



U.S. Department
of Transportation
**Federal Transit
Administration**

Headquarters

East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

August 21, 2014

Joanne L. Carlyle
City of High Point
City Attorney
211 South Hamilton Street
High Point, NC 27261

Re: FTA Complaint No. 14-0067

Dear Ms. Carlyle:

This letter is to notify you that the Federal Transit Administration (FTA) Office of Civil Rights has completed its investigation of the above-referenced Americans with Disabilities Act (ADA) complaint filed against High Point Transit System (HiTran). The FTA Office of Civil Rights is responsible for ensuring that providers of public transportation comply with the ADA, Section 504 of the Rehabilitation Act of 1973, and the U.S. Department of Transportation (DOT) implementing regulations at 49 CFR Parts 27, 37, 38, and 39.

In the FTA complaint investigation process, we analyze allegations for possible ADA deficiencies by the transit provider. If deficiencies are identified, they are presented to the transit provider and assistance is offered to correct them within a predetermined timeframe. If FTA cannot resolve apparent violations of the ADA or the DOT ADA regulations by voluntary means, formal enforcement proceedings may be initiated against the public transportation provider, which may result in the suspension or termination of federal funds. FTA also may refer the matter to the U.S. Department of Justice (DOJ) for enforcement.

Allegations

In the present complaint, a paratransit eligible rider alleges that HiTran refused a request for service on August 16, 2013. The complainant contacted HiTran's complementary paratransit service, Dial-a-Lift, to schedule a ride to Guilford Technical Community College (GTCC). Personnel at HiTran informed him that complementary paratransit service was not available to GTCC because Route 25, the corresponding fixed bus route that serves the college, is a commuter route.

Analysis

As part of its investigation, FTA sent an information request to HiTran. The request sought clarification regarding HiTran's designation of Route 25 as a commuter route. The distinction is important because, unlike regular fixed route service, commuter bus service is not subject to the requirements for ADA complementary paratransit service (49 CFR §37.121(c)).

Determining whether a particular bus route is a commuter route exempt from the paratransit requirement is a case-by-case assessment based on the characteristics of the route. One needs to assess whether the route meets the definition of “commuter bus” outlined in the DOT ADA regulations at 49 CFR §37.3 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.

In its April 9 response to FTA, HiTran confirmed that it considers Route 25 to be a commuter route exempt from the complementary paratransit service requirement. To support its assertion, HiTran states the route was established in 1980 and designed to transport students from High Point to the main campus at GTCC. Since its inception, the route has not changed, other than having two additional runs added in 2010 to accommodate for crowding. The route originates in the central business district of High Point at the Broad Avenue Terminal and ends at GTCC; and is 7.4 miles in each direction, making it two times the average length of other HiTran routes. The headway is irregular, making eight trips per day—five of those trips in the direction of GTCC and three in the direction of the Central Business District. There are 14 outbound stops and 20 inbound.

Additionally, HiTran states in its response that “for all practical purposes Route 25 amounts to a university bus system because route 25 is the only route that services GTCC, GTCC is the last drop off point on the line and GTCC students access the bus service.”

After reviewing your response and the characteristics of Route 25, FTA disagrees with your assessment that Route 25 is a commuter bus route or a “university” bus service, which would also exempt the route from the ADA complementary paratransit requirement.

In response to HiTran’s assertion that Route 25 is a commuter route, FTA notes that Route 25 runs in both directions throughout the day and is not limited to particular peak hours. The first bus leaves at approximately 7:15 a.m. and runs periodically throughout the day until 5:15 p.m. The route also has stops every half mile or so (14 stops and 20 stops over 7.4 miles in each direction), plus flag stops. Multi-ride tickets are not used, and there is no difference in fare between Route 25 and other HiTran routes. There is also no coordinated relationship between the route and another mode of transportation. Finally, the fact that Route 25 is longer than the average HiTran route, at 7.4 miles, is not dispositive of commuter service. We also note that Route 25 serves several seemingly important destination points, including GTCC, High Point University and other schools; shopping centers; the regional hospital; a city hall; and a post office.

Route 25 also does not meet the criteria to be designated as “university” service under 49 CFR §37.25 of the DOT ADA regulations. To qualify as a university bus service HiTran would have to operate the route at the request of, under contract to, funded by, and for the purposes of the university. A route does not become “university service” simply because it serves or passes through a university. Information provided by HiTran clearly shows Route 25 provides service for anyone along the route. Such routes are part of the transit agency’s regular fixed route system and are subject to the requirements for complementary paratransit.

Conclusion

We recognize that HiTran has classified Route 25 as commuter service for many years and regret that the deficiency was only identified after the filing of this complaint. It is apparent, however, that Route 25 lacks the basic criteria required to be classified as a commuter route under the DOT ADA regulations. We therefore direct HiTran to submit to FTA a plan for meeting its obligation to provide ADA complementary paratransit along Route 25 consistent with Subpart F of 49 CFR Part 37. The plan should include specific, reasonable timeframes for implementation of corrective actions.

Please submit HiTran's plan within 30 days of the date of this letter to my attention. If you have any questions, please contact me or Amy Nicholas at (202) 366-1340 or via e-mail at *amy.nicholas@dot.gov*. Thank you for your continued assistance.

Sincerely,



Dawn Sweet
Acting Team Leader
Office of Civil Rights

cc: Complainant 14-0067
FTA Region 4
DOJ