

**GUIDELINES AND PROCEDURES  
SECTION 5310 PROGRAM  
2023-2024 Application Period**

**Commonwealth of Pennsylvania  
Department of Transportation**

**Josh Shapiro, Governor  
Michael Carroll, Secretary of Transportation**

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## Part 1: General Program Information

### 1. Introduction

The Pennsylvania Department of Transportation (PennDOT) is announcing a call for projects for Federal Section 5310 Projects (49 U.S.C. 5310). The available funds are for projects that improve transportation for senior individuals and individuals with disabilities. **The Application must be submitted by Monday July 31, 2023 through eGrants Public Portal Interface.** To apply for funding, applicants must have a Keystone Login account. If users don't have an account to the Keystone Login, they must register. Pennsylvania's Section 5310 program requires all applications to be filed electronically using eGrants Public Portal.

### 2. Background

The Federal Section 5310 Program is authorized under the provisions set forth in the Fixing America's Surface Transportation Act (FAST) (Public Law 114-94) and appropriated under the Consolidated Appropriations Act, 2016 (PL 114-113) The FY 2023-24 project selection uses the federal appropriation of Section 5310 funding under the Fixing America's Surface Transportation Act (FAST) and therefore must follow FAST rules and regulations.

This federal program provides formula funding to States for the purpose of improving mobility for senior citizens and individuals with disabilities throughout the country. The program requires coordination of federally assisted programs and services in order to make the most efficient use of Federal resources. The program also requires maximum feasible coordination of transportation services assisted by the Section 5310 Program with transportation services assisted by other Federal sources.

The Pennsylvania Department of Transportation (PennDOT) leads the development of the program of projects for the Federal Transit Administration (FTA) review and approval of grant funding. PennDOT ensures that local applicants and project activities are eligible and in compliance with Federal requirements, that private not-for-profit transportation providers have an opportunity to participate as feasible, and that the program provides for coordination of federally assisted transportation services. Once FTA approves PennDOT's application, funds are available for state administration of the program and for allocation to individual subrecipients within the state.

**We strongly advise all potential applicants to review the FTA Program Summary for further clarification of the Enhanced Mobility of Seniors & Individuals with Disabilities 5310 Program, located on the FTA's website: [Enhanced Mobility of Seniors & Individuals with Disabilities - Section 5310 | FTA \(dot.gov\)](#).**

### 3. Eligible Applicants

The following organizations and entities are eligible to apply for funding

- Private non-profit (PNP) organizations;
- State or local governmental authorities; and
- Operators of public transportation services

### 4. Eligible Capital Expenses

Funds for the Section 5310 program are available to support the procurement of vehicles for transportation services to meet the special needs of senior citizens and individuals with disabilities. Eligible vehicle expenses include:

1. New accessible small buses (seating capacity ranging approximately from 10 to 25)
2. New accessible vans or other paratransit vehicles

Although Federal regulations do not require vehicles to be specially equipped for wheelchair

accessibility, the Commonwealth requires that all vehicles purchased under the Section 5310 Program be wheelchair accessible.

## **5. Eligible Passengers**

Section 5310 vehicles are for transporting senior citizens and individuals with disabilities.

- Seniors citizens include all persons 65 years of age or older. Grantees may use a definition that extends eligibility for service to younger (e.g., 62 and older, 60 and over) persons.
- Individual with a Disability means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use effectively, without special facilities, planning, or design, public transportation service or a public transportation facility. A disability substantially limits one or more of the major life activities of such an individual. It also includes a record of such impairment or being regarded as having such an impairment. An individual with a disability does not include an individual who is currently engaging in the illegal use of drugs.
- After the needs of senior individuals and individuals with disabilities are met, the vehicle may be used for transporting the general public. The Department encourages the transporting of additional persons so that the vehicle is fully utilized. This action helps foster coordination efforts.

## **6. Vehicle Usage**

Agencies funded under the Section 5310 Program are required to provide transportation services to seniors and individuals with disabilities originally designated in their application and within the geographical area described in their Section 5310 Application for the duration of their vehicle's useful life. Service offered must be equivalent to the level and quality of service offered to individuals without disabilities as per the Americans with Disabilities Act (ADA) regulations.

### **Meal Delivery for Homebound Individuals**

Transit service providers receiving assistance under the Section 5310 Program may coordinate and assist in providing meal delivery services for homebound persons on a regular basis if the meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers. The number and size of vehicles applied for under Section 5310 must be determined only by the number of passengers to be transported, not meal delivery capacity. Section 5310 funds may not be used to purchase special vehicles to be used solely for meal delivery or to purchase specialized equipment such as racks or heating or refrigeration units related to meal delivery.

### **In-Home Services**

Providing in-home services with a Section 5310 vehicle could result in a reduction of service to and interfere with transportation services for senior individuals and individuals with disabilities. Therefore, the Department discourages the use of vehicles for this activity.

### **Incidental Usage**

Incidental use is the use of equipment or facilities purchased under the Section 5310 Program during those periods when the equipment is not used for specific grant related purposes. This type of use is allowed but should be kept to a minimum and must not interfere with any transportation services for seniors and individuals with disabilities.

### Out-of-State Usage

Agencies receiving assistance under the Section 5310 Program are to use the vehicle to provide transportation services to seniors and individuals with disabilities within the geographical area described in the agency's Section 5310 Application. Out-of-state trips are strictly forbidden under the Pennsylvania Section 5310 Program unless specifically approved for agencies located in border counties.

### School Bus Prohibition

Grantees are prohibited from providing exclusive school bus service unless the service qualifies under an allowable exemption and is approved by the FTA Administrator. In no case can federally funded equipment or facilities be used to provide exclusive school bus service.

### Charter Service

Section 5310 recipients may only provide charter services for —program purposes as defined in 49 CFR Part 604 as transportation that serves the needs of either human service agencies or targeted populations (seniors or individuals with disabilities). The agency's service only qualifies for the exemption contained in 49 CFR 604.2(e) if the service is designed to serve the needs of targeted populations. As examples, the following are considered charters and fall under the FTA Charter Rule:

1. An individual chartering a vehicle to take his relatives including elderly aunts and a cousin who is a disabled veteran to a family reunion; or
2. A charter for the Boy Scouts or a school group that includes grandparents.

## 7. Coordinated Human Services Transportation Plan

The FAST Act requires that Section 5310 projects selected for funding **must be included** in a locally developed, coordinated public transit-human services transportation plan. These plans have been developed throughout Pennsylvania. Locally developed coordinated plans can identify both the transportation needs and issues of a particular area and the transportation services available to meet these needs. The plan can help reduce or eliminate many of the problems and issues identified, such as duplication of services, underutilization of resources, and help extend or expand service to fill gaps between unmet transportation needs.

To the maximum extent possible, Section 5310 applicants should ensure that private-for-profit transportation operators have been given a fair and timely opportunity to participate in the local planning for the project and have been afforded every feasible opportunity to provide the proposed service for senior citizens and individuals with disabilities. It is the goal of the Section 5310 Program to promote greater reliance on the private sector in the provision of transportation services where those services can be provided more efficiently by the private sector.

The local **planning organization** in your service area is responsible for developing the plans which require the involvement of public, private, non-profit and human services transportation providers, as well as the general public. All applicants must reference this plan and identify how their application is consistent with the goals and priorities in the plan.

## **8. Federal Requirements**

### **FTA Funding Ratio**

The Federal share of eligible capital expenses cannot exceed eighty (80) percent. The local share can be no less than twenty (20) percent of the expenses. All of the local share must be provided from sources other than Federal funds except where specific legislative language of a Federal program permits its funds to be used to match other Federal funds.

### **Title 6 of the Civil Rights Act of 1964**

Grantees must ensure that no person shall, on the grounds of race, color or national origin, be excluded from participating, or denied the benefits of, or be subject to discrimination under any program, or activity receiving federal financial assistance. In addition to complying with the requirements itself, PennDOT must ensure that recipients of Section 5310 funds meet these requirements. Recipients must:

- notify clients that the agency will operate programs without regard to race, color and national origin;
- describe the procedures that members of the public should follow in order to request additional information on the agency's nondiscrimination obligations; and
- describe the procedures that members of the public should follow to file a discrimination complaint against the agency.

### **Sensitive Security Information**

Each agency must protect, and take measures to ensure that its sub agreement at each tier protect, sensitive security information made available during the administration of any agreement or any sub agreement to ensure compliance with 49 U.S.C. Section 40119(b) and implementing DOT regulations, protection of sensitive security information, 49 CFR Part 15, and with 49 U.S.C. Section 114(s) and implementing Department of Homeland Security regulations, Protection of Sensitive Security Information, 49 CFR Part 1520.

### **Accessibility**

Agency agrees that products and services provided shall be in accordance with the 42 U.S.C. Sections 12101 et seq. and DOT regulations, Transportation Services for Individuals with Disabilities (ADA), 49 CFR Part 37; and Joint ATBCB/DOT regulations, Americans with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles, 36 CFR Part 1192 and 49 CFR Part 38.

### **Environmental Justice**

Agency agrees to facilitate compliance with the policies of Executive Order No. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 42 U.S.C. § 4321 note, except to the extent that the Federal Government determines otherwise in writing.

### **Energy Conservation**

Agency agrees to comply with, and obtain the compliance of its subcontractors, with mandatory standards and policies relating to energy efficiency contained in applicable state energy conservation plans issued in compliance with the Energy Policy and Conservation Act, 42 U.S.C. §§ 6321 et seq.

### **Application of Federal, State and Local Laws and Regulations**

Agency agrees to comply with changing federal, state and local requirements. The agency shall note that federal, state and local requirements may change and those changes will apply to the Project as required.

### **Federal Regulation Changes**

Agency shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the current FTA Master Agreement between PennDOT, Bureau of Public Transportation and FTA, as they may be amended or promulgated from time to time during the term of this Project. The agency's failure to so comply shall constitute a material breach of the Project.

### **No Federal Government Obligations to Third Parties**

Agency agrees that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Project, absent the express written consent by the Federal Government, the Federal Government is not a party to this Project and shall not be subject to any obligations or liabilities to the PennDOT, agency, or any other party (whether or not a party to the Project) pertaining to any matter resulting from the underlying Project.

### **Program Fraud and False or Fraudulent Statement or Related Acts**

Agency acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §§ 3801 et seq. and U.S. DOT regulations, Program Fraud Civil Remedies, 49 C.F.R. Part 31, apply to its actions pertaining to this Project. Upon execution of the Project, the agency certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, and pertaining to the underlying Project or the Federal Transit Administration (FTA) assisted Project for which the Project work is being performed. In addition to other penalties that may be applicable, the agency further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the agency to the extent the Federal Government deems appropriate.

### **Seat Belt Usage**

Pursuant to Executive Order No. 13043, April 16, 1997, 23 U.S.C. § 402, the agency is encouraged to adopt on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-operated vehicles and include this provision in third party contracts, third party subcontracts, and sub-agreements entered into under this Project.

### **Distracted Driving, Including Text Messaging While Driving**

Pursuant to Executive Order No. 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, 23 U.S.C. § 402 note and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the recipient is encouraged to adopt on-the-job policies and programs for its employees when operating company-owned, rented, or personally operated vehicles to reduce text messaging while driving and avoid distracted driving. This Special Condition is to be included in each third party sub-agreement at each tier financed with Federal funds.

## Part 2: Program Management

### 1. Recipient/Commonwealth Contract

Each grant recipient will be required to enter into a contract with the Commonwealth of Pennsylvania. The contract governs the purchase and use of capital items during the items' useful life. The contract will specify requirements for reporting, coordination, and other items regarding the use and disposition of capital assets.

### 2. Procurement and Grant Fund Receipt Procedures

Procurement procedures are established and administered by the Pennsylvania Department of Transportation in compliance with standards and guidelines for federally assisted procurements of capital items.

**Once the federal funds are awarded, and an executed grant is in place an agency can proceed with ordering their vehicles. To ensure that vehicles are procured properly (federal requirements included), the Pennsylvania Department of Transportation requires all grant recipients to use South Central Transportation Authority's (SCTA) Small Accessible Vehicle Contract for the procurement of small vehicles.** Please reach out to John Levitsky at 717-787-1206 or [jlevitsky@pa.gov](mailto:jlevitsky@pa.gov) for additional information on what contracts are currently available. The contracts provide a variety of accessible transit buses and vans to choose from. Additional details will be provided to selected grantees. At this time the purchase ordering process will be explained.

### 3. Low Usage

Normally, an actively used vehicle will accrue 100,000 miles after four years of operation. However, some agencies are only accruing between 30,000 and 40,000 miles on vehicles that are seven to ten years old. The Department considers this to be low mileage and usage. **PennDOT reserves the right to remove a vehicle from any agency that puts less than 10,000 miles a year on their vehicle.**

### 4. Leasing Vehicles Acquired with Section 5310 Funds

With prior written PennDOT approval, vehicles acquired under the Section 5310 program may be leased to other entities such as local public bodies or agencies, other private nonprofit agencies, or private for-profit operators. Under such a lease, the lessee operates the vehicles on behalf of the Section 5310 recipient and provides transportation to the recipient's clientele as described in the grant application.

The lease between the Section 5310 recipient and the lessee will contain the terms and conditions that must be met in providing transportation service to senior citizens and individuals with disabilities. Because the purpose of the Section 5310 grant is to provide transportation service to senior citizens and individuals with disabilities, other uses of the vehicle are permitted only as long as such uses do not interfere with service to these individuals.

When vehicles or other equipment are operated by any agent other than the grant recipient, control and responsibility for the operation of the vehicles and other equipment must remain with the recipient unless transfer of the control and responsibility to another eligible recipient has

been authorized by the Pennsylvania Department of Transportation.

### **5. Insurance Requirements**

Agencies are required to maintain an amount of insurance that will adequately cover the actual value of the project equipment should it be damaged or destroyed. Agencies are to list the Bureau of Public Transportation as co-insured on any policy relating to said equipment. This action is necessary in order to protect the Federal interest in the equipment. The agency shall provide the Bureau of Public Transportation with proof of insurance, reflecting that the Bureau is co- insured, upon each renewal of the policy.

### **6. Reporting Requirements**

The grant recipient will be required to submit annual reports to the Pennsylvania Department of Transportation regarding the use of all capital items. Such reports will include the number of people benefiting from transportation services and trip purpose.

### **7. Compliance**

The grant recipient must comply with all Department, Commonwealth, and Federal statutes, regulations and requirements, including, but not limited to applicable sections of 62 Pa. C.S., 74 Pa. C.S., 75 Pa. C.S., 2 CFR, and 49 CFR. The Department may require grant recipient cooperation to conduct a comprehensive, on-site compliance review of activities associated with grant funds and/or assets procured with grant funds. This process entails a detailed questionnaire, document submission, and on-site interview. Any deficiencies must be remedied by the due date assigned by the Department.

### **8. Audit and Closeout**

The Pennsylvania Department of Transportation reserves the right to perform audits on each grant recipient's project. Once a local project has been completed, the Department will close out the project. A project will not be closed out until all equipment has exceeded its useful life or until any excess usable equipment is transferred to another eligible organization. No equipment may be transferred without the prior written approval of the Pennsylvania Department of Transportation.

### **9. Title of Vehicles**

Grant recipients must hold title to Section 5310 vehicles at all times. Disposition of vehicles may occur by following PennDOT's Equipment Disposition Procedures.

## Part 3: Application Deadline and Instructions

**Applications must be submitted through the egrants portal by July 31, 2023.**

### 1. Application Content

A complete Section 5310 application shall consist of the following:

- Section 1: Applicant Information
- Section 2: Project Overview
- Section 3: Project Site
- Section 4: Narrative
- Section 5: Budget
- Section 6: Addenda Information
- Section 7: Certification

### 2. Evaluation of Applications

Evaluation of the application will be done by the Pennsylvania Department of Transportation with input on the development of the program of projects from the Pennsylvania Departments of Aging, Rural and Metropolitan Planning Organizations, and Shared-Ride Transportation Providers. Applications will be distributed to concerned parties as appropriate.

The evaluation will be based on the seven (7) criteria. The applicant must specifically address these criteria in detail. Priority will be given to those applicants demonstrating the highest degree of transportation coordination within their service areas and having the best justifications for their vehicle requests. The seven (7) criteria are as follows:

1. Eligible Applicant and Eligible Project Type. The applicant is a private, non-profit organization and has a proposed project that falls into one of the three eligible project types: vehicle replacement, fleet expansion, or new service. Vehicle replacement projects will receive priority consideration for funding, providing all other selection criteria thresholds are met.
2. Project Need and Justification. The applicant provides sufficient and compelling evidence to demonstrate a need for the purchase or replacement of vehicles in order to provide service for seniors and/or individuals with disabilities that could not be provided through existing resources. Items of consideration include: Projected utilization of proposed vehicles, existing utilization of fleet and existing age and condition of existing fleet.
3. Positive Mobility Improvements. The proposed service to be provided by 5310 vehicles has a positive benefit to the mobility of senior citizens and/or individuals with disabilities and provides a service that is necessary for the quality of life of those persons. The applicant demonstrates how the project is needed to fill an identified gap in transportation for senior citizens and/or individuals with disabilities that cannot be reasonably filled otherwise and meets the requirements and intent of the FTA section 5310 program.
4. Local and Regional Coordination. The applicant has coordinated with the local county shared-ride coordinator to ensure the service is not duplicative (support letter is required). Furthermore, the applicant has stakeholder support for the project. Stakeholders may include local non-profit human services organizations, the Area Agency on Aging, local public transit agencies and local healthcare

- providers, among others.
5. Technical and Maintenance Capability to Provide Transportation. The applicant demonstrates sufficient experience in providing human services and/or transportation and has the technical and financial capacity to operate the service for the life of the vehicle. In addition, the applicant demonstrates a comprehensive vehicle maintenance plan to ensure proper operation and maintenance for the useful life of the vehicle.
  6. Organizational, Financial, and Grant Administration Capacity. The applicant demonstrates sufficient financial wherewithal to implement the project and operate the service for the life of the vehicle. In addition, the applicant demonstrates sufficient experience in grant administration and has the organizational capacity to expend grant funding and issue quarterly reports to PennDOT on a timely basis.
  7. Matching Funds. The applicant has demonstrated that a 20% non-federal match is **secured** and committed to the proposed project.

### **3. Notification of Project Selection**

Applicants will be notified of the status of their request after the Federal Transit Administration approves PennDOT's 5310 Program of Projects and awards the federal funds.

## DEFINITIONS

1. Applicant:
  - The term “applicant” is used to identify an entity that is applying for financial assistance under the Section 5310 capital assistance program.
2. Capital Asset:
  - Facilities or equipment with a useful life of at least one year. Vans have an Estimated Useful Life of 4 years/100,000 miles and Small Buses have an Estimated Useful Life of 5 years/150,000 miles.
3. Capital Lease:
  - Any transaction whereby the recipient acquires the right to use a capital asset without obtaining full ownership regardless of the tax status of the transaction.
4. Coordinated Public Transit-Human Service Transportation Plan (Coordinated Plan):
  - Means a locally developed, coordinated transportation plan that identifies the transportation needs of individuals with disabilities, seniors and people with low incomes, provides strategies for meeting those needs, and prioritizes transportation services for funding and implementation.
5. Disability:
  - The term disability has the same meaning as in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102). The term “disability” means, with respect to an individual—
    1. a physical or mental impairment that substantially limits one or more major life activities of such individual;
    2. a record of such an impairment; or
    3. Being regarded as having such an impairment.
6. Eligible Services:
  - Services which may be provided with the equipment purchased under this program are transportation services primarily intended to provide non-emergency passenger service for senior citizens and individuals with disabilities. Other services may be allowable; however, these services will be considered to be incidental uses of the equipment
7. Fixed Route and Demand Response Transportation:
  - Fixed route is defined as a system of transporting individuals along a prescribed route and according to a fixed schedule. Demand response is any non-fixed route system of transporting individuals that provide advanced scheduling by the customer, including services provided by public entities, nonprofits, and private providers.
8. Human Service Transportation:
  - Transportation services provided by or on behalf of a human service agency to provide access to agency services and/or to meet the basic, day-to-day mobility needs of transportation-disadvantaged populations, especially individuals with disabilities, seniors, and people with low incomes.
9. Incidental Use:
  - The use of equipment or facilities purchased under the Section 5310 program for other than principle grant-related purposes.

10. Metropolitan Planning Organization (MPO):

- The policy board of an organization designated in cooperation with the state and public transportation operators to carry out the metropolitan planning process, including development of long-range transportation plans and Transportation Improvement Programs (TIP) for metropolitan regions of a State or States.

11. Nonprofit Organization:

- A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. 501(c) which is exempt from taxation under 26 U.S.C. 501(a) or one which has been determined under state law to be nonprofit and for which the designated state agency has received documentation certifying the status of the nonprofit organization.

12. One-way Passenger Trip:

- A one-way trip by one passenger. For example, a passenger riding from home to doctor, doctor to pharmacy, and pharmacy to home equals three one-way passenger trips. Three passengers making these trips would equal nine one-way passenger trips.

13. Preventive Maintenance:

- All maintenance costs related to vehicles and non-vehicles. Specifically, it is defined as all the activities, supplies, materials, labor, services, and associated costs required to preserve or extend the functionality and serviceability of the asset in a cost effective manner, up to and including the current state of the art for maintaining such an asset.

14. Program of Projects:

- A list of projects to be funded in a grant application submitted to FTA by a state or designated recipient. The program of projects (POP) lists the sub recipients and indicates whether they are private nonprofit agencies or local governmental authorities, designates the areas served (including rural areas), and identifies any tribal entities. In addition, the POP includes a brief description of the projects, total project cost, and federal share for each project, and the amount of funds used for program administration from the 10 percent allowed.

15. Public Transportation:

- Regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income, and does not include: intercity passenger rail transportation provided by Amtrak, intercity bus service, charter bus service, school bus service, sightseeing service, courtesy shuttle service for patrons of one or more specific establishments, or intraterminal or intrafacility shuttle services.

16. Seniors:

- An individual who is 65 years of age or older or less as defined by the applicant.

17. Service Area:

- Defined as the geographic area which is to be served by the transportation service. If the service is to be concentrated into certain zones, these would be the primary service areas. Other areas with less frequent service would be secondary service areas.

18. Traditional Section 5310 Projects:

- Those public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable.