

Riders' Guide

to Public Transit for People
with Disabilities

Fixed Route

ADA Complementary Paratransit



TRANSIT  PROJECT

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Introduction

You have a disability and you use public transit to get to your job, your educational and recreational activities, and to shop. Perhaps for you, public transit is not a choice, it's a necessity. Or perhaps you choose to ride public transit because you wish to save money, protect the environment, and avoid traffic and parking hassles.

As a person with a disability, you are entitled to the same public transit opportunities that everyone else enjoys. However, in practice, accessing your transit services can sometimes be a confusing and frustrating experience. This guide is designed to assist you in accessing your fixed route and ADA complementary paratransit systems by describing your rights and responsibilities under the Americans with Disabilities Act (ADA) and by offering useful tips that may increase your chances for a successful ride. We do this by taking you through the process of using public transit from start to finish. We will identify what these services are, what you need to know when planning your trip, what you will encounter during your trip, and finally move into topics that may arise after you've been riding awhile.

Due to space limitations, this guide does not cover any other types of public transportation other than fixed route and ADA complementary paratransit. If you need information regarding other types of transportation, please contact one of the resources listed at the end of this guide.

The ADA protects the rights of individuals with disabilities when riding public transit systems. However, much misunderstanding exists regarding the nature of those rights. Some riders with disabilities assume that the ADA offers special privileges that, in reality, it does not. It is important that you understand your rights under the ADA. It is equally important that you understand what the ADA does not cover.

There is nothing in the ADA that says public transportation must be provided. The ADA only requires that where public transportation does exist, it be

operated in a non-discriminatory manner. Some transit providers offer special programs and benefits beyond what is required by the ADA. Keep in mind that if your provider eliminates such a program or benefit, it would still be ADA compliant.

The ADA is a very complex, comprehensive piece of civil rights legislation so it is not possible to tell you everything about the ADA in this guide. Please contact one of the resources listed in the back of this guide or your local transit provider for additional information and assistance regarding your specific situation.

ADA Requirements for Fixed Routes

WHAT IS FIXED ROUTE SERVICE?

The ADA has a variety of requirements designed to increase the accessibility of fixed route systems. Fixed route services include, but are not limited to, bus systems, light rail, and rapid rail (subway systems) on which a vehicle is operated along a prescribed route according to a fixed schedule.

PLANNING YOUR RIDE

Alternative Formats for Schedules and Service Information

Public transit systems must make information regarding their services and schedules available to people with all types of disabilities. Therefore, you are entitled to have written schedules and service information available in an accessible format which you are able to use. Accessible formats might consist of Braille, large print, audio recordings, electronic formats, or websites accessible to screen readers or other assistive technology. Transit agencies should also provide communication access through use of TTYs and staff trained to answer audio or video relay calls.

Public entities must give primary consideration to providing the format requested by the person with the disability, but the provider does not have to honor that first choice if it can demonstrate that another equally effective format is available or it results in an undue financial or administrative burden. However, even if your first choice is rejected as an undue burden, providers must still furnish another accessible format which would result in effective communication.



Accessible Stations, Terminals, and Stops

Newly constructed transit facilities must be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. Transit facilities include all elements of stations, terminals, and bus stops. Any alterations made in such facilities also must be accessible to and usable by people with disabilities, unless there are structural issues that would prevent certain standards from being met. Not every existing facility (those built prior to 1992) must be made accessible. Complex criteria are applied to each situation.

For example, the ADA recognized that for existing light and rapid rail systems that were built before the ADA went into effect, it would not be possible to make



every station accessible right away. However, it also recognized that some improvements would have to be made or the entire system would remain inaccessible for decades. In these cases, the ADA required

that certain “key” stations be identified that would be made accessible in the short term. Key stations include transfer stations, end stations, stations which receive high usage, and stations serving major interchange points or major activity centers. The deadline for making key stations accessible was July 26, 1994; however, extensions could be granted until 2020 for extraordinarily expensive structural changes. Please contact your local transit agency to find out which stations in your area are accessible.

Transit providers must maintain, in operative condition, those features needed to make facilities readily accessible to and usable by individuals with disabilities, including wheelchair users. Inoperative elevators and accessible paths of travel that are blocked cannot be used by individuals with disabilities. If accessible features are damaged or out of order, the transit provider must make repairs promptly. In addition, the transit provider must take reasonable steps to accommodate individuals with disabilities who would otherwise use that feature. For example, if an elevator is out of order, preventing your access to a station, the transit provider could offer you accessible shuttle bus service around the inaccessible station or take some other reasonable step.

When vehicles for more than one route serve the same stop or station, transit systems are required to provide a means by which a person with a visual or cognitive disability can identify the proper vehicle to board for the desired route. The ADA does not state how this must be done, only that some type of effective means must be provided. Some transit entities use external speakers to accomplish this.

Fares and Personal Attendants

The ADA states that riders with disabilities cannot be charged any additional fees beyond the usual fares for fixed route travel. In addition, under the Federal Transit Act, fares charged to persons with disabilities riding the fixed route during non-peak hours cannot exceed 50% of the peak hour fare. A transit provider may require passengers to show proof of eligibility to receive this benefit.

Transit providers cannot require that a person with a disability travel with a personal attendant. An attendant is a person who provides personal care and/or assistance to an individual with a disability. Nevertheless, keep in mind that transit providers are not required to provide services of a personal nature, such as assistance in eating, toileting, or dressing.



When a rider chooses to travel with a personal attendant, the ADA does not require free fares for those attendants on fixed routes, although some fixed route services do offer that benefit.

Respirators and Portable Oxygen

You must be permitted to bring a respirator or portable oxygen supply on board transit vehicles if you need it. The Department of Transportation rules on the transportation of hazardous materials allow for the use of respirators and portable oxygen supplies and a public transit provider cannot prohibit these devices.

Service Animals

A service animal must be allowed to board with a passenger with a disability. A service animal is defined as an animal that is individually trained to perform a specific task for a person with a disability. Service animals include, but are not limited to, animals that guide individuals who are blind, that alert individuals with hearing disabilities, that pull wheelchairs or carry and pick up things for persons with mobility disabilities, that assist a person who has difficulties with balance, or that alert an individual of an oncoming seizure. Comfort or therapy animals which are used solely to provide emotional support are generally not considered service animals under the ADA.

The transit provider cannot require that a person with a disability provide evidence of certification or any identification papers indicating the legitimacy of the service animal. In addition, the animal cannot be required to wear a special vest or harness which identifies it as a service animal. All service animals and owners must comply with any local licensing laws. A service animal must be under the control of its owner at all times.

To establish that an animal is a service animal, a transit provider can ask two questions:

1. Is this a service animal?
2. What task has this animal been trained to perform?

If a service animal displays any aggressive or seriously disruptive behavior, a transit provider may require that the animal be removed from the vehicle or facility. Transit providers may exclude any service animal (but not the rider) from vehicles or facilities when that animal's behavior poses a direct threat to the health or safety of others. Allergies to or fear of animals does not constitute a direct threat.

Mobility Devices

Not all wheelchairs and mobility aids will fit on a bus or train. While the accessibility standards for buses and trains are designed to accommodate the majority of power and manual wheelchairs and mobility aids, there



will be some that are too large or heavy to fit. In order to give the bus and railcar manufacturers some design parameters, the U.S. Department of Transportation created the concept of

the "common wheelchair." For the purposes of the ADA regulations for transportation, a "wheelchair" is defined as being a mobility aid belonging to any class of three or four-wheeled devices, usable indoors, designed for and used by individuals with a mobility disability, whether operated manually or powered. A "common wheelchair" is such a device which does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied. Any mobility aid that does not fit this definition does not have to be transported; however, transit

agencies may decide to transport larger or heavy devices if they have suitable equipment.

Transit providers are not required to provide passengers with personal devices such as wheelchairs or scooters.

DURING YOUR RIDE

Lifts and Ramps on Buses

Under the ADA, all buses purchased after August 25, 1990 must be accessible to individuals with disabilities, including individuals with wheelchairs. That means that these buses must be fitted with lifts or ramps, in addition to other accessibility features. The front door of most fixed route buses have stairs or entrances that fold out into a lift or a ramp. All drivers are required to be trained so that they are proficiently and consistently able to operate the lift or ramp on demand.

There are requirements for maintenance of these accessibility features. It is not sufficient for transit providers to provide features such as lifts and ramps if these features are not maintained in a manner that enables individuals with disabilities to use them. The Department of Transportation requires a system of regular and frequent checks of lifts, sufficient to determine that they are operative. The first person to discover that a lift is inoperative should not be a passenger stranded at the bus stop.

This requirement that accessibility features be maintained in operative condition does not prohibit isolated or temporary interruptions in accessibility due to unexpected circumstances. Snow and ice can often temporarily jam a lift and cause problems resulting in a need for maintenance. Plan accordingly on cold weather days. Just as the buses periodically break down and alternate arrangements must be made to obtain a replacement bus to cover the route, so too, lifts and ramps periodically break down and alternate arrangements must be made for a replacement accessible vehicle to cover the route.

The ADA states that when an accessibility feature such as a lift is out of order, the transit entity must take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature. The driver is responsible for making alternate arrangements which would allow the rider to access that transit route. If the next bus is arriving in less than 30 minutes, those arrangements could involve waiting for that bus. If the next bus will take longer than 30 minutes to arrive, the driver must make arrangements for a different bus to pick you up.

When a lift or ramp is damaged or out-of-order, the required repairs must be completed promptly. The affected bus must be taken out of service until repairs are made, unless there are no replacement vehicles available and taking that vehicle out of service will reduce service to the public. If there are no replacement vehicles available, transit providers can keep a vehicle with an inoperable lift in service on the fixed route for three to five days, depending on the size of the community.

Transit systems will sometimes request that a passenger in a wheelchair board the lift facing in a particular direction (backwards or forwards), often claiming that their method is safest and most effective for lift functioning. However, the ADA regulations require lifts to accommodate passengers facing either direction and a transit entity cannot require a person in a wheelchair to back her chair onto a lift.

If you need assistance utilizing a ramp or lift, the driver is required to assist you, within reason. For example, if you use a manual chair and ask for assistance getting up a steep ramp, the driver must assist you. Operating the controls of your power chair is generally not considered reasonable assistance.

Accessibility Features on Buses for Standing Passengers

Any passenger with a disability who requests the use of a lift or ramp must be allowed to use the lift or ramp. If you can stand and/or walk but have difficulty managing the





steps to enter a bus, you can ask for the use of the lift or ramp and utilize it while standing.

Passengers with disabilities must be allowed adequate time to board and disembark from a transit vehicle. This includes light rail and rapid rail doors staying open long enough for a person with a disability to board or disembark. It also includes a bus operator waiting until a passenger is seated before leaving a bus stop. If you have a mobility disability or have difficulty maintaining your balance while a bus is moving, ask your bus driver to wait until you are seated before driving away. Drivers are required to honor your request.

Priority Seating Area

Priority seating is reserved in all transit vehicles for individuals with disabilities who prefer to utilize that seating. In buses, the priority seating is located in the front of the vehicle. Priority seating areas are designated with appropriate signage. Generally, passengers who have a disability cannot be required to use these priority seating areas if they prefer to sit elsewhere. However, if

the priority seating area on a bus is also the securement location used for tying down wheelchairs, passengers using wheelchairs may not occupy the aisle on that bus and may be required to keep their wheelchair within that designated securement location.

If priority seating areas are occupied by individuals who do not have a disability and a passenger with a disability who needs priority seating boards, operators are required to ask the people occupying the priority seats to move. The ADA does not require the vehicle operator to go any further than asking. If a person who does not have a disability refuses to move from the priority seating, operators are not required to force them to move.

Wheelchair Securement on Buses

The ADA requires that securement systems be made available on buses to restrain common wheelchairs in a way that limits the movement of an occupied wheelchair or mobility aid to no more than two inches in any direction under normal vehicle operating conditions.

All buses over 22 ft in length must have at least two securement locations for wheelchairs. Buses that are 22 ft. in length or less only need one securement location. Securement areas on buses are often located within the priority seating area, but not always.

Although the ADA does not designate the type of securement system that must be used, many transit vehicles utilize a system which includes four separate straps that are each attached to the frame of the wheelchair and to the floor of the vehicle.

The ADA allows transit entities to develop their own policies regarding the requirement for passengers with wheelchairs to use securements. Some entities have chosen to have policies requiring passengers to use



securements and these policies are allowable. If a transit provider has a policy requiring securements for wheelchairs and a person who uses a wheelchair refuses to follow that

securement policy, the driver can refuse to transport the individual. Other entities have chosen to have a policy that permits the rider to decide if he wants to use securements, which is also permissible.

Drivers must provide assistance to all individuals who use wheelchairs who request assistance with securements and drivers must be trained so that they are proficiently and consistently able to attach securements on demand. Remember, the ADA requires that passengers with disabilities be allowed adequate time to board and disembark from a vehicle, including time to manage any

positioning and securement needs.

The ADA requires that the driver uses her best effort to restrain wheelchairs, given the available securement technology and the nature of the wheelchair. A transit provider may not deny transportation to you if your “common wheelchair” cannot be secured or restrained by a vehicle’s securement system to the driver’s satisfaction.



The ADA also requires that a seat belt and shoulder

harness be made available for each securement location. These are mounted to the inside of the bus and serve the same function as seat belts in an automobile. While many wheelchairs are equipped with their own “seat belt,” those are intended only to keep you from falling out of your wheelchair and will not provide any safety function. If a passenger who uses a wheelchair requests a seat belt and shoulder harness, it must be provided. However, a transit provider cannot require a passenger in a wheelchair to use a seat belt and shoulder harness unless passengers who do not have disabilities are also required to use these restraints. A seat belt and shoulder harness must never be used unless the wheelchair is also secured and must not be used instead of the securement system.

If you are a wheelchair user, you have the option of staying in your wheelchair or transferring into a standard seat. The operator can recommend that you transfer, but cannot require it. If you choose to transfer, your mobility device should be stored in the securement location.

If securement locations are already occupied with



other passengers with mobility devices and you use a wheelchair, you might not be able to board and may then have to wait for the next bus.

Wheelchair Accessibility Requirements for Light and Rapid Rail

All new light and rapid rail cars purchased or leased after August 25, 1990, must be readily accessible to and usable by individuals with disabilities, including individuals with wheelchairs. Space for two wheelchairs must be made available within each car. That space may be provided within the area normally used by riders who are standing and designation of specific spaces for wheelchairs is not required. Securement systems are not required for light rail and rapid rail.

Stop Announcements

The operator of buses, light rail, and rapid rails vehicles must announce, at minimum, all transfer points, major intersections, destination points, and other intervals along a route sufficient to permit individuals with visual or cognitive disabilities to be oriented to their location. In addition, the operator is required to announce any stop upon request of an individual with a disability. The announcement can be made by the vehicle operator or can be made by a recording system. These announcements must be loud enough to be heard by passengers and they must be clearly understandable.

Disembarking

Passengers using the lift or ramp must be permitted to disembark at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the transit provider, make the stop unsafe for all passengers. Examples of temporary conditions might include construction, an accident, or a landslide. The transit provider cannot declare a stop off limits to persons with disabilities when it is used by other passengers.

AS YOU CONTINUE TO RIDE***Suspension of Service***

A transit provider is entitled to refuse to provide service to an individual with a disability who engages in violent, seriously disruptive, or illegal behavior. However, a transit provider cannot refuse to provide service to an individual with a disability solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the transit agency or other passengers but which does not pose a direct threat to the health or safety of others. A rider who has been denied transit service under this provision is entitled to due process which may include the transit provider's standard complaint procedure.

ADA Complaint Procedures and Enforcement

A public transit service that receives federal financial assistance and employs 15 or more persons is required to establish procedures for the prompt and equitable resolution of complaints related to discriminatory action. Your first course of action to resolve any ADA complaint should always be to pursue your transit agency's complaint procedure to allow them an opportunity to resolve the matter.

If you have exhausted your transit agency's complaint procedures, there may be other local options for pursuing resolution. If your transit agency is part of your city or county government and that city or county government has 50 or more employees, under Title II of the ADA they are required to have an ADA coordinator designated to oversee Title II compliance. Asking to speak with your ADA coordinator may be helpful. Consider what other resources your community may have available including passenger advisory committee members, transportation district board members, city council members, or county commissioners.

The ADA also allows individuals with disabilities three opportunities for resolution of complaints related to public transit:



- Filing a complaint with the Federal Transit Administration (FTA) Office of Civil Rights
- Filing a complaint with the Department of Justice (DOJ) for broader issues related to non-discrimination requirements of the ADA for local government entities
- Filing a lawsuit

Bear in mind that complaints filed against state and local government entities must be filed within 180 days of the date of discrimination. Filing a complaint with either the FTA or DOJ is a lengthy process and does not



result in immediate resolution. In addition, the FTA's enforcement priority is related to patterns or practices of compliance problems, not on isolated errors. Please see the resources section at the back of this guide for FTA and DOJ contact information to file a complaint.

TIPS FOR RIDING FIXED ROUTE

You know your ADA rights, but what can you do to improve your fixed route trip? Here are some tips, although you need to keep in mind that these suggestions and transit programs are not required by the ADA.

- Be a good communicator. Talk to your operator about your needs.
- Research your trip in advance. Know your routes, stops, and transfers. Know the name of the stop where you are disembarking, the name of the stop before yours, and the name of the stop after yours. This will assist you with orientation.
- Ask your transit provider if they offer travel training. This generally involves one-on-one instruction.
- Take a practice ride and make your first trip when you are not pressed for time.
- Tell your operator as soon as possible if you would like to use the lift or ramp or if you require the use of the priority seating area.

- If you have difficulty stepping up into the bus, ask the driver if your bus "kneels" which will lower the front entry door, or request the use of the lift or ramp.
- If a lift or ramp is out of order or if the securement areas are full, participate in the decision making process by communicating your needs. If you would have difficulty waiting for another transit vehicle in the current weather conditions because of your disability, tell your operator.
- As you are boarding, tell your operator where you are getting off. If you use a wheelchair, this will assist your operator to properly position the bus to deploy the lift or ramp. If you have a visual or cognitive disability, the operator can ensure that you get off at the correct stop.
- As you are boarding, ask for needed stop announcements. If you have difficulty hearing or understanding stop announcements, inform your operator immediately.
- Tell your driver as soon as possible if you would like assistance securing your wheelchair. Know the best places to attach securement straps. Don't attach securement straps to your battery, wheels or leg rests, as they can be pulled off or damaged. A four-point securement to the frame of your chair is best.
- If your wheelchair or scooter is without effective locations to attach securements, ask if tether straps are available. Tether straps, sometimes known as Stokes straps, consist of a nylon loop which can be installed on your mobility device to provide a place for securements to be attached. Some transit providers have them. Some don't.
- Program your cell phone with the transit customer service number and take it with you.

Requirements for ADA Complementary Paratransit

WHAT IS ADA COMPLEMENTARY PARATRANSIT?

There are people with disabilities who are unable to ride fixed route transit services even when those services are ADA compliant. Some people with disabilities are unable to get to their transit stop or station. For example, a person who is ambulatory but has difficulty walking may be unable to walk the distance to his closest stop or station. Perhaps a person who uses a wheelchair is unable to get to her stop because no sidewalks or curb cuts exist or snow blocks the route. It could be that a person who is blind or uses a wheelchair is unable to cross a highway with heavy traffic.

Some people with disabilities are unable to navigate the fixed route system. A person who is blind or who has a cognitive disability might have difficulty orienting himself in a complex system with many routes and many transit vehicles.

For individuals with disabilities who are unable to ride fixed routes, the ADA requires that paratransit services be provided at a level of service comparable to the fixed route system. Not all people with disabilities are eligible for ADA complementary paratransit services. Only those who are unable to access their fixed route system are eligible.

It is important to understand that under the ADA, paratransit functions as a “safety net” for people whose disabilities prevent them from using the regular fixed route system. It is not intended to be a comprehensive system of transportation that meets all the needs of persons with disabilities. By statute, complementary paratransit must provide a level of service that is comparable to that provided by the fixed route system.

ADA complementary paratransit services are provided by the same entity that provides the fixed route service, or that entity contracts with another agency to provide paratransit. Paratransit services provide accessible, origin to destination transit service for eligible individuals with



disabilities. In other words, paratransit will pick you up at your home and take you to where you want to go, as long as your origin and destination are within their service area. These services are provided by advance request. An individual with a disability must schedule and reserve each paratransit trip.

Be aware that commuter bus and commuter rail services (service predominantly in one direction during peak periods with limited stops), intercity bus and rail systems (long distance travel between cities), and university transit systems are not required to provide comparable paratransit services.

ADA Complementary Paratransit is Comparable to the Fixed Route Service

ADA complementary paratransit service must complement the fixed route service. In other words, the paratransit service is comparable and parallel to the fixed route service. Paratransit must be comparable in that it must be offered on the same days and same times fixed route service is offered. If a fixed route does not offer evening and Sunday service, your paratransit provider does not have to offer evening or Sunday service.

Comparable also means that paratransit serves a geographical region similar to the geographical region served by fixed route. Although these requirements are quite complex, we can simplify by stating that, minimally, paratransit must serve all areas within a corridor which extends $\frac{3}{4}$ of a mile on each side of each route served by the fixed route system. To visualize this, get out your route map for the fixed route system and draw in that corridor $\frac{3}{4}$ of a mile on each side of each route and from each end point. That's the minimum geographic area that must be serviced by paratransit. Consult your local transit system to determine more specifically the exact locations in your area which are served by paratransit.

The type of service offered by paratransit is comparable to the type of service offered by fixed route. Just as you must share your ride with other passengers

on fixed route, so too, you must share your ride with other passengers on paratransit. Be prepared to accommodate those additional stops into your schedule. Your trip on paratransit may take a comparable amount of time as it takes on fixed route. Also note that if your fixed route service alters routes or service hours, the paratransit service may experience comparable changes.

A Comparison of ADA Complementary Paratransit and Other Types of Specialized Transportation Services

There is a significant difference between ADA complementary paratransit and other types of transportation which provide service by advance request for people with disabilities. Paratransit is intimately tied into fixed route services. Fixed route agencies provide paratransit or contract with another service to provide paratransit. Paratransit serves a similar geographical area as the fixed routes and provides services during the same times fixed route services are offered. A person with a disability is eligible to ride paratransit only if he is unable to access the fixed route.

Other types of specialized, demand responsive transportation services are different because they are not tied into fixed route services whatsoever and they serve a different transportation function than ADA complementary paratransit. These other types of specialized transportation might include senior transportation providers or medical transportation providers. Their service areas are not tied to the service areas of the fixed route providers. Their schedules are not related to the schedules of the fixed route service. Their eligibility requirements have nothing to do with the fixed route service. The ADA requirements for these other types of specialized transportation providers are different than the requirements for ADA complementary paratransit. These other types





of specialized services may be referred to generically as “paratransit” but if they are not tied into the fixed route service, they are not considered to be ADA complementary paratransit.

Our guide will not be covering the requirements for these other types of specialized transportation. If you need information regarding the ADA requirements for these services, contact one of the resources listed in the back of this guide.

APPLYING FOR PARATRANSIT SERVICE

Eligibility Criteria for ADA Complementary Paratransit

The ADA lists three types of individuals with disabilities who are eligible for ADA complementary paratransit. In addition, there are three categories of eligibility that the transit industry uses to classify riders. The following individuals with disabilities are eligible for ADA complementary paratransit:

1. Any individual who, as the result of a physical or mental disability, is unable to board, ride, or disembark from any accessible vehicle in the fixed route system without the assistance of another individual (excluding the operator). This individual is unable to independently navigate the system.
2. Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device; however, no accessible vehicle is available on the fixed route at that time.
3. Any individual who has a specific disability-related condition which prevents the individual from traveling to a boarding location or from a disembarking location associated with the fixed route. This individual is unable to get to or from his transit stop or station because of his disability or his disability prevents him from negotiating environmental barriers.

Once a transit agency has determined that an individual is eligible, a rider's eligibility can be classified in one of three ways:

1. Unconditional – the rider needs paratransit for all trips.
2. Conditional – the rider needs paratransit for some trips but can use fixed route service for other trips.
3. Temporary – eligibility is short-term for the length of time the rider is unable to use fixed route.

Eligibility may be unconditional or conditional depending on circumstances. For example, perhaps an individual who uses a wheelchair can get to and from her bus stop independently in most cases but is unable to do so in the snow. That individual may then be eligible for paratransit only when there is snow on the ground and not when the ground is clear of snow and thus, her eligibility is considered conditional.

Conditional eligibility can be applied to varying disability conditions. For example, a person with multiple sclerosis can experience increased functional limitations during a relapse and may be paratransit eligible during that time. Once she recovers from her relapse she may return to a level of functioning which allows her to successfully utilize the fixed route.

Conditional eligibility can also be offered on a trip-by-trip basis to an individual with a disability who can get to some stops or stations but not others. Perhaps a person who uses a wheelchair can get to stops that are fully accessible but other stops lack sidewalks or curb cuts. Then he will be eligible for paratransit services for trips that would include the inaccessible stops. If he has a trip that would only include accessible stops and paths of travel, he would be expected to ride on the fixed route.

An individual can be paratransit eligible based on a permanent or temporary disability. An individual with temporary eligibility has a temporary disability which falls into one of the three eligibility categories listed above, but his eligibility is short term. This person's eligibility will



expire once the temporary disability ends and he is able to once again use the fixed route.

The ADA does not allow waiting lists for paratransit rides for eligible individuals with disabilities. If you have been determined to be eligible for paratransit by your transit system, next day rides must be immediately provided.

Paratransit providers are required to provide services to visitors (for up to 21 days per year) who are able to present documentation that they are paratransit eligible. So if you are paratransit eligible in your home community, your paratransit service should provide you with documentation of eligibility. That documentation is sufficient for receiving services while you are visiting other communities. A visitor can also become eligible by providing documentation of your place of residence

and, if your disability is not apparent, documentation of your disability (a letter from your doctor or rehabilitation professional).

The Eligibility Process

Each paratransit provider must have an eligibility process which cannot place unreasonable administrative

burdens on the applicant. Application fees cannot be charged.

The application process should be based on evaluation of functional criteria and can include interviews and functional evaluation or testing of applicants. This process is not based on medical or diagnostic criteria. In other words, it doesn't matter what your diagnosis is, it matters what your functional ability is. An evaluation by a doctor or rehabilitation professional can be included but the focus is on functional ability, not on the medical diagnosis. If you choose or are required to submit a letter from your own doctor with your application, make sure that letter addresses your functional ability in relation to the above three eligibility criteria.

Information about the application process and paratransit services, the application materials themselves, and any notices and determinations must be provided in an accessible format if requested. Please refer to the section on alternative formats in the fixed route section of this guide for additional information.

A determination of eligibility must be made within 21 days of the date a completed application is submitted. All eligibility determinations must be provided to the applicant in writing. For people granted eligibility, the eligibility letter should include at least the following five elements:

1. The individual's name
2. The name of the transit provider
3. The telephone number of the entity's paratransit coordinator
4. An expiration date for eligibility
5. Any conditions or limitations on the individual's eligibility, including the use of a personal care attendant.

If a determination is made that the applicant is ineligible or that eligibility is conditioned in any way, the reasons for that determination must be specified in detail to allow the applicant to appeal the decision. (See the section on eligibility appeals below.) The determination letter should also include information regarding the use of an attendant, if appropriate. If an eligibility determination has not been made within 21 days of the date the complete application is submitted, the applicant shall be treated as eligible and provided service unless and until the application is later denied.

A paratransit provider can require recertification of eligibility at reasonable intervals. The FTA considers reasonable intervals to be more than one year and less than three years. Eligibility for paratransit services is a very complex provision under the ADA. Contact one of the resources listed on the back page of this guide for additional details.





Eligibility Appeals

The ADA requires that every paratransit entity provide an appeals process through which individuals who are denied eligibility can appeal. Paratransit providers can require that all appeals be filed within 60 days of the denial. The process must allow an opportunity for the applicant to present evidence and arguments in person and/or in writing to an official from the paratransit service who was not involved with the initial decision to deny eligibility.

All appeals decisions must be in writing, stating the specific reasons for the decision. The decision should be made within 30 days of the completion of the appeals process. If the decision is not made within 30 days, the individual must be provided service beginning the 31st day, unless and until an adverse decision is rendered on his appeal.

PLANNING YOUR RIDE

Personal Attendants and Companions

An individual with a disability cannot generally be required to travel with a personal attendant on

paratransit trips. The only exception is if a paratransit service legitimately is entitled to refuse service to an individual with violent, seriously disruptive, or illegal conduct, it may require an attendant as a condition of providing service it otherwise had the right to refuse. Otherwise, an attendant cannot be required.

However, if you choose to ride with a personal attendant, your attendant must be allowed to ride. An attendant is a person who provides personal care and/or assistance to an individual with a disability. The paratransit provider can require you, as part of the application process, to make a statement regarding your intention to travel with an attendant.

In addition, individuals with disabilities who ride paratransit must always be allowed to bring one companion with them. A companion is a family member, friend, or business associate who is riding along with the individual with a disability but is not providing personal care services. As such, the paratransit rider can ride with one attendant and also one companion. Additional companions should be allowed on a space available basis.

Paratransit providers can require that reservations be made for personal attendants and companions at the same time a reservation is made for the paratransit rider. Attendants and companions must have the same origin and destination points as the paratransit rider.

Paratransit services are not required to provide eligible passengers with personal devices, such as wheelchairs or scooters, or to provide services of a personal nature, such as assistance in eating, toileting, or dressing. Operating the controls of a power wheelchair is generally considered to be a personal service and is not required under the ADA.

Fares

A paratransit provider can charge a rider up to twice the regular, non-discounted fare that would be charged

for a comparable fixed route trip at the same time of day. To determine that cost, plot the same trip on fixed route and calculate the fares for that time of day. Include any transfer fees or premium service charges.

Do not apply any discounts such as the discounts offered to older adults and individuals with disabilities. The

transit provider can charge up to twice the resulting amount for the paratransit trip.

Companions are charged the same fare as the paratransit eligible individual they are accompanying. A personal care attendant who is assisting a paratransit rider must be given a free fare.

The Reservation Process

According to the ADA, paratransit services must provide rides to eligible persons when next day reservations are made. The requirement does not state that reservations must be made 24 hours in advance, only next day. That means that if you call at 4:00 in the afternoon for a ride at 8:00 the following morning, paratransit must provide that ride.

Keep in mind that paratransit providers only have to provide rides at times that correspond to the times the comparable fixed route runs. So you will not be able to schedule a ride for a time during which the fixed route service is not operating.

Reservations can be taken by a reservations agent or through technology such as an automated phone system or an internet website. The reservation system must be accessible to all paratransit eligible persons. Reservation services must be made available during the normal business hours in which the provider's administrative offices are open. The reservation service must also be available during those same hours the day before a service day, so passengers can make next day reservations. For example, if the administrative offices are not normally open on Sundays and there are no fixed route or paratransit services on Sundays, the reservation system must still be made available on Sundays, during those same business hours, so that riders can make reservations for paratransit service on Monday.

The ADA allows paratransit providers to negotiate pickup times with passengers. Nevertheless, paratransit cannot schedule a trip to begin more than one hour before or after the individual's desired departure time. Keep in mind that providers are allowed that window when you make your plans. For example, if you have requested a pick-up time of 8:00 AM, it is perfectly acceptable for them to negotiate a pick-up time with you as early as 7:00 AM or as late as 9:00 AM.

Negotiation is a two-way street. Riders have the right to negotiate as well. Be sure to tell the reservation agent if you have an appointment time which cannot be missed. For example, if you must be at work no later than 8:00 AM, tell the reservation agent. If you tell the reservationist your appointment time, the paratransit provider has an obligation to get you to your destination on time and not substantially early.

However, with that said, riders are not able to constrain both ends of the trip. In other words, you can't

tell the reservationist that you must be at work by 8:00 AM but you expect to be picked up at 7:30. You may tell the reservationist that you need to be at work at 8:00 and your paratransit provider is obligated to get you there on time, but at that point the reservationist will tell you what time they will pick you up.

Keep in mind that you will probably be sharing your ride with other passengers and plan on making additional stops for those passengers. Allow enough time in your schedule to accommodate those other stops. You might ask the reservation agent if they can tell you how long your trip might take.

A paratransit provider cannot limit rides based on trip purpose. Just as a person who is using the fixed route system does not have to state the purpose of her trip to get a ride, neither does a person who is using the paratransit system.

In addition, a paratransit provider may not impose restrictions on the number of trips to which a passenger is entitled. After all, riders of the fixed route system do not have restrictions on the number of trips they can take.

ADA regulations allow for subscription reservations, i.e., having a standing reservation scheduled. For example, you might reserve the same times every day to go to and from work or the same time every Tuesday for a class. However, paratransit providers do not have to allow subscription reservations in all situations. Paratransit agencies can maintain a waiting list for subscription reservations. In addition, restrictions on subscription reservations based on trip purpose can be maintained. This does not mean that providers can deny your trip. It just means they may not allow you to establish a subscription reservation and you may still have to make a separate reservation for each individual trip.



Origin to Destination Service

Much confusion has existed between whether paratransit service must be curb-to-curb or door-to-door service. Curb-to-curb service means that a driver picks you up at your curb and drops you off at your curb and does not give you any assistance getting to and from your door. Curb-to-curb service means that you must be waiting at your curb for your pick-up.

In contrast, with door-to-door service a driver will come to your door to let you know she has arrived for your pick-up and the driver will assist you from your door to the bus or back to your door at your drop off. Assistance is provided to and from the front door of the building only. For example, at an office building, your driver will not go inside of the building and assist you to the door of your dentist's office on the third floor.

The ADA requires that paratransit service be "origin to destination." Paratransit providers may establish a base policy of curb-to-curb service. However, with that said, to meet the origin-to-destination service requirement, door-to-door service must be provided to those individuals who need assistance beyond the curb due to their disability.

As such, if a paratransit provider has established a base policy of curb-to-curb service and you are capable of getting to and from your door independently, you are not entitled to receive door-to-door service. Comparatively, should your disability, and environmental conditions, result in you needing assistance to get to and from your door, your need for door-to-door service must be accommodated despite the curb-to-curb base policy.

Regardless of whether a paratransit provider is providing curb-to-curb or door-to-door service, your driver is not required to carry your groceries or other items into your home or other destination. Driver assistance stops at the door.

Pick-up Window

Most ADA complementary paratransit providers have an established paratransit pick-up window, and a 30-minute window is typical in the transit industry. For example, a paratransit provider can establish a policy that states that they can pick you up within a window of 15 minutes before your scheduled time to 15 minutes after your scheduled time. If you receive curb-to-curb service, that means you must be out waiting at the curb 15 minutes before your scheduled time and you must be prepared to wait up to 15 minutes after your scheduled time. So you might be waiting up to 30 minutes and that is allowed.

Correspondingly, many paratransit providers have established a policy that if you are not ready to board when they arrive, they will wait only 5 minutes for you. If you are not there and ready to board within those 5 minutes, they can then leave and mark you as a “no-show.”

DURING YOUR RIDE**Comparable Accessibility Features and Policies**

Similar to the ADA requirements for fixed route, respirators, portable oxygen and service animals must be allowed on paratransit vehicles. The definition of a “common wheelchair” is the same for paratransit as it is for fixed route. The lift and ramp requirements are the same on paratransit as on fixed route. Please see the fixed route information in this guide for additional information.

If a lift or ramp is out-of-order on a paratransit bus, the bus must be taken out of service and repairs must be made promptly. A replacement bus must be dispatched as soon as possible.

Wheelchair Securement

Paratransit providers are allowed to adopt securement policies for paratransit that are different from their securement policies for fixed route. For example, a transit provider might have a policy that riders who use wheelchairs on the fixed route can decide for themselves whether to use securements. That same transit provider



can have a policy that securements are required on paratransit. That is allowable under the ADA. If a paratransit rider refuses to follow the securement policy of a paratransit provider, the driver can refuse to transport that individual.

If a paratransit driver is not able to restrain a “common wheelchair” to her satisfaction, given the available securement technology and the nature of the wheelchair, she may not deny transport to you or your chair. Please see the fixed route information in this guide for additional information.

AS YOU CONTINUE TO RIDE

Suspension of Service

Paratransit riders who engage in a pattern or practice of missing scheduled trips (no-shows) can be suspended from paratransit services for a reasonable period of time. A pattern or practice involves intentional, repeated or regular actions, not isolated, accidental, or singular incidents. Most paratransit providers have policies which outline how many no-shows will constitute a pattern or practice.



Trips missed by a rider for reasons beyond his control cannot be counted as a no-show. Examples may include isolated situations involving a sudden family emergency or a sudden health problem, unexpected failure of assistive devices such as wheelchairs or transfer lifts, or unanticipated failure of assistive services such as a personal care attendant failing to arrive. However, if a rider has repetitive no-shows due to such unanticipated circumstances, that rider should be prepared to provide documentation to support his claim.

The rider should always make every attempt to notify their paratransit provider in time to cancel a trip before the vehicle arrives. A late cancel can be counted as a no-show if it has the operational impact of a no-show on

the system. The FTA has indicated that, in most cases, a cancellation occurring two hours prior to a scheduled trip does not constitute a no-show.

Just as on the fixed route, a paratransit provider is entitled to refuse to provide service to an individual with a disability who engages in violent, seriously disruptive, or illegal behavior, using the same standards for exclusion that would apply to any other person who acted in such a fashion. However, a paratransit provider cannot refuse to provide service to an individual with a disability solely because the individual’s disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees or other passengers but which does not pose a direct threat. If a paratransit provider is entitled to refuse service to someone under this provision, it may require an attendant as a condition of providing service it otherwise had the right to refuse.

If a paratransit provider intends to suspend service they must notify the passenger in writing, in an accessible format as necessary, and they must cite the reasons for the suspension, the length of the suspension period, and details of the appeal process. The appeals process must allow an opportunity for the rider to present evidence and arguments in person and/or in writing.

Patterns and Practices that Significantly Limit the Availability of Service

The ADA does not allow paratransit providers to engage in patterns and practices that significantly limit the availability of service. A pattern or practice involves intentional, repeated or regular actions, not isolated, accidental, or singular incidents. These patterns and practices might include a substantial number of significantly delayed pickups, a substantial number of trip denials or missed trips, or a substantial number of trips with excessive lengths.

In relation to a substantial number of trips with excessive lengths, always bear in mind that paratransit rides are not taxi rides. You will be expected to share your

ride with other passengers and to allow for additional stops for those other passengers. Nevertheless, when the number of stops and the total trip time for a given passenger grows so large as to make use of the system prohibitively inconvenient, this provision is triggered. For example, if the total time for a paratransit trip exceeds the amount of time that it would take to make the same trip traveling by fixed route (plus 15-20 minutes to allow for walking to the bus stop and waiting for the vehicle to arrive), that may be considered prohibitively inconvenient.

Missed trips or delayed pick-ups for reasons beyond the paratransit provider's control cannot be a basis for determining that such a pattern or practice exists. For example, if a paratransit vehicle is in an accident, is in an unexpected traffic jam, or is delayed by an unexpected blizzard, those situations would not be under the control of the paratransit provider and are not considered to be a pattern or practice.

In contrast, if repeated delays occurred due to frequent mechanical breakdowns, and a regular maintenance program was not followed, a pattern or practice might exist. In addition, if regular traffic jams are expected on a certain route at certain times, but the paratransit provider did not schedule trips to allow time to navigate those regular traffic jams, a pattern or practice might exist.

Missed trips that are the fault of the transit agency (e.g. driver error such as a vehicle arriving substantially after the pick-up time and the passenger had already given up and left, a vehicle never arriving at all, or arriving at the wrong address or the wrong entrance to a building) cannot be counted against the rider as a no-show.

Under the ADA, you cannot be denied a ride because the paratransit provider's capacity has been exceeded. In these situations, providers will often contract with other services to handle the overflow, including taxi services. These contracting services are held to the same non-

discrimination requirements of the ADA. However, taxi services are not usually required to provide accessible vehicles and as such, they should be reserved for ambulatory passengers and others who are not limited by a lack of accessibility features. If a taxi is provided for a paratransit ride in lieu of regular paratransit vehicle, the rider is still only charged the normal paratransit fare.

ADA Complaint Procedures and Enforcement

In addition to the appeals processes for eligibility decisions and suspension decisions previously described, paratransit riders are also entitled to the same complaint procedures offered to fixed route riders. Please refer to that information in the fixed route section of this guide on page 22.

TIPS FOR RIDING PARATRANSIT

Many of the tips for riding paratransit are the same as the tips for fixed route so be sure to review those and apply them to your paratransit situation. Most notably, communicating your needs is critical.

Beyond those, we have a few tips unique to the paratransit rider.

- If you need assistance completing the paratransit eligibility application, ask your paratransit service to provide you with that assistance.

Additionally, you might obtain assistance from your local independent living center or other local advocacy group. Understand the eligibility





categories before you apply.

- Thoroughly review all of your provider's policies before you start riding. Review all materials you are given and make sure you understand their reservation, pick-up window, no-show, and suspension policies, whether they are providing you with curb-to-curb or door-to-door service, and know the appeals process. If you don't understand any policy, ask questions.
- Be aware that paratransit providers may change policies from time to time and still be ADA compliant. Know what the ADA requires and what it doesn't and if you are not sure, contact one of the resources at the end of this guide.
- Keep your appointments with paratransit and be on time. When you keep your reservations on a timely basis, you help to make it possible for your paratransit service to operate on a timely basis for other riders.
- Don't expect your driver to provide service beyond what the ADA requires unless your transit agency's policy specifies a higher level of service. If you are unable to manage your groceries or getting into your house by yourself, rather than trying to get your driver to do what the policy doesn't allow, consider getting a personal attendant or a friend to assist you.
- Have a Plan B. Sometimes, for a variety of reasons, a paratransit ride will not show up for you. Have a plan for what you will do in these circumstances. Carrying a cell phone with you with numbers programmed for paratransit customer service, friends and family can be critical for safety.

Resources

1. DBTAC National Network of ADA Centers – The Disability and Business Technical Assistance Centers (DBTAC) are a national network of 10 regional centers that provide technical assistance and information regarding the Americans with Disabilities Act.
www.adata.org
1-800-949-4232 (voice/TTY)
2. Federal Transit Administration – The FTA is responsible for civil rights compliance and monitoring to ensure nondiscriminatory provision of transit services.
www.fta.dot.gov/ada
1-888-446-4511 (voice) 1-800-877-8339 (TTY)
3. U.S. Department of Justice – The DOJ is the enforcement agency for Title II of the ADA which covers state and local governments. They may be appropriate to contact regarding broader ADA issues in relation to accessing programs of local governments.
www.ada.gov
1-800-514-0301 (voice) 1-800-514-0383 (TTY)
4. Easter Seals Project ACTION – Project ACTION promotes cooperation between the transportation industry and the disability community to increase mobility for people with disabilities under the ADA and beyond. They offer numerous resources, as well as training and technical assistance.
www.projectaction.easterseals.com
1-800-659-6428 (voice) 1-202-347-7385 (TTY)
5. Disability Rights Education and Defense Fund (DREDF) – DREDF is a leading national civil rights law and policy center that works to advance the civil and human rights of people with disabilities through legal advocacy, training, education, and public policy and legislative development.
www.dredf.org/transportation
1-800-348-4232 (voice/TTY)

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Meeting the Challenge, Inc.
www.transitaccessproject.com