



F E D E R A L T R A N S I T A D M I N I S T R A T I O N

Durham Area Transit Authority
Fixed Route Bus Accessibility,
Equipment Maintenance, Reliability, and Use Review
Final Report
December 2015
Federal Transit Administration



U.S. Department of Transportation
Federal Transit Administration

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- A FTA Notification Letter to Durham Area Transit Authority

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Executive Summary

Objective and Methodology

This report reviews the Durham Area Transit Authority's (DATA – branded as “GoDurham”) fixed route bus service in Durham, North Carolina and surrounding Durham, Wake, and Orange Counties. Its objective is to verify whether DATA is meeting its obligations under the Americans with Disabilities Act (ADA) to provide service to persons with disabilities in accessible fixed route vehicles.

This compliance review included three stages:

1. Preparation: compilation of information covering policies, procedures and outreach to riders and local disability organizations
2. Site visit: a two-person review team's observation of DATA's vehicle maintenance practices, pre-trip inspections, in-service accommodation of riders with disabilities, policies and procedures for lift and securement use, complaint resolution process, training programs, and inspections of accessibility components
3. Analysis and reporting: identification of deficiencies requiring corrective actions and suggestions of effective practices in complementary paratransit service

DATA representatives are committed to operating high quality, accessible fixed route bus service. Its fixed route service includes the following positive program elements:

Positive Program Elements

- DATA's entire fleet is equipped with automated ramps that drivers can manually deploy if the switch isn't working.
- During the 12 months prior to the review team's site visit, DATA made only one road call for a problem related to accessibility equipment (to address a warning light on the driver's instrument panel).
- DATA uses technology to conduct and monitor its pre-trip bus inspections, which helps drivers efficiently inspect the buses, and results in better record keeping.

DATA can easily correct the following administrative deficiencies to bring their program into compliance with 49 CFR Parts 27, 37, and 38:

Administrative Deficiencies

- DATA must revise its definition of “wheelchair” in the instructions that it provides to its drivers so that the definition includes any three- or more-wheeled device rather than “three- or four-wheeled device.”
- DATA must publicly advertise the name and/or title of its ADA coordinator along with the telephone number, email and mailing address, and publicly explain its accessible complaint procedures.

DATA must address the following substantive deficiencies that need to be addressed to bring their program into compliance with 49 CFR Parts 27, 37 and 38:

Substantive Deficiency

- DATA's model year 2010 Gillig buses lack a sign identifying one of its two securement areas.

Please see Section 6 for a discussion of all five deficiencies. The Summary Table of Compliance Review Findings (following Section 6) lists all findings. DATA must address all deficiencies within 60 days of receipt of this report.

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1 General Information

This chapter provides basic information concerning this compliance review of the Durham Area Transit Authority. Information on the Durham Area Transit Authority, the review team, and the dates of the review are presented below.

Grant Recipient:	Durham Area Transit Authority (DATA)
City/State:	Durham, NC
Grantee Number:	4087
Executive Official:	Harmon Crutchfield, Assistant Director, Transit and Parking Services, City of Durham
On-site Liaison:	Brian Fahey, Transit Administrator
Report Prepared By:	the Collaborative, Inc.
Dates of Site Visit:	July 14-16, 2015
Review Team Members:	Bill Schwartz Jim Purdy David Chia

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2 Jurisdiction and Authorities

Public entities that operate fixed route transportation services for the general public are required by the U.S. Department of Transportation (DOT) regulations implementing the Americans with Disabilities Act of 1990 (ADA) to provide equipment that meets the specifications contained in 49 CFR Part 38, Subpart B. These regulations (49 CFR Parts 27, 37, 38, and 39) also include complaint handling, service, training, and equipment maintenance requirements. When accessibility equipment is out of order, a transit agency must also take reasonable steps to accommodate riders who would otherwise use the equipment.

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the ADA and the DOT regulations implementing the ADA.

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3 Purpose and Objectives

This chapter discusses the purpose and objectives of FTA's Accessibility Equipment Maintenance, Reliability, and Use compliance reviews and the review process.

3.1 Purpose

Pursuant to 49 CFR §§ 27.19 and 27.123, as part of its oversight efforts, the FTA, through its Office of Civil Rights, conducts periodic reviews of fixed route services operated by its grantees. Compliance with all applicable requirements of the Americans with Disabilities Act (ADA) of 1990 (42 USC 12101-12213) including the DOT ADA Regulations, is a condition of eligibility for receiving Federal financial assistance.

3.2 Objectives

The primary objective of this review is to verify whether a public operator of fixed-route transit service that benefits from FTA funding is meeting its obligations under the ADA regarding accessibility equipment and its use and maintenance. This review examines the Durham Area Transit Authority's (DATA) bus accessibility equipment and the policies, procedures and operations of the DATA's operating procedures; maintenance; training; and complaint process.

The review team observed operations and maintenance activities, and reviewed records and operating documents. To verify the accuracy of the public operator's reported information and evaluate its methodology, the review team also conducted its own independent analysis of sample data. In addition, FTA solicited comments from eligible riders and from local disability organizations.

This report summarizes findings and advisory comments. Findings of deficiency require corrective action and/or additional reporting. Advisory comments are statements detailing recommended or suggested changes to policy or practice to ensure best practices under the ADA.

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4 Introduction to the Durham Area Transit Authority

The Durham Area Transit Authority (re-branded in 2014 as “GoDurham”) of Durham, North Carolina provides local bus and paratransit service. DATA is one of six transit agencies and two universities in the Research Triangle region of North Carolina that partner with GoTriangle. These eight entities work together to provide public transit and other transportation options. Based on the FY 2013 National Transit Database (NTD), approximately 240,000 people live in the DATA service area, which covers approximately 93 square miles.



For information on GoDurham, see www.durhamregionaltransit.com.

4.1 Introduction to DATA Services and Organizational Structure

DATA operates fixed route and complementary paratransit services Monday-Saturday from 5 a.m. to 11:30 p.m., with shorter hours on Sunday. At the time of the site visit, DATA operated 16 bus routes, all directly. Based on FY 2013 NTD, average weekday bus ridership is 21,448 and annual ridership is 6,540,278.

DATA’s fixed route fleet, summarized in Table 4-1, comprises 56 buses, all low-floor and ramp-equipped. The buses are all ramp-equipped 40-foot Gilligs ranging from model year 2003 to 2012. Buses for model years 2003, 2005, and 2008 are identical ramp systems.

Table 4.1 – DATA Fixed Route Bus Fleet

Make, Year	Number	Length	Ramp/ Lift
Gillig, 2003	24	40’	ramp
Gillig, 2005	1	40’	ramp
Gillig, 2008	6	40’	ramp
Gillig, 2010	20	40’	ramp
Gillig, 2012	5	40’	ramp
Total	56		

DATA's single bus garage and vehicle maintenance facility is at 1820 North Miami Boulevard in Durham. DATA's administrative office is at 1907 Fay Street, Durham, adjacent to the garage.

The base fare is \$1.00 and the fare for persons with disabilities is 50 cents. Senior citizens and children 12 years and under do not pay a fare. Rides on the Bull City Connector, one of DATA's fixed routes, are free.

Mr. Brian Fahey, Transit Administrator, provided, the following information on DATA's administrative structure:

Consistent with and as reasonably permitted by funding provided by the City of Durham for transit services, GoTriangle manages and operates Durham's transit services, and is responsible for transit service planning, recommend changes to routes, bus stop locations, frequencies of service and other operational characteristics to improve efficiency and effectiveness, plan and conduct transit marketing, work to increase ridership, and seek to improve customer satisfaction with these services.

To facilitate the management and operation of Durham's transit services consistent with North Carolina Law, the City of Durham and GoTriangle agreed to continue utilizing Durham City Transit Company (DCTC) (a legal entity) as the employment vehicle for all fixed route transit service personnel and the funding vehicle for Durham's fixed route service operations. DCTC is a subsidiary corporation of the current fixed route service contractor. The ownership of DCTC is contractually required to be transferred to any successor fixed route service contractor. All persons engaged in the day-to-day provision of the fixed route service are employees of DCTC. No one engaged in the day-to-day provision of the fixed route service is an employee of the parent corporation of DCTC (currently First Transit, Inc).

GoTriangle currently contracts directly with First Transit, Inc. and oversees all significant operational activities of First Transit and ensures that all transit services are in compliance with all applicable Federal, state, and local regulations.

First Transit, Inc. manages the operations of the fixed route transit services under the supervision and direction of GoTriangle and by utilizing the subsidiary corporation, DCTC.

This administrative structure means that the City of Durham contracts with a private entity (see Section 0) and well as with another public entity. (See Section 6.8.)

5 Scope and Methodology

The purpose of this review is to provide FTA with a tool for determining whether a public operator of a fixed-route system is in compliance with requirements under the ADA regarding accessibility equipment and its maintenance, reliability, and use. However, the deficiencies identified and findings made in this report are by necessity limited to the information available to and the observations made by the review team at the time of the site visit. A lack of findings in a particular review area does not constitute endorsement or approval of an entity's specific policies, procedures, or operations; instead, it simply indicates that no deficiencies in the delivery of service were observed at the time of the review.

The scope of the review and the methodology employed by the review team are described in detail below.

5.1 Scope

The review team examined how DATA operates and maintains accessibility equipment, trains employees and resolves complaints in compliance with the DOT ADA regulations for:

- Complaint resolution and compliance information (49 CFR §§ 27.13(a)-(b) and 27.121(b))
- Nondiscrimination (49 CFR § 37.5)
- Service under contract (49 CFR § 37.23)
- Maintenance of accessibility features (49 CFR § 37.161)
- Reporting failures; removing vehicles from service; alternative transportation (49 CFR § 37.163)
- Lift and securement use (49 CFR § 37.165)
- Lift deployment; securement area use (49 CFR § 37.167)
- Training requirements (49 CFR § 37.173)
- Accessibility equipment specifications for fixed route buses (49 CFR Part 38, Subpart B)
- Although this review did not focus directly on compliance with stop and route identification announcements, it also looked at the following regulatory requirements:
 - Stop announcements (49 CFR § 37.167 (b))
 - Identifying vehicles and/or passengers (49 CFR § 37.167 (c))

5.2 Methodology

The FTA Office of Civil Rights sent a notification letter on June 4, 2015 to the City of Durham's assistant director, transit and parking services, Mr. Harmon Crutchfield, confirming the time frame for the review and asking him to send information to the review team within 15 days of the date of the notification letter. (See Attachment A.)

Before the site visit, the review team examined the following service information:

1. DATA's system route map
2. DATA's bus routes and schedules
3. Routes that DATA directly operates (all)
4. Location of garage
5. Bus fleet inventory identifying year, make, garage, and type of accessibility features (i.e., whether each vehicle is accessible by lift or ramp, and/or whether or not low floor)
6. Description of DATA's lift/ramp maintenance practices identifying the location and individual(s) maintaining the lift

7. DATA's current fixed route operator manuals, notices, or other documents informing operators about lift/ramp operations and maintenance policies
8. DATA's reports or other documentation regarding lift operation, maintenance and reliability monitoring activities and findings
9. List of complaints related to bus lifts/ramps and other accessibility equipment filed with DATA since the beginning of 2014

DATA made additional information available during the visit:

1. Copies of DATA's most recent policies, procedures and maintenance requirements regarding the use, deployment and maintenance of lifts, ramps and other accessibility equipment, and the requirement to provide alternative transportation
2. Maintenance records and reports, as requested
3. Employee discipline records
4. Copies of DATA's most recent policies and procedures regarding complaint recording, documentation, handling, and retention; policies and procedures for handling ADA-related complaints

The site visit took place from July 14–16, 2015. The review began with an opening conference, held at 9 a.m. on July 14, 2015, at the DATA offices at 1907 Fay Street, Durham, NC. As part of this meeting, the review team presented a proposed schedule for the remainder of the site visit. The following people attended the meeting:

- Brian Fahey, Transit Administrator, GoDurham
- Brian Andrews, Operations Manager, GoDurham
- Sean Smith, General Manager, GoDurham
- Bob Losiniecki, Maintenance Manager, GoDurham
- John Day, Program Manager for Policy and Technical Assistance, Federal Transit Administration (via telephone)
- Jim Purdy, Review Team Leader, the Collaborative
- Bill Schwartz, Review Team Member, the Collaborative

Following the opening conference, the review team toured the DATA bus maintenance and operations facility located at 1820 North Miami Boulevard. They discussed with DATA and City of Durham staff the information they received in advance, as well as the information available on site, including DATA's policies and procedures to ensure the reliability of vehicle lifts, ramps, and other accessibility equipment.

The review team discussed DATA's process for recording and responding to customer complaints. Subsequently, the review team analyzed how DATA handled its ADA-related complaints. They also reviewed vehicle fleet information and ensured that the buses complied with the DOT ADA vehicle specifications.

On Wednesday July 15, the review team observed DATA's morning pullout, including drivers' pre-trip inspections. Later in the morning, reviewers met a local resident who uses a wheelchair and accompanied that individual on two DATA bus rides to observe how drivers assist in:

- Boarding the bus
- Securing the wheelchair
- Unsecuring the wheelchair
- Alighting the bus

The review team also began analyzing vehicle maintenance and road call data to determine if DATA is using buses with inoperable ramps.

On Thursday July 16, the review team analyzed vehicle pullout data and other information in preparation for the exit conference, which took place at 4 p.m. at the DATA office, attended by:

- Harmon Crutchfield, Assistant Director, Transit and Parking Services, City of Durham
- Pierre Owusu, Senior Transportation Planner, City of Durham
- Brian Fahey, Transit Administrator, GoDurham
- Brian Andrews, Operations Manager, GoDurham
- Matthew Wrenn, Safety Manager, GoDurham
- Bob Losiniecki, Maintenance Manager, GoDurham
- John Day, Program Manager for Policy and Technical Assistance, FTA (via telephone)
- Jim Purdy, Review Team Leader, the Collaborative
- Bill Schwartz, Review Team Member, the Collaborative
- David Chia, Review Team Member, the Collaborative (via telephone)

DATA received a draft copy of the report for review and response. DATA did not provide any comments to FTA.

5.3 Stakeholder Interviews

Before the site visit, the review team contacted several agencies in Durham to identify people with disabilities who use DATA's fixed route buses, including the same rider that it accompanied on the aforementioned fixed route trips. He expressed satisfaction with the service DATA provided and had no concerns or complaints regarding its bus services.

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6 Findings and Advisory Comments

This chapter details the findings for each of the areas pertinent to the regulations found in 49 CFR Sections 27, 37 and 38 outlined in the Scope and Methodology section above. For each area, an overview of the relevant regulations and a discussion of the regulations as they apply to DATA's fixed route transportation system are provided below, with corrective actions and a timetable to correct deficiencies for each of the requirements and sub-requirements, where necessary.

Findings are expressed in terms of "deficiency" or "no deficiency." Findings of deficiency denote policies or practices found to not comply with the DOT ADA regulations or matters, for which FTA requires additional reporting to determine whether an ADA compliance issue exists.

Findings of deficiency shall always require corrective action and/or additional reporting, and will always be expressed as:

- A statement concerning the policy or practice in question at the time of the review
- A statement concerning the DOT ADA requirements being violated or potentially being violated
- A statement concerning the required corrective action to resolve the issue

Advisory comments are statements detailing recommended or suggested changes to policies or practices to ensure best practices under the ADA or otherwise assist the entity in achieving or maintaining compliance.

6.1 Accessibility Equipment Specifications

Requirement: Under 49 CFR § 37.7, transit vehicles must comply with the standards established under 49 CFR Part 38, "Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles," in order to be accessible. Subpart B, which covers "buses, vans and systems," includes the specifications that apply to vehicles used in fixed route bus operations.

Discussion: During this compliance review, two deficiencies were found with DATA's accessibility equipment that did not meet the 49 CFR Part 38, Subpart B requirements. An advisory comment is also made regarding the visibility of priority seating signs.

The review team inspected representative examples of DATA's three different bus models:

1. Gillig 40-foot bus equipped with front door ramp (model years 2003, 2005, and 2008)¹
2. Gillig 40-foot bus equipped with front door ramp (model year 2010)
3. Gillig 40-foot bus equipped with front door ramp (model year 2012)

The review team checked each vehicle type for conformance with the Part 38 specifications, and identified the following two deficiencies:

- The 2010 Gillig bus lacks a sign identifying one of its two securement areas
- The only forward-facing seats, located in the back of the 2012 Gillig bus, lack priority seating signs. The side-facing seats near the front door have priority seating signs.

DATA's signs designating priority seating and securement areas are worded correctly. The signs have black lettering on a clear background for legibility, which complies with the Part 38 specifications. However, the lettering is not easily legible at night because the signs are affixed to windows. (See Figure 6-1.)

¹ GoDurham's buses for all three model years have the same type of ramp and other accessibility equipment.

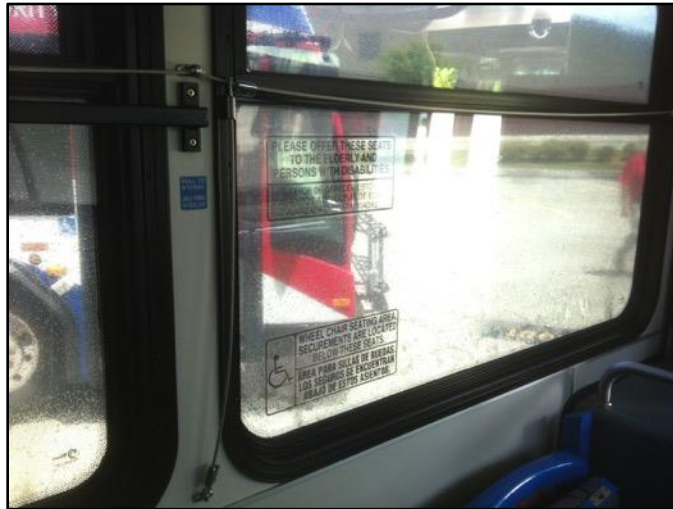


Figure 6-1 – Signage for Priority Seating and Securement Area

Corrective Action Schedule: Within 60 days of the issuance of the final report, DATA must affix signs identifying both securement areas on each bus model. In addition, DATA must affix a sign adjacent to one of the forward-facing seats on the 2012 model year buses to designate priority seating.

Advisory Comment: When using see-through priority seating signs, an effective practice is to affix such signs against light-colored bus walls (i.e., between the window and the top of the seat) to contrast the lettering with the background.

6.2 Use of Accessibility Equipment

Requirement: Under 49 CFR § 37.165, transit providers must transport the wheelchair and occupant if the lift and vehicle can accommodate the wheelchair and occupant. The entity may decline to transport a wheelchair/occupant if the combined weight exceeds that of the lift specifications or if carriage of the wheelchair is demonstrated to be inconsistent with legitimate safety requirements.² Transit providers may determine whether or not to establish a policy requiring that wheelchairs be secured during transport.

Vehicle operators (drivers) must assist passengers in the use of the lift, ramp, and securement systems.

Under 49 CFR § 37.167, transit providers must ensure that individuals with disabilities have adequate time to complete boarding (which includes reaching a seat or securement location) or exiting the vehicle.

Transit providers must permit mobility device users to board facing forward or backward. Under Section 38.23, lifts must accommodate both inboard and outboard facing of wheelchair and mobility aid users.

Transit providers are required to permit a passenger who uses a lift or ramp to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, would be damaged if it were deployed, or temporary conditions at the stop not under the control of the transit provider precludes the safe use of the stop by all passengers. The transit provider must deploy lifts or ramps for persons who do not use wheelchairs, including standees.

² “Legitimate safety requirements” is an objective factor (not subjective) and applies solely in the context of accommodating mobility devices that exceed the minimum requirements for vehicles and equipment. Appendix D to §37.165 provides the example of a wheelchair of a size that would block an aisle and interfere with the safe evacuation of passengers in an emergency. Speculation that a particular wheelchair may be difficult to accommodate is not a basis for making such a determination; if a lift appears to be straining under a weight that is within its design load, vehicle age or maintenance practices may be a factor.

Vehicle operators are required to ask individuals sitting [in] a fold-down or other movable seat in a wheelchair securement location” to move for those riders with disabilities who need to use the securement area. Transit providers may adopt mandatory “move” policies.

Discussion: During this compliance review, a deficiency was found with the definition of wheelchair that DATA uses in information provided to its bus drivers.

DATA’s operations manager issued a memo to drivers and supervisors in October 2010 on how to use the bus kneeler, stating:

This is to clarify DCTC-DATA’s expectations as it relates to the bus kneeling system:

When a passenger requests a driver to lower the kneeler, the driver is to do so without argument or judgment...

Should a driver find that the bus kneeling system is inoperable, it should be reported on the Vehicle Condition Report for repair like any other malfunction.

DATA issued the following instructions to drivers in an August 2014 memo, entitled “Discipline for Violation of ADA”:

CONFORMING MOBILITY AIDS

All people using mobility devices shall be accommodated on DCTC-DATA services. This definition includes mobility aids meeting all seven of the following requirements:

- a. Three- or four-wheeled device
- b. Manually operated or powered
- c. Usable indoors
- d. Designed for and used by individuals with mobility impairments
- e. Not exceeding 30 inches in width when measured 2 inches above the ground
- f. Not exceeding 48 inches in length when measured 2 inches above the ground
- g. Not exceeding 600 pounds combined weight of aid and occupant

Mobility devices meeting all of these requirements shall be considered Conforming Mobility Aids.

NON-CONFORMING MOBILITY AIDS

Under certain circumstances, DCTC-DATA will allow the transportation of users of non-conforming devices. Such devices include any mobility aid not meeting all seven of the above criteria, including devices with 2 or fewer, or 5 or more wheels; devices not specifically designed for users with mobility impairments, and devices exceeding the maximum dimensions of width, length, and/or occupied weight. It shall be the DCTC-DATA goal to transport users of non-conforming devices if they can safely and efficiently board, ride, and alight from DCTC-DATA vehicles without damaging either the vehicle or the mobility device.

In this August 2014 memo, DATA uses an incorrect definition of “wheelchair,” limiting the device to either three or four wheels. As set forth in 49 CFR § 37.3:

Wheelchair means a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

DATA uses a US DOT “Participant Manual” (2010) the Transportation Safety Institute developed as its primary document for driver training. In the section “Lift and Securement devices” (page 3-83), the manual provides the following instructions:

1. Any customer with a mobility problem may ask to use the lift.
2. Lifts must be cycled every day.
3. If you find some required straps and devices missing during pre-trip inspection, you should contact the dispatcher before leaving the yard.
4. Operators must report defects and lift failures to the dispatcher in the most immediate manner.
5. Whenever a possibility exists that a customer with a disability may be delayed more than 30 minutes due to a failure of the lift, you are required to report the situation to the dispatcher. The transit system is then required to provide an alternative method of transportation.
6. Operators may recommend to customers that they transfer to regular fixed seating in the bus. However, the bus operator cannot require a customer with a disability to move into fixed seating.
7. If the customer chooses to move to fixed seating, then the mobility device must be completely secured with tie-downs.
8. Operators are required to provide assistance to customers with disabilities by, using securement devices, repositioning mobility aids, and storing walkers and crutches.
9. Operators must permit customers with disabilities to use the lift or ramp to board and alight from the bus whether or not they use a mobility aid.
10. Customers who use mobility aids may ride up and down on the lift while facing towards or away from the side of the bus.
11. Seat belts and shoulder harness straps must be provided for all customers using mobility aids.
12. Transportation cannot be denied to customers’ mobility aids if belts or straps are missing or inoperative.
13. You must provide the same service to a customer with a disability as provided to customers without disabilities.
14. A customer with a disability is allowed to have one attendant; however, you cannot require a person with a disability to travel with an attendant.

The following instructions in the section “Lift Operation” (page 3-84) also apply to ramps:

1. Thoroughly inspect the lift; cycle the lift through the entire operation. If there is any malfunction, report the problem to the dispatcher before you go into service.
2. As you pull into the bus stop, look for customers using mobility aids, walkers, or crutches that may need to use the lift. Position the bus in the best possible location for deploying the lift.
3. Make sure there is sufficient room to board the lift.
4. Apply the parking brakes. Boarding a customer who has a disability may require you to leave the drivers seat. Always secure the bus prior to operating the lift.
5. Inform customers to stay back before operating the lift.
6. Be sure you will have a clear unobstructed view of the lift as it moves.
7. Talk to customers using the lift and let them know what to expect.

“Securing the Wheelchair” (page 3-85) provides the following instructions:

1. ADA law states that operators are required to provide assistance to customers with disabilities who use the securement devices.

2. Operators are required to use all securement devices provided by the manufacturer including all straps, harnesses, clamps, etc.
3. Bus operators cannot deny service to a customer because the mobility aid cannot be secured.
4. The operator should ask customers to manually apply the wheel brake and to switch the power “off” on power wheelchairs; however, customers cannot be required to do so.
5. Under ADA, customers cannot be required to use lab [sic] belts and harnesses, even though the manufacturer may provide them.

“Ramp Operation” (page 3-86) states:

1. ADA requirements for using ramps and lifts are the same.
2. The angle of the ramp can be a barrier to a customer in a mobility aids. To help minimize this barrier, the operator should consider kneeling the bus before deploying the ramp.

During the aforementioned ride-along, the review team confirmed that drivers are professional and efficient, and can safely help riders board and alight, while properly securing their wheelchairs.

Observation of drivers during their pre-trip inspections (described in the following section) also demonstrated that drivers are familiar with all accessibility features. Team members conducted interviews with eight drivers, all of whom knew how to board, alight, and secure riders as well as assist them with priority seating.

Corrective Action Schedule: Within 60 days of the issuance of the final report, DATA must revise its definition of “wheelchair” in the memo that it provides to its drivers so that the definition includes any three- or more-wheeled device. DATA must also review and revise any other written material for its employees, contractors, or for its riders, to ensure that it is using the correct definition of “wheelchair.”

6.3 Maintenance of Accessible Features

Requirement: Under 49 CFR § 37.161, transit agencies must maintain lifts, ramps, securement systems, public address systems, and other accessibility-related equipment such as elevators, stop announcement/route identification systems, etc., in operating condition. If damaged or out of order, this equipment must be repaired promptly. When equipment is out of order, a transit agency must also take reasonable steps to accommodate riders who would otherwise use the equipment. In addition, 49 CFR § 37.163 requires transit agencies to have in place a system of regular and frequent maintenance checks of vehicle lifts sufficient to determine whether they are operative.

Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities

Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities

Any individual with a disability who has a specific impairment-related condition that prevents the individual from traveling to a boarding location or from a disembarking location

Discussion: During this compliance review, no deficiencies were found with the required maintenance of accessibility features.

DATA provided the review team with the maintenance procedures for the vehicle ramps:

Lift U (manufacturer) requires a PMI [preventive maintenance inspection] to be performed when the ramps are used under abnormal condition not to exceed 60 days. DATA performs a vehicle PMI every 6,000 miles or roughly every 30 to 35 days. During a PMI inspection the vehicle ramp is inspected for structural damage, Cycle lift and check for proper operation, Blow or vacuum under wheel chair ramp and Lubricate the rive chain and counter balance assembly. All damaged or worn parts will be scheduled to be repaired or replaced. All maintenance that is performed on the wheel chair ramps is done at DCTC's [Durham City Transit Company] maintenance facility.

The review team asked DATA's maintenance manager how he ensures the operating condition of the bus's accessibility features before drivers begin their routes. The maintenance manager presented a log of maintenance activity documenting preventative maintenance schedules in accordance with the vehicle and component manufacturers' recommendations. DATA's log of road calls during the most recent 12 months prior to the review team's site visit shows only one road call for a problem related to accessibility equipment (to address a warning light on the driver's instrument panel).

DATA drivers also use a proprietary handheld scanner to assist them with their pre-trip inspections. They scan zones inside and outside the bus to confirm components are working properly and flag any that are not. Once they complete the inspections, drivers upload the information to a database, which safety and training managers review daily. DATA allows 15 minutes for this inspection, and the device sends a notification when drivers spend too little time in a particular zone. This approach is very effective. For example, the review team noted that all 13 drivers raised the seating in the securement area and pulled out all (eight) securement straps.

The review team also confirmed that DATA drivers report equipment deficiencies and repair them promptly.

6.4 Reporting Failures, Removing Vehicles from Service, Providing Alternative Transportation

Requirement: Under 49 CFR § 37.163, transit agencies must ensure that vehicle operators immediately report to operations headquarters any failure of a lift or ramp to operate in service. When the transit agency learns that a lift/ramp has malfunctioned or is inoperable, the transit agency must take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift/ramp is repaired before the vehicle returns to service. If the transit agency has no spare vehicle available to take the place of a vehicle with an inoperable lift/ramp, such that taking the vehicle out of service will reduce the service the transit agency is able to provide, the agency may keep the vehicle in service with an inoperable lift/ramp for no more than five days (if serving an area of 50,000 or less population) or three days (if serving an area of over 50,000 population) from the day on which the device is discovered to be inoperative.

In any case in which a vehicle with an inoperative lift/ramp operates on a fixed route, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the transit agency must promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift/ramp does not work. Appendix D to 49 CFR § 37.163 provides examples of how this service can be provided, such as by having an accessible vehicle "shadow" the bus with the inoperative lift/ramp or by dispatching an accessible vehicle with a short (i.e., less than 30-minute) response time.

Discussion: During this compliance review, no deficiencies were found with the requirements to report accessibility equipment failures, remove vehicles with malfunctioning equipment from service, or provide alternative transportation.

As noted above, DATA's driver training manual requires operators to promptly report defects and lift failures to the dispatcher so they can provide alternative transportation if "a customer with a disability may be delayed more than 30 minutes due to a failure of the lift."

In October 2010, DATA issued a memo to drivers and mechanics, "Procedures When a Wheelchair Ramp is Inoperable" that included the following:

DCTC-DATA is dedicated to ensure that all passengers have access to DATA buses. Some passengers require the use of a wheelchair ramp to access buses. Although there are times a wheelchair ramp will breakdown on route, it shall be our policy to immediately replace the bus. It is DCTC-DATA'S responsibility to have operable ramps available on all routes at all times. To ensure that buses leave the garage each day with an operable wheelchair ramp the following procedures are to be followed:

1. Drivers are to cycle the ramp each morning before leaving the yard.
2. Mechanics and/or Drivers are to cycle the ramp each time a bus leaves the property for a change-out of another bus.
3. Drivers are to report all ramp problems immediately to Control.
4. Dispatchers are to remove all buses with inoperable ramp immediately from service for repair.
5. If for some reason, a ramp becomes inoperable during revenue service, Dispatchers are to send another vehicle with an operable ramp immediately to the routes affected.
6. Maintenance Supervisors are to give ramp repair a high priority when scheduling work.
7. A bus with an operable ramp is to be returned to the route as soon as possible.

As noted above, the review team interviewed DATA's maintenance manager, operations manager, and eight drivers. All DATA buses are ramp-equipped with the correct tools for drivers to manually deploy ramps in nearly all situations. In rare instances where the ramp is jammed and not deployable during a pre-trip inspection, DATA reassigns the driver to a bus with a working ramp. Vehicle maintenance records for the three months prior to the review team's site visit indicated that the maintenance department had checked and resolved all reports of inoperable accessibility equipment.

The DATA safety and training manager stated that in the event of equipment malfunction on the road, he subsequently views the vehicle's pre-trip inspection videos from that day. If the video review shows that the driver failed to test the component that malfunctioned, the driver receives relevant retraining and is subject to disciplinary action.

In interviews with the review team, drivers said that DATA dispatches a mechanic with an operable bus to the scene of any equipment breakdown when the headway to the next bus is more than 30 minutes. The driver continues the run with the working bus, while the mechanic takes care of the disabled bus.

6.5 Training

Requirement: Under 49 CFR § 37.173, each public or private entity which operates a fixed route or demand responsive system must ensure that employees are trained to proficiency in the safe and proper operation of vehicles and equipment and in the proper assistance and treatment of riders with disabilities. Training must be specific to the tasks performed by the individual and should include both proficiency and sensitivity. Training for operators, dispatchers, maintenance staff and operations managers, as well as other personnel, must cover the ADA regulatory requirements and transit agency policies and procedures for ensuring compliance. Operators must be thoroughly trained in the proper operation of all accessibility equipment and in the appropriate treatment of riders with disabilities.

Discussion: During this compliance review, no deficiencies were found with the requirement to train personnel to proficiency. According to DATA's Safety and Training Manager, the training program

includes an eight-week program that employs the TAPCO system, including an ADA compliance module. Drivers also receive training on the technology for pre-trip inspections. This system includes an ADA Equipment list, covering:

- Wheelchair tie downs/belt
- Wheelchair safety strap
- Accessible entrance illumination
- Stop request touch pad
- Stop request pull cord
- Ramp/Lift (power or no power)
- Deployment of lift

DATA holds refresher training annually and conducts two-hour safety meetings monthly. Interviews with drivers confirmed that the training and retraining program is well organized.

6.6 Complaint Resolution and Compliance Information

Requirement: Under 49 CFR § 37.5, transit agencies must not discriminate against an individual with a disability in connection with the provision of transportation service, or deny any individual with a disability the opportunity to use the transportation services it provides to the general public. The agency must provide service to persons with disabilities in the most integrated setting possible. Discriminatory practices include and are not limited to requiring the use of alternate transportation services rather than fixed route service; requiring persons with disabilities to be accompanied by an attendant; imposing special charges upon people with disabilities; and requiring people with disabilities to use designated priority seating.

Under 49 CFR § 27.13(a), the transit agencies must designate at least one person to coordinate its efforts to comply with the Part 27 nondiscrimination requirements.

Under 49 CFR § 27.13(b), the transit agency must adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints. This includes sufficiently advertising to the public, the process for filing a complaint, including the name, address, telephone number, and email address of the aforementioned coordinator. Public advertising includes the agency's website. The complaint procedures must be accessible to and usable by individuals with disabilities. Finally, transit agencies must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant by a means that will result in documentation of the response.

Under 49 CFR § 27.121(b), the agency must keep all complaints of noncompliance on file for one year and a record of all such complaints (which may be in summary form) for five years. Establishing these policies and procedures is the responsibility of the transit agency, not its contractors.

Discussion: During this compliance review, no deficiencies were found with designating an individual to coordinate compliance with DOT ADA regulations. The City of Durham has a designated ADA coordinator whose office is located in DATA's administrative offices. No deficiencies were found with the requirement to resolve complaints promptly and equitably and keep summaries of complaints on file. DATA's ADA-related complaint files cover the past four years, confirming they resolve complaints promptly and communicate the resolution to complainants.

Deficiencies were found with the requirements to sufficiently advertise the process for filing complaints because DATA does not provide all of the required contact information and its procedures for complaints in accessible formats.

The Go Durham website, which is part of the Go Triangle website states, “We want to hear from you! Please fill out a customer feedback form.”

The website also has a “Feedback” hyperlink, which opens a GoDurham Public Feedback page, stating:

Triangle Transit welcomes your feedback on Durham transit services. There are several ways to let us know what you are thinking:

By phone: Call 919-485-RIDE (7433). Customer Service Representatives at the GoTriangle Call Center are available weekdays from 7am until 10pm, Saturdays from 8am until 8pm, and Sundays and Holidays from 8am until 5pm.

On-line: [Complete the Customer Feedback Form.](#)

In writing: Complete a Customer Feedback Card at the Customer Information Desks at Durham Station

In person: Triangle Transit has hosted a monthly Durham Transit Public Input Meeting on the first Wednesday of each month since October 2010.

Missing from these materials is the name and/or title of the City of Durham’s ADA Coordinator along with contact information (email, telephone, and mailing address). In addition, DATA does not communicate the availability of accessible complaint procedures.

Corrective Action Schedule: Within 60 days of the issuance of the final report, DATA must update its public information, including its website, to include the name and/or title of the City of Durham’s ADA Coordinator along with contact information (email, telephone, and mailing address). DATA must also make these procedures accessible to individuals with disabilities.

6.7 Service Under Contract with a Private Entity

Requirement: Under 49 CFR § 37.23, the transit agency must ensure that any private entity with which it has entered into a contract or other arrangement to provide service meets all the obligations of the DOT ADA regulations, including those for service provision, maintenance, and vehicle or equipment acquisition, that the transit agency would be required to meet, if it provided the service directly. The transit agency must have policies and procedures in place to monitor the performance of its contractor(s) and ensure that these requirements are met. The transit agency must not neglect monitoring or limit its monitoring to the terms and conditions of its contract or other arrangement with the private entity or entities.

Discussion: During this compliance review, no deficiencies were found with how DATA ensures its private contractors comply with DOT ADA regulations. As discussed in Section 4.1, DATA contracts with GoTriangle, a public entity (see Section 6.8), which contracts directly with First Transit, Inc. GoTriangle oversees all significant operational activities of First Transit and ensures that all transit services are in compliance with all applicable Federal, state, and local regulations. First Transit, Inc. manages the operations of the fixed route transit services under the supervision and direction of GoTriangle.

6.8 Service Provided by Another Public Entity

Requirement: Part 37 of title 49, Code of Federal Regulations, applies to any public entity that provides designated public transportation or intercity or commuter rail transportation. Under 49 CFR § 37.21(b), for entities receiving Federal financial assistance from the Department of Transportation, compliance with the applicable requirements of Part 37 is a condition of section 504 of the Rehabilitation Act of 1973 and

of receiving financial assistance. Where a transit agency relies on another public entity to provide service on its behalf, the transit agency remains responsible for meeting the requirements of 49 CFR Part 37.

The transit agency must ensure that the service provided on its behalf meets all of the requirements that the transit agency would be required to meet, if the transit agency provided the service directly. The transit agency must have policies and procedures in place to monitor the performance of such service to ensure that these requirements are met; the transit agency is not permitted to defer to the public entity operating the service.

Discussion: During this compliance review, no deficiencies were found with how DATA ensures that its public contractor, GoTriangle, complies with the DOT ADA regulations. As discussed in Sections 4.1 and 6.8, DATA contracts with GoTriangle, which in turn contracts directly with First Transit, Inc. GoTriangle plans, manages and operates Durham's transit services, recommends changes to routes, bus stop locations, frequencies of service and other operational characteristics to improve efficiency. GoTriangle also markets the transit service to increase ridership, and improve customer satisfaction.

GoTriangle's Transit Administrator oversees both fixed route and complementary paratransit operations on DATA's behalf. He reports directly to the City of Durham's Assistant Director of Transit and Parking Services. He also coordinates regularly with the City's ADA Coordinator, who is co-located in the DATA administrative offices. The Transit Administrator provides monthly reports on all facets of DATA operations.

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
5	Training	37.173	No deficiencies 1 advisory comment		
6	Complaint Resolution and Compliance Information	27.13(b), 27.121(b), 37.5	2 deficiencies	DATA does not sufficiently advertise the process for filing complaints with all of the required contact information DATA does not advertise its accessible complaint procedures.	60/2-10-16
7	Service Under Contract with a Private Entity (if applicable)	37.23	No deficiencies		
8	Service Provided by Another Public Entity (if applicable)	37.21(b)	Not applicable		

Summary Table of Compliance Review Findings

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
1	Accessibility Equipment Specifications	38 Subpart B	2 deficiencies 1 advisory comment	2010 Gillig buses lack a sign identifying one of its two securement areas 2012 Gillig buses have forward facing seats only at the back of the bus; there was no priority seating sign for any of these front facing seats	60/2-10-16
2	Use of Accessibility Equipment	37.165, 37.167	1 deficiency	In a memo provided to its drivers, DATA uses an incorrect definition of "wheelchair."	60/2-10-16
3	Maintenance of Accessible Features	37.161, 37.163	No deficiencies		
4	Reporting Failures, Removing Vehicles from Service, Providing Alternative Transportation	37.163	No deficiencies		

Attachment A
FTA Notification Letter to Durham Area
Transit Authority



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

Headquarters

East Building, 5th Floor, TCR
1200 New Jersey Ave., SE
Washington, D.C. 20590

June 4, 2015

Mr. Harmon Crutchfield
Assistant Director, Transit and Parking Services
Durham Area Transit Authority
1907 Fay Street
Durham, NC 27704

Dear Mr. Crutchfield:

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the Americans with Disabilities Act of 1990 (ADA) and the Department of Transportation's (DOT) implementing regulations at 49 CFR Parts 27, 37, 38, and 39 as they apply to public transportation. As part of its ongoing oversight efforts, FTA through its Office of Civil Rights conducts a number of on-site ADA compliance reviews of grant recipients.

The purpose of this review will be to determine whether the Durham Area Transit Authority (DATA) is meeting its obligations applicable to the maintenance, reliability, and usage of accessibility equipment in accordance with the requirements contained in Subpart G of 49 CFR Part 37, and other related requirements contained in 49 CFR Parts 27, 37, and 38.

The review process includes data collection before the on-site visit, an opening conference, an on-site review of fixed route bus lift/ramp and maintenance reliability, and an exit conference. The reviewers will complete the on-site portion of the review within a four-day period. FTA has engaged the services of the Collaborative, Inc. (the Collaborative) of Boston, Massachusetts, to conduct this compliance review. The Collaborative team and FTA representatives will participate in the opening and exit conferences, with FTA participating by telephone.

We request your attendance at an opening conference scheduled at **9 a.m. on Tuesday, July 14, 2015**, to introduce the Collaborative team and FTA representatives to DATA. Attendees should include you or your designee, the fleet service manager, the ADA coordinator, and other key staff. During the opening conference, the review team members will present an overview of the on-site activities.

Because review team members will spend considerable time on site during the week, please provide them with temporary identification and a workspace within or near your offices for the duration of their visit. Please let us know if you will designate a member of your staff to serve as DATA's liaison with the review team and will coordinate the on-site review and address questions that may arise during the visit.

So that we may properly prepare for the site visit, we request that you provide the information described in Enclosure 1, which consists of items that the review team must receive within 15 days of the date of this letter. Please forward these materials to the following contact person:

David Chia
The Collaborative, Inc.
122 South Street
Boston, MA 02111
617-338-0018 x17
dc@thecollaborative.com

FTA requests your attendance at an exit conference scheduled for **1 p.m. on Friday, July 17, 2015**. The exit conference will afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you or your designee, the fleet service manager, the ADA coordinator, and other key staff attend the exit conference.

The FTA Office of Civil Rights will make findings and will provide them to you in a draft report. You will have an opportunity to correct any factual errors before FTA finalizes the report. The Draft and Final Report, when issued to DATA, are considered public documents subject to release under the Freedom of Information Act, upon request.

DATA representatives are welcome to accompany the review team during the on-site activities, if you so choose. If you have any questions or concerns before the opening conference, please contact Anita Heard, Program Manager for this compliance review, at 202-493-0318 or via e-mail at anita.heard@dot.gov.

Thank you in advance for your assistance and cooperation as we undertake this process. We look forward to working with your staff.

Sincerely,



John Day
Program Manager for Policy and Technical Assistance

cc: Yvette G. Taylor, FTA Region IV Administrator
Carlos Gonzalez, FTA Region IV Civil Rights Office

Durham Area Transit Authority
Fixed Route Lift Maintenance Compliance Review

Enclosure 1

You must submit the following information to the Collaborative contact person within 15 calendar days from the date of this letter.

1. Three copies of the most recent DATA system route map.
2. A complete set of current detailed DATA route schedules.
3. Identify which routes you directly operate and which routes a private contractor operates.
4. Identify the location of each of your garages and which routes/areas each garage serves.
5. A bus fleet inventory identifying for each bus the model year, make, bus garage, and accessibility equipment, including whether the system uses low-floor buses and to what extent.
6. A description of your lift/ramp maintenance practices, including the entity performing lift/ramp maintenance and its location.
7. Current Fixed Route Operator Manual/s, notices, bulletins, memoranda, or other documentation informing vehicle operators of lift/ramp operation and maintenance policies.
8. Copies of DATA's reports, memoranda, or other documentation that involve lift/ramp operation and maintenance monitoring activities and findings.
9. A list of complaints related to lift/ramp operations since the beginning of 2014. The list should include customer's name, trip origin, date and type of complaint, carrier, and resolution (any corrective actions requested and taken).