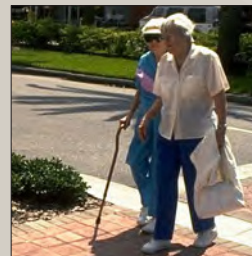


# Aging in Place:

A State Survey of Livability  
Policies and Practices



*A Research Report by the  
National Conference of State Legislatures  
and the AARP Public Policy Institute*

**AARP**<sup>®</sup>



**NCSL**



# Aging in Place:

A State Survey of Livability  
Policies and Practices

By Nicholas Farber, JD, and Douglas Shinkle  
*National Conference of State Legislatures*

With Jana Lynott, AICP; Wendy Fox-Grage; and Rodney Harrell, PhD  
*AARP Public Policy Institute*

December 2011



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ISBN 978-1-58024-645-3



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2011-13

December 2011

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AARP Public Policy Institute

601 E Street, NW, Washington, DC 20049

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## ACKNOWLEDGMENTS

The authors owe thanks to many people who assisted in production of this report. Thanks go to NCSL staff who reviewed the report, including Jim Reed, Jaime Rall, Melissa Savage and Alice Wheat. Anne Teigen assisted with a portion of the research and writing. Leann Stelzer edited, formatted and generally prepared the report for publication. Thanks also go to AARP staff Enid Kassner, Adam Goldberg, and Coralette Hannon, for their thorough review of the report and Carlos Figueiredo for his statistical programming and analysis of the 2009 National Household Travel Survey. As an external reviewer, Mia Oberlink of the Center for Home Care Policy & Research, Visiting Nurse Service of New York provided useful perspectives and suggestions for strengthening the report.

The authors also thank the legislators, legislative staff, state agency officials and experts who were interviewed by phone, in person or by e-mail during the course of the research.

The authors take full responsibility for any errors and omissions. ■



# FOREWORD BY AARP

AARP has long supported older adults' desire to age in place, whether this means to grow old in the home where one raised children or in another noninstitutional setting in the community. During a lifetime, people develop connections to place and form relationships with neighbors, doctors, hairdressers and shopkeepers. They become intimately familiar with the route to downtown, the rhythm of summer concerts at the band shell park, the best places to get a coveted burger and personalized greeting. These associations, of value to both the individual and the community, cannot be quickly or easily replicated in a new environment. In essence, they can play a pivotal role in successful aging.

In the next 20 years, the number of adults age 65 and older will nearly double in the United States. Many of these people will reject high-priced institutional care and, instead, will continue to live in the community, even if they have one or more disabilities. The degree to which they can participate in community life will be determined, in part, by how well their physical environment accommodates them and the level of services provided.

Health-care costs are expected to increase as our society ages. But what will happen if projections become reality? Obesity rates, already at 35 percent among adults, are projected to increase to 45 percent by 2020. State officials would be wise to look at preventive health measures that include building communities that facilitate active means of transportation. The same types of measures that make it easier for people to incorporate exercise into their daily routines can also stimulate private investment in local economies and facilitate social interaction.

*Aging in Place: A Survey of State Livability Policies and Practices* builds upon earlier work by the PPI and NCSL to offer state legislators and officials concrete examples of state laws, policies and programs that foster aging in place. Specifically, readers will learn about land use, transportation and housing strategies that help older adults age in their communities. These efforts complement the work being done at other levels of government, such as the U.S. Administration on Aging's Community Innovations for Aging in Place Initiative and the more local Atlanta Regional Commission's Lifelong Communities project. More state activity in this area could strengthen and expand the success of these types of efforts. State legislators play a critical role in enacting legislation and providing funding for programs that make a difference in the lives of older adults in the community. It is our hope that state policymakers will consider these and other ways to facilitate aging in place in their states so that older residents can live near friends and family, rooted in their communities.

**Jana Lynott, AICP**

Senior Strategic Policy Advisor  
AARP Public Policy Institute



# EXECUTIVE SUMMARY

The great majority of older adults have a strong desire to live in their own homes and communities. However, unsupportive community design, unaffordable and inaccessible housing, and a lack of access to needed services can thwart this desire. Starting in 2011, growth of the older American population will accelerate, in part because the leading edge of the baby boomer generation will reach age 65. This report examines state policies that can help older adults age in place.

## Land Use

### *Integrating Land Use and Transportation Policy*

- Land use and transportation planning significantly affect how people and goods move from place to place. Coordination between transportation and land use planners allows communities to thoroughly plan for housing, commercial and retail uses, and public services in the context of multiple forms of transportation. This can reduce congestion, increase environmental quality, and improve public health. Statutes in a number of states, including California, Florida and Washington, encourage or require integration of land use and transportation planning.

### *Transit-Oriented Development (TOD)*

- As transit systems—from light rail to bus rapid transit—continue to be built around the country, serious attention has focused on development of housing, offices and retail near transit stops, commonly known as transit-oriented development (TOD). Statutes in at least 12 states, including California, Massachusetts, New Jersey and Utah, explicitly address TOD. These statutes typically define a TOD and the essential design features it must include. In other cases, states provide grants, incentives and technical assistance to communities to create TODs. States also may help acquire enough land to make a TOD economically feasible and to facilitate efficient travel. TODs usually contain housing, a walkable street environment, a number of transportation options and easy access to goods and services.

### *Joint Use*

- Using community facilities for various missions and services can save taxpayer dollars, provide better access to services, and promote community cohesiveness. A school building may share its unused space with a senior center or a health clinic, for example, or open its gym, kitchen or library for community use after hours. In a tight budget climate, such economies are important; older Americans have the opportunity to build alliances with other community members to share facilities that serve a variety of needs. Most states have statutes that address joint use of schools in some fashion, but awareness of them is low. Promising practices include those in California and Wyoming.

## Transportation

### **Complete Streets**

- Many communities were not designed to make it easy for residents to walk, bicycle or use public transportation. The streets may be too wide for safe crossing, or a lack of sidewalks may inhibit a walk to the store or transit stop. The idea of “complete streets” includes planning, designing, constructing, maintaining and operating transportation projects and systems, keeping in mind the needs of all users—motorists, bicyclists, pedestrians and transit passengers—regardless of age and ability. Twenty-five states, the District of Columbia and Puerto Rico have some form of complete streets policy; 16 were enacted by the state legislature. Interest in Complete Streets legislation continues to grow, and a number of states and localities typically consider such measures each year.

### **Pedestrian Safety**

- Although adults age 65 and older comprised less than 13 percent of the population in 2008, they were involved in 15 percent of vehicle fatalities and 19 percent of pedestrian fatalities. An older vehicle occupant is 18 percent more likely to die in a crash than someone under age 65. A more staggering statistic reveals that an older pedestrian is 61 percent more likely to die when hit by a motor vehicle than a younger one. The unique vulnerability of pedestrians and bicyclists on the road has inspired some state legislatures to pass laws designating pedestrians and bicyclists as “vulnerable users.” In the past five years, Connecticut, Delaware, Hawaii, Illinois, Iowa, Michigan, New York, Pennsylvania, Texas and Vermont have considered “vulnerable users” laws.

### **Rural Access**

- Context is important with respect to rural access. Small towns often have a main street and an interconnected network of calm streets near the downtown core that can foster walking, public transportation and bicycling trips. In more remote settings, livability might mean additional mobility through use of transit or paratransit services. States such as Idaho and Montana have used the human service transportation coordination process to provide access to essential services for those who live a significant distance from city centers.

### **Human Service Transportation Coordination**

- Coordination of transportation services is a process in which two or more organizations interact to jointly accomplish their transportation objectives. When properly implemented, coordination can increase the efficiency of resource use, improve service delivery, and enhance customer knowledge of and access to transportation services. Twenty-six states have coordinating councils; 12 were created by statute and 14 by either a governor’s executive order or an initiative. Promising practices include programs in Florida, Minnesota, Washington and Wisconsin.

### ***Volunteer Driver Laws***

- Volunteer drivers are vital to the success of many specialized transportation programs; however, significant legal ambiguities surround their use. The core concerns involve liability and insurance coverage. Across the country, practices vary. In many jurisdictions, program operators are unsure if they are liable for traffic incidents that involve their volunteer drivers and whether they should correspondingly extend their insurance coverage. In some places, volunteer drivers may be immune from liability. Other jurisdictions make drivers—and the organizations that use them—vulnerable to civil lawsuits. Ambiguities surrounding civil liability can make it difficult for agencies and organizations that use or retain volunteer drivers. It is a misperception among insurance companies and volunteer driver organizations that volunteer drivers will be liable for accidents or injuries. Most, if not all, volunteer driver organizations will pay the driver's deductible and other fees their insurance will not cover under the organization's umbrella insurance. These misperceptions are perpetuated by insurance brokers and volunteer organizations that are not fully cognizant of insurance laws. Only Georgia and Oregon explicitly protect volunteer drivers from civil liability; conversely, 26 jurisdictions expressly exclude acts committed in motor vehicles from volunteer immunity protection.

## **Housing**

### ***Affordability***

- Given that many older adults do not drive and must make ends meet on fixed incomes, they especially benefit from the availability of affordable and accessible housing options near to transportation and other services. If affordable housing is not available, quality of life and health could seriously suffer due to lack of access to services and lack of money for other essential needs. Ensuring affordable housing options requires use of state and federal resources and siting homes with access to transportation options and needed services. Many states, including Connecticut, Florida, Massachusetts, Missouri, Nevada and New Jersey, have promising practices related to use of the federal Low-Income Housing Tax Credit program to leverage funds for development of housing near transit and in livable community settings.

### ***Building Standards that Promote Accessibility***

- According to AARP, nearly 90 percent of people over age 65 indicate they want to stay in their home as long as possible, and four of five in that age bracket believe their current home is where they will always live. However, according to the Administration on Aging, from 2007 to 2008, only 3.7 percent of older people moved, as opposed to 13.1 percent of those under age 65. Accessible building standards allow older Americans to remain in their homes longer, instead of either spending money on retrofits or relocating to other housing. Although the Americans with Disabilities Act (ADA) requires any building built after 1992 to be “readily accessible to and usable by” those with disabilities, it does not apply to private housing, unless that housing was funded through state and local

government housing programs. Further, the Fair Housing Act applies only to multifamily housing. Statutes in at least three states—Minnesota, Pennsylvania and Texas—encourage developers of affordable housing to install features in single-family homes to make it easier for older adults to age in place.

### **Models to Provide Services at Home**

- Policymakers are considering a number of models that provide services and support so older residents can remain in their homes instead of moving to assisted living or retirement centers. One model is a Naturally Occurring Retirement Community (NORC). These are housing complexes or neighborhoods that were not planned specifically for older people, but have organically evolved to house a large population of older Americans. At least six states—Georgia, Maryland, Massachusetts, Missouri, New York and Pennsylvania—are using NORCs to better provide services and promote the ability to age in place. Another model, “Communities for a Lifetime,” helps create neighborhoods that support aging in place and more rigorously involves older adults in social and community life. Florida, Indiana, Michigan and North Carolina have such programs and activities that are partially supported by the state.

## **Conclusion**

State legislators will continue to grapple with the challenges and opportunities presented by significant growth in the older adult population. Without changes in how communities are constructed and services are delivered, older adults may find it increasingly difficult to age in place. As this report shows, state policymakers and agencies have taken various steps to enable aging in place, including integrating land use, housing and transportation; efficiently delivering services; providing more transportation choices; and improving coordination and communication among levels of government. ■

# INTRODUCTION

**M**ost older adults want to age in place. According to a 2010 AARP survey, nearly 90 percent of those over age 65 want to stay in their residence for as long as possible, and 80 percent believe their current residence is where they will always live.<sup>1</sup> “Aging in place” is “the ability to live in one’s own home and community safely, independently, and comfortably, regardless of age, income, or ability level.”<sup>2</sup> Aging in place offers numerous benefits to older adults—including life satisfaction, health and self-esteem—all of which are key to successful aging.<sup>3</sup>

**Aging in place is the ability to live in one’s own home and community safely, independently and comfortably, regardless of age, income or ability level.**

## **Barriers: Land Use, Transportation, and Housing**

Barriers to aging in place include limited or no access to transportation and auto-oriented land use. These can lead to social isolation and increased health-care costs. A lack of accessible and affordable housing with access to services may force some older adults into institutions such as nursing homes, adding to already high health-care costs.<sup>4</sup> A wide variety of government entities can play a role in overcoming these barriers.

Mobility, crucial for all people, enables them to enjoy all aspects and stages of life. For those whose transportation needs are met simply by picking up the car keys, mobility can easily be taken for granted. If an older adult has a disability or lives in an isolated area, the lack of adequate transportation can have a profound effect upon his or her ability to age in place. Without reliable, safe access to needed services, older adults may have to move from their homes.

Much of the land use in the United States, especially in the suburbs, has centered around the automobile. However, a significant portion of Americans do not drive because they do not own a car, are not able to drive or do not have a driver’s license. Of Americans over age 65, 21 percent do not drive; commonly cited reasons include lack of access to a vehicle, declining health and safety concerns.<sup>5</sup> This reduced mobility has a direct and often debilitating effect on older Americans’ independence. More than 50 percent of nondrivers over age 65 normally do not leave home most days, partly because of a lack of transportation options.<sup>6</sup> Those in rural areas or remote suburbs are most likely to be affected by this dynamic, as are older African Americans, Latinos and Asian-Americans. According to a study by the Surface Transportation Policy Project, reduced mobility for older nondrivers leads to 15 percent fewer trips to the doctor;



**Scattered, low-density development coupled with disconnected road networks increase auto dependency and the mobility challenges faced by nondrivers.**

*Photograph by Jim Wark, Airphoto.com*

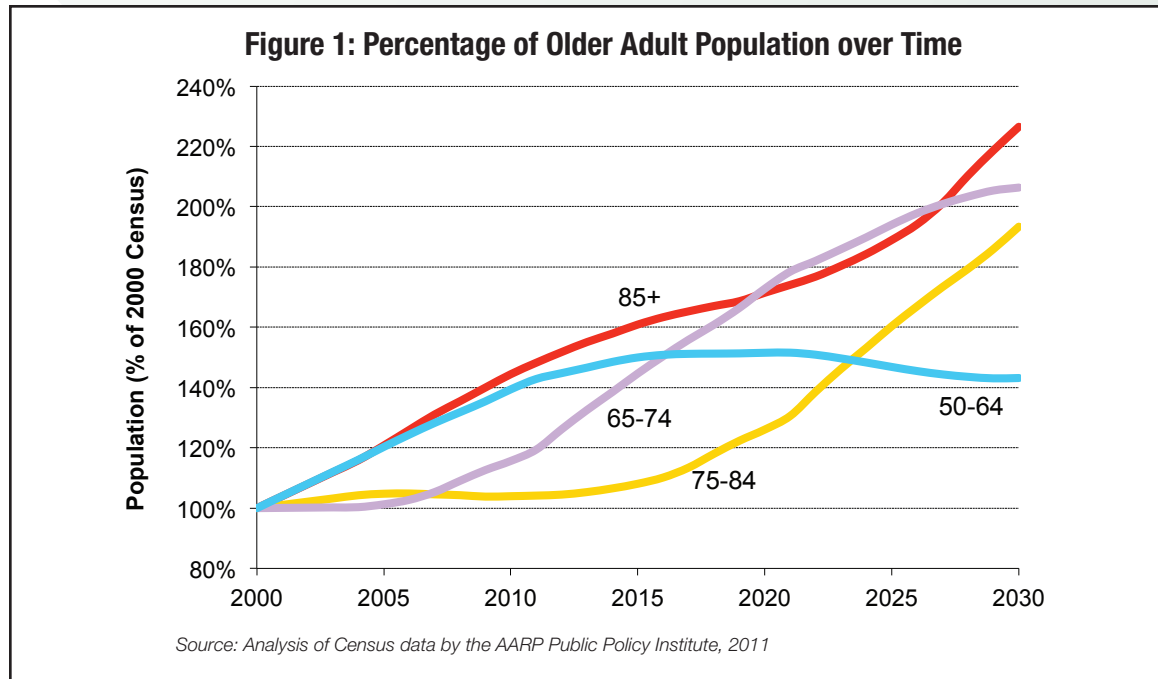
59 percent fewer shopping trips and visits to restaurants; and 65 percent fewer trips for social, family and religious activities.<sup>7</sup> Studies have shown that the lack of contact with others is detrimental to the emotional well-being of older adults, usually resulting in depression.<sup>8</sup>

The vast majority of Americans over age 65—about 96 percent—live in noninstitutional settings (i.e., outside of nursing homes or other institutions),<sup>9</sup> and many are especially dependent upon the availability of affordable and accessible housing options in appropriate settings. Without such options, quality of life and health can suffer due to lack of access to services or a lack of money with which to purchase other needed goods and services. According to an AARP PPI Analysis of the 2009 American Communities Survey, 48 percent of homeowners with mortgages and 59 percent of renters over age 65 pay more than 30 percent of their income on housing and thus experience a “housing cost burden.” According to the American Housing Survey, of the 23 million households headed by those over age 65 in 2009, 80 percent of householders were owners and 20 percent were renters.

## **Livable Communities**

For people to successfully age in place, it is important that their communities be livable. According to AARP, “a livable community is one that has affordable and appropriate housing, supportive community features and services, and adequate mobility options, which together facilitate personal independence and the engagement of residents in civic and social life.”<sup>10</sup> In urban areas, this might mean high-density, mixed-use development that includes both residential and retail segments, so residents can use other forms of transportation besides automobiles. In rural areas, it might mean greater access to community transportation, so residents who do not drive can access essential services. It also could mean well-maintained sidewalks, so pedestrians





can safely access services. Everywhere, it means helping residents use energy more efficiently and providing additional affordable housing that is accessible to older adults and is preferably near public transportation.

The livability concept has received more attention lately due to the federal Partnership for Sustainable Communities. In mid-2009, the U.S. Department of Transportation (DOT), the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Housing and Urban Development (HUD) joined to “improve access to affordable housing, more transportation options, and lower transportation costs while protecting the environment in communities nationwide.”<sup>11</sup> The initiative was created to better coordinate federal transportation, environmental protection and housing investments and identify strategies<sup>12</sup> that provide more transportation choices; promote more equitable, affordable housing; increase economic competitiveness; support existing communities; federal investment; and, value communities and neighborhoods.

Recently, the initiative announced the Sustainable Communities Regional Planning Grant Program, available through HUD. The program distributed \$100 million to 45 regional areas to “assist state, local, and tribal governments to create and implement regional plans that integrate affordable housing, economic development, land use and transportation to build livable, sustainable communities.”<sup>11</sup>

Livable communities benefit people of all ages, but livability will be especially important for the aging population. Starting in 2011, when baby boomers begin reaching age 65, the graying of America will accelerate.<sup>14</sup> From 2010 to 2020, the older adult population will increase by 50 percent, a rate 10 times the Census Bureau’s projected 5 percent increase in those ages 18 to 64 (see Figure 1).<sup>15</sup>

Older adults currently represent about 13 percent of the population.<sup>16</sup> More than half (51.2 percent) live in just nine states.<sup>17</sup> Of the 80 percent of adults 65 and older living in

metropolitan areas<sup>18</sup>, 64 percent live outside the principal cities of those areas.<sup>19</sup> Older adults are the most geographically stable of any age group, and most who do move remain in the same county.<sup>20</sup> According to the Administration on Aging, from 2007 to 2008, only 3.7 percent of older people moved, as opposed to 13.1 percent of those under age 65.<sup>21</sup>

## Purpose of This Report

The AARP Public Policy Institute contracted with the National Conference of State Legislatures (NCSL) to conduct this research to help state legislators, legislative staff and other interested parties improve aging in place policies by—

- Exploring how effective land use, transportation and housing policies—separately and in concert—can promote access to services for older adults, ensuring that they can age in place with positive health, social and environmental results;
- Identifying promising federal and state legislative approaches to livability that benefit older adults; and
- Examining existing barriers and negative factors that could be eliminated through legislation.

Each section analyzes current federal and state statutory law, relevant agency regulations, state programs, and recent state legislative activity that both encourage and inhibit aging in place. The report examines existing state policies and analyzes how effective or ineffective they have been and why. To accomplish this, the authors obtained the perspectives of legislators, legislative staff and state agency officials; they also analyzed metrics such as housing affordability and personal mobility. Case studies of various private and public programs are integrated into the report to further a complete understanding of the details that lead to successful programs. The survey is not comprehensive, but includes a selection of illustrative policies and practices from around the country. ■

# LAND USE

**T**hree kinds of land use policies can help older adults live closer to or within walking distance of the services they need: (1) integrating land use and transportation planning; (2) implementing TOD; and (3) joint use of public facilities. Implementing these policies can significantly affect people's ability to age in place.

## Integrating Land Use and Transportation Planning

Both land use and transportation planning significantly affect how people and goods move from place to place. Transportation infrastructure and land use decisions not only shape how communities grow, but also influence other types of development, economic prosperity, environmental quality and social equity.<sup>22</sup> For example, low-density, single-use developments—with huge swaths of single-family homes within driving but not walking distance of essential services or transit—create reliance on travel by automobile and thus affect other economic, environmental and social aspects of living. Alternatively, planning for transit-, bicycle- and pedestrian-friendly communities can reduce demand for automobile transportation and improve environmental quality.<sup>23</sup>

Transportation and land use planning also can affect residents' overall health.<sup>24</sup> Mounting academic evidence shows that the physical make-up of communities affects the health of its residents. Physical inactivity accounts for approximately 25 percent of all deaths from chronic disease in the United States.<sup>25</sup> Only 32.5 percent of Americans engage in regular physical activity, and 36 percent have no leisure-time physical activity.<sup>26</sup> Data from the Centers for Disease Control and Prevention show that inactivity is more common in older people than in middle-aged men and women.<sup>27</sup>

Mixed-use neighborhoods with safer, denser, walkable streets engender more physical activity.<sup>28</sup> Some have argued that those who tend to exercise are naturally attracted to such neighborhoods; however, a new light-rail line in Charlotte, N.C., presented an opportunity for a before-and-after analysis. The study, published in the *American Journal of Preventive Medicine*, showed that construction of the light-rail line led to increased walking and weight loss for people served by the new line.<sup>29</sup> Public transit users are more likely than nontransit users to meet federally recommended physical activity goals by walking. Nationally, 29 percent of those who use transit are physically active for 30 minutes or more each day, solely by walking to and from public transit stops.<sup>30</sup>

Communities that are less auto-reliant and planned for physical activity also may have fewer pedestrian and bicycle fatalities.<sup>31</sup> Motorists seem to adjust their driving habits in reaction to the presence of more pedestrians and bicyclists.<sup>32</sup> This dynamic,

“As SB 375’s implementation unfolds, aging in place will become easier because more housing will be available close to public transportation to services. This will benefit older adults, since they can walk places or be close enough to services to have a choice of whether to drive, walk or take transit.”

-William Craven, California Senate’s Natural Resource Committee

sometimes referred to as “Safety in Numbers” is demonstrated in several cities with higher percentages of walking and bicycling but lower fatality rates, such as Minneapolis, New York and Portland.

Transportation planning typically is handled at the state, regional and local levels, whereas land use planning is generally the exclusive domain of local governments. State transportation officials may be frustrated that local jurisdictions may seem to not consider how their land use decisions affect the regional transportation system, and local jurisdictions may complain that the state imposes road design criteria that are inappropriate for populated land use conditions. Integrating land use and transportation means evaluating how land-use decisions affect the transportation system.<sup>33</sup> Conversely, the transportation sector should be aware of how transportation investment decisions affect land use development demand, choices and patterns.<sup>34</sup> Coordination between transportation and land-use planning allows communities to thoroughly plan for housing, commercial uses and public services in the context of available transportation capacity and services.<sup>35</sup> Well-coordinated land use and transportation planning gives people options for how they access jobs, goods, services and other resources. Planning land use and transportation together can help enable older adults live closer to the goods and services they need, and can offer a choice of driving, walking or taking public transit.

### State Examples

California, Florida, Georgia and Washington are among the states with statutes that encourage integration of land use and transportation planning.

#### State Example: California

In 2006, the California Legislature passed Assembly Bill 32, The Global Warming Solutions Act, which requires the state to reduce greenhouse gas emissions to 1990 levels by or before 2020. To accomplish this goal, the law gave the California Air Resources Board authority to regulate any source of greenhouse gas emissions, including those produced by cars and light trucks.

In 2008, the Legislature passed Senate Bill 375, California’s Sustainable Communities and Climate Protection Act, which provides the state a way to achieve its greenhouse gas reduction goals from cars and light trucks. The law encourages integration of land

use and transportation planning by enhancing the regional planning process, requires state interagency cooperation, and clarifies how local governments and developers can reduce transportation sector greenhouse gas emissions. It is currently the only law in the nation that provides a robust process for metropolitan planning organizations to reduce regional greenhouse gas. According to William Craven, the chief consultant for the California Senate's Natural Resources and Water Committee, "Over time, the Regional Transportation Plans will fund projects that not only account for population growth but also bring about transportation projects that help reduce greenhouse gas emissions. In the near future, Californians will see more transit and fewer auto-dependent communities."<sup>36</sup>

The law uses the regional planning process conducted by the state's 17 metropolitan planning organizations to reduce greenhouse gases. Each planning organization must prepare a sustainable communities strategy (with collaboration from the public) in its regional transportation plan that integrates transportation and housing planning to meet the goal of reducing greenhouse gas emissions. The strategies must state a vision for growth that takes into account the regional transportation, housing, environmental and economic needs and provides guidance on how the region will meet its greenhouse gas reduction target. In addition, all future plans must reflect funding choices that reduce greenhouse gas emissions and meet requirements of the law.<sup>37</sup> This process discourages suburban development that is far from retail and employment centers and encourages retail, employment, urban infill and mixed-use development near public transportation.<sup>38</sup> The effect of the strategies is "to harmonize once-independent regulatory processes towards the common goal of compact development for the state."<sup>39</sup>

"As SB 375's implementation unfolds," explains Craven, "aging in place will become easier because more housing will be available close to public transportation and to services. This will benefit older adults, since they can walk to places or be close enough to services to have a choice of whether to drive, walk or take transit."<sup>40</sup>

The law is not without its critics. California's major city centers do not have adequate public transportation options, and the state gives transit funding a low priority.<sup>41</sup> The sustainable communities strategy requires each region to consider in future transportation plans where its residents will work and live; however, the law does not contain any requirement for funding transit near these areas.<sup>42</sup> The law appears to assume that funding will follow transit-oriented projects, but given the fact that some of the necessary funding must come from local entities, it is uncertain whether money will be available for a project.<sup>43</sup>

Another criticism is that metropolitan planning organizations have no land use planning authority and are not granted such authority under SB 375. They can, however, place conditions on allocation of transportation funds.<sup>44</sup> In addition, local planning agencies are under no obligation to conform to the sustainable communities strategy.<sup>45</sup> Craven says, however, that some communities that were skeptical about the strategy have come to realize the advantages of public health benefits, additional conservation of agricultural lands, and reduced energy and fuel costs.<sup>46</sup> "Overall," says Craven, "the benefit of more compact development is driving the implementation of SB 375 instead of climate change."

### State Example: Florida

Enacted in 1979, Florida’s Metropolitan Planning Organization law expresses the state’s intent to encourage and promote a transportation system that serves both people and freight mobility needs, fosters economic growth and development in urban areas, and “[minimizes] transportation-related fuel consumption, air pollution, and greenhouse gas emissions.”<sup>47</sup> To accomplish this, metropolitan planning organizations must “include pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area” in their long-range regional transportation plans.<sup>48</sup> The long-range plans must address a 20-year planning horizon with both short- and long-range strategies that —<sup>49</sup>

- Preserve existing transportation infrastructure;
- Enhance the state’s economic competitiveness; and
- Improve travel choice to ensure mobility.

Florida law diverges from California’s by encouraging metropolitan planning organizations “to *consider* strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions (emphasis added).”<sup>50</sup> The long-range plan also must include a financial plan to illustrate how it can be implemented with both public and private resources.<sup>51</sup>

Counties and municipalities are “encouraged” to develop a community vision “that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources.”<sup>52</sup> Development of the community vision requires the county or municipality to hold two public meetings, at least one of which must be before the local planning agency.<sup>53</sup> The vision must cover a 10-year period and exhibit the



The curb extension to this New Broad Street crosswalk in Baldwin Park, Florida, shortens the crossing distance for pedestrians.

*Photograph courtesy of Mighk Wilson*

community's concept for growth and development, including visual representations and the character of the community.<sup>54</sup> The vision also must consider economic viability and private property interests.<sup>55</sup> The county or municipality then has the option to amend its comprehensive plan to include the vision.<sup>56</sup>

The state also has a comprehensive plan certification program for communities that have effectively adopted, implemented and enforced a long-range plan. This exempts local governments from the state's review process. The purpose of the certification is "to designate areas that are contiguous, compact, and appropriate for urban growth and development within a 10-year planning timeframe."<sup>57</sup> To be eligible, a community must, among other requirements, "promote the development of housing for low-income and very-low-income households or specialized housing to assist elderly and disabled persons to remain at home or in independent living arrangements" and manage transportation and land uses to support public transportation, pedestrian and nonmotorized transportation.<sup>58</sup>

### State Example: Georgia

In 2008, the Georgia Assembly passed legislation that established the Georgia for a Lifetime Initiative to help communities "become more livable and workable for older adults."<sup>59</sup> The law allows the Council on Aging to partner with state departments and other groups to help communities prepare for the expanding older population. It also required the Council on Aging to produce a report, *Project 2020: Georgia for Lifetime*, which must research, identify, evaluate and make recommendations on the following:<sup>60</sup>

1. State policies on the state's ability to handle the growing older adult population;
2. The potential impact of the expanding older adult population on health, protection, safety, housing, transportation, employment, caregiving, education, the economy,

#### Interstate 75/85 in Atlanta.

Photograph courtesy of Wikipedia Commons



access to services, volunteerism, legal and financial preparedness, and social and recreational resources;

3. Specific policies, procedures and programs that respond to the needs of older adults;
4. Ways to increase the government's and the public's understanding of the current and future needs of the state's aging population in order to increase state readiness and community preparedness for aging;
5. Ways to facilitate the communication and coordination of public and private entities as they plan for an aging population;
6. The status and effectiveness of current policies, procedures and programs that serve older adults or provide services to them;
7. The policies, procedures, initiatives and programs that have been implemented and developed in other states in regard to older adults;
8. Ways to engage the public on planning issues for older adults; and,
9. Ways to engage the public and private entities in analyzing, planning and preparing for the growing older adult population.

In December 2010, the Georgia Council on Aging released its final report, which examines housing, transportation, civic engagement, health and economic self-sufficiency.<sup>61</sup> In regard to housing options the report notes that most of the housing built in the state over the past 60 years has ignored the needs of older adults. Too many live in neighborhoods or subdivisions that require the use of an automobile to access services, trapping those who can no longer drive.<sup>62</sup> The private sector is willing to help older adults, but it cannot do it alone. The report provides the following goals for a comprehensive housing policy: support those who want to stay in their homes; provide housing options for individuals who need or want to move; attract new retirees to Georgia; address potential blight and decreased in home values when homes are left unmaintained; help older adults access their home equity to fund modifications or long-term care expenses, delay or eliminate the need to rely on Medicaid for coverage; target housing strategies to areas with high concentrations of older adults; and create more livable places for people of all ages, particularly older adults. The report makes a series of recommendations that support these goals thereby allowing older adults to remain in their communities longer and reducing social isolation.

To further integrate transportation and land use policies, the report recommends adopting complete street policies, adopting zoning and design guidelines that promote pedestrian-friendly streets, and emphasizing the needs of pedestrians and bicyclists in the statewide transportation plan.<sup>63</sup> Further, it recommends incorporating connections between local, regional and state roads to prevent isolated and segregated communities, since cul-de-sac-oriented communities offer limited transportation options other than the automobile.<sup>64</sup> Communities that rely on automobile transportation can pose problems for older adults who are unable to drive. These policies, if adopted by the state and localities, could allow older adults to walk safely to retail or transit locations and lessen dependence on either personal automobiles or family member or volunteer drivers.<sup>65</sup>



“Washington’s Growth Management Act can help older citizens feel more comfortable outside without fear of being hit by a car, and could improve not only their physical health, but also their emotional and mental health. The policy may promote increased access to other modes of transportation.”

-Washington Senator Rosa Franklin

#### State Example: Washington

Amid mounting evidence that land use and transportation planning and development affect mobility and public health for all ages, awareness is growing at the state level to provide opportunities for active living and transportation. Washington’s

1990 Growth Management Act requires all cities and counties to ensure that new residential subdivisions make appropriate provisions for public services and facilities. The largest and fastest-growing communities must adopt comprehensive plans that account for growth and several other factors, including transportation, utilities and housing.

In 2005, the act was amended to specifically require that the land use element of a city or county comprehensive plan “should consider utilizing urban planning approaches that promote physical activity.” Perhaps the most concrete results achieved by the law require the transportation element of communities’ comprehensive plans to include a component that identifies and designates improvements for pedestrian and bicycle facilities, to enhance community access and promote healthy lifestyles. The law also requires the State Parks Commission “to maintain policies that increase the number of people who have access to free or low-cost recreational opportunities for physical activity.”

Including physical activity in statewide planning requirements appears to be the most robust acknowledgment and consideration of the effects of planning on people’s ability to safely walk, bike and recreate. Senator Rosa Franklin, who sponsored the 2005 bill that amended the Growth Management Act, noted that legislators were concerned that the “lack of physical activity was really contributing to the increased cost of health care.”<sup>66</sup> Given that health-care costs generally increase with age, even without factoring in sedentary lifestyles, states will likely look at a wide variety of preventive measures to improve the overall public health. Senator Franklin also thinks that this policy can help older adults feel more comfortable outside without fear of being hit by a car, and could improve their physical, emotional and mental health. She also noted that the policy may promote increased access to other modes of transportation.

### **How Integration of Land Use and Transportation Affects Older Adults**

With the exception of Georgia, none of the above statutes specifically mention older adults. Yet integrating land use and transportation planning can improve the lives of older adults and allow them to age in place, especially when neighborhood design and related factors are taken into account: sidewalks, street networks, land use planning, and the types of housing should be designed for people of all ages and levels of physical ability. Such integration can provide transportation choices and make goods and services more accessible to older adults and people with disabilities. Moreover, because services are closer, transportation costs are lower. This can help older adults better allocate their funds for other expenses.

### **Transit-Oriented Development**

Public transit is becoming an increasingly viable transportation choice for many Americans. In 2008, transit ridership reached record levels due in part to high gas prices.<sup>67</sup> As transit systems—from light-rail to bus—continue to be built around the country, serious attention has focused on TOD.

According to AARP's *Preserving Affordability and Access in Livable Communities*, TOD is defined as “compact, walkable, mixed-use communities that are developed around high quality public transportation.” The Center for Transit-Oriented Development recommends that a TOD project “increase ‘location efficiency’ so people can walk and bike and take transit; boost transit ridership and minimize traffic; provide a rich mix of housing, shopping and transportation choices; generate revenue for the public and private sectors and provide value for both new and existing residents; and create a sense of place.”

Laws in at least 12 states substantively deal with TOD. Many define TOD as a community within a quarter or half a mile from a transit stop characterized by a walkable environment and mix of uses and services. Some of the policy definitions—in Connecticut and Massachusetts, for example—are intended to provide guidance for awarding grants to plan and build certain features in a TOD. Such development may enable older Americans to spend less on transportation and allow greater access to social and medical services. Compact localities significantly affect the travel patterns of older adults. The Surface Transportation Policy Project analysis of the 2001 National Household Travel Survey found that occasional transit use by nondrivers over age 65 was 58 percent in the densest census blocks, but only 5 percent in the least-dense areas.<sup>68</sup> Another study of Northern Virginia adults age 75 and older found that those living in compact, walkable, mixed-use neighborhoods, many of which are TODs, took 20 percent more trips per week than their suburban counterparts in less compact neighborhoods. Their share of transit trips outpaced that of older residents living in less compact suburban neighborhoods by four-to-one. Their share of walking trips was 22 percent versus 8 percent.<sup>69</sup>

### **Housing, Employment Centers and Transit-Oriented Development**

Housing affordability near employment centers and transit is a growing concern, since low-income people rely heavily on transit but often may be unable to afford homes in

Development near this light rail stop in Portland, Oregon, brings residents closer to convenient public transportation.

*Photo courtesy of Dan Burden, Walkable and Livable Communities Institute*



many of the new TODs. Massachusetts and New Jersey have addressed these issues through state programs that address housing affordability, access to employment centers and personal mobility.

#### **State Example: Massachusetts**

Affordable housing near employment centers is pervasively lacking in Massachusetts. A recent analysis of the Boston metropolitan area revealed a shortage of 25,000 housing units for families that earn between 60 percent and 100 percent of area median income—even for housing that is a relatively long 30- to 45-minute drive from one of the six main Boston-area employment hubs. These households alone account for 28 percent of the workforce.<sup>70</sup> The problem is even starker for the 900,000 households in the area that earn below 60 percent of the area median income and have almost no hope of finding affordable housing near employments.<sup>71</sup> The shortage of homes where three or more people can live is especially pronounced. In response, Massachusetts has developed a suite of programs that consider the linked costs of housing and transportation and seek to lower living costs and increase mobility. One such program, the Transit-Oriented Development Bond Program, has awarded more than \$13 million for building and designing housing, bike parking and pedestrian facilities that serve a mixed-use development within one-quarter mile of a transit station; the legislature provided another \$20 million for the program in 2008. To receive a grant of up to \$2.5 million, developers must build housing projects with at least 25 units, 25 percent of which must be affordable for those who earn no more than 80 percent of area median income. Other criteria address consistency with TOD design principles; effects on transit ridership; improved public access to transit, jobs and live/shop/work activities near transit; and improved safety.

### **State Example: New Jersey**

The New Jersey Legislature also created notable state programs that seek to integrate services, housing and employment near public transit facilities. At 10.6 percent, state transit ridership is third highest in the nation, and is more than 100 percent higher than the national average.<sup>72</sup> One state program, the New Jersey Urban Transit Hub Tax Credit, focuses on locating jobs and employment centers near transit stations. The New Jersey Commerce Commission has designated areas in a one-half mile radius around rail stations in nine communities as “urban transit hubs.” A business that makes \$75 million of qualified capital investment and employs at least 250 workers at a facility in an urban transit hub may qualify for tax credits equal to 100 percent of the qualified capital investment. These credits can be applied against the corporation business tax, insurance premiums tax or gross income tax liability. Of these tax credits, \$150 million is set aside for qualified residential projects. As of 2010, seven projects had been approved for a total of \$206 million in tax credits.

Another state program, the New Jersey Transit Village Program, provides technical assistance and priority funding to eligible areas. Criteria include adopting a TOD redevelopment plan or TOD zoning ordinance; identifying specific TOD sites; and adopting transit-supportive parking regulations. As of 2009, 20 designated transit villages were located throughout the state. New Jersey law was amended in 2009 to require that a project in a Transit Village or an Urban Transit Hub include affordable housing in at least 20 percent of the residential units.

### ***Land Assembly and Transit-Oriented Development***

States are hesitant to grant the eminent domain authority that sometimes is needed to assemble the land for a TOD. As noted in a report for the American Association of State Highway and Transportation Officials (AASHTO), “Many state DOTs have been reluctant to become involved in TOD because they view development projects and land use planning as an issue of local authority.”<sup>73</sup> The report notes that some DOTs “have determined that promoting TOD is closely aligned with their mission to provide an efficient transportation system, reducing the need for further highway system expansion and maintenance.”<sup>74</sup>

The Federal Transit Administration (FTA) notes that land assembly—putting together a large enough piece of land to facilitate transit and warrant private investment—is one of the largest barriers to building TOD and enticing private developers. Gaining access to land near transit stations is essential, and several states have undertaken innovative measures to increase land availability near transit.

### **State Example: Utah**

The Utah Transit Authority (UTA) built a new light-rail system that is one of the largest in the nation. Because Utah legislators and UTA are focused on ensuring that the public investment in transit systems is financially sound, they felt TOD could help achieve this goal. In 2010, legislation was enacted to allow UTA to become a partner with a private developer in a TOD. The law allows the transit authority to contribute property it owns along transit lines, which will represent the asset UTA contributes to the partnership.

The projects are subject to an automatic review by the Legislature to determine their success, once five projects are built. State legislators and UTA believe TOD will help increase ridership and promote appropriately dense development near transit stations. UTA will receive a priority return on investment and share of profits, enabling it to make further investments and limit fares. To protect the taxpayer's investment, the private developer must contribute equity equal to at least 25 percent of the appraised property.

### **Other State Examples**

California amended state law in 2003 to encourage TOD by allowing state agencies and departments with excess land to offer it to local entities at the appraised value. In 2009, Tennessee SB 1471 allowed a transit agency in the state to “acquire real property by eminent domain in furtherance of the purposes of and the implementation of the authority’s transit and transportation plans and plans for transit adjacent and transit oriented development.”<sup>75</sup>

As noted in a report for AASHTO, state DOTs—including those in Florida, Illinois and Maryland—have “placed underutilized state-owned parcels out to bid for high-intensity, mixed-use development by the private sector or nonprofit agencies.”<sup>76</sup> It further offers that, “[s]tates can also provide technical or financial assistance with land assembly, to create larger parcels that are more suitable for new TOD projects.”

Although TOD is most commonly associated with urban development around rail stations, the principles of TOD design can be applied to any scale of development and oriented toward all varieties of transit services (bus rapid transit,<sup>77</sup> local bus service, and even intercity bus or ferry transportation). As an example, La Crosse, Wis., (population 51,000) opened a new downtown transit center in 2010 that serves as a passenger transfer facility; it uses eight city transit routes, intercity bus lines and taxis. This mixed-use development offers 10,000 square feet of commercial, retail and residential space. Fifty-nine of the 72 rental housing units are designated for low-income residents. Beyond the obvious transportation and housing benefits, the project provides an anchor for downtown revitalization efforts. The \$30 million project was supported by investments from the FTA and state and local sources.

See also page 30 for information on Washington’s rural TOD program.

### **Joint Use of Public Facilities**

Using community facilities to provide multiple services can save taxpayer dollars, provide better access to services and promote community cohesiveness. For example, a school might share unused space for use as a senior center or health clinic or open its gym, kitchen or library for community use after hours. When budgets are tight, these savings become even more important.

Joint use of community facilities can provide several benefits for older adults. Access to recreational facilities that are in close proximity, can improve physical and mental health. They are “modifiable factors in the physical environment,” relatively easy and accessible



**Older adults share a meal in the multipurpose room at an elementary school in Larose, Louisiana.**

*Photograph courtesy of The Lafourche Gazette*

solutions that can dramatically increase the opportunities for more active living.<sup>78</sup> In addition, underused schools often are located in well-established neighborhoods where many older Americans live. These schools also are logical venues to promote interaction among people of all ages. Finally, the fiscal efficiency of joint use presents a tangible opportunity to make more services available to all.

Most state laws address joint use of schools in some way. Typically, they either allow or require public schools to open their facilities to maximize their use by the community. Public school buildings—among the most prevalent public facilities in the nation—contain an estimated 6.6 billion square feet of space on more than 1 million acres of land;<sup>79</sup> many are underused. Relative to the environment, because joint use helps preserve green space, it can help reduce greenhouse gas emissions. Most schools also are ADA-compliant, which reduces the need for costly retrofits. As past AARP president Joe Perkins noted, “It makes no sense to lock up costly buildings two-thirds of every day and one-quarter of every year. Schools should be a point of unity, not division, between generations.”<sup>80</sup>

Concerns about liability are one reason joint-use agreements have not been used more often. Legal reviews suggest such fears generally are overstated and easily remedied.<sup>81</sup> Many state recreational use statutes may suffice to satisfy legal challenges, but these are not well known. Another obstacle is that joint-use development requires collaboration between at least two entities—such as a school district and a library district—that may be unaccustomed to and wary of working with each other. A formal framework and requirement may be needed to ensure these opportunities can be explored.



**It makes no sense to lock up costly buildings two-thirds of every day and one-quarter of every year. Schools should be a point of unity, not division, between generations.”**

**- Joe Perkins, past AARP president**

Joint use can increase community support for a school, especially in areas of declining enrollment. By 2010, based on U.S. Census Bureau projections, “families with children will account for little more than one-quarter of all households—the lowest share in recorded U.S. history.”<sup>82</sup> Joint use can help identify and recruit highly skilled volunteers for schools. In Louisville, Ky., a cooperative program between the Louisville Metro Human Services and a local school district was created to foster older residents’ involvement in schools. The program has provided more than 11,000 meals and numerous social activities for older adults at three high schools; these older community members then can offer their skills as volunteer library aides and tutors.<sup>83</sup>

In some instances, older adults may convene the political coalition necessary to build school facilities. At the urging of older residents, a local school bond measure in Gaylord, Mich., was amended to include a performing arts center, health-care clinics, and other services. Community members believe the bond would not have passed without these added facilities. Appropriately named the Gaylord Community School, it now provides activities for older residents, day care and higher education. It has catalyzed more volunteerism and community support for the school, as well as additional facilities and opportunities for students.<sup>84</sup> A public opinion poll in Ohio found support for property tax increases climbed from 45 percent to 63 percent when the option of building a multipurpose facility was offered. Community use of facilities during non-school hours was supported by 84 percent of those polled.<sup>85</sup>

### **State Example: California**

The California Civic Center Act of 1917 established the state’s public schools as “civic centers,” to be used for various purposes, including “senior citizens’ organizations.”<sup>86</sup> California is notable for providing funds expressly for joint-use development through a few statewide bond measures. Beginning in 1996, state money has been made available to help fund capital-related expenses for building and modernizing local joint-use school projects. In 2002, AB 16 created the Joint-Use Program within the state’s School Facility Program, and in 2003, SB 15 clarified the grant process and requirements, including a 50 percent match from the school district and its partner. Eligible joint uses include multipurpose rooms, libraries and gymnasiums. Four voter-approved bond measures have provided the bulk of funding for these projects. The State Allocation Board—six state legislators, three from each chamber, who are appointed by legislative leadership—gives final approval to projects. The program has awarded more than \$180 million for 190 projects since it was created.

### State Example: Wyoming

Wyoming contains numerous small, rural towns. In many communities statewide, school district consolidation, shrinking populations and aging buildings were endangering the usefulness of school and government buildings. Due to isolation and lack of funds, these far-flung communities often have an especially difficult time providing services for older adults and others. In 2005, the Wyoming Legislature created the Community Facilities Grant and Loan Program to help communities preserve former school and government facilities. To date, the state has spent \$42 million to renovate 26 schools and 13 government facilities for public use.

The Wyoming Business Council, which facilitates Wyoming economic development, administers the program. Eligible activities include providing space for community gatherings and recreational facilities. Eligible applicants are local government entities. The program is well-regarded in the legislature, which has appropriated between \$7.5 million and \$15 million biennially to the program. The state Loan and Investment Board—composed of the governor, the secretary of state, the state auditor, the state superintendent of public instruction, and the state treasurer—give final approval for project funding.

The project in the town of Kaycee, which received \$1.5 million in 2008, offers an example of using existing space to serve diverse community needs. Using a grant to renovate a former school, Kaycee now has space for meetings and a gymnasium for recreation and school use. It also rents space to nonprofit and private businesses as part of the Business Council's goal to catalyze jobs and investment. Without the state grant, the building would likely have been demolished. Senator Tony Ross, sponsor of the bill that created the Community Facilities Grant and Loan program, notes that the program goal was to “cost-effectively use a building that has worth and value without building a new building at much greater cost.”<sup>87</sup> ■



# TRANSPORTATION

**T**ransportation networks have been built mainly to accommodate movement of personal cars and cargo traffic as quickly as possible. This not only creates unsafe and unwelcoming conditions for other modes of travel, but also reduces transportation options and increases injuries and fatalities. Barriers may exist, especially for older adults, to walk,

bicycle or use public transit. Streets may be too wide to cross safely, or a lack of sidewalks may hinder a walk to the store or transit stop. A recent transportation policy movement is attempting to facilitate road planning and design that can facilitate such trips. “Complete Streets” are planned, designed, built, operated and maintained to accommodate the safety and convenience of all users, including pedestrians, bicyclists, transit users and motorists, regardless of age and ability.

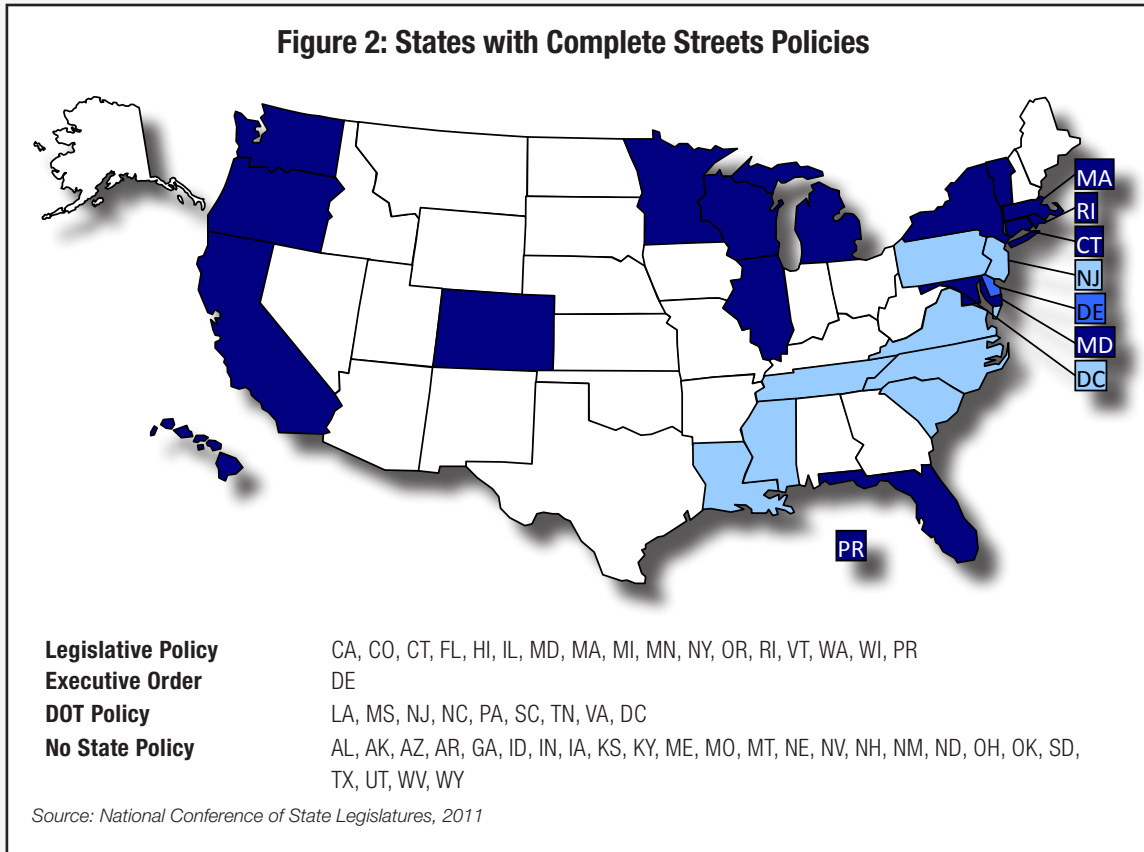
“Complete streets” are planned, designed, built, operated and maintained to accommodate the safety and convenience of all users, including bicyclists, pedestrians, transit users and motorists, regardless of age or ability.

## Complete Streets

A complete streets policy is oriented toward ensuring that transportation system planning, construction and operation provide safe options for all ages, modes and abilities. For example, wide, paved shoulders along higher speed roads not only provide room for bicyclists, but also give older drivers added maneuvering room for making turns. Furthermore, by decreasing erosion, wide shoulders can reduce maintenance costs. Traffic calming measures that result in slower vehicle speeds can help give older drivers time to assess a situation and make adjustments and, at the same time, make conditions safer and more comfortable for pedestrians and bicyclists of any age.

Complete streets policies also can help reduce reliance on travel by car. This is especially true for older nondrivers who are physically able to make a portion of their trips on foot or bicycle. In the United States, people age 65 and older make just 9.4 percent of their trips on foot or by bicycle, despite the fact that 31.8 percent of their trips are 1 mile or less and 46.0 percent of their trips are two miles or less.<sup>88</sup> This is striking, compared to a country such as Germany, where 50 to 55 percent of all trips for adults age 65 and older are made on foot or by bicycle.<sup>89</sup> This phenomenon is not limited to older Americans, however; 69.0 percent of trips two miles or less are made by car in the United States.<sup>90</sup>

**Figure 2: States with Complete Streets Policies**



A 2008 AARP survey of Americans over age 50 revealed a number of unmet transportation needs. More than half the respondents expressed a desire to walk, bike or use public transportation more often if the streets and transportation systems were safer and more accommodating.<sup>91</sup> The transportation options available were inadequate in the eyes of many older Americans. Nearly 40 percent reported a lack of sidewalks and safe crossings, bicycle lanes or safe places to catch the bus near their homes. When respondents were asked whether they would support a complete streets policy, 78 percent indicated they would be at least somewhat likely to support such a policy.<sup>92</sup> These statistics seem to indicate a growing need and demand for streets and systems that provide mobility for all users.

Departments of transportation, with significant funding and requirements from the federal government, are the main arbiters of state transportation decisions. States are a natural forum for complete streets policies, given the responsibilities of state departments of transportation. Twenty-five states, the District of Columbia and Puerto Rico have some form of complete streets policy (see Figure 2). Sixteen were enacted by the state legislature. Some policies, such as those in Pennsylvania and South Carolina, were set by the state department of transportation. Delaware’s policy is the result of an executive order.

The policies are not created or implemented equally. Some existing state policies focus explicitly on bicyclists and pedestrians. Others include transit users, motorists and freight movement as modes to be considered. According to a policy scan by the AARP

Public Policy Institute, few state policies explicitly mention older adults,<sup>93</sup> although policies adopted since the report was released in 2009 are more likely to include a mention.<sup>94</sup> Two-thirds of transportation planners and engineers say they have yet to begin addressing issues in their street planning that affect older people.<sup>95</sup>

Complete Streets policies typically have several main components, which vary widely by state in the strength and distinctness of their provisions. These components include the following:

- **Policy Jurisdiction:** The jurisdiction of a complete streets policy can vary. In Oregon, for example, all public roads are covered in the statute. In New Jersey, however, the complete streets statute applies only to roads funded by state and federal funds. In Minnesota, the statute encourages rather than requires participation of local entities in a complete streets program.
- **Project Coverage:** Complete streets policies can apply to all roadwork or only to new construction. The National Complete Streets network recommends comprehensive language that states: “Any construction, reconstruction, retrofit, maintenance, alteration, or repair of streets, bridges, or other portions of the transportation network.”<sup>96</sup> New Jersey’s policy includes “planning, design, construction, maintenance and operation of new and retrofit transportation facilities.”
- **Users:** Complete street policies vary considerably on which users are included. Some, like Connecticut’s, explicitly mention only bicyclists, pedestrians, transit users and motorists in the complete streets statute. Others, such as California’s, take a more all-encompassing approach, applying the policy to “bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.”<sup>97</sup> Few states directly mention consideration for older users and those with different ability levels.
- **Exceptions:** Certain exceptions to a complete street policy may be allowed in statute. Typical exceptions are for lack of need, excessive cost and safety concerns. Some states, such as Wisconsin, however, have provided a set percentage to determine “excessive” cost. In Wisconsin, it is 20 percent of project cost, which mirrors the U.S. DOT guidance. Wisconsin also requires the exception to be approved by the secretary of transportation or a designee. Illinois and New Jersey require documentation of exceptions.

### **State Example: Hawaii**

Hawaii’s temperate climate and its residents’ active lifestyles should make it a haven for walkers. This is often not the case, however. Hawaii has the highest fatality rate in the nation for pedestrians over age 65—almost twice that of the next highest state.<sup>98</sup> A recent survey of Oahu residents over age 50 found that 77 percent support Complete Streets. A quarter of these residents indicated they walked for transportation.<sup>99</sup> This reality helped lead to a complete streets law, enacted in 2009. The law was championed by a diverse group of advocacy organizations that saw the need for safer streets designed for use by all residents. The law requires the state and county departments of transportation to: “adopt a complete streets policy that seeks to

reasonably accommodate convenient access and mobility for all users of the public highways within their respective jurisdictions, including pedestrians, bicyclists, transit users, motorists, and persons of all ages and abilities.”<sup>100</sup>

This law applies “to new construction, reconstruction, and maintenance of highways, roads, streets, ways, and lanes located within urban, suburban, and rural areas.”<sup>101</sup> Conditions for exceptions are explicitly noted, including lack of need, excessive cost and safety concerns. The law also created a temporary task force to review state policies, design manuals, evaluation methods and standards to strengthen policy implementation. The task force was to make recommendations to the Legislature by the start of the 2011 session. A proposed policy was developed to expand the law that can be used by the four counties in the state; it will be submitted as part of the report to the Legislature. The report also will recognize the health benefits of providing alternative transportation choices. The task force includes a representative from AARP and members of the public health, bicycling and planning communities.

New policies in Louisiana and Michigan also include representation for older residents. This may indicate a trend to increasingly consult and engage older Americans in development of such policies.

### **State Example: Vermont**

Complete streets policies often are pigeonholed as provisions solely for sidewalks and bike lanes or shoulders on highways, rather than holistically including the needs and abilities of users of all ages and transportation system modes. When Representative Mollie Burke first introduced a complete streets bill in 2010 (HB 741), the Vermont Agency of Transportation (VTrans) questioned whether complete streets provisions were already required under existing law, which requires that access for bicyclists and pedestrians be maintained or improved along the shoulders of highways when facilities are constructed or reconstructed. The House Transportation Committee did not move HB 741 out of committee and thus it did not receive a full hearing of the House. However, over the next year, advocates for complete streets legislation were able to effectively articulate the need for a more holistic approach, culminating in the successful enactment of HB 198 in 2011.

The new law requires the VTrans when developing Vermont’s annual transportation program to “Consider the safety and accommodation of all transportation system users—including motorists, bicyclists, public transportation users, and pedestrians of all ages and abilities—in all state and municipally managed transportation projects and project phases, including planning, development, construction, and maintenance.” HB 198 extends the complete streets requirements to municipalities. Advocates viewed local support as essential, since about 80 percent of Vermont roads are under local jurisdiction.

Defining exceptions and creating a transparent process for granting those exceptions can be contentious elements of crafting a complete streets policy. In Vermont, numerous cost exceptions were being granted under the original law for projects, diluting the law’s effectiveness. HB 198 significantly clarified and tightened the process for granting exceptions. The new law states that it “applies to all transportation



Passage of Vermont's Complete Streets law in 2011 will help to ensure that crosswalks are designed with the needs of pedestrians in mind (as shown in the photo on the left), rather than an afterthought (photo on right).

*Photographs of Vermont crosswalks taken in Fall 2010 by Jana Lynott*

projects and project phases.” However, HB 198 does exempt dirt roads, to address the concerns of rural stakeholders. Furthermore, if complete streets principles are not incorporated into a project after the consideration of the needs of all users, the project manager must document and make available for public reading the rationale for exclusion. Exemptions allowed by law include:

- Use of the facility by bicyclists, pedestrians, and others is prohibited by law
- “The cost of incorporating complete streets principles is disproportionate to the need or probable use as determined by factors including land use, current and projected user volumes, population density, crash data, historic and natural resource constraints, and maintenance requirements.”
- “Incorporating complete streets principles is outside the scope of a project because of its very nature.”

This formal process strengthens the policy considerably and is becoming more common in complete streets policies.

Proposed legislation from 2010 was similar to HB 198, with one notable exception; the 2010 bill, HB 741, had a provision with a specific 20 percent cost exception to trigger an exception, whereas the 2011 law uses the more general language, “disproportionate to the need or probable use.” The 20 percent cost threshold reflects existing federal policy on the accommodation of pedestrians and bicyclists.<sup>102</sup> Nonetheless, the bill’s sponsor removed this provision before introducing HB 198 at the request of the League of Cities and Towns, a key stakeholder that expressed concern with the degree of specificity.

HB 198 requires the transportation agency to submit a status report to the legislature on implementation and a list and explanation of projects that were granted exemptions. HB 741 included additional requirements for this status report, including procedures for identifying the needs of users of all ages and abilities and the types and designs of facilities required to serve those needs. The 2010 bill also would have required a description of methods to increase local-state cooperation, which can be an issue in Vermont and was cited by 52 percent of state transportation engineers and planners nationwide as a barrier to implementing complete streets.<sup>103</sup>

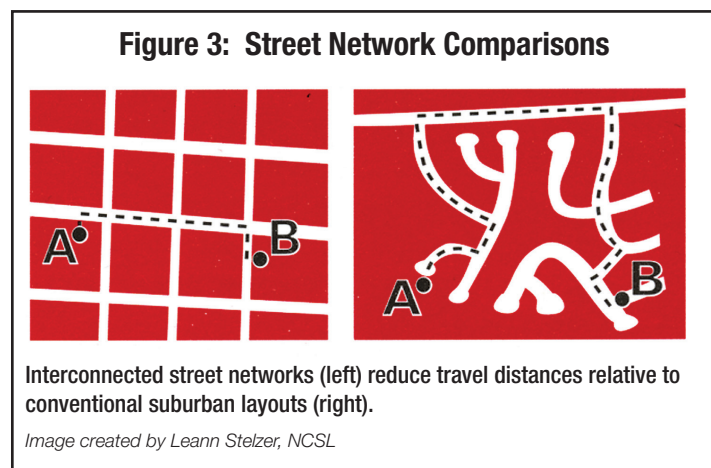
Stronger complete streets policies go beyond “consideration” and require that complete streets principles be adhered to unless a project is otherwise reasonably exempted by law. Although Vermont’s law uses the term “consideration” it does require that agencies document the rationale for situations where accommodation is not provided. Ultimately, implementation success in Vermont will depend on a strong commitment to the intent of the law by state and local government and continued involvement of interested parties in pushing implementation forward.

### State Example: Virginia

Connectivity—defined as the ability to reach a destination via multiple routes in a gridded-street network—is an essential element in creating livable communities. As the sample images of neighborhoods with high and low connectivity illustrate, a simple walk to a friend’s house may not be so simple if the streets are not connected.

Research has indicated that better connectivity can lead to more bicycling and walking trips, and thus to more physical activity.<sup>104</sup> Connectivity allows more routes into a development and theoretically lessens traffic by dispersing it over more streets. This concept is an essential part of creating walkable communities, since high traffic volume seems to discourage physical activity in nearby areas.<sup>105</sup> Connectivity also is beneficial for older drivers who may want to avoid travel on high-speed arterial roads. In addition, it helps create shorter walking distances and a more relaxed walking environment. Connectivity also makes walking and bicycling more time-competitive with an automobile. Low connectivity, on the other hand, tends to increase traffic congestion for all motorized vehicles, involve higher public costs for road maintenance, and reduce traffic safety.<sup>106</sup>

Further, it is more difficult and time-consuming for emergency services to reach an emergency; a traffic jam can be lethal for someone who is waiting for an ambulance should no alternative routes exist to the destination. Charlotte, N.C.’s average response time rose by a full minute from the mid-1970s to 2002, corresponding with the increased prevalence of sprawling neighborhood design.<sup>107</sup> Since 2001, however, when a new city policy was enacted to require street connectivity, the average response time



has dropped from 5 minutes and 30 seconds to 5 minutes flat. These seconds are crucial to helping prevent a devastating fire or reaching a medical emergency.

Connectivity also reduces the cost of providing emergency services. In Charlotte, the most efficient fire station—in a connected 19th-century neighborhood—served 26,930 households in 14.1 square miles with a per capita life cycle cost of \$159 per year.<sup>108</sup> In contrast, the least efficient station—in a sprawling community built in the 1980s and 1990s—served only 5,779 households in 8 square miles at a per capita life cycle cost of \$740 per year.<sup>109</sup>

No state attempted to tackle connectivity until 2007, when the Virginia General Assembly directed the Virginia Department of Transportation (VDOT) to develop a common standard and requirements for new streets to be accepted into the state secondary highway system for maintenance. The goal was to link transportation to land use development to make the existing street network more efficient without the need for new revenues or tax assessments. Among other provisions, the law required that future streets be built “to ensure the connectivity of road and pedestrian networks with the existing and future transportation network.”<sup>110</sup>

Under the new Secondary Street Acceptance Requirements (SSAR), developers must “build streets that connect with the surrounding transportation network in a manner that enhances the capacity of the overall transportation network and accommodates pedestrians.”<sup>111</sup> The new connectivity requirements are based on a ratio of street segments to intersections.<sup>112</sup> Pedestrian advocates feel Virginia also should have adopted an intersection-density index. A number of intersections can be important to provide numerous route options, and are especially important to encourage walking. Developers must clearly show the boundaries of each network to VDOT, which then determines if each network addition meets all the public benefit requirements. If a development fails to do so, VDOT will not maintain its streets.

To satisfy safety advocates that were concerned about increased vehicle traffic on streets affected by the policy, Virginia also allowed narrower streets to be built. The combination of connectivity and narrower streets slows vehicle speeds and disperses traffic, both of which are important characteristics that typically encourage more walking and bicycling. Such streets also reduce burdens on the regional transportation system, a stated goal of the 2007 legislation.

It does not appear that any other states have adopted such standards, although a number of municipalities, including Fort Collins, Orlando, and Portland (Oregon) have done so. Oregon and Washington laws allow narrower streets in consultation with the fire department, but do not address connectivity.

## **Pedestrian Safety**

Pedestrians age 65 and older accounted for 18 percent of all pedestrian fatalities and about 10 percent of all pedestrian injuries nationwide in 2008.<sup>113</sup> Their higher fatality rates and lower injury rates relative to their share of the overall population reflect the unfortunate fact that older adults are more likely to be fatality injured in crashes that would otherwise severely injure a younger pedestrian. Fast traffic, wider streets

and short crossing times at intersections are some safety hazards that, coupled with older adults' increased fragility and frailty, make Americans in this age group two-thirds more likely than their younger counterparts to be killed while walking.

The unique vulnerability of pedestrians and bicyclists on the road has inspired some state legislatures to pass laws designating them as “vulnerable users.” “Vulnerable users” are defined as pedestrians, highway workers, and people riding on animals, skateboards, scooters or bicycles. In 2007, Oregon became the first state to create enhanced penalties for drivers who are involved in crashes with vulnerable roadway users.

In the past five years, Connecticut, Delaware, Hawaii, Illinois, Iowa, Michigan, New York, Pennsylvania, Texas and Vermont have considered “vulnerable users” laws. Delaware and Vermont enacted such legislation in 2010. The Delaware law states that, if a vehicle operator is found to have contributed to the serious physical injury of a vulnerable user, the operator must complete a traffic safety course and perform up to 100 hours of community service related to driver improvement. If the course or the community service is not completed, the offender could face a \$500 fine and license suspension.<sup>14</sup>

### Quiet Vehicles

With growing concern about gas prices and air pollution, hybrid and electric vehicles have become more popular. At low speeds and when idling at intersections, hybrid engines are almost silent, which can be a hazard for pedestrians and bicyclists. The National Federation of the Blind identified silent vehicles as a serious safety concern for all pedestrians, not only for the visually impaired, because people crossing streets are accustomed to hearing vehicle noise and reacting accordingly. In 2009, the California Senate recognized that crossing the street is especially dangerous for any pedestrian if cars can quickly approach in virtual silence, and passed a Joint Resolution urging Congress and the president to support research and develop minimum noise standards for new hybrid and electric motor vehicles. Kansas passed a similar resolution in 2010, urging research and the identification of strategies to ensure vehicles emit sounds that can be heard by pedestrians.



**Crosswalk in Venice, Florida. Although attractive, the use of brick or pavers in crosswalks requires regular maintenance to maintain a smooth surface.**

*Photograph courtesy of Dan Burden, Walkable & Livable Communities Institute*



The Motor Vehicle Safety Act of 2010 (S. 3302), introduced in Congress, includes language that would require the U.S. Department of Transportation to issue regulations requiring a minimum sound standard for hybrid and electric vehicles. The private sector already has responded to silent vehicle safety concerns. For example, Chevrolet has built a driver-controlled “chirp” sound into its new electric “Volt,” which can alert pedestrians of the vehicle’s approach.

### ***State Example: New Jersey Pedestrian Safety Initiative***

In 2006, then-Governor Jon Corzine announced a \$74 million Pedestrian Safety Initiative to improve pedestrian safety in the state. Since 2004, an average 150 pedestrians a year are killed on New Jersey streets. The Garden State also has the tenth-highest pedestrian fatality rate for those over age 65, according to Transportation for America.<sup>115</sup> Since 2006, the state’s Department of Transportation, the attorney general and the Motor Vehicle Commission have worked on engineering, education and enforcement improvements. Engineers and local stakeholders have identified and worked to improve state highway corridors based on pedestrian fatality and injury data. Pedestrian Safety Initiative money also has been used for traffic calming measures, curb ramps, overhead crosswalk illumination and pedestrian countdown signals.

Through grants from the New Jersey Division of Highway Traffic Safety, local police departments began an enforcement initiative, “Cops in Crosswalks.” The initiative places undercover police officers—acting as pedestrians—in the most dangerous intersections to enforce pedestrian laws. Officers can cite motorists who fail to yield to pedestrians in crosswalks and intersections. From June through August 2010, the Northfield police department put in 217 additional enforcement hours, conducted 688 motor vehicle stops and issued 229 motor vehicle summonses during its “Cops in Crosswalks” initiative.

New Jersey also created a mechanism to fund strategies to increase pedestrian safety. The New Jersey Legislature amended its pedestrian law to require motorists to stop, rather than yield, for pedestrians in a marked crosswalk. The bill’s sponsor, Assemblywoman Linda Stender, said that the yield law was too ambiguous. She wanted to become involved with pedestrian safety because she was distressed about the number of deaths that occurred simply because someone wanted to cross a street. She wanted to “increase awareness to all motorists so older adults can get around in their communities and school kids can get to school safely.”<sup>116</sup> Motorists who fail to come to a complete stop for pedestrians “in crosswalks, or within any unmarked crosswalks within intersections” can be subject to two points on their license, a \$200 fine, 15 days of community service and possible insurance surcharges. Of each fine imposed, \$100 goes directly into the state Pedestrian Safety Enforcement and Education Fund. Money from the fund is distributed to municipalities for pedestrian safety marketing, education and enforcement, including cops in crosswalks programs. Assemblywoman Stender thinks the grant programs for municipalities for enforcement and education will have a long-term effect on how New Jersey residents live and move for years to come.

“ We went to these Councils on Aging and said, ‘You’re already running a senior bus service; if you open your doors to everyone, print a schedule and follow the FTA guidelines, we will help you pull it all together and receive FTA funding.’”

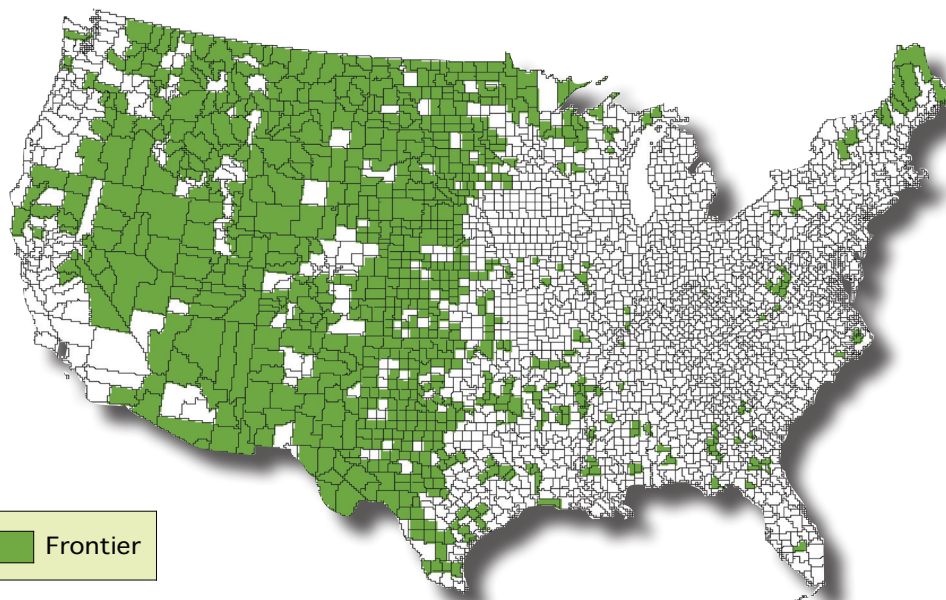
- Audrey Allums, Montana Department of Transportation transit section supervisor

## Rural Access

Twenty percent of the nation’s residents live in rural areas.<sup>117</sup> Two-thirds of the 3,142 counties in the United States are rural.<sup>118</sup> Today, rural communities are experiencing farm consolidation, loss of forest land, shrinking population, lack of access to services and transportation, and limited planning capacity.<sup>119</sup> Long distances between residences and essential services affect rural communities by contributing to longer commutes to jobs and medical facilities.

Around 10 million people live in frontier counties—rural areas characterized by extremely low population densities (not more than 20 persons per square mile) and long distances to service markets.<sup>120</sup> A total of 812 frontier counties are located in 38 states. Residents of these counties may have difficulty accessing goods and services that others take for granted. Mobility for persons living in these highly rural counties means having access to urban centers with banking, commerce,

**Figure 4: USA Frontier Counties, 2000 Consensus**



*Note: Most of Alaska’s counties are frontier counties.  
Reprinted with permission from the National Center for Frontier Communities*

© Frontier Education Center, 2003

law, engineering, medical and other specialized services. With limited options and long distances, providing this access for people who cannot drive is a challenge. Intercity bus companies that formerly helped meet this need have dropped routes that are no longer profitable. According to the Department of Transportation Bureau of Transportation Statistics, “between 2005 and 2010, 3.5 million rural residents lost access to scheduled intercity transportation, increasing the percent of rural residents without access to intercity transportation from 7 to 11 percent.”<sup>121</sup> To accommodate those in isolated communities, nonprofit and for-profit companies are attempting fill the gap using volunteer drivers (see further discussion about related liability issues on page 37) and limited funding.

Decisions about public transportation for rural communities are usually made separately from decisions about land use and other transportation investments.

### **State Example: Montana**

According to the Census Bureau, Montana’s current population is about 974,989,<sup>122</sup> almost 2.1 million less than the Denver metropolitan area<sup>123</sup> and 4 million less than the Washington, D.C., metropolitan area,<sup>124</sup> even though its land mass is the size of Ohio, Pennsylvania, West Virginia, New Jersey and some of northern Virginia combined. Audrey Allums, transit section supervisor for the Montana Department of Transportation, describes the state as “not only rural, but frontier,”<sup>125</sup> because there are, on average, six people per square mile<sup>126</sup> and the population is concentrated into seven communities, mainly in the western portion of the state. “A lot of small communities out there are aging. These are the areas that have big expansive areas of space between any type of service,” according to Allums.<sup>127</sup> In some instances, the trip to a dentist or a pharmacy could be at least 100 miles.<sup>128</sup> In addition to mobility issues, rural Montanans have limited employment and nutrition options. There are few grocery stores and a limited selection of food. According to Allums, these issues are related to inadequate rural transportation.<sup>129</sup>

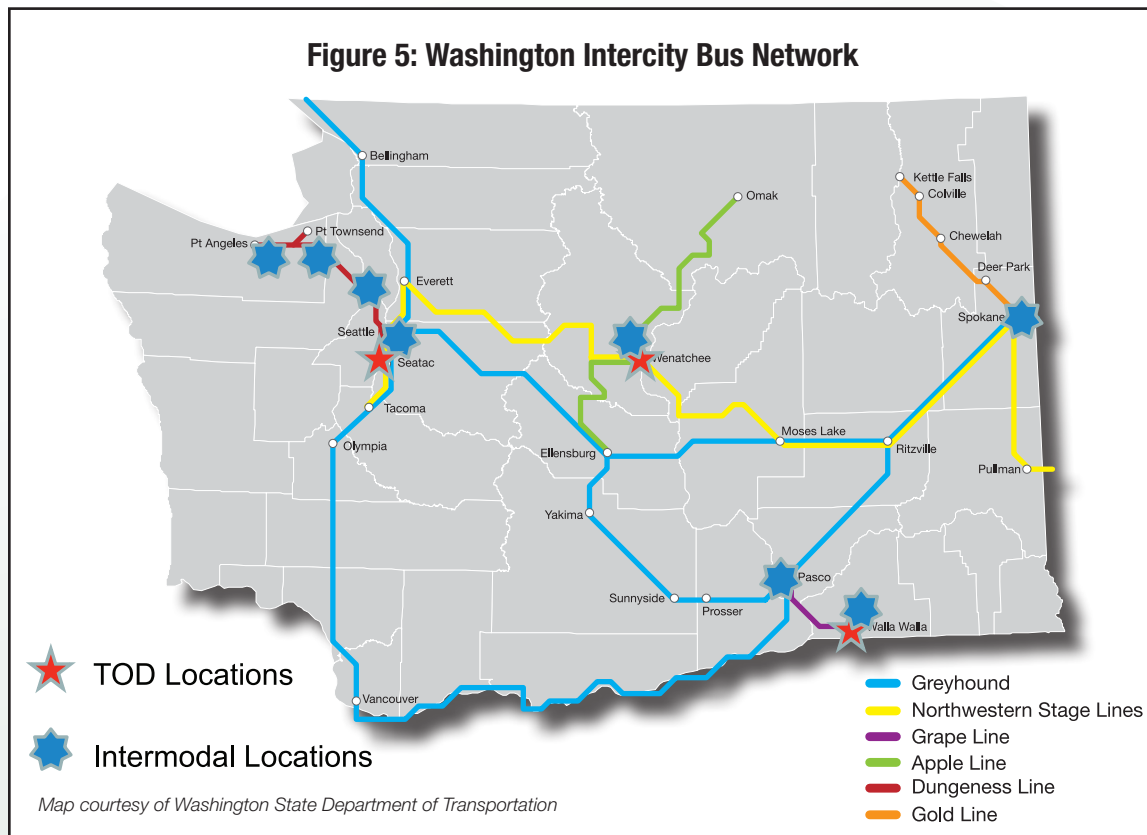
Montana has made a concerted effort to address these issues. Three years ago, the state had nine rural transportation systems; today, there are almost 40. To achieve this, the state went to city and county governments and several county Councils on Aging (each of which already operated some type of bus service) and offered to help them devise and pay for a coordinated plan. “We went to these Councils on Aging and said, ‘You’re already running a senior bus service; if you open your doors to everyone, print a schedule and follow the FTA guidelines, we will help you pull it all together and receive FTA funding,’” said Allums.<sup>130</sup> The localities have provided matching funds by using Title III-B Older Americans Act money, property taxes, donations and other local government money.<sup>131</sup>

Sanders County in northwest Montana was moved to begin providing transportation services after one of its residents died of cancer.<sup>132</sup> Due to lack of transportation options, she could not get to her treatments.<sup>133</sup> This brought the community together to say: “Never again in our town.”<sup>134</sup> Allums says, “As time goes by, the state will learn more about what livability and rural access means to everyone by continuing to have a dialogue with local agencies. Even though not everyone will be of the same opinion, hopefully we can work together for the benefit of all Montanans.”<sup>135</sup>

**State Example: Washington**

In 2007, many private intercity bus operators were pulling out of Washington, leaving 22 communities without bus service to a major transportation hub or other rural towns.<sup>136</sup> To remedy the problem, the Washington Department of Transportation created a robust intercity bus program that costs the state nothing to operate (see Figure 5).<sup>137</sup>

To operate this program at no cost to the state, the DOT uses the FTA’s Formula Grants for Other than Urbanized Areas Intercity Bus grant program.<sup>138</sup> The FTA pays half of program costs, and the state can raise the remaining 50 percent through in-kind matches from private operators.<sup>139</sup> The program is contracted to private providers, and the state sets performance parameters, then involves stakeholders—who are members of the community that will be served by the program—in a review process.<sup>140</sup> Stakeholders then score all proposals (with no input from the DOT) and choose the provider with which they want to work.<sup>141</sup> Steve Abernathy, Intercity Bus program manager for WSDOT, says that the “bottom up” method of choosing a provider has garnered strong community support for this service.<sup>142</sup> “When the Gold Line (northeastern Washington) was announced, communities were falling over each other to see who could bring the most to the ribbon cutting.”<sup>143</sup> Abernathy has witnessed boisterous arguments between companies that thought they could be the better ticket agent for the line.<sup>144</sup> Providers also are allowed to contract with other transportation providers. Some lines, for example, have agreements with airlines so that, if a local airport is closed due to inclement weather, the intercity bus can take passengers to another terminal.<sup>145</sup>





In rural areas, a lot of the discussion revolves around increased access to bike and walking paths and public transportation, whether that is fixed route, a demand response, a ride share, van pool or senior shuttle, or whatever strategy they think would work in their respective community.”

- Heather Wheeler, executive director,  
Community Transportation Association of Idaho

Private developers have taken advantage of the real estate around transit hubs to create TOD.<sup>146</sup> Park-and-ride commuter lots and other downtown parking lots also are used for farmers’ markets and concerts in the summer. Homes, hotels and banks all are within walking distance of most transit centers.<sup>147</sup>

Many of these communities already have a local transit provider (either public or nonprofit) that is used by older adults, many of whom would not otherwise have other transportation options. The intercity program acts as a backbone for these local providers to tie residents into the larger statewide system.”<sup>148</sup> This allows older adults to continue to live in the community they desire and be connected to the larger urban centers of the state.<sup>149</sup> Abernathy noted that one of the first people to buy a ticket on the Grape Line in Walla Walla was an older couple in their early 80s who had children and grandchildren in Spokane and relied solely on public transportation.<sup>150</sup> Now, instead of waiting for their family to come see them, they can connect to the Greyhound line in Pasco to go visit.<sup>151</sup> Abernathy sums up the program as “allowing people to stay where they want to live, yet still have the mobility, connections and access to the state, national and international transportation network.<sup>152</sup> It allows older adults to stay in the communities where they have friends, where they raised their children and where they are part of a community.”<sup>153</sup>

#### **State Example: Idaho**

According to the Census Bureau, Idaho’s current population is 1,545,801,<sup>154</sup> and its largest city is Boise (population 198,638).<sup>155</sup> Idaho is the seventh most sparsely populated state,<sup>156</sup> with approximately 15 people per square mile.<sup>157</sup> Heather Wheeler, executive director of the Community Transportation Association of Idaho (CTAI), says: “One of the key things the CTAI is doing is trying to bring mobility options to the rural communities so individuals can maintain their rural lifestyle and have access to health care, work, school or other necessary appointments.”<sup>158</sup> She also stresses the importance of transportation coordination to increasing services that could allow older Americans to age in place.<sup>159</sup>

Idaho requires that agencies have a coordinated plan before they can receive any FTA funds. This represents a step beyond the FTA requirement for agencies to have a coordinated plan for FTA specialized transportation funds.<sup>160</sup> To meet the requirement, the state is split into 17 locally led community networks that meet to talk about community

needs and strategies to meet them. “In rural areas, a lot of the discussion revolves around increased access to bike and walking paths and public transportation, whether that is fixed route, a demand response, a ride share, van pool or senior shuttle, or whatever strategy they think would work in their respective community,” says Wheeler.<sup>161</sup> These discussions result in a coordinated plan. Each network then coordinates its plans with others in their district (Idaho has six transportation districts). “So if a senior center in one network needs a vehicle and the next network over might need one on a different day, service can be coordinated.”<sup>162</sup> Since the state does not have a dedicated source of funding, the coordinated planning process helps leverage limited transportation resources. This allows older Americans to remain in their communities and continue their rural lifestyle instead of moving to a more urban setting.<sup>163</sup>

In each of Idaho’s six transportation districts, the CTAI employs a full-time mobility manager. Mobility managers facilitate the coordinated planning process and bring together key stakeholders, elected officials and leaders from the senior center or agency on aging.<sup>164</sup> This planning process allows communities to identify their needs and strategies—plan elements required to receive funding. CTAI’s website, I-Way,<sup>165</sup> serves as a portal to involve more people in the coordinated planning process. Wheeler expresses her belief that the website has significantly increased participation in the process in the past few years.<sup>166</sup>

## Human Service Transportation Coordination

Generally, coordination means better resource management, shared power from agency to agency, shared responsibility among agencies, and shared management and funding. Coordination of transportation services is a process by which two or more organizations (which previously may not have worked together) interact to jointly accomplish their transportation objectives. When properly implemented, coordination can improve access for system users and reduce costs. State leadership in pressing for coordination of related federal, state and local transportation services helps attain the benefits of coordination across many programs and levels of government. A recent study conducted by the University of Florida, for example, concluded that Florida receives a payback of 835 percent—\$8.35 for every \$1 spent by the state’s transportation disadvantaged program.<sup>167</sup>

Because of the growing aging population, some think that the proliferation of transportation services will ensure anyone in this group who wants a ride will receive one. However, the large number, diversity and dispersal of the specialized transportation programs can cause:<sup>168</sup>

- Service overlap and duplication;
- Poor overall service;
- Underuse of resources;
- Inconsistent service across the community;
- Service quality and standards differing between providers; and
- Inconvenience for the consumer.

**A recent study conducted by the University of Florida, for example, concluded that Florida receives a payback of 835 percent—\$8.35 for every \$1 spent by the state’s transportation disadvantaged program.**

Transportation coordination not only offers a better approach, but also will be critical to accommodate the coming wave of transportation demand by older people.

Several states are trying innovative approaches that involve coordinating the patchwork of existing services and infrastructure into a more coherent and cost-effective approach, such as employing mobility managers who give personalized service to those in need of transportation or establishing statewide coordinating councils. Mobility management encourages coordination and resource sharing among various state agencies.<sup>169</sup> Another way to consider mobility management is a community travel agent with access to a family of transportation services.<sup>170</sup>

Human service transportation coordination can reduce or eliminate many of the problems caused by numerous specialized transportation programs. Of concern are the rules and funding restrictions that accompany each specific funding program designed to meet the particular transportation needs of those people eligible for that program. State or local governments that administer human service transportation programs through multiple agencies have different goals and serve different populations. The eligibility standards, vehicle needs, operating procedures, accountability standards, routes and other factors can differ greatly. At the local level, programs can differ across city or county boundaries.

To better coordinate the transportation activities related to providing human services, many states have created state coordinating councils. These councils are implemented in recognition of the complex governing structures that have arisen over time to meet the needs of various populations.

Coordinating councils create a focal point for considering and advocating for better coordination and for disseminating success stories and best practices. The councils ideally include representatives of all agencies that implement transportation programs and representatives of nongovernmental groups that provide or administer transportation services. Preferably, each council is allocated a budget and has authority to require cooperation of involved agencies, yet a great deal is done in states that have neither. To be effective, councils should meet regularly.

Twenty-eight state coordinating councils currently exist; 14 were created by statute and 14 by a governor’s executive order or initiative. In Florida, a separate state commission implements a statewide coordination scheme.

“This (unreliable level of service) causes older adults to move out of their homes and communities and forces changes that might be more expensive overall,” Dibble said. “In fact, they might be able to stay in their homes and be active members of their community if transportation services were improved.”

- Minnesota Senator Scott Dibble

#### **State Example: Florida**

Florida’s well-established coordination system is intended to balance local flexibility with comprehensive state planning, policy and oversight.<sup>171</sup> The Commission for the Transportation Disadvantaged, an independent state agency, serves as the policy development and implementation agency for Florida’s transportation disadvantaged program.<sup>172</sup> The Legislature created the commission in 1989 and made it responsible for the statewide coordination of transportation services for people who are transportation disadvantaged, defined as those who, “because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others for transportation.”<sup>173</sup> According to the commission, the goal of coordination is to “ensure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged.”<sup>174</sup>

#### **State Example: Minnesota**

In 2010 the Minnesota Legislature enacted legislation to establish the Minnesota Council on Transportation Access. The council must “study, evaluate, oversee, and make recommendations to improve the coordination, availability, accessibility, efficiency, cost-effectiveness and safety of transportation services provided to the transit public” before the law sunsets on June 30, 2014. To accomplish this, the council must produce a biennial work plan that, among other requirements, must identify best practices within and outside the state, identify barriers to coordination and facilitate creation of transportation brokerages. Council on Transportation Access members include legislators and staff from the governor’s office as well as the Council on Disability, the Minnesota Public Transit Association, the Council on Aging and other state agencies. A report to the governor is due each January 15 starting in 2012.

As one of the law’s<sup>175</sup> authors, Minnesota Senator Scott Dibble wants to see correction of problems brought to his attention by riders. These include some operators that do not serve all areas of the state, riders who are left at county lines or those who must wait hours or days for a trip. “This (unreliable level of service) causes older adults to move out of their homes and communities and forces changes that might be more expensive overall,” Dibble said. “In fact, they might be able to stay in their homes and be active members of their community if transportation services were improved.”<sup>176</sup>





**Emery County seniors enjoy a bus ride in Utah.**

*Photograph courtesy of the FTA*

At the same time, according to Senator Dibble, “The legislature is looking at land use patterns and the state’s urban development policies and priorities to make sure people can be closer to the services they need in their lives, such as housing, services and employment.”<sup>177</sup>

**State Example: Washington**

Washington uses a state-level, interagency council, in collaboration with regional and local entities, to coordinate human services. The state’s Agency Council on Coordinated Transportation (ACCT)—

housed at the Washington State Department of Transportation (WSDOT)—was created by the legislature in 1998. ACCT’s mission is to promote coordination of special needs transportation, provide a forum for discussing issues and initiating change, provide oversight and direction to the state’s coordination agenda, and report to the legislature to propose legislative remedies.<sup>178</sup> The law originally established the Program for Agency Coordinated Transportation to facilitate a statewide approach to coordination and support development of a community-based, coordinated transportation delivery system. It also created ACCT to implement that program,<sup>179</sup> but was later amended to allow ACCT to “convene work groups at the state, regional, or local level to develop and implement coordinated approaches to special needs transportation.”<sup>180</sup> To date, the work group has selected four pilot projects to test several different elements of coordinated transportation, such as cost sharing, regulatory obstacles, Medicaid trips on paratransit buses and nonemergency medical transportation.<sup>181</sup> By the end of 2010, the lead agencies on the pilot projects will have completed a six-month work plan and a complete project budget. The plan is required to identify barriers to the completion of the project and any recommendations of how any such barriers will be removed.<sup>182</sup> ACCT must adopt results-focused biennial work plans that identify and advocate for special needs transportation improvements and also prioritize projects that identify and address barriers in laws, policies and procedures. ACCT is further charged to develop statewide guidelines for customer complaint processes; represent special transportation needs in state emergency and disaster preparedness planning; appoint a work group to engage federal representatives and agencies in an analysis of federal requirements;<sup>183</sup> and review and recommend certification of regional transportation planning organizations’ four-year plans.<sup>184</sup>

### **State Example: Wisconsin**

In 2005, former Wisconsin Governor Jim Doyle charged five state agencies to form the Interagency Council on Transportation Coordination (ICTC) to study human service transportation coordination in the state and develop a statewide coordination plan. ICTC members represent the state departments of transportation, health services, veterans affairs and workforce development and the Office of the Commissioner of Insurance,<sup>185</sup> each of which includes transportation in its service programs.<sup>186</sup> The ICTC Stakeholder Advisory Committee (SAC) advises the ICTC on statewide transportation needs and coordination opportunities and helps educate the public about the benefits of transportation coordination. SAC members include transportation consumers, advocacy organizations, tribal representatives, service providers and other partners. The goal of the ICTC is to create a “coordinated, accessible, affordable, dependable, and safe statewide system providing the best transportation services to transportation disadvantaged individuals in Wisconsin.”<sup>187</sup>

Between 2005 and 2008, the ICTC accomplished the tasks required by Governor Doyle’s directive, including the completion of a statewide transportation assessment, an inventory of transportation systems, and an action plan for human service transportation coordination. In addition, the ICTC contracted with a nationally recognized consultant to develop a statewide human service transportation coordination model, which recommends as a first strategy steps to strengthen the ICTC as the lead entity for statewide coordination.<sup>188</sup> To date, neither the strategies recommended in the consultant’s report nor the ICTC’s action plan has been implemented.

Another component of Wisconsin’s model is its 48 mobility managers, who develop and implement mobility management programs. These programs focus on delivering coordinated transportation services to those with special transportation needs through a range of options and providers, and seek to improve special needs transportation by collaborating with public and private transportation providers and other community stakeholders at the local, regional or county level.<sup>189</sup>

## **Volunteer Drivers**

Volunteer drivers are an important asset to specialized transportation programs; however, legal ambiguities exist about their use.<sup>190</sup> The core concerns revolve around liability and insurance coverage. Across the country, practices vary. In many jurisdictions, program operators are unsure if they are liable for accidents involving volunteer drivers and whether they should extend their insurance coverage to compensate. In some places, volunteer drivers may be immune from liability; in others, they—and the organizations that use them—maybe vulnerable to civil suits.

The unknown risk of civil liability can significantly affect the ability to establish and maintain low-cost transportation programs for transportation-disadvantaged populations. Insurance companies may be reluctant to allow drivers and special transportation agencies and organizations to cover their volunteer activities with normal insurance policies. Organization officials in some jurisdictions have reported that

“ Insurance premiums are not based on who is in the car, but on miles driven per year. So unless volunteer drivers add 5,000, 10,000 or 15,000 miles to their annual travel, their insurance will not be raised.”

- Helen Kerschner, president and CEO of the Beverly Foundation



Community services such as the Meals on Wheels program provide daily food and social interaction for many older adults who are aging in place.

*Photograph courtesy of Meals on Wheels Association*

volunteers were required to obtain special clauses or carry higher insurance amounts to cover the extra use of their personal vehicles for regular volunteer activities. Volunteers who operate regular routes or work for shared-cost programs could be categorized by some insurance companies as “for-hire” drivers and be required to pay premiums similar to the much higher taxi driver.

Nevertheless, Helen Kerschner, president and CEO of the Beverly Foundation,<sup>191</sup> contends that the problem is not state liability laws but, instead, a misperception among insurance companies and volunteer driver organizations that volunteer drivers will be liable for accidents or injuries.<sup>192</sup> Most, if not all, volunteer driver organizations will pay the driver’s deductible and other fees their insurance will not cover under the organization’s umbrella insurance. These misperceptions are perpetuated by insurance brokers and volunteer organizations that are not fully cognizant of insurance laws.<sup>193</sup> “Insurance premiums are not based on who is in the car, but on miles driven per year. So unless volunteer drivers add 5,000, 10,000 or 15,000 miles to their annual travel, their insurance will not be raised.”<sup>194</sup>

The Beverly Foundation, with approximately 800 volunteer driver organizations in its database, sees only a small number of crashes each year that involve volunteer drivers.<sup>195</sup> Sixty-two percent of volunteer drivers are older adults and experienced drivers.<sup>196</sup> Further, if volunteer drivers are in an urban setting, they generally are not driving far.<sup>197</sup> According to Kerschner, “Any new laws would be solutions in search of problems.”<sup>198</sup>

## State Examples

Only Georgia and Oregon explicitly protect volunteer drivers from civil liability; 26 expressly exclude from volunteer immunity protection acts committed in motor vehicles.

### State Example: Georgia

In Georgia, state law protects volunteers who transport seniors. It provides that, “any person who provides volunteer transportation for senior citizens shall not be liable for any civil damages for any injury to such senior citizens arising out of or resulting from such transportation if such person was acting in good faith within the scope of his or her official actions and duties and unless the conduct of such person amounts to willful and wanton misconduct.”<sup>199</sup>

### State Example: Oregon

The Oregon law limits liability for volunteer drivers and programs that transport seniors and people with disabilities.<sup>200</sup> The statute provides dollar limits on the amount that can be collected for bodily injury or death by those who use transportation services. The liability limits protect the person who provides or sponsors the transportation services, the vehicle owner and the volunteer who operates the vehicle for the transportation services. The statute applies only if the driver holds a valid Oregon driver’s license, the driver provides strictly volunteer services and receives no substantial benefit or compensation beyond actual expenses, and the transportation service is provided free of cost. In addition, the law does not apply if the accident or injury was caused intentionally or by the operator’s gross negligence or intoxication.

### State Example: Wisconsin

Jurisdictions are split on the specific treatment of individual volunteer drivers. Similar to the federal volunteer protection law,<sup>201</sup> 26 jurisdictions expressly exclude acts committed in motor vehicles from volunteer immunity protection.<sup>202</sup> Connecticut provides sovereign immunity for individual volunteers involved in traffic incidents, but gives people injured by a motor vehicle operated by a volunteer driver the right of recovery against the state. Texas makes most individual volunteers liable for motor vehicle incidents but provides specific protections for religious charitable organizations that own or lease the motor vehicle.

In states where volunteer protection statutes do not expressly exclude or include volunteer drivers, the civil liability of individual volunteers for traffic incidents is less clear. The statutes seem to provide all volunteers immunity from civil liability for actions made in good faith and without malicious intent.<sup>203</sup> In these states, a strong legal argument could be made that the statutes include immunity protections for volunteer drivers.

In 2008, the Wisconsin Office of the Commissioner of Insurance (OCI) surveyed “the largest writers of personal lines automobile insurance in Wisconsin asking them to provide OCI with information on how the insurance company covers volunteer drivers under the personal automobile insurance policy who use their personal auto for transportation of persons or property for charitable purposes.”<sup>204</sup> Twenty-seven companies replied that they provide coverage for volunteer drivers under the personal

automobile insurance policy, even if the volunteer driver receives reimbursement for related expenses.<sup>205</sup>

Nevertheless, many insurance agents still tell volunteer drivers to purchase commercial insurance, since they are being reimbursed for expenses and therefore are considered a livery service.<sup>206</sup> Even though insurance companies indicate they are not charging different rates for volunteers, the state still finds that insurance agents misinterpret policies and county legal departments refuse or ignore requests for clarification so volunteer drivers can be added to older adult programs.<sup>207</sup> To help alleviate these issues, a representative from the OCI sits on the Wisconsin ICTC and will respond to inquiries from transportation agencies and volunteer drivers.<sup>208</sup> The OCI will tell them how to address the issue and file complaints with OCI if no satisfactory action is taken.<sup>209</sup>

### ***How Volunteer Driver State Insurance and Liability Laws Affect Aging in Place***

Ambiguities about civil liability can make it difficult for agencies and organizations that use volunteer drivers to obtain adequate insurance and manage long-term costs. Special transportation programs may need to enhance insurance coverage, and services could be significantly affected by the increased expenses. In addition, uncertain risks can make it more difficult to recruit and retain volunteer drivers. New volunteers might be deterred by liability concerns or unwilling to pay substantially higher insurance premiums for using their personal vehicles.

Volunteer drivers are an essential component of older adults' mobility, especially for those who have disabilities that prevent them from operating an automobile. Volunteers can significantly reduce service delivery costs by providing transportation in their personal vehicle at no charge. Some programs allow volunteers to operate vehicles owned by the agency or organization, but many program volunteers drive clients using their personal vehicle. Although some volunteers are reimbursed for their costs, many are responsible for fuel, vehicle maintenance, insurance premiums and other expenses.<sup>210</sup> Volunteers also provide such intangibles as a positive attitude and a personal connection to their clients.

Resolving ambiguities could save money and resources of the agencies and organizations that provide transportation services to older Americans. New volunteers might be attracted to these organizations or agencies if laws were amended to protect them from certain liabilities. ■

# HOUSING

## Affordable Housing

### *Low-Income Housing Tax Credits for Properties near Transit*

**A**n average working family spends 57 percent of its income on housing and transportation.<sup>211</sup> Research shows that where a family lives is important to determining how much of their budget must pay for transportation. Those in a transit-friendly community pay 9 percent of their budget for transportation costs. An average American household allocates 19 percent, while those in a car-dependent setting pay 25 percent.<sup>212</sup>

A number of states have used the federal Low-Income Housing Tax Credit (LIHTC) Program to leverage funds to develop housing near transit and in livable community settings. The program, created in 1986, is administered by HUD and the Internal Revenue Service. Credits are given to a designated state agency, usually the state housing finance agency. The amount allocated to each state in 2010 ranged from \$2 million in Wyoming to \$77 million in California. Tax credits then are provided to developers for projects that meet state qualifications. “Federal law requires that the allocation plan give priority to projects that (a) serve the lowest income families; and (b) are structured to remain affordable for the longest period of time.”<sup>213</sup> More than 100,000 affordable apartments are created or rehabilitated through the program each year.

Each state must create a qualified allocation plan that establishes the preferences and priorities for awarding credits in that state. This is an opportunity to align the LIHTC with state goals and policies. With respect to livability principles, a number of states give preference points in the application process to developers that build housing units close to public transit. It appears that the trend to prioritize projects near public transit is gaining speed.

At least 40 states include in their plans language encouraging placement of housing near transit, and 33 award preference points for projects near transit.<sup>214</sup> A recent report by Global Green USA that examines inclusion of “green” standards in the LIHTC program found more states are giving preference for “smart growth” criteria, which includes proximity to transit.<sup>215</sup> Massachusetts’ tax credit program awards points in its competitive scoring criteria for properties located within one-half mile of mass transit. Each year the Massachusetts Department of Housing and Community Development sets aside 35 percent of the commonwealth’s LIHTC allocation to preserve and rehabilitate existing affordable housing. Massachusetts has preserved more than 7,000 affordable homes through its tax credit program since 2003.<sup>216</sup>



REACH Community Development Corporation built Patton Park Apartments in Portland, Oregon, to provide affordable housing near transit.

*Photo courtesy of REACH CDC.  
Sally Painter, photographer*

Other states that include smart growth criteria in their qualified allocation plans include:

- Florida requires all single-room occupancy developments funded with tax credits to be within one-half mile of public transportation.<sup>217</sup>
- In Connecticut, points are awarded for TOD, and additional points are given if the development is located near a variety of other amenities and services.
- Missouri took an interesting approach to expanding capital for projects near transit. HUD typically allows an additional 30 percent in LIHTCs if the development is in a designated high-cost area, which includes difficult development areas. Missouri added projects that are “centered around and integrated with a transit stop” as difficult development areas, eligible for the extra 30 percent. According to the Missouri Housing Development Commission, “The plan must be mixed-use, mixed-income, pedestrian friendly and of appropriate density for a TOD.”<sup>218</sup>

The level of state legislative involvement in developing the qualified allocation plan seems to be relatively low, but a few states have relevant laws.

- As part of its comprehensive planning law, Nevada requires a community to adopt at least six criteria in its housing plan. These include: “providing money, support or density bonuses for affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing” and “providing financial incentives or density bonuses to promote appropriate transit-oriented housing developments that would include an affordable housing component.”<sup>219</sup>
- New Jersey law delineates objectives for the Annual Strategic Housing Plan, which includes providing housing choices near transit. It also states that the plan should explicitly consider the needs of low-income residents over age 62 and include allocation of LIHTCs.<sup>220</sup>

### **Preserving Existing Affordable Housing near Transit**

Preserving existing affordable housing near transit is essential, especially for lower-income older adults who desire to age in their homes. AARP's Preserving Affordability and Access in Livable Communities identified more than 250,000 subsidized apartments within a half-mile of transit in 20 cities.<sup>221</sup> However, nearly 70 percent of these will have their federal contracts expire in the next five years. The demand for housing near transit is expected to increase precipitously in the next 20 years. This will put pressure on property owners to return units to market rate housing, thus increasing the challenge and importance of preservation.

### **State Housing Trust Funds**

Housing trust funds work in concert with LIHTC and other funding vehicles and programs to build and finance affordable housing. Forty states now have state housing trust funds, and eight of those—Connecticut, Illinois, Massachusetts, Nebraska, Nevada, New Jersey, Oregon and Washington—have created more than one.<sup>222</sup> A 2006 survey of 99 trust funds found that housing for older adults was an activity for 68 percent of these funds.<sup>223</sup> Twelve percent of the trust funds had specific regulations that give extra points or consideration to projects that serve older Americans.<sup>224</sup>

## **Virginia Codifies a Housing Alternative for Older Adults in 2010**

State legislatures often react to developing trends, both public and private, at the local level. A Salem, Va., minister had a vision to create a realistic alternative for older Americans who are forced to move into assisted living facilities. It led to a new state law in 2010 that allows use of a “MEDcottage” or, as referred to in state law, a “temporary family health care structure.”

After visiting a member of his congregation who was being moved to a nursing home, Reverend Kenneth Dupin reflected on the need for alternatives to assisted living. He hit upon the idea of creating a remote-care cottage that could be placed on a family member's property. Dupin put a lot of thought into his model. It could include features such as knee-high lighting to prevent falls, as most falls for older adults are caused by tripping over objects on the floor, or a virtual companion and video system that could help deliver medicine and monitor the resident's health.

While Dupin was assembling a team to design and build such a cottage, he also was lobbying the Virginia legislature to allow such a facility to be placed on a property. The act (House Bill 1307) changes state zoning law to allow a “temporary family health care structure” as “a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings.” Anyone who is mentally or physically impaired, as certified by a licensed physician, may be eligible for such a facility. A family must obtain a permit to place a cottage from the local governing authority, which may charge a permitting fee of up to \$100. The structure must connect to utility lines and meet all required laws. The bill passed with almost universal support, despite concerns about superseding local zoning laws. Reverend Dupin hopes this model will create an alternative for older people who want to live independently.



Petaluma Avenue Homes, in Petaluma, California, is a 45-unit rental community for individuals earning 30-60 percent area median income (AMI).

*Photograph courtesy of Schemata Workshop, Inc.*



A few of these states currently do not have capital to fund housing preservation and construction. In those that do, however, taxes on real estate transfers and purchases are the most common source of funds. At least 13 states fund activities using appropriations from the legislature via the general fund,<sup>225</sup> and several receive money from more than one funding stream.<sup>226</sup>

Housing funds are important tools for leveraging public and private capital and for catalyzing economic development. Since 1989 in Washington, for example, “the state has invested \$281 million in new and improved housing for households with incomes at or below 80 percent of median income, leveraging more than \$1.124 billion in public and private sector support.”<sup>227</sup> In Arizona, the funds leveraged are estimated to have led to creation of 9,929 jobs and \$219.3 million in wages in 2000.<sup>228</sup>

Legislatures play a key role in housing trust funds. In most cases, these funds were created by state legislation that determined funding sources for trust fund activities. Legislatures often must craft laws that allow local municipalities to set up housing trust funds and also enable them to access a revenue source; examples include Missouri and Indiana.<sup>229</sup> A legislature also can prioritize projects to be supported by the trust fund. In Minnesota, the trust fund was directed “to provide temporary rental assistance (both tenant and project based).”<sup>230</sup>

### **Location Efficiency**

Another concept that may aid aging in place is “location efficiency.” A location-efficient community has various transportation options, services and workplaces available close by, increasing access and reducing the need to drive. Because transportation costs are the second largest expense for the typical American household—almost \$9,000 a year and continuing to grow—this concept offers significant benefits.<sup>231</sup> American households spend an average of 17.6 percent of their budgets on transportation, compared to the 11.9 percent spent by European Union households.<sup>232</sup>

To purchase an affordable home during the past 20 years, families have moved far from employment centers. This dynamic, known as “drive-to-qualify” mortgages, often finds people moving to cheaper land on the urban fringe. Although the house may cost less, transportation costs associated with living in a far-flung setting often are not taken into account. Higher-than-average foreclosure rates in such settings have become more common, as people grapple with both the cost of driving longer distances and fluctuating gas prices.<sup>233</sup> An article in the *Journal of Sustainable Real Estate* notes that: “Factors such as neighborhood compactness, access to public transit, and rates of vehicle ownership are key to predicting mortgage performance and should be taken more seriously by mortgage underwriters, policymakers, and real estate developers.”<sup>234</sup>

Quality of life also may be affected in a location-inefficient neighborhood, due to decreased disposable income and poor access to services and community assets. A survey and report by the Surface Transportation Policy Project found that older Americans who live in less dense settings where there are limited transportation options were much less likely to leave the house, visit the doctor or make other essential trips.<sup>235</sup>

States have taken note of location efficiency and its relevance not only for individuals, but also for government investment and planning decisions. It often is more expensive for governments to provide such essentials as water and sewers, roads and emergency services in location-inefficient settings.<sup>236</sup> A few examples are given below.

### State Examples

#### State Example: Illinois

The Illinois-based Center for Neighborhood Technology, a recognized expert on the issue, has developed a Housing + Transportation Index, which calculates “the true cost of housing based on its location by measuring the transportation costs associated with place.”<sup>237</sup> Building on this index, the Illinois legislature passed three laws that seek to integrate location-efficiency principles into state decision making. The 2006 Illinois Business Location Efficiency Incentive Act authorizes companies that apply to the Department of Commerce and Economic Opportunity for certain economic development assistance tax credits to seek increased or extended tax credits if the company’s proposed project site is located in an area that capitalizes upon affordable workforce housing or accessible mass transit. A 2007 measure further extends this logic by requiring the department to ensure an area meets location-efficiency standards when it awards economic development grants.

In 2010, with SB 374, Illinois took additional steps toward using location-efficiency concepts to help determine state decision making, planning and financing. The law requires state agencies to use the Housing + Transportation Index or an equivalent to screen and prioritize investments for public transportation, housing and economic development projects in Metropolitan Planning Organization areas. The Capital Development Board and the Illinois Finance Authority also will recommend use of the Index for siting new buildings.

## Grocery Access for Older Americans

Throughout the nation, especially in depressed urban areas and isolated rural settings, residents often struggle to find healthy, affordable groceries. This phenomenon, known as a “food desert,” particularly affects older Americans. Food deserts can be defined as a “community or neighborhood where residents are unable to purchase nutritious food easily due to distance from a market, price, lack of transportation, and/or absence of healthy options.”<sup>238</sup>

Access to and affordability of healthy food is especially a problem for older Americans in rural settings. Many small communities in rural areas, especially the Great Plains, have seen an exodus of young people and services. The remaining population generally is older, less mobile and left with few choices for services. Residents in 418 counties in the nation do not have a grocery outlet within 10 miles of home.<sup>239</sup> These counties typically have a higher percentage of older residents.<sup>240</sup> Research indicates that residents of areas where there are no vendors of healthy foods are more likely to be obese and have diabetes.<sup>241</sup> A study in two rural Iowa counties showed that 11 percent of people over age 70 relied on others for transportation to a grocery store and, on average, regularly shopped at fewer stores.<sup>242</sup> This latter dynamic is especially important, since, according to the U.S. Department of Agriculture, stores in rural areas and inner-city communities generally are smaller; offer fewer high-quality, healthy foods; and charge higher prices.

State lawmakers have become more aware of this problem in the last decade. Legislation to study the issue has been proposed and passed in several states. In some cases, most notably Pennsylvania, the state has helped finance development of grocery outlets in underserved areas.

In 2004, the Pennsylvania legislature created a Fresh Food Financing Initiative to leverage private and state funds to help finance retail food outlets. Applicants are screened to ensure the store will serve an area where fresh food is not readily available. Funding can be used not only for construction, but also for workforce training and marketing research. Not all stores are full-size grocery outlets; one key aspect of the program is to fund stores that meet community needs. As of 2009, Pennsylvania’s Fresh Food Financing Initiative had helped develop 83 stores in 34 rural and urban counties and created about 5,000 jobs.

States also have worked to ensure that public assistance recipients have access to farmers’ markets; Illinois, Indiana, Vermont and Washington passed legislation in the past two years. Typically, such measures provide technical assistance and funding to ensure that public assistance recipients can use their electronic benefit transfer card at farmers’ markets. This can be helpful to older Americans who receive benefits from different public assistance programs, such as SNAP (formerly known as food stamps) or the Senior Farmers’ Market Nutrition Program.



Older adults shopping in a Fresh & Easy store

*Photo courtesy of Fresh & Easy*

### **State Example: Maryland**

Maryland also has integrated location-efficiency principles into state programs, most notably the Smart Keys for Employees, a component of the House Keys 4 Employees program. House Keys 4 Employees is a workforce housing initiative that provides additional assistance with down payments and closing costs. The House Keys 4 Employees program matches up to \$2,500 of a participating employer's contribution to help employees purchase a home through the Maryland Mortgage Program. More than 120 employers are registered for the House Keys 4 Employees program.

Smart Keys for Employees was created to enhance House Keys for Employees. This program allows employees to automatically receive additional assistance of \$1,000 from the state if the employee purchases a home within a priority funding area that is located within 10 miles of their place of employment. The state recently provided \$8.5 million per year for these loan assistance programs.

## **Building Standards**

People who have limited physical capabilities, including those with disabilities and older Americans, often require housing and public area features that are not commonly included in community planning or building codes. Although the ADA requires any building built after 1992 to be “readily accessible to and usable by” those with disabilities, it does not apply to private housing.<sup>243</sup> Further, federal law requires new multi-family units and only 5 percent of single-family units constructed with public funds to be accessible to people with disabilities.<sup>244</sup> Because most people with disabilities—including older adults—live in private housing, efforts may be warranted to design houses and communities that are accessible to all.

### **State Examples**

Statutes in at least three states encourage developers of affordable housing to install features that make it easier for older adults to age in place. Universal design elements and features are usable by people of all ages and abilities without adaptation or specialized design. Some examples that incorporate the universal design philosophy include accessible entrance doors; entry-level hallways that are wide enough for mobility devices; ramped or beveled door thresholds; reachable electrical panels, electrical plugs, light switches and thermostats; and accessible bathrooms. A person with a disability that affects personal mobility, hearing or vision will benefit from these features, but universal design features also are designed to be seamlessly integrated into the environment without having an “institutional” design that can limit the appeal of a home. Some states have enacted requirements that call for all new affordable homes to be built according to certain accessibility standards. These requirements go by a variety of names, including “visitability,” “lifespan,” “livable,” and “inclusive,” among others. According to AARP, it would be less expensive to build new homes using these standards than to retrofit existing homes.<sup>245</sup>

### **State Example: Minnesota**

All new construction of “single-family homes, duplexes, triplexes, and multilevel townhouses” that is financed through the state Housing Finance Agency must

**Accessible kitchen at  
the Eskaton National  
Home Demonstration in  
Sacramento, California.**

*Photo courtesy of Eskaton  
Senior Independent Living*



incorporate basic visitability access into design and construction. The statute defines visitability as “a dwelling so that people with mobility impairments may enter and comfortably stay for a duration,” but limits the design features to “one no-step entrance, 32-inch clear doorways throughout the dwelling, and a one-half bathroom on the main level.”<sup>246</sup> This excludes hallways, reinforced bathroom walls, and light switches and environmental control locations that are included in other state visitability statutes.

**State Example: Pennsylvania**

Pennsylvania’s Residential Visitability Design Tax Credit Act allows a local governing body to authorize, by ordinance or resolution, either a tax credit of up to \$2,500 for any new or redeveloped housing that contains visitability features or the amount the property tax would increase for the first five years, whichever is less.<sup>247</sup> Some accessibility features include zero-step entryways, wider doorways and hallways, and entry-level restrooms.

**State Example: Texas**

Before any affordable housing can receive state or federal funds, Texas law requires that it be accessible.<sup>248</sup> All new affordable housing must have one entrance door that is on an accessible route and is at least 36 inches wide. The first floor must have interior doors and hallways at least 36 inches wide (unless the door provides access to a closet of less than 15 square feet), bathrooms with grab bars, electrical panels, light switches and thermostats at least 48 inches off the floor, and electrical plugs at least 15 inches off the floor. Developers can receive a waiver from the entrance door accessibility requirement if the cost of grading the terrain would be prohibitively expensive.

### **How Building Standards Affect Aging in Place**

Although seniors want to remain in their own homes, more than 30 percent have difficulty walking and using stairs and must rely on mobility devices.<sup>249</sup> Standards that make buildings more accessible to those with limited mobility allow older adults to stay in their homes longer, rather than spending money for retrofitting or having to move. Single-family home accessibility will likely become a more prominent issue due to the large baby boomer population.

## **Models to Provide Services at Home**

Many communities, housing complexes or neighborhoods throughout the nation have a larger-than-average number of older Americans. Policymakers are considering models that provide services and support to older residents within their homes.

### **Naturally Occurring Retirement Communities (NORCs)**

One model supported by a few states and the federal government is the “naturally occurring retirement community” (NORC). These housing complexes or neighborhoods, not specifically planned for older adults, have a high concentration of older residents. Governments can achieve economies of scale and efficiency that are feasible by providing services in a small area to help residents age in place. According to AARP, “With their concentration of older adults, NORCs present a natural venue for the efficient delivery of services.”<sup>250</sup> Fredda Vladek, director of the United Hospital Fund’s Aging in Place Initiative, notes, “One cannot get a NORC, build a NORC, or develop a NORC. NORCs are found.”<sup>251</sup> Statutes in at least six states—Georgia, Maryland, Massachusetts, Missouri, New York and Pennsylvania—encourage use of NORCs.

Studies indicate that NORCs “may provide opportunities for cost-efficient health and supportive services delivery, increased service availability, health promotion and crisis intervention, and community improvement activities.”<sup>252</sup> The Census Bureau projects that “17 percent of households with persons age 55 and older were in a community where most neighbors were age 55 or older.”<sup>253</sup> Others estimate this number to be as high as 36 percent.<sup>254</sup> This critical mass of older adults can also make it easier to prioritize infrastructure improvements, as in New York City’s Safe Streets for Seniors program. Studies have noted that older residents in England and Sweden who live in such settings were healthier when changes to the built environment facilitated active living.<sup>255</sup>

### **State Example: New York**

New York is believed to be the first government entity to officially recognize the NORC concept. In 1994, the New York Legislature created a Naturally Occurring Retirement Community Supportive Service Program. The mission of the program, which is administered by the State Office of Aging, is to help older New Yorkers be independent for as long as possible. The program has two designations: the Naturally Occurring Retirement Community Supportive Service Program (NORC-SSP), which provides services to older people living in a building complex or complexes; and the Neighborhood NORC (NNORC) program, which provides similar services to older people who live in a residential area consisting of single-family homes and buildings that are not more than six stories high.<sup>256</sup> The delivery model attempts to provide as much flexibility as possible to aid aging in place by reaching large numbers of older adults in their homes. The

“ One cannot get a NORC, build a NORC, or develop a NORC. NORCs are found.”

- Fredda Vladak, director of the United Hospital Fund's Aging in Place Initiative

first NNORC, in Albany, took advantage of the strong history of services provided by religious institutions; an Interfaith Consortium eventually applied for the grant.<sup>257</sup> NNORCs also play an important role in socialization and offer a network to support political advocacy.

An advisory committee, that “shall be broadly representative of housing and senior citizen groups, and all geographic areas of the state,”<sup>258</sup> helps determine criteria for awarding grants from these programs. No NNORC income limits are imposed for recipients, but the NORC-SSP requires that “a majority of the older adults to be served are low or moderate income,” as defined by HUD.<sup>259</sup> The law requires matching funds from non-state sources to demonstrate community support and build long-term stability for the program. The program also must consider geographic balance when awarding grants.

NORCs provide a wide range of services, from medical to social, that promote overall resident physical, emotional and fiscal health. For the New York program, the law states that services may include “case management, care coordination, counseling, health assessment and monitoring, transportation, socialization activities, home care facilitation and monitoring, and other services designed to address the needs of residents of naturally occurring retirement communities by helping them extend their independence, improve their quality of life, and avoid unnecessary hospital and nursing home stays.”<sup>260</sup> Twenty NORC-SSP programs and 17 NNORC programs statewide received (or are set to receive) around \$2 million a year from the state. In 2006, the two programs served 15,407 people over age 60.

### Other State Examples

Maryland established a NORC demonstration program in 2002 (SB 535). The NORCs provided services as diverse as field trips, exercise classes, health services, home safety assessments and social work services. The U.S. Department of Health and Human Services Administration on Aging provided \$21.4 million in funding of between 2002 and 2005 to help establish and evaluate NORCs nationwide. These funds helped finance a total of 41 NORC supportive services projects in Maryland and 24 other states.<sup>261</sup>



**Welcoming environments encourage spontaneous interaction among neighbors.**

*Photograph courtesy of Dan Burden, Walkable & Livable Communities Institute*

Georgia, Massachusetts and Missouri also have provided financial and technical assistance to help establish NORCs. Pennsylvania introduced legislation in 2009 that sought to establish a NORC grant program similar to New York's.

### **Communities for a Lifetime**

Another model that combines housing with services is “Communities for a Lifetime.” Goals include creating neighborhoods that support aging in place and more rigorously involve older adults in social and community life. As with other livability principles, “Communities for a Lifetime” offers possible benefits for older adults and entire communities.

Communities for a lifetime programs and activities in Florida, Indiana, Michigan and North Carolina are partially supported by the state. Minnesota passed a 2009 law (House File 936) to set designation standards and discern funding sources to aid such efforts. Indiana attempted to pass a similar law in 2010, indicating that policymakers are becoming increasingly aware of the issue. Many of these state programs simply create standards, however, and do not provide services or support. A Minnesota Board on Aging report to the Legislature questioned whether simple recognition programs were the most effective way to concentrate state activity and promote aging in place.

### **State Example: Florida**

Florida's program has been in place since 1999. The Communities for a Lifetime (CFAL) initiative designates communities as CFALs and provides assistance. Only recognized “Communities for a Lifetime” are eligible for mini-grants and receive increased preference for other assistance. The initiative has no dedicated source of funding, but the Communities for a Lifetime Bureau, part of the Department of Elder Affairs, provides money for grants, technical assistance and meetings as its budget allows. In 2010, the John F. Kennedy School of Government at Harvard University, which highlights creative government initiatives, recognized Florida's initiative as a Bright Idea program.<sup>262</sup>

In 2010, the Florida Department of Elder Affairs awarded nine mini-grants of between \$2,780 and \$12,500 to local agencies and nonprofits to be used as start-up seed money and to provide a wide range of services such as home repair and modification, technology education, a community garden, and transportation access. One program in Miami will develop a pilot program with taxi companies to provide low cost, door-to-door transportation.

The goal of the initiative is to make the best use of community resources and help establish partnerships, both within and outside the aging network. A focus on encouraging intergenerational conversations is intended to promote awareness of shared needs and services and to capitalize on the unique knowledge and experiences of older Americans. The initial step in becoming a “Community for a Lifetime” is passage of a proclamation or resolution at the municipal or county level. The community then must form a senior advisory committee or task force; create a community inventory or needs assessment; and create a senior survey and needs assessment. The next step is to develop a community action plan. As of 2010, Florida has 115 designated CFALs. ■



# CONCLUSION

**S**tate legislators will continue to grapple with the challenges and opportunities presented by significant growth in the older adult population. Without changes to how communities are constructed and services are delivered, older adults may find it increasingly difficult to age in place. As this report shows, state policymakers and agencies have taken several steps to engender aging in place, including integration of land-use, housing, and transportation; efficient delivery of services; more transportation choices; and more coordination and communication between levels of government. Although these policies can affect the ability of older adults to age in place, many states may not explicitly consider them when creating new policy. Because of the profound demographic shift, state legislators will want to be aware of how the policies discussed in this report affect the ability of older adults to age in place as they consider introducing or amending similar legislation. Strategies that aid aging in place also may benefit all segments of the population and can promote intergenerational learning and interaction as older adults' knowledge and experience continue to strengthen our communities.

In this era of tight budgets, many policies do not require large investments of public funding and may result in greater efficiencies in the resources expended for transportation and other community services. Some may save money through improved health and lower healthcare costs. On the whole, state adoption of policies and practices that facilitate aging in place is a prudent way to help ensure our communities are livable throughout the lifespan. ■

# NOTES

- 1 Teresa A. Keenan, Ph.D., *Home and Community Preferences of the 45+ Population* (Washington, D.C.: AARP, 2010), 4.
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# APPENDIX A

## SUMMARY OF STATE LAWS AND PROGRAMS REFERENCED IN THE REPORT

# “A STATE SURVEY OF LIVABILITY POLICIES AND PRACTICES”

A Research Report by the National Conference of State Legislatures and the AARP Public Policy Institute

## Summary of State Laws and Programs Referenced in the Report

STATE	LAW OR PROGRAM	CITATION
<b>States that encourage the integration of land use and transportation planning</b>		
CALIFORNIA	Assembly Bill 32, The Global Warming Solutions Act	2006 Cal. Stats., Chap. 488
	Senate Bill 375, California’s Sustainable Communities and Climate Protection Act	2008 Cal. Stats., Chap. 728
FLORIDA	Florida’s Metropolitan Planning Organization law	Fla. Stat. Ann. §339.175(1)
GEORGIA	Georgia for a Lifetime Initiative	2008 Ga. Laws, p. 523
WASHINGTON	1990 Growth Management Act	Wash. Rev. Code Ann. §§36.70A.010 et seq.
<b>Transit-Oriented Development</b>		
CALIFORNIA	TOD State Law	Cal. Government Code §54222
MASSACHUSETTS	Transit-Oriented Development Bond Program	701 CMR 600
NEW JERSEY	New Jersey Urban Transit Hub Tax Credit	N.J. Rev. Stat. §§4:1B-207 et. Seq.
	New Jersey Transit Village Program	<a href="http://www.state.nj.us/transportation/community/village/">http://www.state.nj.us/transportation/community/village/</a>
TENNESSEE	Tennessee SB 1471 (2009)	2009 Tenn. Pub. Act, Chap. 362
UTAH	Utah Transit Authority Law	Utah Code Ann. §17B-2a-804
<b>Joint Use of Public Facilities</b>		
CALIFORNIA	The California Civic Center Act of 1917	Cal. Education Code §§38130 et seq.
	AB 16 created the Joint-Use Program within the state’s School Facility Program, 2002; SB 15 clarified the grant process and requirements, 2003	Cal. Education Code § 17077.40 Cal. Education Code § 17077.42
WYOMING	Community Facilities Grant and Loan Program	Wyo. Stat. §9-12-803



STATE	LAW OR PROGRAM	CITATION
<b>Complete Streets</b>		
HAWAII	Complete Streets Law	Hawaii Rev. Stat. §264-20.5
VERMONT	Complete Streets Law, HB 198 (2011)	2011 Vt. Acts, Act 34
<b>Connected Streets</b>		
VIRGINIA	Secondary Street Acceptance Requirements	2007 Va. Acts, Chap. 870
<b>Pedestrian Safety/Quiet Vehicles</b>		
CALIFORNIA	Joint Resolution, Pedestrian Safety	2009 Cal. Stats., Res. Chap. 60
DELAWARE	Vulnerable Users	Delaware Code Annotated Title 21 §4176
NEW JERSEY	Pedestrian Safety Initiative	<a href="http://www.nj.gov/transportation/commuter/pedsafety/initiative.shtm">http://www.nj.gov/transportation/commuter/pedsafety/initiative.shtm</a>
<b>Rural Access</b>		
IDAHO	Coordinated Transportation Plans	<a href="http://i-way.org/">http://i-way.org/</a>
MONTANA	Rural Transportation Systems	<a href="http://www.mdt.mt.gov/travinfo/public_trans.shtml">http://www.mdt.mt.gov/travinfo/public_trans.shtml</a>
WASHINGTON	Intercity bus program	<a href="http://www.wsdot.wa.gov/transit/intercity">http://www.wsdot.wa.gov/transit/intercity</a>
<b>Human Service Transportation Coordination</b>		
FLORIDA	Commission for the Transportation Disadvantaged (CTD)	Fla. Stat. Ann. §427.011(1)
MINNESOTA	Minnesota Council on Transportation Access	Minn. Stat. Ann. §174.285
WASHINGTON	Agency Council on Coordinated Transportation (ACCT)	Wash. Rev. Code Ann. §47.06B.060
WISCONSIN	Interagency Council on Transportation Coordination (ICTC)	Wis. Stat. Ann. §85.21; Wis. Stat. Ann. §85.22; and Wis. Stat. Ann. §85.24
<b>State Insurance and Liability Laws That Affect Volunteer Drivers</b>		
GEORGIA	State law protects volunteers who transport seniors	Ga. Code Ann. §51-1-42
OREGON	Oregon law limits liability for volunteer drivers and programs that transport seniors and people with disabilities	Or. Rev. Stat. §§30.475 et seq.
<b>Housing: Location Efficiency</b>		
ILLINOIS	Illinois Business Location Efficiency Incentive Act	Ill. Rev. Stat. ch. 35 §11
	SB 374 (2010) use of Housing + Transportation Index	Ill. Rev. Stat. ch. 20 §25
MARYLAND	House Keys 4 Employees/ Smart Keys for Employees	<a href="http://www.mmprogram.org/Info4Borrower.aspx">http://www.mmprogram.org/Info4Borrower.aspx</a>

STATE	LAW OR PROGRAM	CITATION
<b>Building Standards</b>		
MINNESOTA	Visitability Requirement	Minn. Stat. Ann. §462A.34
PENNSYLVANIA	Pennsylvania's Residential Visitability Design Tax Credit Act	Pa. Cons. Stat. Ann. tit. 72 P.S. §4751-101 et seq.
TEXAS	Construction Requirements for Single Family Affordable Housing	Tex. Government Code Ann. §2306.514
<b>Naturally Occurring Retirement Communities (NORCs)</b>		
MARYLAND	NORC demonstration program	2002 Md. Laws, Chap. 471
NEW YORK	Naturally Occurring Retirement Community Supportive Service Program	N.Y. Elderly Law §35-A
<b>Communities for a Lifetime</b>		
FLORIDA	The Communities for a Lifetime (CFAL) Initiative	<a href="http://www.communitiesforalifetime.org/">http://www.communitiesforalifetime.org/</a>





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