	24,000
Vehicle Insurance	4,000
Cost of vehicle	6,000 (prorated over 5 Years)
Maintenance, gas and oil	4,800
<b>TOTAL:</b>	<b>\$53,800</b>
<b>Annual Costs Associated with Ten Volunteers in Their Own Vehicle</b>	
Manager, salary and benefits (50%)	\$15,000
Mileage Reimbursement	7,200
Excess non-owned auto insurance	3,500
Volunteer liability insurance	2,000
<b>TOTAL:</b>	<b>\$27,700</b>
<b>Source: "Volunteers in Transportation—Some Issues to Consider." National Transit Resource Center Technical Assistance Brief No. 1</b>	

This chart makes the assumptions that ten drivers driving ½ day a week equals 1 paid driver, driving roughly 100 miles a day. This summary shows the cost-effectiveness of using volunteers over purchasing a van and paying a driver.

programs use two different approaches to service: Catholic Charities relies on volunteers who drive their own cars, while Lutheran Services uses volunteers to drive a van they have purchased. For those organizations that cannot afford beginning or expanding a program requiring capital, a volunteer-based transportation system may be more feasible.

#### *Supported Volunteer Rural Transportation Voucher Program*

One approach to using volunteer-based transportation is for community and faith-based organizations to operate a Supported Volunteer Rural Transportation Voucher Program (SVRT), which provides rides to people with disabilities who live in communities with limited public transportation. This program has worked well in rural Montana and other rural areas in the Northwest. In this system, organizations serve as brokers to provide transportation. The program suggests two ways of providing rides:

1. Distribute vouchers to consumers in areas where public and private transportation is available. Consumers coordinate their own rides and pay with vouchers.
2. In areas where transit services are not available, recruit, train, coordinate, and reimburse volunteer drivers (including those who drive church vans). Vouchers are given to consumers who pay volunteers.

The advantages of a voucher system are that it allows consumers more choices, promotes the spirit of volunteerism found in rural communities, and it promotes cost sharing among agencies, consumers and transit providers.<sup>11</sup>

Independent Living Centers—an untapped resource.

Community-based organizations that have a wealth of resources to help those with developmental disabilities but do not provide transportation are independent living centers. There are nine independent living centers in Kentucky that provide many of the following services (some of which are mandated):

- Advocacy services
- Information and Referral
- Equipment Loans
- Peer Counseling
- Independent Living Skills
- Technical Assistance and Consulting
- Housing Assistance
- Employment services (job development and placement, skills training, career development)
- Independent living skills (credit counseling, assertiveness training, etc.)

Because independent living centers have extended contact with those of the population who have developmental disabilities, they can understand their needs more readily than other organizations. It makes sense to give these centers a role in providing transportation or coordinating transportation services.

In Kentucky, these centers operate on tight budgets and small staffs, discouraging them from starting transportation programs. However, many independent living centers around the country have started volunteer-based voucher programs where they pay volunteers (for mileage) to provide transportation to those with developmental disabilities. In this model, the independent living center distributes vouchers, clients must coordinate their own rides and the independent living center reimburses the volunteer drivers. Association of Programs for Rural Independent Living (APRIL), through the U.S. Department of Education, Rehabilitation Services Administration is currently funding 10 demonstration projects for transportation voucher programs at independent living centers around the country.

According to Tom Seekins of the University of Montana Rural Institute, government funds such as Section 5310 and Section 5311 money can be used to operate a voucher program in areas that are largely rural (the federal law encourages cooperation), though no voucher programs are funded in Kentucky through Section 5310/5311. Seekins notes that the decisions to use funds for these purposes are local decisions. Georgia is a state that is using 5310/5311 funds for vouchers. Dennis Stombaugh of APRIL states that the political process dictates who receives these funds, and that large urban areas have more political influence than rural areas. Stombaugh also suggested that funds for a voucher program could come through city councils or county commissioners, though these examples are very rare.

#### *Specialized Volunteer Transportation Program*

Another potential model for a volunteer transportation programs exists in the Specialized Volunteer Transportation Program run by Area IV Agency on Aging and Community Services (AAA) in Lafayette, Indiana. This innovative approach involves five towns in Indiana that have no or limited public transportation. The volunteer program is designed to provide transportation to medical appointments, shopping, visiting, cultural and recreational trips, and other personal needs.

The program, which began as a federally funded pilot project in 1986, is “noteworthy because of its volunteer component and local government participation.” A Research, Development and Demonstration Assistance Grant from the Urban Mass Transit Administration initially funded it. Currently, the Area IV AAA receives 5310/5311 funds to purchase vehicles and to operate the program.

Area IV AAA provides maintenance of the vans, technical assistance to local governments, insurance and licensing on the vehicles, and marketing of the services in specific areas. Each of the five towns designates a Volunteer Operating Board of Directors (VOBD) to plan and operate the program. These VOBDs are responsible for recruiting qualified drivers, raising matching funds, handling bookkeeping tasks, performing call in-take from their homes, contacting daily drivers, recruiting non-driver volunteers, scheduling trips, and paying for gasoline.<sup>12</sup> This program has been successful in allowing a community-based organization to assist in providing accessible, affordable transportation to areas that were currently underserved.

## **President Bush's New Freedom Initiative**

President Bush unveiled his New Freedom Initiative effort in 2001, which is a proposal to “further integrate Americans with disabilities in the workforce and to help remove barriers to participation in community life.” Regarding transportation for those with disabilities, the proposal:

**“Promotes innovative transportation solutions for people with disabilities by funding pilot programs.** The proposal provides funding for 10 pilot programs run by state or local governments in regional, urban, and rural areas. Pilot programs will be selected on the basis of the use of innovative approaches to developing transportation plans that serve people with disabilities. The Administration will work with Congress to evaluate the effectiveness of these pilot programs and encourage the expansion of successful initiatives.”

**“Helps create a network of alternative transportation through community-based and other providers.** The proposal will establish a competitive matching grant program to promote access to alternative methods of transportation. The dollar-for-dollar matching program will be open to community-based organizations that seek to integrate Americans with disabilities into the workforce. The funds will go toward the purchase of specialty vans, assisting people with down payments or costs associated with accessible vehicles, and extending the use of existing transportation services.”<sup>13</sup>

The Department of Transportation submitted budget requests of \$145 million for the New Freedom Initiative for FY2002 and again for FY2003, but Congress has not funded the programs. If passed next year or in the future, it may provide some solutions to the funding problem that this paper addresses.

## **Recommendations to the Kentucky Council on Developmental Disabilities:**

- **Advocate that the legislature and the Office of Transportation Delivery work together to establish a grant program to supplement Section 5310 funds that will fund the purchase of capital equipment for transportation programs;**
- **Encourage the Office of Transportation Delivery to identify and assist the communities that are lacking in 5311 operators and to promote an extension of 5311 service hours; identify where new Job Access and Reverse Commute (JARC) programs can be implemented and provide technical assistance to localities interested in JARC;**
- **Ask the Transportation Cabinet to promote transportation cooperatives such as the ones listed above:**
  - **Perhaps they could bring alternative transportation ideas and transportation cooperatives to the attention of stakeholders perhaps during a summit involving a consortium of groups that are involved in transportation of those with disabilities;**
- **Make the Office of Transportation Delivery aware that they should follow the New Freedom Initiative and Kentucky's possible role in its implementation;**

- **Recommend that the Office of Transportation Delivery develop a forum at the state/local level to promote dialogue on what faith-based groups and churches can do to fill service gaps; In addition, the agency could:**
  - **Use grassroots outreach to inform local faith communities of the role they can play;**
  - **Link churches to technical assistance and dissemination of information;**
  - **Provide start-up subsidies to churches to cover beginning operating expenses;**
  - **Connect churches or organizations to the idea of central coordination of information;**
  - **Encourage interdenominational and interfaith partnerships to enlist a number of churches that rotate service every month so as not to tire out the volunteers;**
  - **Publicize the availability of Faith In Action funding opportunities and to provide technical assistance to groups interested in applying.**

### **Barrier: Insurance and Liability Issues in Transportation**

#### **Insurance Coverage**

Another barrier that community-based and faith-based organizations must face when beginning transportation programs is the difficulty in getting adequate insurance coverage. In the past, some non-profit transportation providers have found that the insurance industry would not serve them, and others discovered that a hard market greatly increased their premiums.<sup>14</sup> For those organizations that have small budgets, insurance issues are a major factor in whether they begin a program. Many churches cite insurance coverage/liability issues as the reason that they do not use their equipment more often.

One possible solution to this problem would be for non-profit transit providers to form an insurance pool. In California, the NonProfits' United Vehicle Insurance Pool came about in the mid-1980s due to the hardships incurred by non-profit transit providers in receiving adequate insurance coverage. A group of directors from the California Association of Coordinated Transportation decided to form an insurance pool using a \$60,000 grant they received. Today, the insurance pool covers over 300 members including senior centers, churches, health clinics, food banks, and disabled service programs. NonProfits United is a nonprofit organization, owned by its members. Its board of directors is elected from current member agencies, allowing for member control. The California Corporations Code was amended to allow private non-profits to pool, and they are governed by this code rather than the Department of Insurance.<sup>15</sup> In Kentucky, such an organization would be considered self-insured and would be governed by the Department of Insurance. To begin a pool, they must post a bond equal to the minimum insurance requirement of the state and then register with the Department of Insurance. If enough providers do not exist in Kentucky to form their own pool, then it may be wise to find a national non-profit insurance pool that underwrites in Kentucky and use this service instead.

Another source for insurance coverage could be local governments if the vans were used in conjunction with county programs such as transportation to comprehensive care centers or for

vocational purposes. An example exists in Kentucky where a comprehensive care center lost its transportation funding due to federal and state budget cuts and a group of concerned citizens gathered donations from local businesses to buy a van to transport people to and from the center for vocational programs. The county government covers the insurance on the van.

### **Recommendations to the Kentucky Council on Developmental Disabilities:**

- **Advocate that the Office of Transportation Delivery explore the feasibility of options for an insurance pool for non-profit transportation providers. Three options are:**
  - **Locate a national non-profit insurance pool that underwrites in Kentucky and make providers aware of this;**
  - **Begin a pool through the Human Service Transportation Delivery Program to encourage the entrance of new transportation providers;**
  - **Follow the California example and start a new non-profit that provides insurance coverage for its members;**
    - **Funding in the form of a start-up grant would be needed for both of the latter approaches, one large enough to cover Kentucky's minimum insurance requirement;**
    - **A state association like the California Associated of Coordinated Transportation may be needed to run such a program.**

### **Liability**

Many community-based and faith-based organizations, fail to become involved in transportation programs because of fears that their organization would be held liable if they were sued.

Many states have passed liability protection laws that attempt to reduce the liability exposure and insurance costs of charitable organizations, their employees and volunteers in order to encourage volunteerism and to make the most out of the resources designated to deliver services. These laws vary from state to state and can include Good Samaritan laws, volunteer protection, volunteer immunity, liability limitation, shield laws and charitable immunity.<sup>16</sup>

### **Kentucky's Liability Protection Laws**

Charitable immunity no longer exists in Kentucky. It was abolished in 1961 under the ruling in *Sheppard v. Immanuel Baptist Church*, 353 S.W. 2d 212 (Ky. 1961). In fact, charitable immunity has been abolished in all but nine states. However, Kentucky does provide volunteer protection:

*KRS § 411.200, Non-profit volunteer*

Any person that serves as a director, officer, trustee or volunteer of a non-profit organization and is not compensated for their service is immune from civil liability for an act of omission resulting in damage or injury, if they acted in good faith and within the scope of their duties.

*Exception:* the damage was caused by willful or wanton misconduct

Kentucky has no statute that limits the liability of charitable organizations. While limitations on the liability of an organization are sometimes considered a form of charitable immunity, some states have passed laws capping money damages, such as the following:

- *Colorado*: lawsuits against non-profits are not prohibited, but judgments are limited to the extent of existing insurance coverage. (Colo. Rev. Stat. Ann § 7-123-105).
- *Massachusetts*: A tort cap of \$20,000 applies to nonprofits for torts committed in the course of any activity carried on to accomplish directly the charitable purposes of the organization. (Mass. Gen. Laws Ann. Ch. 231, § 85K).
- *South Carolina*: Awards against charitable organizations are limited to \$250,000 in actions for injury or death caused by the tort of an agent, servant, employee, or officer. (S.C. Code Ann. § 33-56-180).
- *Texas*: Limits liability of organization to money damages in a maximum amount of \$500,000 for each person and \$1,000,000 for each single occurrence of bodily injury and \$100,000 for each single occurrence for injury to or destruction of property. (Tex. Civ. Prac & Rem. Code Ann § 84.001 to .008)<sup>17</sup>

#### **Recommendations for the Kentucky Council on Developmental Disabilities:**

- **Follow up on the effort of last year by the Kentucky Commission on Services and Supports for Individuals with Mental Retardation and Other Developmental Disabilities to recommended to the legislature development of a Good Samaritan law related to the liability of transportation providers.**
- **Advocate to the General Assembly for a law that limits the liability of charitable organizations when involved in transportation. This may encourage more non-profits and faith-based organizations to provide transportation.**

#### **Barrier: Recruiting Volunteers**

Using volunteers to provide transportation seems like a good solution, but the main complaint from organizations using volunteers is the difficulty in recruiting and keeping them. In fact, some transportation programs have stopped using volunteer drivers due to their unreliability. The following factors have to be taken into account when deciding to set up volunteer transportation programs:

- The community must be analyzed to see if it has a history of volunteerism or the demographics to support volunteer programs. Factors such as population size and economic status influence the pool of volunteers that organizations must draw from.
- There are also recruitment expenses that must be considered by organizations, such as creating public service announcements, ads and notices in local newspapers, flyers and solicitations.

- Training expenses must also be considered, especially when considering insurance and liability issues. Volunteers who drive the organization's buses and vans may need to be trained in CPR/emergency services or in other aspects of transportation procedures.<sup>18</sup>

### **Senior Community Service Employment Program**

One solution to the lack of volunteer drivers during the start-up process of a transportation program could be the use of a part-time worker from the Senior Community Service Employment Program.

The Senior Community Service Employment Program (SCSEP) is a federally sponsored job creation program under the Older Americans Act that is intended for low-income persons age 55 and older. Administered by the Department of Labor, it subsidizes part-time community jobs for eligible participants. Examples of community service jobs include: librarians, nurses' aides, clerical workers, forestry workers, etc. The goal of the program is to provide a stepping-stone whereby participants can move into unsubsidized positions.<sup>19</sup>

Five organizations run the SCSEP program in Kentucky: the Administration on Aging, Experience Works (f/k/a Green Thumb, Inc.), AARP, the National Council on Aging, and the U.S. Forrest Service. The Department of Labor sets the number of workers that these organizations can handle at any one time. For example, AARP is mandated to handle 124 people, while the Administration on Aging can handle 236 workers. At this time, only a few workers in the state are placed with transportation providers, the main providers being Red Cross Wheels and senior citizens centers around the state. However, providers may not be aware of this available service to take advantage of it. The drawback to this solution is that it is only temporary unless the provider can begin paying the worker, since the major goal of the program is to work toward unsubsidized employment.

### **Using Volunteer Boards**

As previously mentioned, Indiana's Area IV Agency on Aging runs a successful volunteer transportation program for five rural areas. Their Director of Community Services noted that the program has been successful at recruiting volunteers due to the high profile of the program in the local communities. The agency also stated that their program would be nowhere without the help of retired volunteers from the community. In the areas where they have more trouble recruiting people to drive, schedule rides, etc., volunteer board members have extensive connections throughout the community to make something happen.

### **Community Marketing Efforts**

Some welfare-to-work transportation programs have found success in recruiting volunteers through community marketing efforts. In Oregon, two communities, Glendale and Azalea came together to develop volunteer carpools to overcome transportation gaps. The Glendale/Azalea partnership recruited 28 volunteer drivers that included retirees, homemakers and school bus drivers who provided rides for other members of the community to employment opportunities.

The success of the program was due to marketing the service and recruiting drivers. A communications specialist created press releases, posters and fliers to recruit drivers and riders. The local newspapers and television stations highlighted the services. Staff from the welfare-to-work Skills Center attended community fairs to encourage volunteerism and to recruit drivers and carpool participants.<sup>20</sup> Adequate resources and a community-wide effort to attract volunteers increase the likelihood that volunteer programs will be a success.

### **Recommendations to the Kentucky Council on Developmental Disabilities:**

- **Encourage the Office of Transportation Delivery to educate new providers about the Senior Community Service Employment Program;**
- **Bring to the attention of the Transportation Cabinet the importance of volunteers in providing transportation to those with disabilities. With expanded 5310 funds and more flexible 5311 funds, the Office of Transportation Delivery may be able to allow transportation cooperatives or allow local rural governments to become involved in volunteer transportation programs, following the example of the Indiana Area IV Agency on Aging Volunteer Transportation Program. A community-wide effort for such a project may provide the visibility that encourages the recruitment of volunteers.**

### **Conclusion**

In order for the disabled population in Kentucky to have accessible, affordable and reliable transportation, the government in Kentucky must continue to support partnerships with community-based and faith-based organizations. In order for these organizations to be successful in their efforts, they will need adequate funding and resources and support from government agencies. These organizations fill transportation gaps, but more organizations are needed as the disabled population continues to be underserved in the area of transportation.

---

### **Endnotes**

<sup>1</sup> Chris Zeilenger of Community Transportation Association of America, letter to Health and Human Services Initiative on Rural Communities, 28 September 2001, 18 October 2002 <<http://www.ctaa.org/fednews/press/rural.asp>>.

<sup>2</sup> Office of Transportation Delivery, Section 5309-5311 Page, 18, October 2002 <[http://www.kytc.state.ky.us/empower/otd/SECTION\\_5309-5311.HTM](http://www.kytc.state.ky.us/empower/otd/SECTION_5309-5311.HTM)>.

<sup>3</sup> Office of Transportation Delivery <[http://www.kytc.state.ky.us/empower/otd/SECTION\\_5309-5311.HTM](http://www.kytc.state.ky.us/empower/otd/SECTION_5309-5311.HTM)>.

<sup>4</sup> Federal Transit Administration, United States Department of Transportation, Job Access and Reverse Commute Grants Page 18 October 2002 <<http://www.fta.dot.gov/wtw/jarcgfs.htm>>.

<sup>5</sup> "Building Mobility Partnerships for People with Disabilities: Opportunities for Federal Funding and Promising Practices," (Washington, D.C.: Easter Seals Project Action/Community Transportation Association of America, June 2002) 21.

- 
- <sup>6</sup> Dana Reichert, "Welfare Reform Project. Filling the Gaps," State Legislatures Magazine (1998) 18 October 2002 <<http://www.ncsl.org/statefed/welfare/atj2.htm>>.
- <sup>7</sup> U.S. Department of Transportation, "Delivering on the Promise: U.S. Department of Transportation Self-Evaluation to Promote Community Living for People with Disabilities," 18 October 2002 <<http://www.hhs.gov/newfreedom/final/dotfull.html>>.
- <sup>8</sup> Diana Spas, "Sections 5310 and 5311 of the Transportation Equity Act for the 21<sup>st</sup> Century," Common Threads: Weaving Together Rural Resources (Fall/Winter 1999/2000) <<http://rtc.ruralinstitute.umt.edu/Trn/RuTrnCT.htm>>.
- <sup>9</sup> Robert Wood Johnson Foundation, Faith In Action: Apply for A Grant Homepage 10 October 2002 <<http://fiavolunteers.org/apply/index.htm>>.
- <sup>10</sup> Diana Spas and Tom Seekins, "Rural Facts: Rural Transportation," (University of Montana: The Research and Training Center on Rural Rehabilitative Services, 1998) 18 October 2002 <<http://ruralinstitute.umt.edu/rtrural/Trn/TrnFact.htm>>.
- <sup>11</sup> Brad Bernier, Tom Seekins, and Kitty Herron, "Making Transportation Work For People With Disabilities in Rural America: The Supported Volunteer Rural Transportation Voucher Program," (The University of Montana: The Research and Training Center on Rural Rehabilitation Services, 1996) 18 October 2002 <<http://ruralinstitute.umt.edu/rtrural/Trn/TrnManual.htm>>.
- <sup>12</sup> "Specialized Volunteer Transportation Program: Lafayette, Indiana," Rural Service Models Index Page, 8 October 2002 <[http://coa.kumc.edu/rit/models/no\\_43.htm](http://coa.kumc.edu/rit/models/no_43.htm)>.
- <sup>13</sup> President George W. Bush, "New Freedom Initiative," February 2001, 18 October 2002 <<http://www.whitehouse.gov/news/freedominitiative/freedominitiative.pdf>>.
- <sup>14</sup> Laura Sullivan, "The Drive to Succeed," Risk Management, (December 1999), 18 October 2002 <<http://www.nonprofitsunited.com/article1.htm>>.
- <sup>15</sup> Laura Sullivan, <<http://www.nonprofitsunited.com/article1.htm>>.
- <sup>16</sup> Non-Profit Risk Management Center, "State Liability Laws for Charitable Organizations and Volunteers, 4<sup>th</sup> Edition," (Washington D.C.: Nonprofit Risk Management Center, 2002), 3.
- <sup>17</sup> Non-Profit Risk Management Center, 9.
- <sup>18</sup> Dennis Studebaker and Community Transportation Association of America, "Volunteer Transportation—Some Issues to Consider," Technical Assistance Brief No. 1, (Washington D.C.: National Transit Resource Center, 2001) 2-3, 18 October 2002 <[http://ctaa.org/data/rtap\\_volunteers.pdf](http://ctaa.org/data/rtap_volunteers.pdf)>.
- <sup>19</sup> U.S. Department of Labor Employment and Training Administration, "The Older Americans Act Amendments of 2000: Legislative Changes to the Senior Community Service Employment Program." Research and Evaluation Monograph Series 01-C, (Washington D.C.: U.S. Department of Labor, 2001) 1.
- <sup>20</sup> "Access to Jobs: V. Local Innovative Practices," Community Transportation Association of America Website, 8 October 2002 <<http://www.ctaa.org/ntrc/atj/pubs/innovative-old/section5.asp>>.