

Rule No.: 941 - 6101 - 53002

Agency: Mississippi Department of Transportation

Agency Effective Date: May 15, 2005

Agency Issued Date: March 8, 2005

Secretary of State Authority Date: May 15, 2005

Supercedes Rule:

Division: Public Transit

Rule Title: Section 5310 Program Eligibility

The person to be contacted regarding the proposed rule is: Facility and Records Management Director

Name of person originating the proposed rule: Leandrew Mayberry

Name of supervisor or person who approved the proposed rule: Charles Carr

Purpose:

Provide guidance on recipient and service area eligibility requirements for grant assistance.

Summary:

Describes types of eligible recipient and services that can be funded by the MDOT through the most recent version of the Section 5310 Elderly and Persons with Disabilities Program. (The Section 5310 description may be viewed at the Federal Transit Administration website – www.fta.dot.gov.)

The full text of the proposed rule is:

All cites herein refer to the most current version of the cited document.

A. Section 5310 Projects - Eligible Recipients

1. Eligible recipients of Section 5310 assistance include: private nonprofit organizations; public bodies that certify that no nonprofit corporations or associations are readily available in the area to provide the service; and public bodies approved by the state to coordinate services for elderly persons and persons with disabilities.
2. Local public bodies eligible to apply for Section 5310 funds as coordinators of services for elderly persons and persons with disabilities are those designated by the state to coordinate human service activities in a particular area.
3. The prioritization and selection of Section 5310 (i.e. elderly and persons with disabilities) projects for funding is the responsibility of MDOT as the designated state agency. Applicants for, or recipients of Section 5310 assistance will be evaluated based on the provisions of the most recent version of FTA Circular 9070.IE and the approved State Management Plan as appropriate. (Both documents are available from the Public Transit Division.)
4. The Public Transit Division shall utilize the guidelines contained in Chapter XIII, Part G of the most current approved State Management Plan in determining the eligibility of an applicant as an elderly person and persons with disability service provider.

B. Section 5310 Eligible Service Areas

1. Section 5310 funds are available to assist elderly persons and persons with disabilities transportation projects in urban and non-urbanized areas.

2. The MDOT uses the terms "*non-urbanized* and *rural areas*" synonymously to mean any area outside an urbanized area, as designated by the Bureau of the Census. An urbanized area consists of a core area and the surrounding densely populated area with a population of 50,000 or more, with boundaries fixed by the Census Bureau or extended by state and local officials. The goal of Section 5310 is for the primary purpose of providing transportation to elderly and/or disabled persons. In addition to specific clients, transportation services may be made available to other elderly and disabled persons on a space available basis. Section 5310 vehicles may also serve the transportation needs of general public passengers on an incidental basis. The incidental basis refers to services that do not interfere with transportation services designed to meet the specific needs of elderly persons or persons with disabilities.

3. For purposes of this rule, "Elderly persons" refers to a person meeting the requirements for services under Title XX and Title IIIB of the Older Americans Act. In general, persons age 55 and older are considered eligible for Section 5310 transportation services. "Disabled person" means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary disability (including any person who uses a wheelchair or has semi-ambulatory capabilities), is unable without special facilities to utilize public transportation facilities and services effectively.