

5. AMERICANS WITH DISABILITIES ACT (ADA) – ENHANCED REVIEW MODULE

PURPOSE OF THIS REVIEW AREA

Titles II and III of the Americans with Disabilities Act of 1990 provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service.

Under 49 CFR §37.121(a), each public entity operating a fixed route system shall provide paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system. “Comparability” is determined by 49 CFR §§37.123-37.133. Requirements for complementary paratransit do not apply to commuter bus, commuter rail, or intercity rail systems.

USE OF THIS MODULE

This enhanced review module (ERM) questionnaire presents recommended questions for an ADA enhanced review. Based on the scope of the approved ERM, all or a selection of the questions of this module will be conducted. The actual questions asked and the items sampled and observations made will be determined during the scoping meeting. The Federal Transit Administration (FTA) regional civil rights officer (RCRO) and/or headquarters may ask the reviewer to develop a unique scope of work for the ERM. Additional questions may be asked and additional sampling and observations may be performed as directed by FTA. The scope, questionnaire, sampling, and observations will be subject to final review and approval by the respective regional FTA office, Office of Civil Rights, and the Office of Transit Safety and Oversight.

QUESTIONS TO BE EXAMINED

1. Has the recipient implemented the corrective actions from the final report of the most recent ADA specialized review?
2. Does the recipient have the staffing and resources to ensure compliance with the ADA?
3. How does the recipient track, resolve, and respond to ADA-related complaints?
4. Do all bus and rail vehicles acquired for use in fixed-route service by public entities since the last Comprehensive Review meet the requirements of 49 CFR part 38?
5. Are facilities for providing public transportation that were constructed or altered since the last Comprehensive Review readily accessible to and usable by individuals with disabilities?
6. Does the recipient follow the general provision of service requirements?
7. How does the recipient accommodate individuals who rely on accessible equipment when that equipment is inoperative?
8. Does the recipient's paratransit eligibility determination process meet ADA complementary paratransit service requirements?
9. How does the recipient provide ADA complementary paratransit service to out-of-town visitors?
10. If the recipient has a no-show/late cancellation policy for ADA complementary paratransit service, does it meet the ADA complementary paratransit service requirements?

11. Does the recipient's paratransit service meet the ADA complementary paratransit service requirements?

12. Does the recipient place limits on the availability of service to ADA paratransit eligible individuals?

INFORMATION NEEDED FROM RECIPIENT

Pre-site Visit Request

- Corrective actions for ADA specialized review(s)
- Detailed organizational information, if necessary
- Job descriptions and postings for positions with ADA responsibilities
- Training materials
- Organizational information, job descriptions and job postings for service contractors
- General complaint procedures
- ADA complaint performance standards
- Operator discipline policies
- Riders guides
- Paratransit eligibility application

Recipient Follow-up

- General and ADA complaint files

ADAERM1. Has the recipient implemented the corrective actions from the final report of the most recent ADA specialized review?

BASIC REQUIREMENT

Recipients must implement all corrective actions from ADA specialized reviews.

APPLICABILITY

All recipients

DETAILED EXPLANATION FOR REVIEWER

For entities receiving Federal financial assistance from the U.S. Department of Transportation (US DOT), compliance with applicable requirements of the US DOT ADA regulations is a condition of compliance with Section 504 of the Rehabilitation Act of 1973 and of receiving financial assistance.

FTA conducts program-specific reviews of compliance with ADA complementary paratransit, stop announcements, lift maintenance, and key stations. Recipients must implement all corrective actions from an ADA review.

INDICATORS OF COMPLIANCE

- a. *List the ADA review conducted and the date of the final report.*

Review Response

b. What is the status of any corrective actions from the final report of the ADA review(s)?

Review Response

Corrective Action	Status

INSTRUCTIONS FOR REVIEWER

Discuss the status of corrective actions with the RCRO and the FTA Office of Civil Rights. Obtain direction from the Office of Civil Rights as to the level of follow-up to be done as a part of this review. Once directed, review responses to determine if they address the open corrective actions. Onsite, discuss with the recipient and review evidence of implementation of the corrective actions.

POTENTIAL DEFICIENCY DETERMINATION

If there are outstanding or ongoing review deficiencies in the ADA review that relate to baseline and ERM review questions of the Comprehensive Review, the deficiencies will be made under the appropriate deficiency code of the Comprehensive Review or ERM. If there are outstanding or ongoing ADA review deficiencies that are beyond the scope of the baseline Comprehensive Review or ERM, confer with the FTA regional office and the FTA Office of Civil Rights to make the following deficiency.

DEFICIENCY CODE ADAERM1-1: Outstanding ADA specialty review deficiencies

SUGGESTED CORRECTIVE ACTION: The recipient must submit to the RCRO and FTA Office of Civil Rights documentation of corrective actions and evidence of implementation.

GOVERNING DIRECTIVES

37.11 Administrative enforcement

“(a) Recipients of Federal financial assistance from the Department of Transportation are subject to administrative enforcement of the requirements of this part under the provisions of 49 CFR part 27, subpart C.”

ADAERM2. Does the recipient have the staffing and resources to ensure compliance with the ADA?

BASIC REQUIREMENT

Recipients must ensure compliance with the ADA.

APPLICABILITY

All recipients

DETAILED EXPLANATION FOR REVIEWER

Recipients are responsible for monitoring the day-to-day operations of award activities, including those of any subrecipients. Recipients must monitor these activities to assure compliance with applicable Federal requirements and to assure that performance goals are being achieved. Recipient monitoring must cover each program, function, and activity.

For entities receiving Federal financial assistance from US DOT, compliance with applicable requirements of the US DOT ADA regulations is a condition of compliance with Section 504 of the Rehabilitation Act of 1973 and of receiving financial assistance.

The way in which the agency's ADA function is organized and staffed, along with the experience of ADA staff, should be commensurate with the agency's size and complexity. The type, frequency, and method of training provided to staff about the US DOT's ADA requirements and industry effective practices are important indicators of how prepared the recipient is to administer the technical aspects of managing FTA assets.

INDICATORS OF COMPLIANCE

- a. *Is there an office or staff position responsible for ensuring ADA compliance, and/or a designated office or position for coordinating the recipient's efforts to comply with the US DOT ADA regulations under 49 CFR Part 27? Alternatively, are compliance responsibilities delegated to various functions or departments? Please explain the reporting relationship.*

Review Response

- b. *Describe the organizational structure that is in place to fulfill and monitor obligations under the ADA, including the departments and staff positions involved in the following areas?*
 - i. *ADA policy development*
 - ii. *Vehicle design and procurement*
 - iii. *Facility renovation, design and construction*
 - iv. *Fixed-route service*
 - v. *ADA complementary paratransit*
 - vi. *Facility maintenance*
 - vii. *Equipment maintenance*
 - viii. *Vehicle maintenance*
 - ix. *Contractor/subrecipient oversight*

Review Response

- c. *How does the recipient ensure that those responsible for ADA compliance have the appropriate knowledge of US DOT ADA requirements?*

Review Response

- d. *Do the job descriptions for these positions include requirements for previous work experience with the US DOT ADA regulations?*

Review Response

- e. *If the recipient hires individuals without such experience, how does it ensure individuals have the appropriate knowledge of US DOT ADA requirements, i.e., are “trained to proficiency” as appropriate to their duties?*

Review Response

- f. *Describe how the recipient’s organizational and reporting structure ensures that staff in executive management positions is informed of ADA compliance matters?*

Review Response

- g. *How does the recipient structure and design its ADA complementary paratransit system?*

- i. *How does it determine staffing needs to operate the ADA complementary paratransit system in a compliant manner?*
- ii. *How does it evaluate potential new employees?*
- iii. *What is the typical staff turnover?*

Review Response

- h. *Describe staff levels, roles, and responsibilities for managing ADA complementary paratransit service. If service is contracted, describe the recipient’s staffing for oversight of the contractor and the contractor’s staff levels, roles, and responsibilities.*

Review Response

INSTRUCTIONS FOR REVIEWER

Prior to the site visit, review organizational information for the baseline review to obtain an understanding of how the recipient organizes its ADA functions. If necessary, obtain more detailed organizational information showing the positions with ADA responsibilities. Review job descriptions and postings for positions with ADA responsibilities to determine specific responsibilities and required qualifications. Review organizational information, job descriptions, and job postings for service contractors, including bus, rail, ferry service, and ADA complementary paratransit.

On site, interview management and staff that have responsibilities for implementing the US DOT regulations to determine roles and responsibilities and whether they have access to senior management. Discuss staffing levels, turnover, lines of responsibility, and technical capacity. Interview senior management to whom these individuals report to determine if it is aware of ADA requirements and responsibilities. Interview contractors to determine roles and responsibilities and to determine if they are aware of ADA requirements and responsibilities.

POTENTIAL DEFICIENCY DETERMINATIONS

Work with the FTA RCRO and the FTA Office of Civil Rights Headquarters to determine the appropriate deficiency and corrective action.

GOVERNING DIRECTIVES

2 CFR 200.300 Statutory and national policy requirements

(b) The non-Federal entity is responsible for complying with all requirements of the Federal award.

49 CFR 37.17 Designation of responsible employee and adoption of complaint procedures

(a) Designation of responsible employee. Each recipient shall designate at least one person to coordinate its efforts to comply with this part.

49 CFR 37.173 Training requirements

Each public or private entity which operates a fixed route or demand responsive system shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities.

ADAERM3. How does the recipient track, resolve, and respond to ADA-related complaints?

BASIC REQUIREMENT

Recipients must track, resolve, and respond to ADA-related complaints.

APPLICABILITY

All recipients

DETAILED EXPLANATION FOR REVIEWER

Refer to question ADA1 in the baseline review.

INDICATORS OF COMPLIANCE

a. *What staff position and/or department is responsible for managing the ADA complaint process?*

Review Response

b. *Is the process documented and does it describe staff roles and responsibilities?*

Review Response

- c. *What is the process for identifying ADA complaints that come through the general complaint process?*

Review Response

- d. *If corrective action is required to address an ADA complaint, how is the corrective action monitored to ensure that (1) the suggested action will adequately address the complaint issue, and (2) corrective action has been implemented correctly?*

Review Response

INSTRUCTIONS FOR REVIEWER

1. Review detailed organizational information for the units responsible for addressing general and ADA complaints.
2. Review written complaint procedures, especially procedures for coding complaints, to determine how ADA complaints are identified and processed.
3. Review a sample of ADA complaints that came through the general complaint process to determine if the procedures for ADA complaints were followed.
4. Review training materials.
5. Determine what, if any quality control procedures are used.
6. Review performance standards for resolving ADA complaints.
7. Review a sample of ADA complaints to determine if standards were met.

Refer to questions ADA-GEN1 and ADA-GEN11 in the baseline review for additional information.

POTENTIAL DEFICIENCY DETERMINATION

The recipient is deficient if its procedures do not provide due process, prompt response, documentation of the response, and the reason therefore to any individual filing a complaint.

DEFICIENCY CODE ADA1-1: Insufficient ADA complaint process

SUGGESTED CORRECTIVE ACTION: The recipient must submit to the RCRO ADA complaint procedures that require a prompt response to the individual filing the complaint.

Work with the FTA RCRO and the FTA Office of Civil Rights Headquarters to determine the any additional deficiency and corrective action.

GOVERNING DIRECTIVES

49 CFR 27.121(b) Compliance information

(a) Designation of responsible employee. Each recipient shall designate at least one person to coordinate its efforts to comply with this part.

Refer to questions ADA-GEN1 or additional information.

ADAERM4. Do all bus and rail vehicles acquired for use in fixed-route service by public entities since the last Comprehensive Review meet the accessibility requirements of 49 CFR part 38?

BASIC REQUIREMENT

All new bus or rail vehicles purchased or leased for use in fixed-route service by public entities must be accessible. Used bus or rail vehicles purchased or leased for use in fixed-route service by public entities must be accessible, with a good faith efforts exception. Remanufactured vehicles must be accessible to the maximum extent feasible, with an engineering exception.

APPLICABILITY

All recipients who purchase bus or rail vehicles for use in fixed-route service by public entities

DETAILED EXPLANATION FOR REVIEWER

FTA expects its recipients to have procedures to ensure that the design, acquisition, and alteration of bus and rail vehicles comply with US DOT ADA requirements. The oversight responsibilities of departments and staff should be clearly defined and the recipient should be able to demonstrate that US DOT ADA design requirements are being assessed.

Refer to question ADA-GEN2 in the baseline review for additional information.

INDICATORS OF COMPLIANCE

- a. *Describe the process for developing and reviewing bus and rail car specifications. Identify departments and/or staff positions associated with this activity.*

Review Response

- b. *If vehicle design is delegated to a third party, e.g., contractor or subrecipient, how does the recipient assess compliance with the US DOT ADA design requirements?*

Review Response

- c. *Does the review of vehicle specifications demonstrate that they comply with 49 CFR part 38 requirements?*

Review Response

- d. *Does a visual inspection of bus and rail vehicles placed in service since the last Comprehensive Review demonstrate compliance with 49 CFR part 38 requirements?*

Review Response

INSTRUCTIONS FOR REVIEWER

Interview staff to determine how specifications are developed. Examine the involvement of those responsible for ensuring ADA compliance. Review files with the recipient documenting the development of

specifications for recent procurements to ensure that specification development ensured compliance with ADA requirements. Pay special attention to the role of the department or staff responsible for ADA compliance. Determine if ADA issues were raised and how they were addressed. Review inspection and acceptance files for a sample of vehicles placed into service since the last Comprehensive Review to determine if ADA specifications were addressed. Using the completed checklists, with the recipient visually inspect a sample of vehicles placed in service since the last Comprehensive Review to determine if specifications were followed.

Refer to question ADA-GEN2 in the baseline review for additional information.

POTENTIAL DEFICIENCY DETERMINATION

Refer to question ADA-GEN2 in the baseline review.

GOVERNING DIRECTIVES

Refer to question ADA-GEN2 in the baseline review.

ADAERM5. Are facilities for providing public transportation that were constructed or altered since the last Comprehensive Review readily accessible to and usable by individuals with disabilities?

BASIC REQUIREMENT

Newly constructed or altered facilities must meet US DOT accessibility requirements.

APPLICABILITY

All recipients

DETAILED EXPLANATION FOR REVIEWER

FTA expects its recipients to have procedures to ensure that the design, construction, and alteration of facilities comply with US DOT ADA requirements. The oversight responsibilities of departments and staff should be clearly defined and the recipient should be able to demonstrate that US DOT ADA design requirements are being assessed.

Refer to questions ADA-GEN5 and ADA-GEN6 in the baseline review for additional information.

INDICATOR OF COMPLIANCE

- a. *Describe the process for developing and reviewing facility design specifications. Identify departments and/or staff positions associated with this activity.*

Review Response

- b. *If facility design is delegated to a third party, e.g., contractor or subrecipient, how does the recipient assess compliance with US DOT ADA design requirements?*

Review Response

- c. *Does the review of facility design specifications demonstrate that they comply with US DOT ADA requirements?*

Review Response

- d. *Does a tour of new facilities and/or facility alterations constructed since the last Comprehensive Review demonstrate compliance with the accessibility requirements for path of travel, signage, fare vending machines, and parking (if applicable)?*

Review Response

INSTRUCTIONS FOR REVIEWER

Interview staff to determine how facility design specifications are developed. Examine the involvement of those responsible for ensuring ADA compliance. Review files with the recipient documenting the development of specifications for recent projects to ensure that specification development ensured compliance with ADA requirements. Pay special attention to the role of a department or staff responsible for ADA compliance. Determine if ADA issues were raised and how they were addressed. Review inspection and acceptance files for recent projects to determine if ADA specifications were addressed. Using the completed checklists, with the recipient visually inspect facilities constructed or altered since the last Comprehensive Review to determine if DOT ADA standards for buildings and facilities were followed. Review the recipient's plans for making any new or planned facilities accessible. For commuter rail platforms constructed or altered since the last review, if level boarding is not provided, ensure that procedures under 49 CFR 37.42 were followed and that a response from FTA and/or FRA was received.

Refer to questions ADA-GEN5 and ADA-GEN6 in the baseline review for additional information.

POTENTIAL DEFICIENCY DETERMINATION

Refer to questions ADA-GEN6 and ADA-GEN7 in the baseline review.

GOVERNING DIRECTIVES

Refer to questions ADA-GEN5 and ADA-GEN6 in the baseline review for additional information.

49 CFR 37.42 Service in an Integrated Setting to Passengers at Intercity, Commuter, and High-Speed Rail Station Platforms Constructed or Altered After February 1, 2012.

(a) In addition to meeting the requirements of sections 37.9 and 37.41, an operator of a commuter, intercity, or high-speed rail system must ensure, at stations that are approved for entry into final design or that begin construction or alteration of platforms on or after February 1, 2012, that the following performance standard is met: individuals with disabilities, including individuals who use wheelchairs, must have access to all accessible cars available to passengers without disabilities in each train using the station.

(b) For new or altered stations serving commuter, intercity, or high-speed rail lines or systems, in which no track passing through the station and adjacent to platforms is shared with existing freight rail operations, the performance standard of paragraph (a) of this section must be met by providing level-entry boarding to all accessible cars in each train that serves the station.

(c) For new or altered stations serving commuter, intercity, or high-speed rail lines or systems, in which track passing through the station and adjacent to platforms is shared with existing freight rail operations, the railroad operator may comply with the performance standard of paragraph (a) by use of one or more of the following means:

- (1) Level-entry boarding;

(2) Car-borne lifts;

(3) Bridge plates, ramps or other appropriate devices;

(4) Mini-high platforms, with multiple mini-high platforms or multiple train stops, as needed, to permit access to all accessible cars available at that station; or

(5) Station-based lifts;

(d) Before constructing or altering a platform at a station covered by paragraph (c) of this section, at which a railroad proposes to use a means other than level-entry boarding, the railroad must meet the following requirements:

(1) If the railroad operator not using level-entry boarding chooses a means of meeting the performance standard other than using car-borne lifts, it must perform a comparison of the costs (capital, operating, and life-cycle costs) of car-borne lifts and the means chosen by the railroad operator, as well as a comparison of the relative ability of each of these alternatives to provide service to individuals with disabilities in an integrated, safe, timely, and reliable manner. The railroad operator must submit a copy of this analysis to FTA or FRA at the time it submits the plan required by paragraph (d)(2) of this section.

(2) The railroad operator must submit a plan to FRA and/or FTA, describing its proposed means to meet the performance standard of paragraph (a) of this section at that station. The plan must demonstrate how boarding equipment or platforms would be deployed, maintained, and operated; and how personnel would be trained and deployed to ensure that service to individuals with disabilities is provided in an integrated, safe, timely, and reliable manner.

(3) Before proceeding with constructing or modifying a station platform covered by paragraphs (c) and (d) of this section, the railroad must obtain approval from the FTA (for commuter rail systems) or the FRA (for intercity rail systems). The agencies will evaluate the proposed plan and may approve, disapprove, or modify it. The FTA and the FRA may make this determination jointly in any situation in which both a commuter rail system and an intercity or high-speed rail system use the tracks serving the platform. FTA and FRA will respond to the railroad's plan in a timely manner, in accordance with the timetable set forth in paragraphs (d)(3)(i) through (d)(3)(iii) of this paragraph.

(i) FTA/FRA will provide an initial written response within 30 days of receiving a railroad's written proposal. This response will say either that the submission is complete or that additional information is needed.

(ii) Once a complete package, including any requested additional information, is received, as acknowledged by FRA/FTA in writing, FRA/FTA will provide a substantive response accepting, rejecting, or modifying the proposal within 120 days.

(iii) If FTA/FRA needs additional time to consider the railroad's proposal, FRA/FTA will provide a written communication to the railroad setting forth the reasons for the delay and an estimate of the additional time (not to exceed an additional 60 days) that FRA/FTA expect to take to finalize a substantive response to the proposal.

(iv) In reviewing the plan, FRA and FTA will consider factors including, but not limited to, how the proposal maximizes accessibility to individuals with disabilities, any obstacles to the use of a method that could provide better service to individuals with disabilities, the safety and reliability of the approach and related technology proposed to be used, the suitability of the means proposed to the station and line and/or system on which it would be used, and the adequacy of equipment and maintenance and staff training and deployment.

(e) In any situation using a combination of high and low platforms, a commuter or intercity rail operator shall not employ a solution that has the effect of channeling passengers into a narrow space between the face of the higher-level platform and the edge of the lower platform.

(1) Except as provided in paragraph (e)(2) of this paragraph, any obstructions on a platform (mini-high platforms, stairwells, elevator shafts, seats *etc.*) shall be set at least six feet back from the edge of a platform.

(2) If the six-foot clearance is not feasible (e.g., where such a clearance would create an insurmountable gap on a mini-high platform or where the physical structure of an existing station does not allow such clearance), barriers must be used to prevent the flow of pedestrian traffic through these narrower areas.

(f) For purposes of this part, level-entry boarding means a boarding platform design in which the horizontal gap between a car at rest and the platform is no more than 10 inches on tangent track and 13 inches on curves and the vertical height of the car floor is no more than 5.5 inches above the boarding platform. Where the horizontal gap is more than 3 inches and/or the vertical gap is more than $\frac{5}{8}$ inch, measured when the vehicle is at rest, the horizontal and vertical gaps between the car floor and the boarding platform must be mitigated by a bridge plate, ramp, or other appropriate device consistent with 49 CFR 38.95(c) and 38.125(c).

ADAERM6. Does the recipient follow general ADA provision of service requirements?

BASIC REQUIREMENT

Service must comply with the US DOT ADA regulations regarding provision of service.

APPLICABILITY

Recipients who provide service

DETAILED EXPLANATION FOR REVIEWER

The US DOT ADA regulations (49 CFR 37.161-173) detail specific requirements for bus and rail service. (For ferry service requirements see question ADA11 in the baseline review.) The regulations do not require written policies detailing how an entity will comply with these service provisions, but the entity should be able to demonstrate that it has policies and procedures in place to enable it to meet these requirements. The entity should be able to provide reasonable documentation to demonstrate that operators are trained in these requirements and explains how the entity enforces their implementation.

- d.i. Where necessary and upon request, the public or private entity's personnel will assist individuals with disabilities in the use of securement systems, ramps and lifts. Personnel must leave their seats if it is necessary to provide the assistance.
- d.ii. The US DOT ADA regulations do not require that wheelchairs be secured; however, public and private entities may establish policies requiring passengers to allow their mobility devices to be secured and may deny service if a passenger refuses.
- d.iii. Public and private entities must transport passengers when the rider's wheelchair cannot be secured to the driver's satisfaction. Entities may not establish requirements concerning wheelchair equipment or specifications, such as brakes or wheel locks.
- d.iv. Public and private entities must deploy lifts or ramps for persons who do not use wheelchairs, including standees.

- d.v. Public and private entities will ensure that vehicle operators and other personnel make use of accessibility-related equipment and features.
- d.vi. In addition to wheelchairs, individuals with mobility impairments use many other types of personal mobility or assistive devices, including canes, crutches and walkers. Public and private entities must accommodate users of these mobility devices on the same basis as wheelchairs. Entities are not required to accommodate devices not primarily designed for use by individuals with mobility impairments. This includes items such as shopping carts and skateboards. In addition, entities do not have to permit other types of assistive devices to be used in ways that depart from or exceed their intended uses. For example, entities do not have to permit riders who use walkers with built-in seats to ride in securement areas while seated on their walkers.

It is important to note that the concept of “other powered mobility devices,” or OPMDs, is not a part of the US DOT ADA regulations. Introduced by the Department of Justice’s (DOJ) regulations in 2010, OPMDs include a wide variety of motorized vehicles that may be used by persons with disabilities as mobility aids in an indoor or outdoor setting. Because US DOT’s regulations define a wheelchair as being suitable for indoor use, US DOT continues to rely on the approach developed to accommodate the use of two-wheeled, gyroscopically stabilized, battery-powered personal transportation device (commonly known by the brand name, Segway). US DOT guidance explains that entities should accommodate individuals with disabilities using such devices, though they may establish policies under which they will be accommodated. US DOT guidance notes that a transportation provider is not required to permit anyone—including a person with a disability—to bring a device onto a vehicle that is too big or that is determined to pose a direct threat to the safety of others.

Refer to question ADA-GEN8 in the baseline review for additional information.

INDICATORS OF COMPLIANCE

- a. *How does the recipient determine which stops are announced? How are operators informed of which stops to announce? Are operators provided a list of stops?*

Review Response

- b. *If the recipient uses an automated system to announce stops and identify routes:*

- i. *What is the policy for announcing stops and identifying routes when the system is inoperative or in buses without the automated system? How does the recipient know whether the policy is followed?*

- ii. *What standards are used to ensure the accuracy of the announcements?*

Review Response

- c. *How does the recipient assess and monitor stop announcement compliance?*

Review Response

d. *Describe how the recipient's, contractor's, and/or lessee's policies, procedures, and training programs address the following ADA service provisions:*

- i. *Drivers providing assistance with the use of accessibility equipment on the vehicle, including lifts, ramps, and securement systems*
- ii. *Use of wheelchair securements*
- iii. *Provision of service when a wheelchair cannot be secured*
- iv. *Use of lifts or ramps by standees*
- v. *Use of accessibility-related equipment features by personnel, such as kneeling systems, automatic stop announcement systems, etc.*
- vi. *Policies regarding mobility aids which must be transported*

Review Response

e. *What is the policy for disciplining operators who fail to abide by ADA service provisions?*

Review Response

f. *How are these policies and procedures developed?*

- i. *What office and/or staff position maintains the policies and procedures?*
- ii. *If unwritten, how are they communicated to contractors, vehicle operators, and supervisory staff?*
- iii. *How does the recipient assure that the documentation reflects current practice?*

Review Response

g. *How do the recipient's, contractor's, and/or subrecipient's operator training program address US DOT ADA requirements appropriate to their duties? Are operators trained in ADA policies before operating revenue service?*

Review Response

h. *Do operators receive refresher training?*

Review Response

INSTRUCTIONS FOR REVIEWER

Review discipline policies. During the site visit, discuss how policies are developed and employees trained/informed of policies and policy changes. Discuss discipline policies. For a sample of service and discipline policies, review with the recipient the files documenting policy development, approval, and dissemination. Pay special attention to the role of those responsible for ADA in the development of service and discipline policies. Discuss implementation of each service provision. Review documentation of monitoring operators for compliance with service provisions. Discuss any potential challenges with service animals. Review a sample of training files for operators.

Refer to question ADA-GEN8 in the baseline review for additional information.

POTENTIAL DEFICIENCY DETERMINATIONS

The recipient is deficient if it does not require operators to provide assistance with the use of lifts, ramps, and securement systems.

DEFICIENCY CODE ADA8-12: Failure to assist in use of accessibility equipment on vehicles

SUGGESTED CORRECTIVE ACTION: The recipient must submit to the RCRO documentation that it has implemented procedures to require personnel to assist individuals with disabilities in the use of securement systems, ramps, and lifts on vehicles along with evidence that it monitors the implementation of these procedures.

The recipient is deficient if it denies service to passengers in wheelchairs when the wheelchair cannot be secured to the driver's satisfaction or established requirements concerning wheelchair equipment or specifications.

DEFICIENCY CODE ADA8-13: Wheelchair securement deficiency

SUGGESTED CORRECTIVE ACTION 1: The recipient must submit to the RCRO documentation that it has implemented procedures to provide service to passengers in wheelchairs when the wheelchair cannot be secured to the driver's satisfaction along with evidence that it monitors the implementation of these procedures.

SUGGESTED CORRECTIVE ACTION 2: The recipient must submit to the RCRO documentation that it has rescinded requirements concerning wheelchair equipment or specifications.

The recipient is deficient if it does not accommodate personal mobility or assistance devices on the same basis as wheelchairs.

DEFICIENCY CODE ADA8-13: Mobility device deficiency

SUGGESTED CORRECTIVE ACTION: The recipient must submit to the RCRO documentation that it has implemented procedures to accommodate personal mobility or assistance devices on the same basis as wheelchairs along with evidence that it monitors implementation of these procedures.

Refer to question ADA8 in the baseline review for additional information.

GOVERNING DIRECTIVES

49 CFR 37.165 Lift and securement use

(a) This section applies to public and private entities.

(c)(1) For vehicles complying with part 38 of this title, the entity shall use the securement system to secure wheelchairs as provided in that Part.

(2) For other vehicles transporting individuals who use wheelchairs, the entity shall provide and use a securement system to ensure that the wheelchair remains within the securement area.

(3) The entity may require that an individual permit his or her wheelchair to be secured.

(d) The entity may not deny transportation to a wheelchair or its user on the ground that the device cannot be secured or restrained satisfactorily by the vehicle's securement system.

(e) The entity may recommend to a user of a wheelchair that the individual transfer to a vehicle seat. The entity may not require the individual to transfer.

(f) Where necessary or upon request, the entity's personnel shall assist individuals with disabilities with the use of securement systems, ramps and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so.

(g) The entity shall permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle.

49 CFR 37.167 Other service requirements

(a) This section applies to public and private entities.

(e) The entity shall ensure that vehicle operators and other personnel make use of accessibility-related equipment or features required by part 38 of this title.

Refer to question ADA-GEN8 in the baseline review for additional information.

ADAERM7. How does the recipient accommodate individuals who rely on accessible equipment when that equipment is inoperative?

BASIC REQUIREMENT

Service must be accessible to and usable by persons with disabilities.

APPLICABILITY

All recipients

DETAILED EXPLANATION FOR REVIEWER

Refer to question ADA- GEN8 in the baseline review.

INDICATORS OF COMPLIANCE

- a. *Are lifts/ramps checked during the pre-trip inspections? Describe how the recipient knows whether or not vehicles with an inoperative lift/ramp are placed into service.*

Review Response

- b. *Does the recipient have a standard or policy for prompt repair of inoperative lifts/ramps? If so, what is it? How does the recipient know whether or not its standards are met?*

Review Response

- c. *Does the recipient have a standard or policy for the prompt repair of the public address (PA) system? If so, what is it? How does the recipient know whether or not its standards are met?*

Review Response

- d. *If automated stop announcement equipment is used, does the recipient have a standard or policy for its prompt repair? If so, what is it? How does the recipient know whether or not its standards are met?*

Review Response

- e. *Describe the recipient's process for review of vehicle maintenance records? Does the review of vehicle maintenance records demonstrate that lifts, ramps, automated announcement systems, PA systems, securement systems are repaired promptly?*

Review Response

- f. *Describe the recipient's process for reviewing facility maintenance records? Does the review of maintenance records demonstrate that elevators and other facility accessibility features (power doors, etc.) are repaired promptly?*

Review Response

- g. *Describe how the recipient manages and staffs its elevator maintenance program, including whether service is provided by contractors. Is the process formally documented? What are the procedures for scheduling preventive maintenance of elevators?*

Review Response

- h. *Describe how the recipient addresses unscheduled elevator maintenance/ repair.*

Review Response

- i. *How does the recipient notify the public of elevator outages and how does it accommodate people when the elevator is out of service? How does the recipient evaluate the effectiveness of these measures?*

Review Response

- j. *What are the performance standards and goals for bringing inoperative elevators back into service? How does the recipient know whether or not these are met?*

Review Response

- k. *How does the recipient track elevator down time?*

Review Response

- l. *How does the recipient ensure that people needing an elevator will be accommodated when implementing major elevator repair/maintenance projects, or when an elevator is out of service unexpectedly? What departments are involved? How is the public made aware of these projects? How is the public made aware of alternate accommodations?*

Review Response

INSTRUCTIONS FOR REVIEWER

Review maintenance and operations policies. Review the following elements:

- pre-trip and preventive maintenance checklists for lifts/ramps, automated announcement, and public address (PA) systems
- policies governing placing buses in service with inoperative lifts/ramps
- written maintenance plans/ maintenance scheduling policies for procedures governing turnaround time for buses with inoperative lifts/ramps, automated announcement, or PA systems
- a sample of maintenance records for repair of ADA accessibility features (wheelchair lifts, ramps, inoperative automated announcement, PA systems, securement systems, etc.)
- a comparison of the date of the repair to the date the defect was noted
- facility maintenance policies and procedures to ensure that they address ADA accessibility features
- policies and procedures for notifying maintenance officials of inoperative accessibility features
- policies and procedures for scheduling the maintenance of inoperative accessibility features

Refer to question ADA9 in the baseline review for additional information.

POTENTIAL DEFICIENCY DETERMINATIONS

Refer to question ADA-GEN 8 in the baseline review.

GOVERNING DIRECTIVES

Refer to question ADA-GEN 8 in the baseline review.

ADAERM8. Does the recipient's eligibility determination process meet ADA complementary paratransit service requirements?

BASIC REQUIREMENT

ADA complementary paratransit service must be provided to ADA eligible individuals.

APPLICABILITY

All ADA complementary paratransit service providers

DETAILED EXPLANATION FOR REVIEWER

Refer to question ADA-CPT2 in the baseline review.

INDICATORS OF COMPLIANCE

- a. *How does the recipient track eligibility applications to ensure that decisions are made within 21 days of receipt of a complete application?*

Review Response

- b. *How does the recipient define and communicate when an application is “complete”?*

Review Response

INSTRUCTIONS FOR REVIEWER

Refer to question ADA-CPT2 in the baseline review.

POTENTIAL DEFICIENCY DETERMINATIONS

Refer to question ADA-CPT2 in the baseline review.

GOVERNING DIRECTIVE

Refer to question ADA-CPT2 in the baseline review.

ADAERM9. Does the recipient provide ADA complementary paratransit service to out-of-town visitors?

BASIC REQUIREMENT

ADA complementary paratransit service must be provided to out-of-town visitors.

APPLICABILITY

All ADA complementary paratransit service providers

DETAILED EXPLANATION FOR REVIEWER

Refer to question ADA-CPT3 in the baseline review.

INDICATORS OF COMPLIANCE

- a. *How does a visitor use the paratransit service?*

Review Response

- b. *What is the lead time before visitors are provided with service?*

Review Response

- c. *For how many days is a visitor provided service before the recipient requires its own certification?*

Review Response

INSTRUCTIONS FOR REVIEWER

Refer to question ADA-CPT3 in the baseline review.

POTENTIAL DEFICIENCY DETERMINATIONS

Refer to question ADA-CPT3 in the baseline review.

GOVERNING DIRECTIVE

Refer to question ADA-CPT3 in the baseline review.

ADAERM10. If the recipient has a no-show/late cancellation policy for ADA complementary paratransit service, does it meet the ADA complementary paratransit service requirements?

BASIC REQUIREMENT

Recipients may establish an administrative process to suspend, for a reasonable amount of time, the provision of ADA complementary paratransit service to ADA eligible individuals who establish a pattern or practice of missing scheduled trips. The procedure must provide for due process.

APPLICABILITY

Public providers of fixed-route service

DETAILED EXPLANATION FOR REVIEWER

Refer to question ADA-CPT5 in the baseline review.

INDICATORS OF COMPLIANCE

- a. *How are passengers informed of the no-show policy? Is the policy made available in alternate formats upon request?*

Review Response

- b. *How is a passenger notified that he or she will be suspended for violating the no-show policy? Is the passenger notified of his or her right to appeal the proposed service suspension? Are both notifications available in alternative accessible formats upon request?*

Review Response

- c. *Does the review of data on no-shows document that:*

- i. *No-shows under the riders control are not charged against the rider?*
- ii. *The threshold for a cancellation is met before a cancellation is considered a no-show (i.e., riders are not penalized when cancelling trips more than two hours in advance of the scheduled pickup)?*

- iii. *The procedures for notifying a passenger of a suspension are followed?*
- iv. *The appeals process is followed?*

Review Response

INSTRUCTIONS FOR REVIEWER

Refer to question ADA-CPT5 in the baseline review.

POTENTIAL DEFICIENCY DETERMINATIONS

Refer to question ADA-CPT5 in the baseline review.

GOVERNING DIRECTIVE

Refer to question ADA-CPT5 in the baseline review.

ADAERM11. Does the recipient's paratransit service meet the ADA complementary paratransit service requirements?

BASIC REQUIREMENT

ADA complementary paratransit service must be origin-to-destination service provided according to the service criteria described in 49 CFR 37.131.

APPLICABILITY

Public providers of fixed-route service

DETAILED EXPLANATION FOR REVIEWER

Refer to question ADA-CPT4 in the baseline review.

INDICATORS OF COMPLIANCE

- a. *What are the policies and procedures for providing origin-to-destination service and how are these policies communicated to applicants and eligible riders?*
 - i. *How and when do eligible riders request assistance beyond the curb when needed due to disability?*
 - ii. *Describe the recipient's processes for ensuring that reservationists, schedulers, dispatchers, and drivers are aware that such assistance is needed.*
 - iii. *Does a review of the recipient's records demonstrate that the policies and procedures are followed?*

Review Response

- b. *If the ADA complementary service area changes with fixed-route service, how is the service area determined? How is the public informed of the service area changes?*

Review Response

- c. *If reservations are accepted when the administrative office is closed, how are those trips worked into the schedule? How are travel times negotiated?*

Review Response

- d. *Describe how the recipient develops and documents ADA complementary paratransit policies and procedures. What department and/or staff positions are responsible for ensuring policies and procedures meet US DOT ADA complementary paratransit requirements?*

Review Response

- e. *How does the recipient communicate ADA complementary paratransit policies and procedures to staff and/or contractors?*

Review Response

- f. *Has the recipient taken disciplinary action against staff or enforced contractual remedies on contractors that do not follow the proper ADA complementary paratransit policies and procedures?*

Review Response

INSTRUCTIONS FOR REVIEWER

Refer to question ADA-CPT4 in the baseline review.

POTENTIAL DEFICIENCY DETERMINATIONS

Refer to question ADA-CPT4 in the baseline review.

GOVERNING DIRECTIVES

Refer to question ADA-CPT4 in the baseline review.

ADAERM12. Does the recipient place limits on the availability of service to ADA paratransit eligible individuals?

BASIC REQUIREMENT

ADA complementary paratransit service must meet the service criteria of the US DOT ADA regulations.

APPLICABILITY

All ADA complementary paratransit service providers

DETAILED EXPLANATION FOR REVIEWER

See question ADA-CPT6 in the baseline review.

INDICATORS OF COMPLIANCE

- a. *How does the recipient ensure that next-day trips are reserved, scheduled, and provided as required? Does the recipient have a policy or procedures in place to provide less than 100 percent of next-day trips? If so, what is it?*

Review Response

- b. *How does the recipient know that pickup times are negotiated with the rider and scheduled within one hour of the requested time?*

- i. *If the reservation and scheduling functions are separate, when is the pickup time negotiated?*
- ii. *Does the review of a sample of manifests documents show that the recipient meets its obligations to schedule and provide service as required under the US DOT ADA regulations?*

Review Response

- c. *What are the definitions of trip denials, on-time performance, missed trips, and excessively long trips? What is the standard for each of the above capacity indicators? What data does the recipient collect to ensure that the standard is met?*

Review Response

- d. *Provide data on the trip denial rate, on-time performance rate, number of missed trips, and number of excessively long trips for ADA complementary paratransit service for the current and previous two years? Does the review of the data demonstrate whether or not the standard is met?*

Review Response

	2016	2017	2018
Trip denial rate			
On-time performance rate			
Percentage of missed trips			
Percentage of excessively long trips			

- e. *If paratransit service is provided beyond what is required by US DOT ADA complementary paratransit requirements, such as to persons who are not eligible for ADA paratransit or to*

destinations or at times not required by the ADA, is the recipient able to distinguish such passengers and trips from ADA paratransit passengers and trips to ensure that eligible riders are not experiencing capacity constraints?

Review Response

- f. *If the recipient co-mingles ADA paratransit eligible individuals with other riders (e.g., with seniors or with general public demand-response customers), how does it ensure all the ADA service criteria are being met for the paratransit eligible individuals?*

Review Response

INSTRUCTIONS FOR REVIEWER

See question ADA-CPT6 in the baseline review for additional information.

POTENTIAL DEFICIENCY DETERMINATION

The recipient is deficient if it is experiencing capacity constraints and is unable to distinguish between ADA and non-ADA complementary paratransit eligible passengers.

DEFICIENCY CODE CPT4-5: Limits or capacity constraints on ADA complementary paratransit service

SUGGESTED CORRECTIVE ACTION: The recipient must submit to the RCRO procedures for ensuring that the ADA service criteria are being met for ADA complementary paratransit eligible individuals and evidence of implementation.

See question ADA-CPT6 in the baseline review for additional information.

GOVERNING DIRECTIVES

49 CFR 37.131 Service criteria for complementary paratransit

The following service criteria apply to complementary paratransit required by §37.121 of this part.

(g) *Additional service.* Public entities may provide complementary paratransit service to ADA paratransit eligible individuals exceeding that provided for in this section. However, only the cost of service provided for in this section may be considered in a public entity's request for an undue financial burden waiver under §§37.151-37.155 of this part.

See question ADA-CPT6 in the baseline review for additional information.