

MCOTA News, March 2024

This e-newsletter is an effort by the [Minnesota Council on Transportation Access \(MCOTA\)](#) to provide periodic updates about its initiatives to the public and to interested stakeholders. The Minnesota Council on Transportation Access (MCOTA) was established by the Minnesota Legislature in 2010 ([Minn. Statute 2010 174.285](#)) to "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."

Getting Personal Care Attendants (PCAs) behind the wheel: It took a village to change legislation

For those who are unable to drive to and from their home, whether due to a disability or other reason, the transportation options available are often limited. For those who rely on personal care attendants (PCAs), it can be even more challenging.

In the spring of 2017, Ted Stamp, an Independent Living Advocate at the Southwestern Center for Independent Living (SWCIL) in Marshall, heard from a neighbor that her caregiving agency would no longer allow PCAs to drive her where she needed to go. She was told PCAs could ride with her on public transit, and could drive her vehicle to run errands, but she could not be in the car while her caregiver was driving. That seemed odd to Stamp, who was also using PCAs to get where he needed to go.

"I never would have thought a PCA could not drive a client to appointments," said Stamp.

Unsure if this was an issue with the provider or something broader, Stamp began to research. It became clear that the problem was with the wording of the state statute for the PCA program. As it turned out, driving clients was never actually an allowable service that PCAs could provide.

"Not everyone reads the language in these statutes," Stamp joked.

In fact, the language in the statute explicitly disallowed PCAs from serving as a driver and a caregiver at the same time. It was obvious to Stamp that the language needed to be changed. "It seemed to be a commonsense update to make."

Stamp began to connect with others who were involved in the PCA and transportation space, which is how Shelly Pflaum, Southwest Regional Transportation Coordinating Council mobility manager with United Community Action Partnership, became involved. "Building transportation options is my role, making more options than currently available, meeting the needs of those who have difficulties with transportation. The PCA issue created a transportation barrier. That's how I got involved," she said.



Ted Stamp, pictured after a 2020 hearing on the 'Reinstating Community Access for the PCA Program' bill.

As spring turned to summer, Stamp and Pflaum were able to convene a group together—the PCA Driving Stakeholders Group—which consisted of those working in caregiving agencies, transportation providers, the Department of Human Services (DHS), the Minnesota Disability Law Center, Centers for Independent Living, city and county officials, and others who cared about the issue. One of their local legislators at the time, State House Representative Rod Hamilton, offered to lead the charge in the Legislature.

“He was one of the best supporters,” Stamp said.

Hamilton told the group that if they formulated a change to the language, he and his staff would prepare it and support it in the legislature. Following that directive, the group met regularly through the rest of 2017 and into 2018.

The effort began by looking at other state PCA statutes. Each state is slightly different, especially in how they run their PCA programs.

“Minnesota has a great system that pays and supports a lot,” Stamp pointed out. “Direct Service Providers (DSP) and PCAs both get money from the State, but each have different rules and regulations.”

Once the language for an amendment came together, the group began the push to get it added to the statute. The first opportunity came during the 2018 session, though there was not enough time before the session ended to get it introduced.

In the meantime, additional organizations joined the coalition in support of this legislation as well. “I had joined the Minnesota Council on Disability (MCD) by this time, and was on a subcommittee regarding access,” said Stamp. “MCD supported it and added it to their legislative agenda.”

Along with MCD, the group was able to gain support from other agencies such as MN Arc, the Minnesota Consortium for Citizens with Disabilities, the Minnesota First Provider Alliance and many other individual advocates from all over the state.

After the issue was added to MCD’s legislative agenda in 2020, MCD was able to take the lead, carrying the bill forward. “Handing the baton was a crucial decision, since it became a part of their regular legislative agenda for the next few years,” added Stamp. He and others testified in hearings to the Minnesota House, and bipartisan support began to grow.

As awareness was brought to the issue, questions started to arise. Would there be an additional cost to the state if PCAs could add driving to their allowable services? Who would hold the liability? Was it the PCA agencies, employees or clients? Or a combination? Would amending the statute result in clients needing more PCA hours? In short, what was the real cost of allowing PCAs to drive? This was the key question, and one that eventually worked in favor of changing the statute.

“Rural areas can be a challenge for appointments because they are not served by as many transit options as metro areas,” said Stamp.

“Rural systems were already limited in capacity and options,” Pflaum added. “And now even more since the COVID-19 pandemic.”

In rural areas, it may be necessary to travel long distances to get to a doctor. Late night and evening trips are limited, and dial-a-ride services aren't always an option. Ambulances are an option, but they are extremely costly. "Our argument was that PCAs would be a much cheaper option," Stamp said.

"There are long-term consequences if people can't access medical care, or if they can't participate in events with others, whether that's church, shopping, work, or whatever they need," said Pflaum. "We aimed to reduce the strain on current transit system and get more people where they need to go with this minor change in legislation."

The bill, Reinstating Community Access for the PCA Program, as it came to be called, continued to move closer to the finish line. It was set to be included in the long-awaited Community First Services and Support Act in 2021, but it did not get passed. 2022 saw the bill included in the omnibus package, though it was removed at the last minute.

The stars finally aligned in 2023, though. The bill was passed with bipartisan support and signed by the Governor. The proposed changes received federal approval on November 7th, 2023, with implementation at the State level occurring within 90 days. The changes were effective February 7, 2024.

"It seems the language has not changed much from our initial meetings," joked Pflaum. "It's interesting how the process worked out."

Advocates statewide are waiting to see how implementation of this legislation will unfold. Stamp and Pflaum both noted that clients will need to sit down and review their specific care plans with their providers. It will still be up to individual PCA agencies to determine who they want to allow to be drivers for their clients.

When asked if they would've done anything differently, the consensus from Stamp and Pflaum was "no." Pflaum credited Stamp on his work at the beginning of this journey as part of why the legislation was a success. "He did great work, and working with those bigger agencies was key to getting this over the finish line."

Stamp was not one to brag or take all the credit in our interview, but he was proud of the work their group and others did to make this happen. "What we could control was handled well and worked great. Networking and the connections we had greatly helped us move forward."

Both Pflaum and Stamp agreed that accomplishing this change was a group effort, and now they look toward solving new problems. For those looking to increase transportation access, or just improvements to their own communities, Pflaum had important advice.

"Be patient. Seek to understand what you are trying to change and be persistent. But most importantly, network. Get others involved. You can't do it alone."

[Volunteer Driver Q&A – Colin Partridge, Community Thread](#)

Community Thread has been providing volunteer driver rides for residents living in parts of Washington County for over 50 years. The non-profit's 'Thrive' program recently partnered with the Washington

County Transit Coordination Assistance Project (TCAP) GoWashington to provide rides for older adults without other transportation options who live beyond the program's original boundaries. "It has elevated the ability to reach those who need services the most" said Rachel Presslein, Thrive Program Director. "Knowing we are partners with the County helps us really reach out to those in need who may not know about us."

Barbara Bursack, TCAP Mobility Manager for Washington County Community Services, noted that County staff realized there was a need to better connect residents to rides, which led to them reaching out to Community Thread in 2022. "It's extending the ability for independent living, especially for older adults in rural areas and suburban communities outside the metro."



In the two years since Colin Partridge became a volunteer driver for Community Thread's Thrive program, he has completed more than 80 roundtrip rides covering nearly 3,500 miles and clocking 244 volunteer hours. He travels primarily in Washington County, but also takes passengers to Minneapolis, St. Paul, and other metro locations, typically for medical appointments. He receives requests from a Thrive coordinator asking about his availability, mostly two to three weeks in advance of the appointment with an occasional last-minute request. If he accepts the assignment, Thrive sends the details. Below, Partridge answers some questions about his volunteer driver experience.

Q: How did you learn about volunteer driving opportunities?

A: In the summer of 2021, I went online looking for opportunities to volunteer in the Stillwater area and came across the Community Thread/Thrive website. Since they were looking for volunteer drivers, and I enjoyed driving, I thought it would be a natural fit.

Q: Why did you decide to become a volunteer driver?

A: A couple of reasons. I was furloughed due to the pandemic in late 2020 and had decided to take an early retirement from my job at Carlson Companies. I wanted to remain productive and sought out volunteer opportunities. I also had some surgery earlier in 2021 and was impressed by the dedication of volunteers at the hospital where I was treated. I felt it was time to pay it forward.

Q: What do you like about volunteer driving?

A: Meeting new people and hearing about their lives is always of interest to me. Everyone has a story to tell and depending on the length of the trip I have heard some very interesting stories over the past two years! I also know that I might be the only person that the passenger has seen all day, so I like to make the interaction as meaningful as possible.

Q: What has been your most memorable experience as a volunteer driver?

A: On multiple occasions, I have taken a lady to a pain clinic in Edina. Despite her very serious and chronic condition, she is always remarkably upbeat, curious and friendly. Over the course of several trips, I have seen a marked improvement in her physical condition, which gives me a sense of comfort that I was able to assist her in her rehabilitation and share some laughs along the way.

Q: Why do you continue to volunteer?

A: We have an aging population in this country, and we will need more and more resources to assist people in living independent lives. In addition, I think that I can take some of the weight off social and medical services, by both volunteering my time, and also keeping my own mind sharp and occupied.

Q: What advice do you have for volunteer driver programs?

A: I think that a well-organized volunteer driving program like Thrive provides a net benefit to any community, because it allows people in that community to engage with those who need help the most. Again, it takes the burden from government and social services and allows people who know the area well to contribute.

I believe that volunteer organizations like Thrive/Community Thread in Washington County are really invaluable resources to the lives of their residents. They fill a gap in the community where paid resources or transportation might be lacking or expensive.

Q: What advice do you have to prospective volunteers?

A: I think you have to treat volunteer opportunities with the same sense of purpose as any job you might have. Find something you really enjoy doing, leverage all of the skills that you have learned throughout the years and know that you are making a significant contribution in someone's life.

Interested in becoming a volunteer driver for Community Thread's Thrive program? Visit the [Community Thread website](https://communitythreadmn.org/volunteer/volunteer-at-community-thread/) (LINK TO: <https://communitythreadmn.org/volunteer/volunteer-at-community-thread/>) or call 651-439-7434.

Dakota County Transit Coordination Assistance Project (TCAPs) solves transportation issues for recently released individuals.

Transportation, in the simplest of terms, is about getting from point A to point B. If your point A and point B are within Dakota County, you may assume that there is a plethora of options available to you.

Personal automobiles, buses, rideshare services and taxis, motorcycles, and bikes are a common occurrence in the county, taking both residents and visitors from their point A to point B. For those who are incarcerated in the county jail in Hastings, the options to get from the corrections facility to their point B were limited.

While some inmates were able to get rides from friends and families once they were released, many were stuck trying to get a rideshare service to pick them up from the County correctional facility in Hastings. Long wait times, cost, and lack of drivers available resulted in some resorting to walking west along Highway 55, according to Dakota County TCAP Transportation Coordinator Robyn Bernardy. Inmates would walk or hitchhike along the highway, with solicitations and break-ins unfortunately occurring along this route.



The designated pick-up location for Dakota County inmates using a new concierge service from Lyft.

Hastings, located at the confluence of the Mississippi, St Croix, and Vermillion rivers, has served as the county seat of Dakota County since 1857. Over the years, the north and west portions of the county have seen rapid population growth. This has resulted in the county jail being a long distance from the rest of the Twin Cities metropolitan area.

“There’s not a lot of transportation options in Hastings. The nearest bus stop to the County Jail is located approximately fifteen miles away in Inver Grove Heights.” The County partnered with a transit link program with the Metropolitan Council, though their situation did not work with their model. The County tried a regular shuttle service that ran from the jail to two bus stop locations, though that partnership ended during the pandemic.

To get released inmates from point A to point B, the County turned to a popular rideshare company – Lyft – to provide a concierge ride service starting in 2021. “We found this option flexible enough to meet our needs. It also gets people to where they need to go for much less money than previous programs.”

“We want people, once they are released from jail, to get back to their homes, loved ones, and back their regular lives. We know jail is a huge disruption, and the sooner people can get back, and the safer they can get back the better.” said Bernardy. “If people can get back quicker, the rate of recidivism is lower.”

During the release process, inmates are informed of the service via advertisements in a waiting room. The County has made videos and flyers to get the word out to inmates within the jail. Staff are aware of the program and can inform inmates of the program as well. A call center that inmates can call operates 24/7, and they connect users to drivers. Once a driver is connected to the user, they are picked up from a designated pick-up location and given a ride from the jail to bus transit hubs, or certain locations up to 24 miles away from the jail. The user pays the same standard rate that is charged to usual riders, which means costs for the user can vary based on time of day, weather, destination, and driver availability.

The program sees around 140 riders a month. The call center surveys the users, to get a sense of what other transportation options they were considering. “The call center conducts an interview to validate that individuals are intended users...65% said they had no other options. ~17% noted they would’ve walked, 3% would hitchhike.” Inmates often are unaware of the lack of transportation options in Hastings. Bernardy noted that in interviews, many riders were unaware of how far they actually were from other cities. “People are super appreciative of having support to get them where they need to go.”

After overcoming driver shortages in the beginning, the program has been off and running ever since. The service recently transitioned from being a ‘pilot’ to a full County program. A working group meets regularly to discuss how the program is working and further improvements to make. “It’s time-consuming ... but it’s very much worth it.”

[An update regarding Non-Emergency Medical Transportation \(NEMT\)](#)

Recently, the Center for Medicare and Medicaid (CMS) released a new guide for non-emergency medical transportation (NEMT). In January the MnDOT Office of Transit and Active Transportation (OTAT, Mobility Management Unit) and Minnesota Rural Transportation Assistance Project (MNRTAP) hosted an informative webinar session on the new guide. Robbie Sarles, President of RLS & Associates presented an overview of the new guide highlighting continued and potential enhanced support for NEMT riders and providers.

The PowerPoint presentation from RLS & Associates is located [here](#).

A link of the video recording can be found [here](#).

The Medicaid Transportation Coverage Guide can be found [here](#).

Sign in to the mnrtap.us website and use the link [here](#) to access more information and resources.

[‘What’s new in Transportation Access’ Lunch & Learn Highlights](#)

MCOTA staff held a lunch & learn session on February 28, 2024, the first edition of the *Minnesota’s Road to Volunteer Driver Virtual Forum Series* for 2024. Tom Gottfried gave a refresher on MCOTA, and who is involved in transportation coordination. Beverly Sidlo-Tolliver shared information about ongoing and upcoming MCOTA Work Team initiatives. Collette Hanson presented on the Volunteer Driver Work Team, while Sherry Munyon gave an update on the Volunteer Driver Coalition, and potential legislation at the Federal and State levels.

Click [here](#) to view a video recording of the February 28, 2024, Lunch & Learn session.

Find past lunch & learn sessions, and other MCOTA events [here](#).

[Highlight of a MCOTA Member Agency: Minnesota Council on Disability](#)

The Minnesota Council on Disability (MCD) is one of the thirteen member agencies of MCOTA. Their work is focused on advising the Governor, state agencies, state legislature, and the public on disability issues. Public Policy Director Trevor Turner and Executive Director David Dively discussed the Minnesota Council on Disability’s (MCD) 2024 legislative agenda with MCOTA staff. Highlights of the interview follow.

Question: Can you give an overview of the MCD?

Dively: The best way to think about it is if a non-profit existed inside the government. We primarily provide public policy advocacy, technical assistance regarding disability rights and laws, requests for clarifications regarding concerns of obligations and accessibility services (such as those from a citizen, employers, or non-profits). We bring our legislative policies and agendas to our Council board for review and approval, and those become our official positions moving forward.

Turner: We have a policy agenda every year. At the end of each session, we meet with stakeholders, disability advocates, concerned citizens, legislators, and the governor’s office to work on an agenda for the following year.

Q: How does 2024 differ from past sessions?

Turner: Often, we carry over policies from the previous year that didn’t pass. We had 18 items on our agenda last year and all passed. This year is a big ‘rebuilding year’. We released a survey after the last session to collect feedback for new policy issues. We promoted it during the [Minnesota] State Fair,

which was a big time to collect feedback and different ideas for policy issues from constituents. After that, we worked on putting together an agenda that reflects the results of the survey and has a good chance of passing in either the immediate session or the next one.

Some of the items on the agenda are what lobbyists might call ‘standing in line’ items; we are trying to keep those issues fresh in legislator’s minds. There’s not a strong appetite for items that may cost a lot of money this session. It’s also a much shorter session this year, as there are only two deadlines for bills to get passed. We are approaching 2024 as an ‘education and coalition-building’ session, which is similar to our approach to the 2022 session.

Dively: Many of our recent ‘long-term items’ were accomplished last year and as a result, there were fewer ‘back-burner items’ for this session. Initially we were thinking of pursuing of more spending items, though we changed course closer to this session.

Q: What are the legislative priorities for the MCD this session?

Turner: The first item on the 2024 agenda is the Bud Rosenfield Act, named after Barnett ‘Bud’ Rosenfield, former Ombudsman for Mental Health and Developmental Disabilities, who passed away unexpectedly last year. He recently secured significant funding for the office but passed prior to seeing the funding through. This Act would codify the 1999 *Olmstead v. L.C.* US Supreme Court decision into State statutes.

Next, we are prioritizing the creation of a ‘Task Force on Guardianship Reform’. There have been some big-profile cases recently in the news people have likely heard about – Britney Spears, Michael Oher - regarding guardianship and conservatorship. There isn’t a cohesive set of policies or statutes that need to change yet, this Task Force would convene stakeholders and could make recommendations on statutory changes to improve guardianships and provide a clear path for those who no longer wish to be under guardianship or conservatorship. The Act would build the foundation for reform bills in future sessions. It is very hard for someone to get out of conservatorship or guardianship; many who are currently in one are disabled. There is no easy mechanism to get out of one. Hopefully the creation of this task force will help lead to a process that is more fair, equitable, and just.

We also are pushing for the creation of a ‘Task Force on Special Education’. The last Task Force on Special Education was 2014. With the pandemic setting back special education, new money was appropriated in the 2023 session. There are also issues with licensing and workforce shortages, so the time is appropriate to investigate the state of Special Education.

Another task force we are prioritizing is the creation of a ‘Task Force on Plain Language’, which will look at whether there should be a Plain Language Office to ensure that laws, policies, etc., are communicated to the public in plain language. Plain language goes hand-in-hand with accessibility, ensuring everyone, including those with cognitive or learning disabilities, can participate in civic discourse. This is something that is usually neglected in plain-language discussions. People should be able to understand what their government is doing and the policies they are pushing out.

Dively: There are federal guidelines regarding plain language that have not been followed in the last few years.

Turner: Enforcement has been an issue. How can we better enforce this in [State] government agencies?

Next on the agenda is addressing Medical Assistance (MA) income & asset limits. Many Minnesotans with disabilities rely on government programs like Medicaid (also known as Medical Assistance or MA) for critical health care. Arbitrarily low income and asset limits create ‘income traps’, which often force people to choose between healthcare and financial security. MCD believes increasing or eliminating income and asset limits for Minnesotans with disabilities on MA will help reduce the cycle of poverty and improve their financial security.

We are lobbying for the adoption of the Respond, Innovate, Succeed and Empower Act, or RISE Act. We want to continue MCD’s progress and work with our partners in the education field from 2022. This would be similar to legislation passed in other states and recently introduced in Congress. This bill would improve accessibility and transparency of accommodations for students with disabilities in postsecondary education.

We are also pushing for an amendment to the Minnesota Human Rights Act related to ‘Episodic Disabilities’. This was recommended to us by the Department of Human Rights, based on a ruling from a court case involving the Minnesota State Fair (*Josianne Mell v. The Minnesota State Agriculture Society*) and other recent court cases. Episodic disabilities are not in the MHRA but are included in the Americans with Disabilities Act (ADA). Courts have ruled that episodic disabilities are Federal jurisdiction and not in the State’s jurisdiction. The ADA (passed in 1990) is actually younger than the MHRA (passed in 1973), so there are things included in the ADA that were not ‘in the conversation’ in 1973.

Another item on the agenda is a clarification regarding service animals. State statute language narrowly defines what disabilities and services animals can assist with currently. Non-sensory disabilities, such as epilepsy, are currently not included. This clarification will broaden the definition of disability to ensure that more people have the right to a service animal.

Also, on the agenda is establishing a sunset date for sub-minimum wages. Workers who are disabled are able to be paid sub-minimum wages as a result of 14c Subminimum Wage Certificates.

Dively: This program is ~100 years old and was initially designed for disabled veterans returning from war to working assembly line -type jobs.

Turner: Our economy has moved to a service economy; this program applies to a different group of employees than from when it was implemented.

MCD is also lobbying on premium elimination for Minnesotans on Medical Assistance for Employed Persons with Disabilities (MA-EPD). In the 2023 legislative session, a bill was introduced to eliminate premiums for MA-EPD. However, due to a fiscal note error, the MA-EPD asset limits were eliminated instead of premiums and the mistake was not caught until the last week of the session. Initially we were told it would not be a challenge to correct in 2024, though with the budget situation this might get pushed to 2025.

Next on the agenda is eliminating solitary confinement for Minnesotans with disabilities. People with disabilities are more likely to experience solitary confinement while in a correctional facility. They are often forced into these conditions because staff lack an understanding of disability. MCD is looking at eliminating solitary confinement for pregnant inmates as well. We believe solitary confinement is a violation of basic human rights and should never be used on anyone, especially a person with a disability.

We are also prioritizing legislation requiring and incentivizing transportation network companies to have accessible vehicles. Companies like Lyft and Uber are not required to have accessible vehicles as a part of their fleet in Minnesota. This means their services are not available to people who use wheelchairs. This bill would require companies such as Lyft and Uber to have a certain percentage of their vehicle fleet be accessible, and look at incentives for drivers to make their vehicles accessible.

Q: Any further agenda items you want to comment on?

Dively: We take on many proposals and bills as they come. Half of our work involves responding to proposals we agree with or want to improve or clarify on. Our statutory requirements and duties result in spending time discussing bills that aren't even ours. There's a lot of money in human services, health, public services, employment, and therefore a lot of attention to be spent on these issues.

Turner: There are definitely other issues that could come up. We also have partner organizations ask us to help support them. When we look back at the end of this session, the list above may not ultimately be a comprehensive list of our goals by the time the session ends.

Dively: We also track disability-related bills every year, located on our website. The tracker lets the public find and see what's being proposed regarding disabilities.

Turner: We are expecting less bills overall than last session. We heard a lot of good feedback regarding the bill tracker last year, and we are hoping to continue to update it.

Q: Are there any closing thoughts or comments you two had?

Dively: These aren't just 'cool' ideas, we want to ensure people have what we believe to be civil and or human rights to have access to their life, services, benefits. Our work is very personal to many of us, many of us are disabled or know those with disabilities, so we see this as very mission-oriented work trying to preserve and advance an individual's civil rights. I think we bring that seriousness and tone to the work we do; and how bipartisan we are helps us be successful. We typically, 99% of the time, have authors of bills in each chamber be in opposite parties. This also helps protect disability issues from becoming a partisan hot spot.

The 2024 Legislative Agenda for the Minnesota Council on Disability can be found [here](#).

The Bill Tracker for Disability-related legislation can be found [here](#).