§ 223. Economically sustainable transportation demonstration program. 1. Definitions. As used in this section:

(a) "Economically sustainable transportation provider" shall mean a non-profit provider of transportation services that submits to the director and obtains approval of a plan demonstrating that the provider is capable of providing economically sustainable transportation services.

(b) "Economically sustainable transportation services" shall mean demand-responsive transportation services that are provided:

(1) by automobile;

(2) to qualified individuals;

(3) twenty-four hours a day, seven days a week; and

(4) by volunteer or paid drivers.

(c) "Qualified individual" shall mean an individual who is:

(1) an older individual, as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002); or

(2) an individual who is blind, within the meaning of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), an individual who has significant visual impairment described in section 751 of the Rehabilitation Act of 1973 (29 U.S.C. 796j), or an individual who is eligible for benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of blindness.

(d) "Qualified transportation account" shall mean an account established for a qualified individual for the purpose of acquiring transportation services from an economically sustainable transportation provider.

(e) "Director" shall mean the director of the New York state office for the aging.

(f) "Eligible entity" shall mean a private non-profit organization with experience in establishing and replicating the independent transportation network to provide economically sustainable transportation services for qualified individuals.

2. The director shall establish the economically sustainable transportation demonstration program for the purpose of enabling seniors to remain independent and mobile in their community. The program would provide an on demand transit service for seniors that would use

automobiles driven by volunteer and paid drivers to transport seniors to where they need and want to go. After a period of five years, the program would no longer be eligible for state funding and would be completely self-sustaining, relying on consumer fares and voluntary community support to remain operational.

3. Before carrying out the economically sustainable transportation demonstration program, the director shall enter into a contract or a cooperative agreement with an eligible entity to provide recommendations and support to the director regarding the administration of such a program.

(a) The eligible entity that enters into a contract or agreement under subdivision three of this section shall:

(1) Provide initial and ongoing technical assistance and support to the director for the administration of the sustainable transportation demonstration program.

(2) Provide initial and ongoing technical assistance to economically sustainable transportation providers.

(3) Provide recommendation to the director about the establishment of, and requirements concerning locations where the economically sustainable transportation services will be provided in the state.

(4) Provide recommendations to the director for the creation and use of qualified transportation accounts for the transportation services, including the provisions that such an account:

(i) may be funded with credits or funds equal to the value of a vehicle traded to an economically sustainable transportation provider by, or on behalf of, a qualified individual, or by other means;

(ii) shall be used only to provide transportation services to the qualified individual;

(iii) shall have a designated beneficiary; and

(iv) shall be transferable to an individual other than the qualified individual.

(5) Provide recommendations to the director regarding participation in any federal grant program for an economically sustainable transportation program.

4. After receiving the recommendations and support described in

subdivision three of this section, the director shall develop a request for proposal to carry out the economically sustainable demonstration program.

5. Copyrights and trademarks. Nothing in this section shall affect the rights of the eligible entity under the copyright or trademark laws of the United States. Nothing in this section shall require the disclosure of information to which Federal law relating to trade secrets (including section 552(b)(4) of title 5, United States Code) applies. In entering into a contract or cooperative agreement under this section, the director shall not establish any conditions that affect such rights or require such disclosure.

6. Within amounts appropriated, the director shall make grants available to qualified economically sustainable transportation providers of no less than fifty-five thousand dollars per grantee in the first year of the operation of the program. Such providers shall be eligible to receive funding under this section annually for up to five years. After such time, providers must be able to provide economically sustainable transportation services without receiving further public financial assistance for operating or capital expenses.

7. To be eligible to receive a grant under this section, an economically sustainable transportation provider shall commit to raising matching funds from non-state sources equal to fifty percent of the state grant. Up to ten percent of the provider match may be provided in-kind.

8. The office may use up to twelve percent of the total of any funding appropriated pursuant to this section for administration.