

## Legislative Committee

Monday, September 12, 2011  
12:00 p.m.  
*Lunch will be available at 11:30 a.m.*

Local Government Center, Room 113  
1201 Court Street NE  
Salem, Oregon

### Agenda

12:00 p.m.

**1. Call to order**

President Janet Carlson

- 1.1 Agenda approval **(Action)**
- 1.2 Minutes of June 6, 2011 meeting **(Action)** *page 3*

12:05 p.m.

**2. Action or possible action items**

- 2.1 Priority items from committees

President Carlson

12:15 p.m.

**3. Steering Committee reports**

- 4.1 Communications Policy
- 4.2 Community Development
- 4.3 Environment & Energy
- 4.4 Governance
- 4.5 Human Services
- 4.6 Public Lands
- 4.7 Public Safety
- 4.8 Transportation
- 4.9 Water Policy

Jeanne Burch, chair  
Diane McKeel, chair  
Gary Thompson, chair  
Earl Fisher & Andy Duyck, co-chairs  
Kathy George & Bill Hall, co-chairs  
Faye Stewart, chair  
Jim Bernard & Jay Dixon, co-chairs  
Al Switzer, chair  
Alan Unger, chair

12:30 p.m.

- 4. Oregon ADA Complementary Paratransit Plans Project** *page 6* Ann Hanus  
*Connie Soper, Nelson Nygaard; Sherrin Coleman & Michael Ward, ODOT Public Transit*

12:50 p.m.

**5. Continuation of committee reports**

President Carlson

1:00 p.m.

**6. Oregon 10-year budget planning process**

*(invited)* Greg Wolf

1:15 p.m.

**7. Affiliate Organizations reports**

5.1 OSACA (Assessors)	Scot Langton
5.2 OCCA (Clerks)	Dana Jenkins
5.3 NACA (County Administrators)	Ralph Wyatt
5.4 ODAA (District Attorneys)	Eric Nisley
5.5 OACES (Engineers & Surveyors)	Robb Paul
5.6 OJPA (Justices of the Peace)	Charles Fadeley
5.7 OSSA (Sheriffs)	Jack Crabtree
5.8 OACTC (Tax Collectors)	Bob Vroman
5.9 OACTFO (Treasurers & Finance Officers)	Laurie Steele

**8. Other business**

President Carlson

**9. Adjourn**

President Carlson

---

**Next AOC Legislative Committee meeting October 10**  
*Local Government Center, Salem, Oregon*

**Scheduled Legislative Committee meetings for 2011:**

October 10 (*Local Government Center, Salem*)

December 12 (*Oregon Convention Center, Portland*)

**November 15-17, AOC Annual Conference, Hilton Eugene & Conference Center**

**Association of Oregon Counties  
Legislative Committee**

Monday, June 20, 2011  
12:00 p.m.

Local Government Center  
Salem, Oregon

*Present: President Janet Carlson, Commissioner Tammy Baney, Commissioner Mary Stern, Judge Pat Shaw, Judge Steve Grasty, Commissioner Bill Hansell, Commissioner Earl Fisher, Commissioner Sam Brentano, Commissioner Don Lindly, Judge Jeanne Burch, Judge Gary Thompson, Commissioner Chris Perry, Commissioner Jay Dixon, Commissioner Annabelle Jaramillo, Commissioner Craig Pope, Commissioner Kathy George, Commissioner Greg Malinowski, Sheriff Jack Crabtree, Administrator Ralph Wyatt*

*Via telephone: Commissioner Patricia Roberts, Commissioner Leslie Lewis, District Attorney Eric Nisley, Public Works Director Robb Paul*

*Via videoconference: Commissioner Linda Modrell*

*Guests: Troy Rayburn, Barb Young, Jared Anderson, Bobby Green Sr., Greg Wolf*

*Staff and consultants: Mike McArthur, Cara Fischer, Gil Riddell, Emily Ackland, Mark Nystrom, Mike Eliason, Paul Snider, Doris Penwell, Eric Schmidt, Laura Cleland, Ben Landsman, Joann Hendrix*

President Janet Carlson called the meeting to order at 12:00 p.m. and asked for self-introductions.

Mark Nystrom introduced Ben Landsman, a fellow with the Portland State University Executive Leadership Institute. Mr. Landsman, a graduate student at University of Washington, will be conducting research on historical cost profile of pharmaceutical benefits for the Oregon Health Plan.

***Agenda***

**Mr. Ralph Wyatt moved to approve the agenda of June 20, 2011, seconded by Commissioner Bill Hansell. Motion carried.**

***Minutes***

**Commissioner Earl Fisher moved approval of the meeting minutes of June 6, 2011, seconded by Mr. Wyatt. Motion carried.**

***Legislative Action Updates***

Mike McArthur reviewed recent legislative actions. He stated that the session is winding down and may possibly end by Friday, June 24.

Mr., McArthur stated that HB 3280 is still under discussion. SB 960 passed both houses and is waiting for the governor's signature.

Paul Snider reviewed HB 2710 and HB 2712 regarding court facilities and gave an update on SB 412-A granting law enforcement authority to tribal officers while outside reservation boundaries.

### **Early Learning Council**

Mark Nystrom reported that SB 909, the Early Learning Council bill, just passed the Senate with a final vote of 20-8. Mr. Nystrom stated that the concerns of the eight no votes were that SB 909 gave too much control to the governor. He added that Early Learning Council Design Team members Commissioners Tammy Baney and Annabelle Jaramillo would send a letter to the governor outlining the recommendations for how the work of local Commissions on Children and Families may be aligned with the work of the council. The design team requests feedback on its straw person proposal. AOC will respond with in-depth, unified county comments.

### ***Discussion & Updates***

#### **NACo 2011 Annual Conference**

The NACo 2011 Annual Conference will be held in Portland, July 15-19. AOC will host a reception for Washington and Oregon attendees July 15 at the Embassy Suites Hotel. Congratulations were given to Oregon counties for their combined contribution of \$56,500.

#### **AOC's video and desktop conferencing**

Laura Cleland introduced the new AOC Video and Desktop Conferencing system. Ms. Cleland stated that this is an opportunity for members to become more involved in AOC and cut down on travel time and expense by using the desktop system from office or home computers.

#### ***AOC Summer Summit***

Cara Fischer stated registration is open for the AOC Summer Summit, August 7-9 at the Oregon Garden Resort. Ms. Fischer added that the summit would focus on reentry, the Early Learning Initiative and Oregon Health Care Transformation under the leadership of President Carlson.

### ***Steering Committee Reports***

#### **Communications Policy**

Judge Jeanne Bruch reviewed the committee's principles adopted at today's meeting.

#### **Judge Jeanne Burch moved to approve the Communications Policy Steering Committee Principles, seconded by Commissioner Fisher. Motion carried.**

Judge Burch reported that committee members had an in-depth conversation with the State Radio Project Partnership. Judge Burch said Commissioner Kathy George is the AOC partnership representative.

**Community Development** – no report

**Environment & Energy** – no report

**Governance** – no report

**Human Services** – no report

**Public Lands & Natural Resources** – no report

**Public Safety** – no report

**Transportation** – no report

**Water Policy** – no report

***Affiliate Organizations Reports***

**Assessors** – no report

**Clerks** – no report

**County Administrators** – no report

**District Attorneys** – no report

**Engineers and Surveyors** – no report

**Justices of the Peace** – no report

**Sheriffs** – no report

**Tax Collectors** – no report

**Treasurers** – no report

***Other Business***

Commissioner Tammy Baney reported she attended the NACo Leadership Institute Conference in Washington, DC. Commissioner Baney stated that the conference provided her a profound experience on how to push the envelope to be a strong leader.

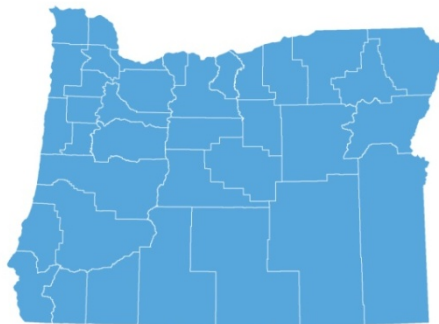
The committee determined it would not meet in July 2011. The next Legislative Committee meeting will be Monday, September 12, 2011.

There being no further business, the meeting was adjourned at 1:45 p.m.



# ASSOCIATION OF OREGON COUNTIES Oregon ADA Complementary Paratransit Plans

FINAL REPORT



April 2011





## Table of Contents

	<b>Page</b>
Introduction/Background .....	1
Methodology .....	3
ADA Planning Workshop .....	3
Definition of Commute Bus and Route Deviation.....	3
Plan Requirements and Template .....	5
Key Findings/Next Steps .....	8
Appendix A. Required Plan Elements	
Appendix B. Paratransit Program Policy Guidance	

## Table of Figures

	<b>Page</b>
Figure 1 Transit Agencies Preparing ADA Complementary Paratransit Plans .....	2
Figure 2 Commute Bus Service for Confederated Tribes of Umatilla Indian Reservation (CTUIR): Hermiston Hopper .....	4
Figure 3 Route Deviation Service: Wallowa Link .....	5

## Introduction/Background

This report summarizes the key activities and findings resulting from a project sponsored by the Association of Oregon Counties (AOC) in conjunction with the Oregon Department of Transportation (ODOT). The purpose of this project was to provide consultant assistance to local jurisdictions throughout the State of Oregon responsible to prepare and adopt Complementary Paratransit Plans as required by the federal Americans with Disabilities Act (ADA). This report:

- Describes the methodology used to complete the project,
- Highlights key findings and observations that emerged from having completed 13 plan documents,
- Suggests next steps for ODOT to consider in providing future program oversight to these and other transit agencies within the State of Oregon, and
- Provides supporting documents that answers questions on related topics.

The ADA, civil rights legislation for persons with disabilities, was signed into law in 1990. Regulations specific to public transportation provisions of the ADA were issued by the federal Department of Transportation (DOT) in 1992, including the requirement that any entity operating fixed-route transit services is also required to provide complementary paratransit for persons whose disabilities prevent their independent use of fixed-route transit. The regulations also specified required service criteria for provision of these paratransit services, as well as eligibility criteria to define which persons are entitled to receive ADA paratransit. The regulations required the provisions be fully implemented by January 1997, and that the entity prepare an ADA Complementary Paratransit Plan to indicate how it intended to come into compliance, and that it regularly update the plan.

This project was prompted, in part, from findings resulting from the Federal Transit Administration's (FTA) review of ODOT's process and procedures for managing federal grant funds and monitoring subrecipient compliance with federal rules and regulations. A portion of ODOT's response to the FTA State Management Review is indicated below:

"Deficiencies were identified in ODOT's process for monitoring subrecipient compliance with the Americans with Disabilities Act (ADA) of 1990. These deficiencies were specifically related to the requirement that each public agency that operates a fixed route public transit service develop and submit a plan indicating how complementary paratransit service requirements are met. The FTA found that the division lacked adequate documentation that the fixed route providers were completing these requirements."<sup>1</sup>

ODOT identified thirteen subrecipients of federal funds and operators of fixed-route service needing ADA Complementary Paratransit Plans and initiated the effort to provide planning assistance to operators. These agencies all receive FTA Section 5311 (Rural Public Transit Assistance) funds and as such represent communities in non-urbanized areas of the state. As discussed further below, some operators already had ADA plans, but others did not. Some transit agencies, for example, Snake River Transit, came into existence well after the passage of the ADA and had never prepared an ADA plan in the first place. All agencies had customer service policies to describe their services and to provide other information for customers. Whenever possible, consultant staff collected and made use of these existing materials, and incorporated them into the final plan document.

---

<sup>1</sup> Response to FTA State Management Review—Oregon, June 25, 2010

A summary of plans that were prepared, and their respective service areas, is indicated in Figure 1 below:

**Figure 1 Transit Agencies Preparing ADA Complementary Paratransit Plans**

Public Transit Agency	Service Area
Albany Transit System	City of Albany
Basin Transit Service Transportation District	Klamath Falls Urban Growth Boundary (UGB), as well as surrounding suburban neighborhoods and other locations beyond the UGB.
Canby Area Transit (CAT)	City of Canby with connections to Wilsonville, Oregon City and Woodburn
Community Connection of Northeast Oregon	Baker, Wallowa, and Union Counties
Coos County Area Transit (C-CAT)	Coos County
Confederated Tribes of Umatilla Indian Reservation (CTUIR)	Umatilla County, with some service provided into Union County, OR, and Walla Walla, Benton and Franklin Counties in Washington State.
Umpqua Transit (U-Trans)	Douglas County, primarily City of Roseburg
Josephine County (JCT)	Josephine County, serving Grants Pass with connections to Grants Pass and North County communities
Sandy City Transit	City of Sandy with connections to Gresham and Estacada
Snake River Transit	Malheur County, Oregon and Payette County, Idaho
Sunset Empire Transit System	Clatsop County serving Warrenton/Astoria and Hwy 101 communities
City of Woodburn	City of Woodburn
Yamhill County Area Transit (YCAT)	Yamhill County, primarily McMinnville and Newberg

# Methodology

## ADA Planning Workshop

To initiate this project, a workshop was convened in Salem on July 28, 2010, which was attended by representatives from the agencies responsible for completing and adopting the plans. The purpose of the workshop was twofold: First, AOC and ODOT staff explained the purpose of the project, and consultant staff highlighted key paratransit requirements of the ADA and elements of the plan. Secondly, consultant staff met one-on-one with each transit agency to learn more about their services and to discuss a specific approach for completing the respective plans.

During this consultation with operators, it was learned that some transit agencies already had an ADA plan, though in some cases it had not been adopted by the policy board. Others did not have an ADA Complementary Plan and needed to develop one from scratch. All agencies had customer service policies that spoke, to some extent, about services for persons with disabilities. Any existing materials, maps, policies and application forms were collected and reviewed as part of the planning process.

Upon conclusion of the interview and review of existing materials, an initial assessment was prepared to suggest steps needed for each operator to complete and adopt a plan.

## Definition of Commute Bus and Route Deviation

Another initial step, which was also clarified during the in-person meetings, was to define the “fixed routes” that would be subject to the plan. This is important because ADA paratransit services must complement established fixed routes, and most operators, in addition to providing fixed-route services, also provide commuter bus service. Some transit operators, such as Tillamook County Transportation District and Community Connection, provide route deviation services. Commute bus and route deviation services are exempt from the requirement of providing complementary paratransit services<sup>2</sup>. Consultant staff worked with transit operator staff to verify that the nature of their commute bus and route deviation services is consistent with the characteristics included in the ADA, and therefore not subject to meeting the ADA paratransit requirements. This task proved somewhat challenging, as guidance for defining both services is limited.

Commuter bus service is described as follows: “Commuter bus service means “fixed route bus service, characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation.”<sup>3</sup>

Consultant staff applied these criteria to each commute bus route provided by the operators. An example is indicated in Figure 2, below.

---

<sup>2</sup> In the case of Tillamook County Transportation District (TCTD), none of their services are subject to ADA paratransit requirements; therefore, it was not required that they submit an ADA plan.

<sup>3</sup> 49 CFR 37.3 [Title 49 – Transportation; Subtitle A -- Office of the Secretary of Transportation; Part 37 -- Transportation Services for Individuals with Disabilities (ADA); Subpart A – General],

**Figure 2 Commute Bus Service for Confederated Tribes of Umatilla Indian Reservation (CTUIR): Hermiston Hopper**

Characteristic	Comments
Did not comprehensively cover service area	Route operates primarily along I-84 corridor and does not provide services within local communities
Limited Route Structure	Route operates along designated corridor and does not deviate into local communities
Limited Stops	The route makes 5 stops.
Routes of extended length, usually between central business and outlying areas	The route is a distance of 29 miles, and entire route takes 70 minutes to complete. Route is 21.31 miles, compared to 7.9 miles for local service routes
Service predominantly in one direction during peak times	1 run per day
Limited Purpose of Travel, e.g. designed for work access	Route is multi-purpose, including access to school, employment, and shopping
Coordinated relationship to other modes, e.g. rail, intercity bus, other service provider	Connections with other CTUIR routes serving Pendleton
Use of multi-ride tickets, e.g. service available daily and at a reasonable cost	N/A. There is no fare.

For those agencies operating route deviation systems, a similar analysis was conducted to confirm its characteristics as a route deviation system. Again, this is important because route-deviation is considered demand response service, and therefore not subject to ADA complementary paratransit requirements.<sup>4</sup> Figure 3, provides an example of how route deviation criteria (as suggested by ODOT and Consultant staff, in the absence of clear regulatory guidance) was applied to Wallowa Link service.

<sup>4</sup> Route deviation service is typically a "hybrid" configuration adapting features of fixed route systems as well as demand responsive curb to-curb systems. In the absence of any requests to "deviate," the service operates as a traditional fixed route system with vehicles following a specific route and making scheduled stops. Unlike traditional fixed route service, however, customers are allowed to request that vehicles deviate to either pick them up or drop them off at a specific location off of the advertised route. After accommodating off-route requests, vehicles return to and continue along the advertised route. Because the service accommodates deviation requests as part of an advertised schedule, vehicles leave and return to the same point along the route. This ensures that all customers who may be waiting for the vehicle will still be accommodated. Deviation service brings the fixed route bus to the curb for the consumer. Therefore, for those who cannot get to the bus stop because of a disability ("category 3" ADA eligibility), it brings the accessible bus to them. [http://www.nap.edu/openbook.php?record\\_id=6348&page=125](http://www.nap.edu/openbook.php?record_id=6348&page=125)

**Figure 3 Route Deviation Service: Wallowa Link**

Characteristic	Comments
Advanced scheduling for deviation is required.	A deviation can be requested on route in advance of pickup.
Deviation must be available to the general public (anyone who asks).	Route deviations are available to the general public.
Deviation must be readily apparent to the potential customer, including on marketing materials, passenger schedules, websites, etc, as appropriate to the service	Updated marketing materials promote availability of route deviation
Must have a written policy and procedure for managing request for deviations, : i.e., customer calls in, request is recorded, approved request included on driver's manifest, trip is recorded, etc.	Written policy is reflected in updated marketing materials

## Plan Requirements and Template

Consultant staff prepared a planning template to guide the development of each plan to ensure the plans addressed all the required elements and were consistent. The planning template is included as Appendix A to this report, and the elements are summarized below:

- General Background and Contact Information
- Description of Fixed-Route Services
- Description of Current Paratransit Services, including Eligibility Process
- Comparison of Current Paratransit Services to Six Required Service Criteria
- Coordination with Other Services
- Public Participation and Information
- Implementation Plan
- Certifications and Resolutions

While most of these planning elements are self explanatory and fairly straightforward, two elements required more extensive analysis. Those elements included: (1) comparing existing paratransit services to the six required service area, and (2) public participation and information. These elements are discussed in more detail below.

## Comparison of Current Paratransit Services to Six Required Service Criteria

The six required paratransit service criteria are as follows:

### 1. Service Area

- Service is required to origins and destinations within corridors with a width of three-fourths of a mile on each side of each fixed route.
- Small areas surrounded by corridors must be served.
- Service is not required outside the boundaries of the jurisdiction(s) in which the transit agency's operates, if it does not have legal authority to operate in that area. This exception applies only when there is a legal bar to the entity providing service on the other side of a boundary.

### 2. Service Hours

- Service shall be available throughout the same hours and days as the entity's fixed- route service.
- Corridors do not need to be served with paratransit when the fixed-route system is not running in them.

### 3. Response Time

- The entity shall schedule and provide paratransit service in response to a request for service made the previous day.
- Reservations may be taken by reservation agents or by mechanical means.
- Reservations must be taken during normal business hours and comparable hours any day before service is operated.
- The entity may permit advance reservations to be made up to 14 days in advance.
- The entity may negotiate pickup times with the individual, but not more than one hour before or after the individual's desired departure time.

### 4. Fares

- The fare shall not exceed twice the fare that would be charged to an individual paying full fare (i.e., without regard to discounts) for a trip of similar length, at a similar time of day, on the entity's fixed route system.
- In calculating the full fare the entity may include transfer and premium charges.
- Companions pay the same fare as the ADA eligible rider.
- An attendant rides free.
- A higher fare may be charged to a social service agency or other organization for agency trips (i.e., trips guaranteed to the organization).

### 5. Trip Purpose Restrictions

- The entity shall not impose restrictions or priorities based on trip purpose.

## 6. Capacity Constraints

- The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:
  - Restrictions on the number of trips an individual will be provided,
  - Waiting lists for access to the service
  - Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons including but not limited to substantial numbers of:
    - significantly untimely pickups for initial or return trips
    - trip denials
    - missed trips
    - trips with excessive trip lengths

Consultant staff verified, by reviewing operators' policies and procedures, maps and schedules, web site information, interviews and other information available, whether each service characteristic is adhered to as required. In the vast majority of the cases, the services provided were consistent with the ADA. Some agencies modified their operations during this project to address inconsistencies. Where steps are needed in order to reach full compliance after adoption of the plan, a brief implementation plan was included, indicating that full compliance would be reached no later than June 30, 2011. Areas of non-compliance included:

- hours of operation for paratransit service did not match those of fixed-route service;
- operators did not indicate they accept trip reservations during operating hours, and
- operators indicated they do experience some capacity constraints.

A summary matrix for each criterion was prepared and included in the plan document.

## Public Participation and Information

The ADA requires that Complementary Paratransit Plans be prepared in consultation with members of the disability community and take other steps to involve adequate public participation. Consultant staff advised transit operators of these requirements and verified that they occurred. Most agencies indicated they consulted with their local advisory body, usually the Special Transportation Fund Advisory (STF) Committee, regarding the plan and provided members with an opportunity to comment.

In addition, the following steps were required:

- Provide members of the public with an opportunity to comment on the draft plan
- Convene at least one public hearing prior to adoption of the plan
- Adopt plan by the agency's policy board

Documentation of the plan's adoption, such as board resolution or record of meeting, was incorporated into the plan as an appendix.

As a final step in preparing the plan, a draft document was sent both to the transit agency and to ODOT staff to confirm accuracy, completeness and clarity. Final revisions were made based on their comments.

## Key Findings/Next Steps

This section summarizes key findings and observations resulting from the planning process.

- 1. All plans were completed in a timely manner.** As mentioned previously, some agencies had ADA plans that were revised, and others initiated a new planning process. Upon completion of this project, all thirteen plans have been adopted. As policy board adoption represents the agency's commitment to ADA compliance, ODOT has indicated the plan is incomplete without such adoption. The vast majority of plans are in full compliance with the ADA, and others (two) expect to reach full compliance no later than June 30, 2011.
- 2. There was no established process for ongoing certification of ADA compliance:** Many of the operators' plans have not been updated in many years, nor has there been an established process for operators to certify ongoing compliance. It is recommended that transit operators receiving federal funding through ODOT be required to certify, on an annual basis, that it remains in compliance with the ADA. ODOT has indicated it will require such annual certification beginning in 2012. As part of this certification process, operators will need to ensure their plans are current and relevant, and updated as needed.
- 3. Virtually all the transit agencies serving rural areas offer general public dial-a-ride services as well as ADA complementary paratransit service.** This means that the general public is entitled to receive demand response services by calling ahead and reserving a ride, without virtue of eligibility status, but are not afforded the rights specified by the ADA (the six required service criteria). Many of the general public dial-a-ride programs have a long history within communities and to a large extent meet the needs of local residents. But many of the agencies lacked a clear separation between the services, in public information and/or policies, even though the general public services may impose capacity constraints or otherwise limit ADA services.
- 4. Perhaps as a result of long-standing dial-a-ride programs, few people have been determined ADA eligible.** For example, two people are ADA eligible in all of Yamhill County. Therefore, unlike larger, urban systems, ADA paratransit certification procedures are not fully operational. Operators tend to rely on a self-assessment and on medical certification rather than on a functional assessment of an individual's ability to use fixed route transit. As ADA paratransit programs grow and mature, operators may need to reconsider their eligibility process and/or otherwise distinguish general public dial-a-ride from ADA services.
- 5. In the process of reviewing operators' paratransit policies, it is apparent that certain of these policies are typically not consistent with recent FTA guidance.** Among these are: (a) providing door-to-door services rather than curb-to-curb services when needed, (reasonable accommodations) (b) establishing policies for customers who have a pattern or practice of no-shows and late cancellations, (c) allowing for personal care attendants and companions to accompany the ADA eligible person and their respective fare requirements, (d) how to negotiate trip times, and (e) provision of materials in accessible formats. Although (with the exception of negotiating trip times) these policies are not specifically tied to the six service criteria, it is important that customer service policies and operator practices be consistent with FTA interpretation in order to not risk a finding of non-compliance with the ADA.

The final step of this project resulted in written guidance to transit operators to clarify expectations for some of the topic items listed above, which are included as Appendix B and will be provided to transit operator staff by ODOT. In addition, ODOT should continue to sponsor, through the Oregon Transit Association and other venues, presentations from experts in ADA compliance, or to otherwise provide technical assistance as needed.

6. **While all transit operators consulted for this project do have customer policies, they are not always readily apparent on their websites or otherwise clearly documented in literature/brochures.** Keeping policies and service information up to date would be helpful to those relying on the services. Transit providers should ensure that all changes in services and policies are clearly documented on their websites and in their promotional literature. This will make it easier for existing and new passengers to utilize transit services; in addition, keeping this information up-to-date will make it easier to assess whether the agency/provider is operating in compliance with the ADA.



# APPENDIX A.

---

## REQUIRED PLAN ELEMENTS



## ADA Paratransit Plan Required Elements and Plan Template

### I. General Background/Contact Information

- a. Agency name and address
- b. Contact person with telephone, fax and email

### II. Description of fixed route services

- a. Overview of population served
- b. Route structure, span of service, and frequency of service (including or referencing schedules and maps as appropriate)
- c. Fare structure
- d. Any additional information relevant to the comparison of fixed route and paratransit serve (in Section IV)
- e. Identification of additional routes considered as commute bus service
- f. Vehicle fleet inventory including accessibility and wheelchair capacity

### III. Description of current paratransit services

- a. Service area
- b. Span of service
- c. Fare structure
- d. Eligibility process (suggest reference to dated, and governing body approved document in an appendix) including the following elements:
  - i. Availability of application materials in accessible format
  - ii. Description of determination process, including method of notifying individuals about determinations
  - iii. System and timetable for processing applications and allowing presumptive eligibility
  - iv. Documentation that will be provided to persons determined ADA paratransit eligible
  - v. Description of the administrative appeals process
  - vi. A policy for visitors

Additional information may be included, such as information on Personal Care Attendants (PCAs) and temporary or conditional certification

- e. Ride reservation process including time period that reservations are accepted (relative to date of trip).
- f. "Certification" that there are no capacity constraints
- g. "Certification" that there are no trip purpose restrictions
- h. "Certification" on availability of door-to-door service
- i. Subscription Service noting
  - i. Subscription service is not prohibited.

- ii. Subscription service may not absorb more than fifty percent of the number of trips available at a given time of day, unless there is non-subscription capacity.
- iii. The entity may establish waiting lists or other capacity constraints and trip purpose restrictions or priorities for participation in the subscription service only.
- j. Any additional information relevant to the comparison of fixed route and paratransit serve (in Section IV)
- k. Identification of additional services considered as general public dial-a-ride or deviated route service
- l. Vehicle fleet inventory including accessibility and wheelchair capacity

#### IV. Comparison of current paratransit with required service elements

- a. Provide a matrix summarizing the six service criteria using the following guidance. Include references to Sections II and III or attached documentation in support of findings.
  - i. Service Area
    - o Service is required to origins and destinations within corridors with a width of three-fourths of a mile on each side of each fixed route.
    - o Small areas surrounded by corridors must be served.
    - o Service is not required outside the boundaries of the jurisdiction(s) in which the transit agency's operates, if it does not have legal authority to operate in that area. This exception applies only when there is a legal bar to the entity providing service on the other side of a boundary.
  - ii. Service Hours
    - o Service shall be available throughout the same hours and days as the entity's fixed route service.
    - o Corridors do not need to be served with paratransit when the fixed route system is not running in them.
  - iii. Response Time
    - o The entity shall schedule and provide paratransit service in response to a request for service made the previous day.
    - o Reservations may be taken by reservation agents or by mechanical means.
    - o Reservations must be taken during normal business hours and comparable hours any day before service is operated.
    - o The entity may permit advance reservations to be made up to 14 days in advance.
    - o The entity may negotiate pickup times with the individual, but not more than one hour before or after the individual's desired departure time.
  - iv. Fares
    - o The fare shall not exceed twice the fare that would be charged to an individual paying full fare (i.e., without regard to discounts) for a trip of similar length, at a similar time of day, on the entity's fixed route system.
    - o In calculating the full fare the entity may include transfer and premium charges.
    - o Companions pay the same fare as the ADA eligible rider.
    - o An attendant rides free.
    - o A higher fare may be charged to a social service agency or other organization for agency trips (i.e., trips guaranteed to the organization).

v. Trip Purpose Restrictions

- The entity shall not impose restrictions or priorities based on trip purpose.

vi. Capacity Constraints

- The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:
  - Restrictions on the number of trips an individual will be provided
  - Waiting lists for access to the service
- Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons including but not limited to substantial numbers of:
  - significantly untimely pickups for initial or return trips
  - trip denials
  - missed trips
  - trips with excessive trip lengths
- Operational problems attributable to causes beyond the control of the entity shall not be a basis for determining that a pattern or practice exists.
- Problems with telephone access would amount to trip denials or a violation of the response time requirement.
- Coordination with other services, including:
  - Identification of adjacent or overlapping service providers
  - Discussion of coordination and connectivity with those providers
  - Coordination goals and objectives
- Public Participation and Information, including:
  - Description of efforts to include persons with disabilities in planning process
  - Availability of the plan in accessible format
  - Documentation that draft plan was subject to public review and comment
  - Documentation that at least one public hearing was held
  - Documentation of policy board approval
  - Documentation of issues raised by the public and how they were/will be addressed

V. Implementation Plan, where required and including:

- a. Steps needed to be taken to come into compliance
- b. Description of proposed services needed for compliance
- c. Timeline for implementation
- d. Resources needed to reach full compliance and plan to attain needed resources

VI. Certifications and Resolutions

- a. Resolution authorizing this plan
- b. Documentation on commuter and/or deviated route services
- c. Annual certifications indicating presence of service changes and impact on plan

VII. Appendix – Supporting Policies

- a. Eligibility (required)
- b. No show and cancelation (suggested)
- c. Policies or procedures for non-ADA eligible persons, if different (suggested)

# APPENDIX B

---

## PARATRANSIT PROGRAM POLICY GUIDANCE



## Capacity Constraints

### What constitutes a capacity constraint ?

ADA regulations prohibit public entities from limiting the amount of complementary paratransit service provided to ADA paratransit eligible persons. These are patterns and practices of limiting access to the service, rather than individual, one-time incidents. Providers are not responsible for operational problems caused by circumstances beyond their control, such as unanticipated weather or traffic problems that affect all vehicular traffic. Correspondingly, denying a limited number of trips due to an unanticipated rise in demand also would be acceptable. However, repeated incidents caused by poor maintenance or excessively tight scheduling would, constitute a capacity constraint.

Actions and situations that are considered to cause limitations, or constraints, include:

- Policies that restrict, or "cap", the number of trips provided to an individual.
- Use of waiting lists for (non-subscription) trip requests that cannot be accommodated. This includes having a "stand-by" list and either calling individuals on the list when there are cancellations or asking riders to call back on the day of service to see if there were cancellations.
- Operational patterns or practices that significantly limit the availability of service. This includes operating a system in such a way that there are a substantial numbers of: untimely pickups; trip denials; missed trips; limited phone reservation capacity; or excessively long trips.

### How do you determine if capacity constraints exist?

As part of a performance monitoring program, a transit agency should include performance measures to define a methodology for monitoring capacity limitations, and standards to specify acceptable levels of performance. Your policies should define what constitutes a "missed" trip, what "on-time" performance means, when a trip has been "denied", and when travel time is too long.

### What constitutes a denial?

Trip denials are primarily associated with the ability to book a trip in accordance with customers' requests.. The regulations permit pickups to be scheduled up to an hour before or after the requested time. For example, suppose a rider requests an 8:30 AM. pick up. You can negotiate a pick up between 7:30 and 9:30 AM (referred to as the scheduling window).

Negotiation of pick up times should consider the rider's appointments or schedule as they relate to the requested arrival and departure times. For example, if a rider indicates that they need a ride home from work, getting off work at 5:00 PM. and requests a 5:15 PM. pickup, the trip should be scheduled between that earliest departure time and one hour later (6:15 PM in this example). It is not consistent with the ADA regulation to offer pickup times that would require the rider to leave work early. Similarly, if a rider indicates that they have an appointment or need to be at work by 9 AM., it would not be correct to offer a pickup time that would require them to arrive late. A latest arrival time should be scheduled with the scheduling window on the early side - i.e. up to an hour before the appointment.

If the provider cannot schedule a ride within the scheduling window, the trip must be tracked as a denial. Even if a rider accepts an offer of a trip that is outside the one hour window, the trip must be tracked as a denial due to an agency's inability to meet the ADA service criteria. Similarly, if only one leg of a round trip can be reserved, and the rider declines the trip, it should be tracked as two denials. If the rider refuses an alternate time that is within the one hour window, it is not a denial for the purposes of ADA compliance.

## How to monitor the other capacity constraint indicators

Neither the ADA nor the FTA have dictated measures and standards for untimely pickups; missed trips; limited phone reservation capacity; and excessively long trips, but stress the need to have methods and reasonable standards in places to monitor these factors. These should be developed with the input of persons with disabilities, codified in agency policies and used on a regular basis.

The following table presents a set of suggested measure for each of these "level of service indicators". It also provides suggested standards based on current industry practices and recent FTA compliance reviews.

Level of Service Indicator	Measure	Standard
Excessive travel time	Time between pick-up and drop-off	FTA findings suggest a standard of: Not to exceed length of comparable fixed route trip plus fixed amount of time (e.g. 20 minutes) to account for wait and transfer times
On-time performance	Percent of trips provided within a given window of time around the scheduled pick up time.  The pickup must occur during the window, not <u>earlier</u> or later to be considered on time. Pickup windows of 30 minutes or less are standard in the industry (and viewed as comparable to fixed-route service waits). Many agencies specify the window to start at the scheduled time (i.e. 0/+20 or 0/+30) versus centering the window around the pickup time (i.e. -15/+15) providing another analogy to fixed route service and greater customer understanding.	Typically between 80% and 95 with the lower range seen in large urban areas with significant and variable traffic.

Level of Service Indicator	Measure	Standard
Missed trips	<p>Percent of one-way trips canceled by the provider or where the vehicle arrives outside of the pickup window.</p> <p>Convention and FTA findings call for a pickup made outside of the window, <u>but accepted by the rider</u> not to be considered missed (just not on-time) but some agencies define these as missed trips in their policies.</p>	The FTA recommends the establishment of a standard but does not suggest target values. Similarly there are no conventions for such a standard in the industry. While a goal of zero should be strived for, an agency standard should be set based on realistic expectations that don't infer a pattern and practice of missed trips,
Maximum hold time for reservation requests	Percent of calls answered within a given period of time	91% of calls should be answered within 3 minutes (per APTA Recommended Practice for Reservation Hold Times for ADA Complementary Paratransit Call Center (2009).

## What additional resources or information is available about capacity constraints?

The FTA Triennial Review Workshop Workbook provides an overview of FTA requirements including questions for review, explanations on the question area content and references to primary the primary FTA guidance. [http://www.fta.dot.gov/documents/FY2011\\_On-line TR Workshop Workbook.pdf](http://www.fta.dot.gov/documents/FY2011_On-line_TR_Workshop_Workbook.pdf)

The Disability Rights Education & Defense Fund (DREDF) published a series of topic guides for transit agencies, riders and advocates on the American with Disabilities Act (ADA) and transportation. These were funded under a cooperative agreement with the Federal Transit Administration (FTA) and released in June 2010. <http://www.dredf.org/ADAatg/>

## Paratransit No-Show and Late Cancellation Policies

### **What does the ADA say about no-show policies?**

The ADA regulations, issued by the Department of Transportation (DOT) stipulate that “the entity (fixed route transit agency responsible for implementing ADA complementary paratransit) may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA paratransit eligible individuals who establish a pattern or practice of missing scheduled trips.” (49 CFR 37.125 (h)).

The first step in developing a policy with respect to no-shows or late cancellations is to do so as part of a public planning process and in consultation with persons with disabilities.

### **What constitutes a pattern or practice?**

A pattern or practice means both a substantial number and above average frequency of no-shows compared to other riders. A pattern or practice involves intentional, repeated or regular actions, not isolated, accidental, or singular incidents. Missed trips that are beyond the rider’s control should not be considered a no-show. Examples of missed trips beyond the riders control include circumstances where the vehicle arrives substantially after the scheduled pickup time, the vehicle is sent to the wrong address, a sudden family emergency, or illness on the part of the passenger.

A policy, for example, of suspending a rider for “three no-shows in one month” does not meet the standard of documenting a pattern or practice. The transit agency should consider establishing a policy that is based on frequency or ratio of overall trip requests rather than absolute numbers.

### **What is required when suspending a passenger?**

- The customer should be notified of no-shows or late cancellations as they occur.
- The customer should be notified in advance if a suspension is to be imposed. Such notification should be provided in accessible formats, if needed.
- The customer should also be informed of his or her rights to appeal the suspension, and must be provided with an appeals process.

### **What administrative procedures should be in place when instituting and administering a policy?**

Customers should be informed of the importance of cancelling trips in a timely manner, and provided with options to communicate with the transit agency should their trip needs change. Such options may include a dedicated telephone line or answering machine, or updating their trip information on-line.

Reliable record keeping and tracking is essential in implementing an effective no-show policy. The transit agency should keep records of no-shows and late cancellations, and inform customers as they occur. The customer should be allowed an opportunity to indicate whether the no-show was beyond his or her control, and the transit agency should have procedures to document such incidents. Ride records should be reviewed to confirm that the no-show was not a result of agency error.

If the first leg of a round trip is considered a no-show, the second leg of the trip should not be automatically considered a no-show; the return ride should be confirmed with the passenger prior to its being cancelled by the agency.

If it is determined that a pattern or practice of no-shows has taken place, the agency should notify the customer and allow for an appeals process. The customer is allowed to continue receiving services until the appeal is resolved.

### **What additional resources or information is available about no-show policies?**

The FTA Triennial Review Workshop Workbook provides an overview of FTA requirements including questions for review, explanations on the question area content and references to primary the primary FTA guidance. [http://www.fta.dot.gov/documents/FY2011\\_On-line\\_TR\\_Workshop\\_Workbook.pdf](http://www.fta.dot.gov/documents/FY2011_On-line_TR_Workshop_Workbook.pdf)

The Disability Rights Education & Defense Fund (DREDF) published a series of topic guides for transit agencies, riders and advocates on the American with Disabilities Act (ADA) and transportation. These were funded under a cooperative agreement with the Federal Transit Administration (FTA) and released in June 2010. <http://www.dredf.org/ADA/g/>

The Transportation Cooperative Research Program (TCRP) Synthesis 60, "Practices in No-Show and Late Cancellation Policies for ADA Paratransit" is available on line at: [http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp\\_syn\\_60.pdf](http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_syn_60.pdf)

## Accessible Formats

### What are the requirements for alternative accessible formats?

Public and private transportation providers must make their communications and information available to people with disabilities through the use of accessible formats and technology (e.g., Braille, large print, audio tape, computer disk, email, TDD/TTYs etc.) to enable customers and potential customers to obtain adequate information about transportation services and the ability to schedule them.

Here are a few examples:

- Schedule and route information must be made available in a format a customer can use to access the bus system.
- An adequate number of phone lines must be available for customers eligible for ADA complementary paratransit to schedule service without experiencing excessive hold times or chronically busy lines.
- All materials associated with the ADA complementary paratransit process (e.g., public information brochure, cover letter, application form, eligibility determination letter etc.) must be available in alternative formats so that eligible and potentially eligible customers can effectively apply for and use ADA complementary paratransit.

### What formats should be offered for blind or visually impaired persons?

Transit agencies should be prepared to provide the format that is requested by the customer. The most common formats are described below.

- **Documents in electronic format:** Many blind or visually impaired persons have computer technology which allows them to read documents in standard WORD format; however, often maps, graphs, charts or photos are not readable and should be described. Documents such as schedules or other materials with graphics may need to be revised accordingly.
- **Large Print:** Depending on the preference of the customer, documents should be available in 14 or 18 point font. The font should be plain.
- **Braille:** Though the population of braille readers may be comparatively small, it is important that this format be offered to those who need it. Braille printers are available for purchase, or documents can be translated into Braille through appropriate service providers or agencies that serve blind or visually impaired persons.
- **Audio:** Since many people who are blind or visually impaired have become accustomed to listening to recorded texts, this alternate format is one that should be available if requested. This means that the document is recorded through a tape recorder or other electronic equipment.
- **Website:** Certain design features can also improve access to the internet for persons with disabilities, and should be taken into consideration when setting up or updating information on agency web sites.

### What accommodations should be offered for deaf or hearing impaired persons?

Persons who are deaf or hearing impaired should be able to access telephone services through a telecommunication device for the deaf, sometimes referred to as “TDD.” Or, allowing for receiving text messages may also facilitate communication for deaf persons.

Relay services can also be arranged through your telephone company. The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities. For more information about the various types of TRS, see the FCC’s consumer fact sheet at [www.fcc.gov/cgb/consumerfacts/trs.html](http://www.fcc.gov/cgb/consumerfacts/trs.html), or visit the Web site of our Disability Rights Office (DRO) at [www.fcc.gov/cgb/dro/](http://www.fcc.gov/cgb/dro/).

**What resources are available in my community to prepare accessible documents?**

Organizations such as Centers for Independent Living, Lighthouse for the Blind, or other organizations serving persons who are blind or visually impaired can provide you with additional guidance on how to prepare materials in accessible formats.

**What additional resources or information is available about accessible formats?**

The American Council for the Blind has an excellent resource on-line to answer many questions about accessible formats at <http://www.acb.org/accessible-formats.html>

Another valuable resource is available through Easter Seals Project Action:  
[http://projectaction.easterseals.com/site/PageServer?pagename=ESPA\\_homepage](http://projectaction.easterseals.com/site/PageServer?pagename=ESPA_homepage)

This website: <http://www.accessible.org/bobby-approved.html> provides information on how to make a website accessible for blind and visually impaired people.

## Personal Care Attendant and Companions on Paratransit

### **What is a Personal Care Attendant (PCA) and a Companion?**

A Personal Care Attendant (PCA) is an individual who travels with an ADA eligible rider to assist that person. A PCA is considered a mobility aide in the same manner as a cane, walker or wheelchair. A companion can be anyone--family member, business associate, friend, date, etc. The provider cannot limit the eligible individual's choice of type of companion.

### **What does the ADA require?**

The ADA requires that an ADA eligible person be allowed to travel with a PCA, and that at least one companion be allowed to accompany the ADA eligible person. More companions may travel if space allows.

The transit authority may require that the eligible individual reserve a space for the companion when the individual reserves his or her own ride. This one individual rides even if this means that there is less room for other eligible individuals. Additional individuals beyond the first companion are carried only on a space available basis; that is, they do not displace other ADA paratransit eligible individuals.

To be viewed as "accompanying" the eligible individual, a companion must have the same origin and destination points as the eligible individual. In appropriate circumstances, entities may also wish to provide service to a companion who has either an origin or destination, but not both, with the eligible individual (e.g., the individual's date is dropped off at her own residence on the return trip from a concert).

### **What fare should be charged a PCA and Companion?**

ADA regulations specify that paratransit service must be provided to PCAs at no cost when traveling with an eligible rider. Companions pay the same fare as the ADA eligible customer.

### **Are transit agencies required to allow PCAs to travel free on fixed route transit?**

Transit authorities are encouraged, but not required, to allow PCAs to ride free on fixed-route trips; traveling with a PCA may eliminate one of the barriers to using fixed route transit. However, transit authorities cannot require the use of a PCA.

### **What additional resources or information is available about Personal Care Attendants?**

Easter Seals Project Action Frequently Asked Questions:

[http://projectaction.easterseals.com/site/PageServer?pagename=ESPA\\_faq](http://projectaction.easterseals.com/site/PageServer?pagename=ESPA_faq)

The Disability Rights Education & Defense Fund (DREDF) published a series of topic guides for transit agencies, riders and advocates on the American with Disabilities Act (ADA) and transportation. These were funded under a cooperative agreement with the Federal Transit Administration (FTA) and released in June 2010 <http://www.dredf.org/ADAtg/>