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FEDERAL TRANSIT ADMINISTRATION

ADA Paratransit Service and Eligibility Requirements FTA Circular 4710.1

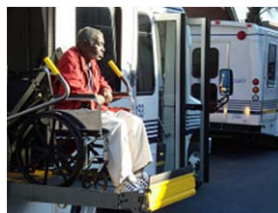
FTA Office of Civil Rights
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U.S. Department of Transportation
Federal Transit Administration

Overview

- Background
- Chapter 8 – Complementary Paratransit Service
- Chapter 9 – ADA Paratransit Eligibility
- Questions



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The 12 Chapters of the ADA Circular

Chapter	Topic
1	Introduction and Applicability
2	General Requirements
3	Transportation Facilities
4	Vehicle Acquisition and Specifications
5	Equivalent Facilitation
6	Fixed Route Service
7	Demand Responsive Service
8	Complementary Paratransit Service
9	ADA Paratransit Eligibility
10	Passenger Vessels
11	Other Modes
12	Oversight, Complaints, and Monitoring

FTA ADA Circular and Paratransit

- Circular does not create new requirements
- Requirements from DOT ADA regulations – 49 CFR Parts 27, 37, 38, and 39
- See FTA ADA Circular Webinar I



What is Paratransit?

- “Safety net” for persons with disabilities who cannot use fixed route
- Each public entity providing fixed route service must provide paratransit service
 - Not required for: commuter rail, intercity rail, or commuter bus services
- Must be comparable to fixed route service



Chapter 8: Complementary Paratransit Service

- Origin-to-destination
- Service criteria
- Capacity constraints
- Trip reservations
- Premium service



Chapter 8: Origin-to-destination

- Door-to-door
- Curb-to-curb
 - If curb-to-curb, then assistance must be provided to passengers needing assistance beyond the curb
- Appendix E examples

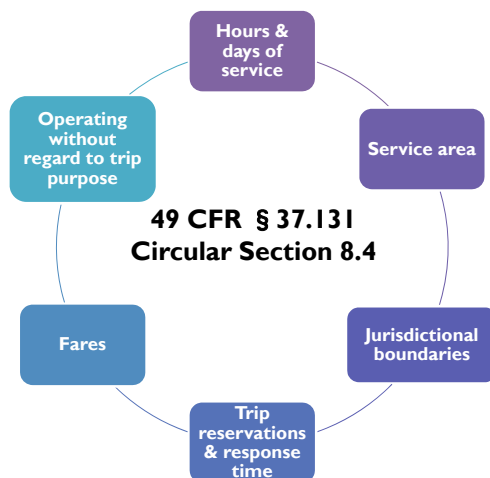


Chapter 8: Transfers

- Traveling inside jurisdiction
 - Must provide attended transfers when an agency's complementary paratransit service is divided into zones and an individual must transfer between zones to arrive at destination
 - Only if individual needs it
- Traveling outside jurisdiction
 - Not required to provide attended transfers when an agency is dropping a rider off to be picked up by another provider outside the agency's jurisdiction



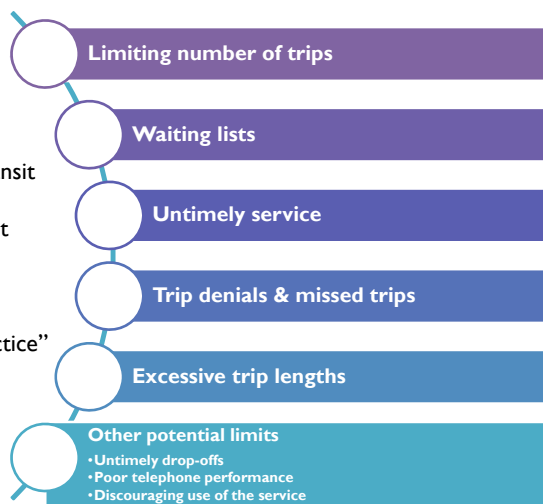
Chapter 8: Service Criteria



Chapter 8: Capacity Constraints

Capacity constraint

- § 37.131(f) prohibits a transit agency from operating complementary paratransit service in a manner that significantly limits the availability of the service through a "pattern or practice" of actions



Chapter 8: Trip Reservations - Negotiations

- Next-day service
 - Not 24 hours in advance
- Negotiate pickup time
 - Within one hour of rider's request



Chapter 8: Trip Reservations - Pickup Windows

- Reasonable window around negotiated pickup time when the vehicle may arrive
 - After negotiated pickup time (0/+20)
 - Bracketed around negotiated pickup time (-15/+15)
- Allowed by FTA
- Cannot be longer than 30 minutes



Chapter 8: Trip Reservations - Arrival Time Considerations

- Arrival-time constraints
 - Discussion of rider's needed arrival time will sometimes be part of the trip scheduling negotiation
 - Agencies are in the best position to know how long a trip will take
- Related capacity constraint:
 - Untimely drop-offs can discourage riders from using service



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Chapter 8: Premium Service

- Agency may provide premium service, but is NOT required to
- May charge higher fares for premium services
- Examples:
 - Same-day trips
 - “Will-call” trips
 - Trips beyond the minimum $\frac{3}{4}$ -mile service area
 - Trips before or after fixed route service hours



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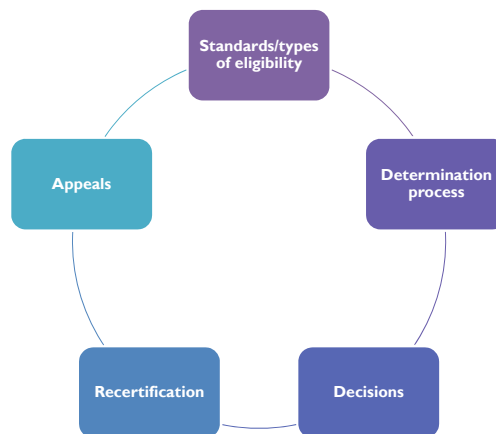
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Chapter 9: ADA Paratransit Eligibility

- Eligibility determination process
- Personal care attendants/
Companions
- Access to information
- No-Show policies



Chapter 9: Eligibility Determination Process



Chapter 9: Eligibility Considerations

- 3 eligibility categories
- Ability to use fixed route independently
- Current functional ability
- Young children
- Residence not a factor



Chapter 9: Eligibility Decisions

- Eligibility determination process: local process
- Types of eligibility
 - Unconditional
 - Conditional
 - Temporary
- Strictly limiting eligibility



Chapter 9: Eligibility Decisions (Cont'd)

- Make timely decisions
 - Eligibility decisions not completed within 21 days of submission, must be treated as eligible on 22nd day until decision is made
- Written decisions
 - Eligible: documentation
 - Ineligible (including conditional): must provide specific reason and appeals information
- Sample eligibility determination letters
 - Attachment 9-2
 - Shows example of specificity



Chapter 9: Appeals

- Notification of appeal rights
 - 60 days to request appeal
- Right to be heard in person
 - Cannot require appeals in writing
- Sample Appeal Request Form
 - Attachment 9-3
- Separation of functions
- Timely appeal decisions
 - Written appeals decisions
 - Presumptive eligibility after 30 days



Chapter 9: PCAs/Companions

- **Personal care attendant (PCA)**
 - “someone designated or employed specifically to help the eligible individual meet his or her personal needs”—not typically for travel
 - Rides for free
- **Companion**
 - Accompanies ADA paratransit rider
 - Pays same fare as accompanied rider
- **Eligibility considerations**
 - May ask applicants whether they travel with a PCA during eligibility determination process
 - Having a PCA does not have bearing on eligibility



Chapter 9: Access to Information

- **Accessible information and materials**
 - ADA paratransit materials in usable format
- **Title VI language access**
 - Meaningful access for LEP individuals
 - Vital documents includes ADA complementary paratransit eligibility application



Chapter 9: No-Show Policies

- May suspend riders who establish a “pattern or practice of missing scheduled trips”
- Consider frequency of use
- Late cancellation (less than 1-2 hours before pickup)
- Only no-shows within rider’s control are counted toward pattern or practice



Chapter 9: No-Show Policies - Due Process

- Notify rider of proposed suspension *in writing*
- Notify rider of the right to appeal
 - In-person appeal if desired
- Suspensions stayed pending outcome of appeal



Chapter 9: No-Show Policies - Duration of Suspensions

- Reasonable period of time
 - First offense: e.g., up to one week
 - Additional offenses: e.g., a few days longer than prior suspensions
- Subsequent offenses may justify longer suspensions
- Suspensions >30 days generally considered to be excessive
- Sample no-show policy
 - Attachment 9-4

