Overview

• Background
• Chapter 8 – Complementary Paratransit Service
• Chapter 9 – ADA Paratransit Eligibility
• Questions
The 12 Chapters of the ADA Circular

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

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 1
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

49 CFR § 37.131
Circular Section 8.4

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

Limiting number of trips
Waiting lists
Untimely service
Trip denials & missed trips
Excessive trip lengths

Other potential limits
- Untimely drop-offs
- Poor telephone performance
- Discouraging use of the service
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

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 ¾-mile service area
  – Trips before or after fixed route service hours
Chapter 9: ADA Paratransit Eligibility

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

Chapter 9: Eligibility Determination Process

- Standards/types of eligibility
- Determination process
- Recertification
- Decisions
- Appeals
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 cancelation (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