

Fixed Route and ADA Complementary Paratransit Transportation.

What you should know and how it
can assist your customers?

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Nondiscrimination

“No entity shall discriminate against an individual with a disability in connection with the provision of transportation service” (37.5(a))

“Notwithstanding the provision of any special transportation service to individuals with disabilities, an entity shall not, on the basis of disability, deny to any individual with a disability the opportunity to use entity’s transportation service for the general public, if the individual is capable of using that service” (37.5(b))

General Requirements

- Prohibition against discrimination
- Right to Use General Public Transportation Services
- Prohibition Against Requiring Use of Priority Seating
- Prohibition Against Imposition of Special Charges
- Prohibition Against Requiring Use of Attendants
- Prohibition Against Refusing Service Due to Insurance Issues
- Service Denial Due to Rider Conduct

Equipment Requirements for Accessible Service

- Using Accessibility Features
- Maintaining Accessibility Features
- Accommodating Riders Using Wheelchairs
- Accommodating Riders Using Other Mobility Devices
- Use of Securement Devices, Seat Belts and Shoulder Harnesses
- Requesting that Riders Transfer to a Seat
- Allowing Standees on Lifts/Ramps

Assistance by Transit Agency Personnel

- Lifts/Ramps and Securement
- Other General Assistance
 - Fare Handling
 - Personal Care Attendant (PCA)
 - Luggage and Packages
 - Hand-Carrying

Service animals

DOJ Definition of service animal

- Any dog (or miniature horse) that is individually trained to perform tasks for an individual with a disability.....
- Other species of animals are not service animals.

DOT Definition of service animal

- Any guide dog, signal dog or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability.

Service Animals

- “The entity shall permit service animals to accompany individuals with disabilities in vehicles and faculties” (37.167 (d)).
- No need to provide documentation
- **Two questions can be asked:**
 - Is the animal a service animal required because of a disability?
 - What work or task has the animal been trained to perform?

Service Animals

- When agencies may refuse to transport?
 - Pose a direct threat to the health or safety of drivers or other riders
 - Animal creates a seriously disruptive atmosphere
 - Animal is Not under the rider's control
- Other requirements
 - Riders responsible for caring for the animal
 - For scheduling purposes agencies may ask for notification of intent to travel with service animal
 - Other riders' or agency personnel's allergies to dogs or other animals are not grounds for denying service

Accessible Formats

- Transit Authorities are expected to:
 - Providing written information in accessible formats
 - Ensuring websites are accessible
 - Providing alternatives to audio communication

Reasonable Modification of Policy

- Request to alter policy to ensure use of service by an individual with a disability
 - Stopping outside of predetermined bus stop to ensure rider is able to disembark from the vehicle
- How to request must be readily available
- Requests should include description of what is needed
- Requests can be made via paratransit eligibility process, customer service process or a complaint process

Fixed Route Service

- Lift/Ramps
 - Vehicles with inoperable Lift/Ramp
 - Unless next bus is scheduled to arrive in 30 minutes or less agency MUST provide alternative transport to the individual
 - Buses at capacity
 - Deployment of Lifts/Ramps

Fixed Route Service

- Priority Seating and the Securement Area
 - Drivers are required to ask individuals to move, but are not required to enforce that request.
- Adequate Vehicle Boarding and Disembarking Time
- Use of kneelers for ambulatory riders

Fixed Route Service

- **Stop announcements**
 - At transfer points with other fixed routes
 - At major intersections and destinations
 - And intervals along a route sufficient to permit individuals with Visual Impairments or other disabilities to be oriented to location
 - At any stop requested by an individual with a disability*

Fixed Route

- **Commuter Bus**
 - Service typically in 1 direction during peak time, limited stops, typically between business districts and suburbs
 - No ADA complementary paratransit requirement
- **University Service**
 - Provided by institution's of higher education for students, faculty and staff ONLY
 - No ADA complementary paratransit requirement

Complementary Paratransit Service

- “Paratransit means comparable transportation service required by the ADA for individuals with disabilities who are unable to use Fixed Route transportation Systems” (37.3).
- Must be provided with in $\frac{3}{4}$ mile range of each fixed route service
- Origin to destination service
 - Curb to curb vs door to door

Complementary Paratransit Service

- Hours
- Area
- Trip reservations
- Fare
- Trip purpose
- No Capacity Constraints

Complementary Paratransit Service

ADA Paratransit Eligibility

- Category 1
 - Unable to independently navigate and use the accessible fixed route service
- Category 2
 - Unable to independently use the fixed route system due to lack of accessible vehicles
- Category 3
 - Unable to get to and from bus stop

Complementary Paratransit Service

- Ability to use fixed route service independently
- Current functional ability
- Focused on MOST limiting condition
- Eligibility for young children
 - System wide policy regarding age of independent travel
 - Evaluation as a team

Complementary Paratransit Service

- Eligibility
 - Unconditional versus conditional eligibility
 - Temporary eligibility
 - Visitor eligibility
- Eligibility process is a local decision
 - Mail in application
 - In person application
 - Functional assessments

Complementary Paratransit Service

- Eligibility Decisions
 - 21 days from the receipt of a COMPLETE application
 - Written Notice of Eligibility Decisions
 - Notice of eligibility decision appeal process
- Recertification

When issues arise?

- Addressing FTA regulation non compliance
- Transit Agency Complaint Process
 - Requirement for visibility of complaint process
 - Requirement for accessibility
 - Requirement for communication of response

References

- FTA Circular FTA C 4710.1
- <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/ada-training>
- Sign up for FTA ADA Updates:
- https://public.govdelivery.com/accounts/USDOTFTA/subscriber/new?topic_id=USDOTFTA_5

Questions?