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Montana Fall Transit Training Workshop

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October 4, 2016

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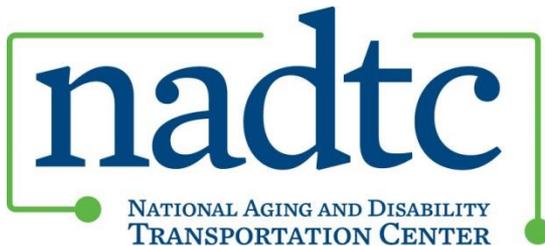
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Meet Your Presenter

Kristi McLaughlin
Senior Project Manager
ESPA Consulting



Easterseals Transportation Group



- The National Aging and Disability Transportation Center



- The National Center for Mobility Management



- Easterseals Project Action Consulting

What ESPAC Offers

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Easterseals Project Action Consulting offers customized training & technical assistance that fits your agency's

**Working together to
build accessible
communities for all!**

Please Note

- The session today focuses on the big picture and federal perspective on topics such as the Americans with Disabilities Act and Title VI.
- Please note that Montana has many more protected federal classes than the federal requirement for Title VI.
- Tomorrow's session will include much more detail on both Title VI and the ADA including new procedures to follow for complaint procedures and ADA rights signage.

Who to Contact

- Please contact the Office of Civil Rights at MDT for ADA, Title VI, or EEO information and assistance

Please Note

- Easterseals Project Action Consulting is a technical assistance center that strives to provide accurate information on the Americans with Disabilities Act (ADA)
- What we provide is technical assistance and not legal advice





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Developing Policies that Drive and Protect the Future of Your Agency

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Policies vs. Procedures

- **Policy:** A stated position on an issue that provides the written basis for operations, secondary only to legislation or governing documents
- **Procedure:** The mechanism for implementing policy or the how-to instructions for putting policy into practice.

Policies and Procedures

- Are the backbone of your agency's operations
- Help determine appropriate action and reaction
- Establish a consistent level of service
- Can extend that consistency across agencies

Question 1

How many of you have a vision and/or mission statement for your transportation program?

Question 2

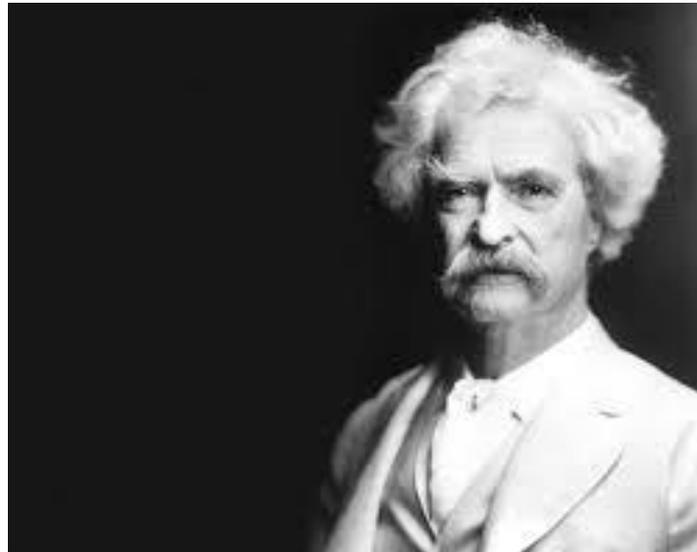
Does anyone want to share your either their vision or mission statement?

Policies and Procedures Should...

- Support your vision and mission
- State your position on internal or external issues
- Define frontline action
- Be a reference for decision-making
- Protect your staff, volunteers and riders

Quote from Mark Twain

Honesty is the best policy when there is money in it.



Internal vs. External Policies

Internal: how your agency conducts business

External: how you engage with your customers and the broader community

Internal Policy Examples

- Financial management
- Recruiting, hiring, promoting and firing
- Attendance and leave
- Maintenance
- Other examples?

External Policy Examples

- Code of conduct
- Fare policies
- Service animals
- Complaints
- Other external policies?

Question 3

How many of you have established internal policies?

Question 4

How many of you have established external policies?

Question 5

Where do you keep these policies, both internal and external?

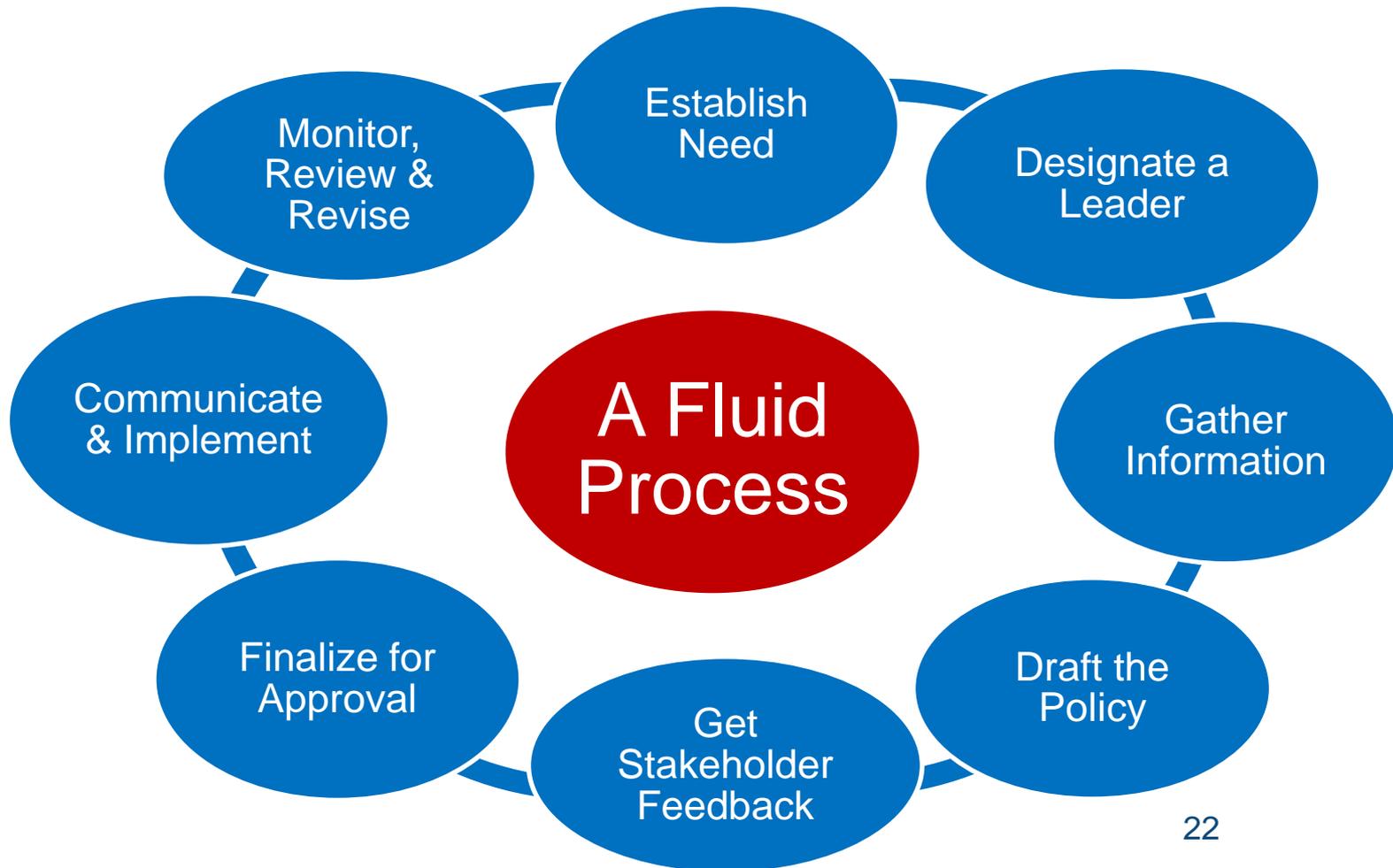
Quote from Henry Wallich

Policy is the name we give to our future mistakes.



Professor of Economics from Yale

Policy Development



Step 1: Establish Need

- Proactive approach: anticipating the need for a policy to address a potential issue
- Reactive response: creating a policy to solve an issue that has already occurred

Step 2: Designate the Responsible Staff

- Share the love!
- Find lead staff in your agency to share the task of developing policies
- Others will get a chance to give input later in the process

Step 3: Gather Information

- Get the latest information on the issue
- See if colleagues from other agencies have a good policy on this issue
- Are there legal requirements
- Other considerations?

Legal Considerations

- Policies are often written to implement
 - State or federal legislation
 - Local ordinances
 - Requirements of a governing body
 - Directions from legal counsel

Question 6

What are some of the laws you must take into consideration when developing policies?

Step 4: Draft the Policy

- Shouldn't be made without input
- Needs input from a variety of stakeholders
- Will be better implemented when there is buy-in

Step 5: Get Feedback from Stakeholders

- Who does the policy touch?
 - Implementation and compliance
- Who will monitor the compliance of that policy?
- Who has final approval?

Quote From Herbert Hoover

- Honest differences of views and honest debate are not disunity.
- They are the vital process of policy making among free men.



Question 7

How many of you currently use feedback from various stakeholders when developing or revising policies?

Question 8

Who wants to tell us about how you've used stakeholders in policy development?

Step 6: Finalize and Get Approval

- Incorporate the feedback into your policy
- Determine the chain of approval
 - Supervisor/manager
 - Executive staff
 - Governing board
 - Others?

Step 7: Communication and Implementation

- Developing communication strategies
- Developing training
- Determining roll-out period

Step 8: Monitor, Review and Revise

- Monitor closely for early signs of challenges
- Get input from those who implement the policy and those who comply with the policy
- Early tweaks can often save a good policy
- Review periodically for ongoing effectiveness
- Recognize indications that it is time for revision
- Do you annually review your policies?

Question 9

How do you currently inform staff or riders about new policies?

Question 10

How do you monitor and react to feedback to new or updated policies?



Questions



Overview of Title VI and Transportation

What is Title VI?

- Civil Rights Act of 1964
- Protects from discrimination based on
 - Race
 - Color
 - National origin
- Covers programs and activities receiving federal financial assistance

Title VI and Transportation

- Enforced by the FTA Office of Civil Rights
- Requirements include, but are not limited to:
 - Specific program development requirements
 - Collecting and reporting data
 - Conduct service and fare equity analysis
 - Monitoring transit service
 - Additional requirements for state DOTs

MTDOT Title VI Plan



The State of Montana
DEPARTMENT OF TRANSPORTATION

TITLE VI PLAN

OFFICE OF CIVIL RIGHTS
2701 PROSPECT AVENUE – PO BOX 201001
HELENA, MONTANA 59620-1001

Telephone: Voice (406) 444-6331
TTY 1-800-335-7592



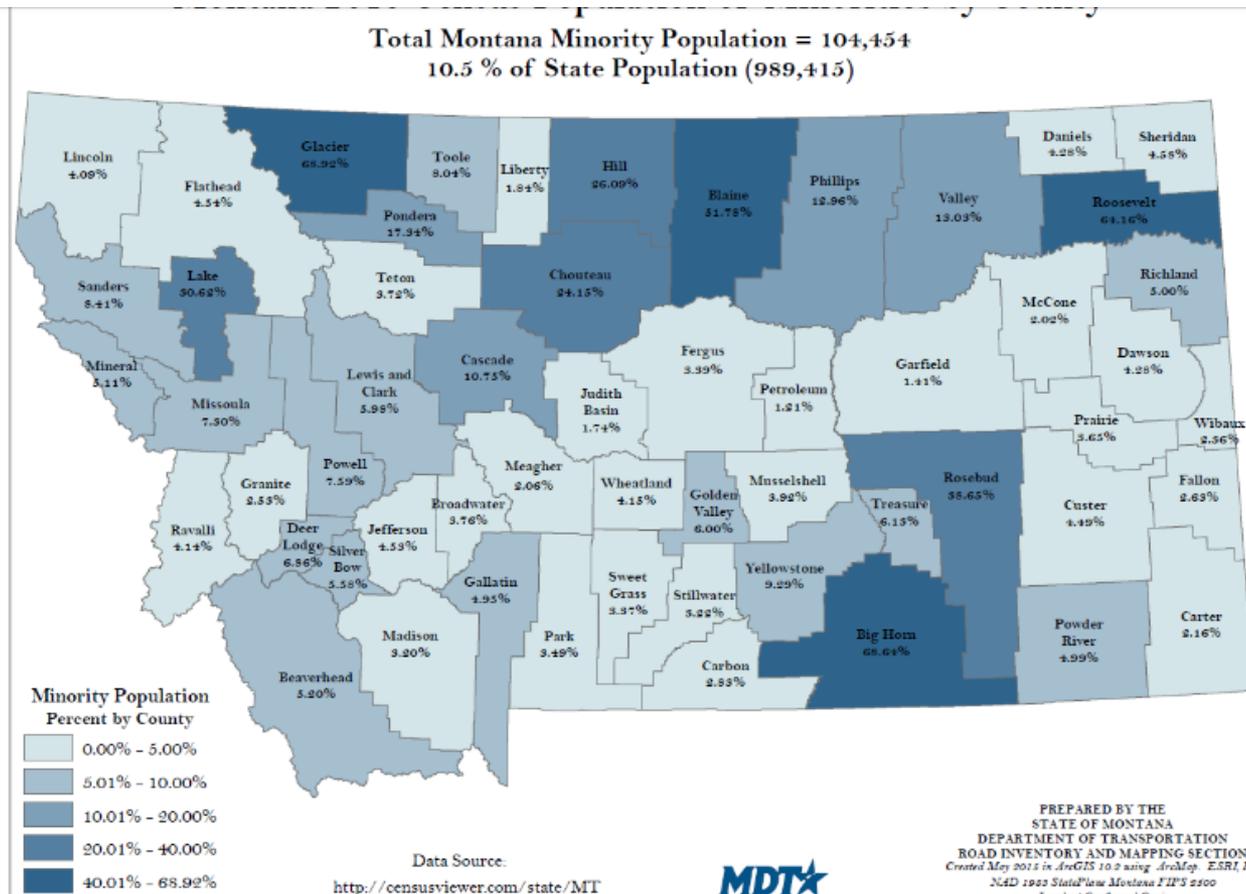
Sections to Note

- Rail, transit, and planning division
- Sub-recipient review procedures
- Training
- Complaint procedures
- Limited English proficiency
- MDT nondiscrimination and disability accommodations notice
- Appendices

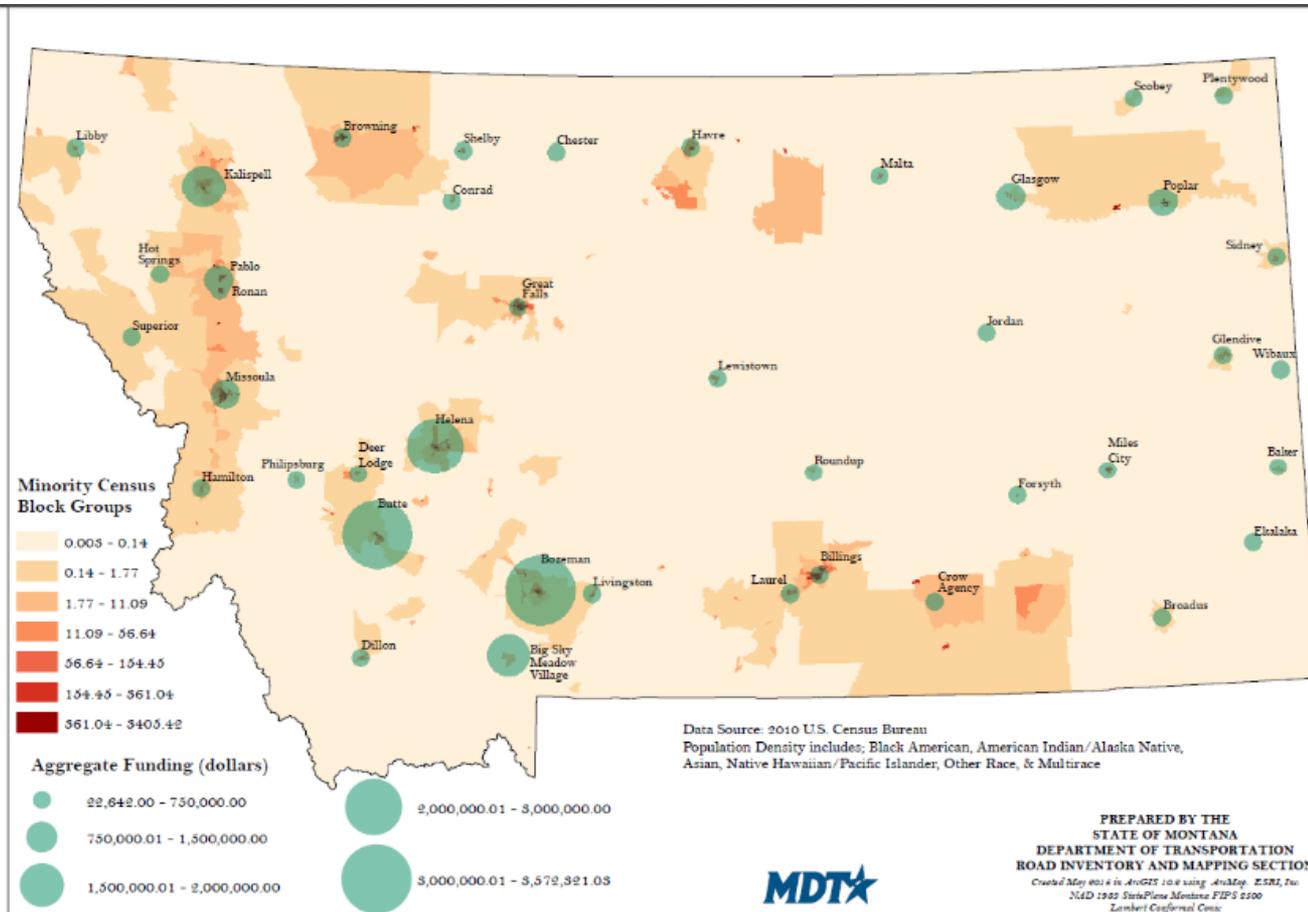
Montana Demographic Race Information

- American Indian and Alaska Native 6.32%
- Asian 0.63%
- African American 0.41%
- Native Hawaiian or Other Pacific Native 0.07%
- Some other race 0.60%
- Two or more races 2.52%
- Caucasian 89.44%
- Hispanic 2.89%
- Not Hispanic 97.11%

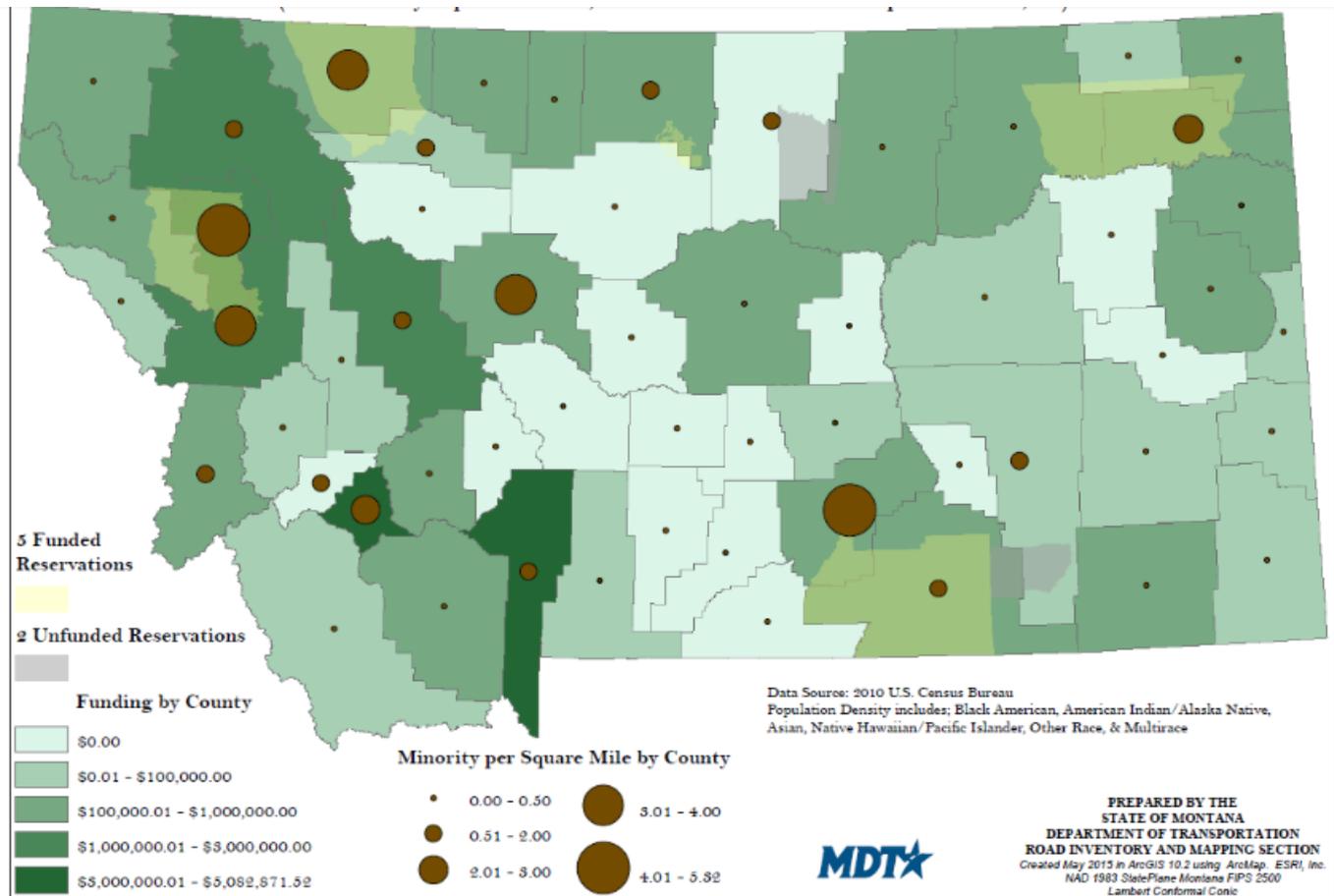
Montana 2010 Census Population of Minorities by County



Montana 2010 Minority Population Density with Aggregate Transit Funding Overlay



Montana Transit Funding by County with 2010 Census Density Dots of Minorities by County



FTA

FEDERAL TRANSIT ADMINISTRATION

Overview of Final Circular 4702.1B Title VI Requirements and Guidelines for Recipients



FTA

FEDERAL TRANSIT ADMINISTRATION

Rev. October 2012

General Requirements

- The circular applies to all grantees:
 - Transit agencies
 - MPOs
 - State DOTs
 - Recipients of special funds such as TIGER and Urban Circulator grants
 - Subrecipients

Subrecipients and Contractors

- Each subrecipient develops its own Program but may use some elements of primary recipient's Title VI Program
- Contractor must implement recipient's program

New Terminology

- **Primary Recipient** – this is a term used in the regulation and it applies to recipients that pass funds through to subrecipients
- **Minority transit route** – this term is used only for service monitoring and not for service and fare equity analyses
- **Disproportionate burden** – applies to impacts on low-income populations for service and fare changes

FTA

FEDERAL TRANSIT ADMINISTRATION

Chapter III

General Requirements and Guidelines



FTA

FEDERAL TRANSIT ADMINISTRATION

Submitting Title VI Program

- All recipients must submit Title VI Program every three years (TEAM)
- Title VI Program must be approved by grantee's Board of Directors or appropriate governing entity (including sub-recipients) and submit documentation of such action
- Title VI Programs will be due 60 days prior to expiration dates

Requirements for ALL Recipients

Eight elements contained in every Title VI Program:

- Notice of Rights under Title VI
- How to File a Complaint, copy of complaint form
- List of Title VI investigations, complaints or lawsuits
- Public Participation Plan
- LEP Plan
- **Racial Breakdown of Non-elected Advisory Councils**
- **Narrative Describing Subrecipient Monitoring**
- **Board of Directors resolution or meeting minutes demonstrating the board approved the Title VI Program**

Requirement to Notify Beneficiaries of Protection

- Title VI Notice Published
 - Dissemination
 - Document Translation
 - Subrecipients
- Sample provided in Appendix B

Requirement to Develop Title VI Complaint Procedures and Complaint Form

- Procedures for filing a complaint
- Procedures for investigating a complaint
- Title VI Complaint Form
- Post complaint procedures on recipient's website

Requirement to Record and Report Transit-Related Title VI Investigations, Complaints, and Lawsuits

- List of allegations of discrimination on the basis of race, color, or national origin in the form of:
 - Active investigations by entities other than FTA;
 - Lawsuits; and
 - Complaints

Promoting Inclusive Public Participation

- The public participation plan will contain:
 - Proactive Strategies,
 - Procedures, and
 - Desired Outcomes
- Suggested Participation Plan strategies and examples
 - Meetings at convenient times and accessible locations
 - Utilizing different meeting sizes and formats
 - Alternative advertising platforms
 - Varying community interaction

Requirement to Provide Meaningful Access to LEP Persons

- **Reasonable** steps to ensure **meaningful** access to:
 - Benefits
 - Services
 - Information
 - Other important activities

LEP Assessment

- Four Factor Analysis

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.
2. The frequency with which LEP persons come into contact with the program.
3. The nature and importance of the program, activity, or service provided by the program to people's lives
4. The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach

Developing a Language Assistance Plan

- Flexible but at a minimum the LEP plan **shall** include:
 - Include the results of the Four Factor Analysis, including a description of the LEP population(s) served
 - Describe how the recipient provides language assistance services by language
 - Describe how the recipient provides notice to LEP persons about the availability of language assistance

Developing a Language Assistance Plan (Cont'd)

- Describe how the recipient monitors, evaluates and updates the language access plan
- Describe how the recipient trains employees to provide timely and reasonable language assistance to LEP populations

Steps After Completing the Four Factor Analysis

- Translating **vital** documents
 - For frequently encountered LEP group(s)
 - Non-exhaustive list that includes, but is not limited to:
 - Consent and complaint forms
 - Intake and application forms
 - Written notices of rights
 - Notice of denials, losses, or decreases in benefits or services
 - Notice of person's rights under Title VI

Safe Harbor Provision

- “Safe harbor” for translation of **written** material
- “Safe Harbor” stipulates if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes 5% or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations

Minority Representation on Planning and Advisory Bodies

- Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, **the membership of which is selected by the recipient**, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees

Providing Assistance to Subrecipients

- Primary recipients should provide subrecipients:
 - Sample public notices, Title VI complaint procedures, and the recipient's Title VI complaint form.
 - Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient,.
 - Demographic information of residents served by the sub-recipient
 - Any other recipient-generated or obtained data

Monitoring Subrecipients

- Primary recipients must monitor subrecipients
- Non-compliant subrecipient means primary recipient is also non-compliant
- Primary recipients shall:
 - Document process for ensuring all subrecipients are complying with the general and specific requirements
 - Collect and review subrecipient's Title VI Program
 - At FTA's request, the primary recipient shall request that subrecipients who provide transportation services verify that their level and quality of service is equitably provided

FTA

FEDERAL TRANSIT ADMINISTRATION

Chapter IV

Requirements and Guidelines for Fixed Route Transit Providers



FTA

FEDERAL TRANSIT ADMINISTRATION

Chapter IV Applicability

- Applies to all providers of fixed route public transportation (transit providers) that receive Federal financial assistance
- Contractors follow Title VI Program of transit provider
- Subrecipient transit providers submit to their primary recipient
- All providers submit every 3 years

Demand Response Providers

- Providers of demand response service responsible only for Chapter 3 requirements
- Providers of public transportation that operate fixed route and demand response service, or only fixed route service, are responsible for the reporting requirements in this chapter, but these requirements only apply to fixed route service

Fixed Route Transit Providers

4702.1A Threshold

Reporting requirements based on whether the transit agency operates in a large UZA (over 200,000 population) and receives section 5307 funds



4702.1B Threshold

Reporting requirements based on transit providers with 50 or more fixed route vehicles in peak service, located in large UZAs

Requirements for Fixed Route Transit Providers

Requirement	Fixed Route Transit Providers that do not meet the threshold	Transit Providers with 50 or more fixed route vehicles in peak service, located in large UZA
Set system-wide standards and policies	Required	Required
Collect and report data	Not required	Required: <ul style="list-style-type: none"> • Demographic and service profile maps and charts • Survey data regarding customer demographic and travel patterns
Evaluate service and fare equity changes	Not required	Required
Monitor transit service	Not required	Required

Contents of the Title VI Program

All Fixed Route Transit Providers

- All general requirements set out in Section 4 of Chapter III of the Circular; and
- System-wide service standards and system-wide service policies, whether existing or new (i.e., adopted by the transit provider since the last submission) as described in Chapter IV

Contents of the Title VI Program

Transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more

- All general requirements set out in Section 4 of Chapter III of the Circular;
- A demographic analysis of the transit provider's service area.
- Data regarding customer demographics and travel patterns;
- Results of the monitoring program of service standards and policies and any action taken
- A description of the public engagement process for “major service change policy” and disparate impact policy;
- A copy of board meeting minutes /resolution;
- Results of equity analyses;
- A copy of board meeting minutes or a resolution demonstrating consideration, awareness, and approval of the equity analyses

Requirement to Set System-Wide Service Standards and Policies

- Applies to all fixed route providers of public transportation service
- All fixed route transit providers shall set service standards and policies for each specific fixed route mode of service they provide
- Standards and policies must address how service is distributed across the transit system

Effective Practices to Fulfill the Service Standard Requirement

- Vehicle load for each mode
- Vehicle headway for each mode
- On-time performance for each mode
- Service availability for each mode

Effective Practices to Fulfill the Service Policy Requirement

- Distribution of transit amenities for each mode
- Vehicle assignment for each mode

Requirement to Collect and Report Demographic Data

- Applies only to transit providers that operate 50 or more fixed route vehicles in peak service and located in UZA of 200,000 or more in population
- Must prepare data regarding demographic and service profile maps and charts and customer demographic and travel patterns

Demographic Data

- Demographic and Service Profile Maps and Charts
 - Base map of service area that overlays with geographic data
 - Demographic map
- Demographic Ridership and Travel Patterns
 - Race
 - English Proficiency
 - Language spoken at home
 - Household Income
 - Travel patterns

Requirement to Monitor Transit Service

- Applies only to transit providers that operate 50 or more fixed route vehicles in peak service and located in UZA of 200,000 or more in population
- Done not less than every 3 years

Requirement to Monitor Transit Service: Methods

- Use minority transit route definition to implement monitoring program
- Assess performance of each minority and non-minority route in sample
- Compare service to provider's established policies and standards
- Analyze Discrepancies

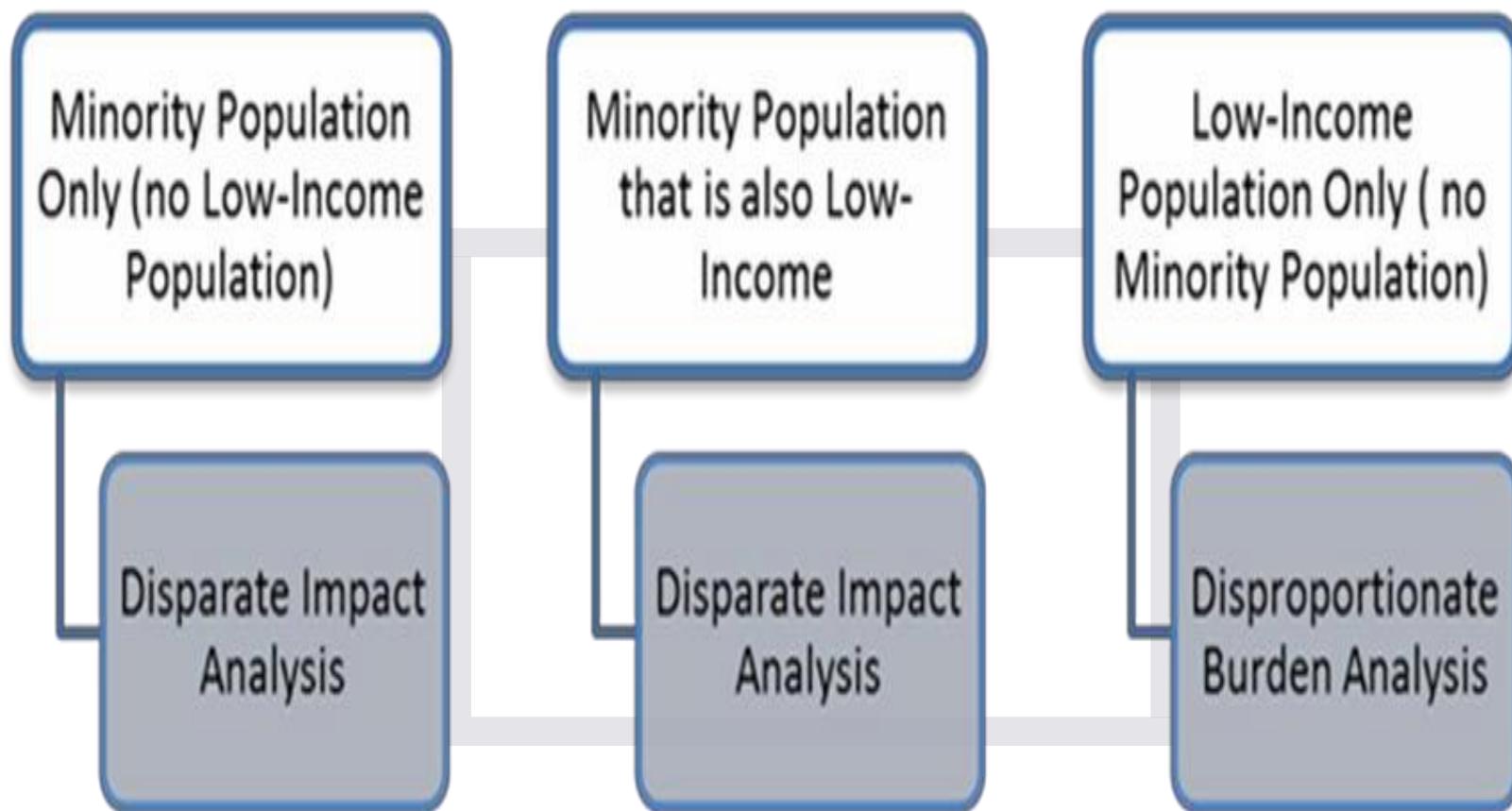
Requirement to Monitor Transit Service: Methods (Cont'd)

- Study amenities distribution
- Develop policy/procedure for possible disparate impacts
- Brief and obtain Board approval regarding monitoring program results
- Submission of monitoring results to FTA every 3 years in Title VI Program

Requirement to Evaluate Service and Fare Changes

- Applies only to transit providers that operate 50 or more fixed route vehicles in peak service and located in UZA of 200,000 or more in population

What is the proper analysis?



Enhanced Appendix Section

- Included appendices meant to provide sample checklists, templates, standards, policies, tables and maps for FTA recipients to consult when preparing their Title VI program
- A more thorough checklist for all recipients, fixed route transit providers, Transit providers that operate 50 or more fixed route vehicles in peak service and are located in UZA of 200,000 or more, States, and MPOs
- Clear Guidance provided on Service and Fare Equity Analysis



Questions



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Service Animals, the ADA, and Transportation

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ADA Basics

**DISABILITY RIGHTS
ARE CIVIL RIGHTS**

- The ADA is a civil rights law prohibiting discrimination against persons with disabilities
- Regulations pertaining to transportation intended to create an equal travel environment
- Builds on and extends requirements under Section 504 of the Rehabilitation Act of 1973

ADA Regulatory and Enforcement Authority

- US DOJ
 - Title II public entities
 - Title III places of public accommodation and commercial facilities
- US DOT
 - Title II Part B public transportation
 - Private transportation – taxicabs and motor coaches
 - Transit facilities

Two Different Definitions Under the ADA

- DOJ revised definition under the ADA – applies to state and local government and places of public accommodation
- DOT definition under the ADA – applies to transportation



DOJ Definition of a Service Animal

- Dogs that are individually trained to do work or perform tasks for people with disabilities
 - Guiding people who are blind
 - Alerting people who are deaf
 - Pulling a wheelchair
 - Alerting and protecting a person having a seizure
 - Reminding a person to take prescribed medications
 - Calming a person with PTSD
 - Other duties

DOJ Separate Provision

- Recognizes miniature horses that have been individually trained to do work or perform tasks for people with disabilities as service animals
- Miniature horses are generally:
 - 24-34 inches measured at the shoulder
 - 70-100 pounds
 - Must be:
 - Housebroken
 - Under the owner's control
 - Type, size and weight can be accommodated
 - Will not compromise safe operation of the facility

For More Information on DOJ Regulations

- http://www.ada.gov/service_animals_2010.htm
- 800-514-0301 (Voice)
- 800-514-0383 (TTY)



DOT Definition of a Service Animal

- “Any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability
- Including, but not limited to:
 - Guiding individuals with impaired vision
 - Alerting individuals with impaired hearing to intruders or sounds
 - Providing minimal protection or rescue work
 - Pulling a wheelchair or fetching dropped items

Determining Service Animal Status

- No national certification process for identifying service animals
- Transportation providers can not ask for:
 - A certificate
 - Identification card
 - Note from a physician
 - The animal to wear a vest or other identifying gear
 - No limitation on the type of animal

Determining Service Animal Status

- A transportation provider can ask:
 - Is that a service animal?
 - Is that a pet?
 - What tasks does the animal perform?
 - Must rely on the answer provided by the customer
 - Can not ask for a demonstration



Nontraditional Service Animals

- Capuchin monkeys
- Miniature horses
- Rabbits
- Birds
- Others?



Types of Service

- Alert and assist during seizures
- Provide balance and stability
- Pull, push, retrieve
- Alert to sounds and changes in environment
- Guide work
- Non-violent protection or rescue work
- Alert to the presence of allergens
- Preventing or interrupting impulsive or destructive behaviors

Types of Service

- Medication reminder
- Providing safety checks or room searches
- Turning on lights
- Keeping disoriented people from danger
- Alert for repetitive movement

Service vs. Comfort Animals

- Service animals are trained to perform specific tasks to assist a person with a disability
- Comfort or emotional support animals provide companionship, relieve loneliness, and assist with depression, anxiety and phobias
- The ADA does not preclude providing service to both types of animals

Animals in Training

- Are not covered under the ADA
- May be permitted to ride according to agency policy
- Must be under control of the handler
- Strongly recommended as a good way to train animals to adapt to transportation



Finer points of regulation

- No limit to the number of animals a person uses
 - One in training
 - Performing different tasks
- Fear, allergies, other objections not a reason to deny service
 - For the driver
 - For other passengers
- Handler must always be in control of the animal

Service May Be Denied When...

The animal is not under the control of the handler

- Exhibits aggressive behavior
- Is disruptive
- Poses a direct threat to the safety of others

The handler does not take corrective action

- The animal stands in the aisle
- The animal greets the driver or other passengers
- The animal encroaches on the space of others

Service May Be Denied When...

- Credible assessment indicates the animal is a pet
- Handler can't answer the allowed questions
- Animal appears with multiple handlers over a period of time

Service Animal Etiquette

- Transit personnel and other passengers should not:
 - Feed the animal
 - Touch the animal
 - Attempt to give it commands
 - Direct the handling of the animal
 - Make and maintain eye contact with the animal



If There is a Problem

- Speak to the person handling the animal
- Explain the problem
- Allow the person to take action
- Follow policies regarding what to do when disruption occurs on the vehicle

Frequently Asked Questions

- Question #1
 - I asked a person riding my bus if his animal is a service animal but he refused to answer. What can I do?

Frequently Asked Questions

- Question #2
 - Can we pre-register people who use service animals?

Frequently Asked Questions

- Question #3
 - We have a rider whose animal is very mangy and dirty looking. He insists that this is a service animal, but we doubt it. What can we do?



Questions



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Reasonable Modification to Policy and Practice

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Final Rule on Reasonable Modification

- Issued on March 6, 2015
- Effective on July 13, 2015
- Fills a gap identified by the courts regarding specific language in DOT regulations
- Requires modification to policies, practices and procedures to ensure access to programs, benefits and services

Reasonable Modification

- Applies to fixed-route, demand responsive and complementary paratransit
- Requires process to be set by the transportation provider
- Follows 2005 origin to destination guidance
- Is most likely something you are providing already

Must be Made Unless Doing So

1. Would fundamentally alter the nature of the program, service or activity
2. Would result in a direct threat to the health or safety of others
3. Without the requested modification, the individual with a disability is able to fully use the entity's services, programs or activities for their intended purpose

Policies that may Require Modification

- Snow and Ice
- Handling Fare
- Eating and Drinking
- Dedicated Vehicles or Special Equipment
- Luggage or Packages
- And others...

Example Policy

A general statement representing your position on providing reasonable modification:

“We provide reasonable modification of policy and practice upon request to ensure that our transportation services are accessible to people with disabilities.”

Example Process

- Requests for reasonable modification may be made in advance via e-mail, phone, web site, in writing, etc.
- Someone will contact you via ... for additional information.
- A decision will be made in 'X' business days.
- A written decision will be sent to you via ...

Question

If a person is requesting a reasonable modification to policy, are transit agencies allowed to ask if that person has a disability?

Best Advice Given to Transit Agencies

- Avoid asking directly about a person's disability
- Ask about functional ability to take the trip without modification
- Determine if the modification is reasonable
- Does it fundamentally alter your service
- Is it a direct threat to the health or safety of others
- Is it needed for the person to take the trip

Additional Requirements

1. Information about the process and how to use it must be made available to the public.
2. The request process must be accessible.
3. The process must provide for situations in which making an advance request is not feasible –
 - Allowing operators to make a determination
 - Contacting supervisors for assistance

Complaints

- Can use existing complaint process
- No need to create a separate one
- Does not have to be approved in advance by the FTA
- Is subject to review during audits or DOT complaint process

FTA Involvement

The final rule states clearly that the FTA does not intend to get between the local provider and the customer in making reasonable modification decisions.

The FTA will review overall practice when appropriate either through audits or reviews or because a pattern of inappropriate practice has been established.

Question – True or False?

Operators should generally provide assistance to and from the vehicle when requested in snow and icy conditions.

Answer

True!

- For fixed-route service, operators are expected to offer assistance from the curb to the bus and from the bus to the curb.
- For paratransit service, the final rule clearly states that bus operators are expected to provide assistance from the person's origin to their destination. Specific text about origin to destination has now been added to the regs and explained in the final rule.

Question – True or False?

Customers with diabetes or other medical conditions should generally be allowed to eat or drink on vehicles or at stops and stations to avoid adverse consequences even when there is a strict no drinking or eating policy.

Answer

True!

- While a transit agency may establish a general no eating or drinking on the vehicle or at the stop or station policy, allowing a person who needs to eat or drink while traveling for medical reasons or because of a disability would not rise to the level of a fundamental alteration.
- This is also a modification that is needed to make it possible for the passenger to take the trip.

Question – True or False?

Requests for special equipment, such as a front seat or handrails, or for dedicated vehicles to avoid nausea or back pain should generally be granted under the new reasonable modification final rule.

Answer

False!

Requests for special equipment such as a front seat or handrails to avoid nausea or back pain may be denied

- If the equipment is not already required by the ADA
- Considered a fundamental alteration of service
- Requesting a specific vehicle to avoid residual chemicals or odors or for a preference may be denied
- As a fundamental alteration of service

Question – True or False?

A request for operators to assist with packages or luggage should generally be granted if the weight of the luggage and/or number of packages is considered reasonable.

Answer

False!

A request for operators to assist with packages or luggage may be denied.

- ✓ If there is no existing policy for operators to do so
- ✓ As a fundamental alteration of service
- ✓ Considered to be a service provided by a PCA

Question – True or False?

When scheduling a trip, a passenger may request the bus operator to slightly adjust the boarding location of a designated pick-up or drop-off so that an individual with a disability using a wheelchair may board from an accessible location in the event that construction and/or snow would prevent the individual from boarding at the curb of the pick-up or drop-off location.

Answer

True!

- Making a slight change to accommodate boarding is allowed
- Even if the requested pick-up point is difficult to maneuver, it should be considered
- Only if it is a hazard for the vehicle, the operator or other passengers, should it be denied

Question – True or False?

A bus operator is required to leave his/her seat to assist a passenger with disabilities by pushing a mobility device into the bus or van.



Answer

True!

§ 37.165 3f, “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.”

Question – True or False?

A request of the bus operator to assist a passenger in locating the elevator inside a building should be granted.

Answer

False!

- Assistance past the door generally would not need to be granted
- Could be considered a fundamental alteration to service
- If the elevator is within sight of the exterior door, the operator might give verbal instructions without entering the building

Question – True or False?

When requested, an operator should wait with a passenger whose disabilities make it unsafe for him or her to remain alone and unattended.

Answer

False!

- An operator is not required to provide personal care services
- A transit agency is not required to provide a personal care attendant
- This type of service could rise to the level of a fundamental alteration

Question – True or False?

On fixed-route systems, bus operators are required to call out any stop requested by a person with a disability.



Answer

True!

On fixed route systems, stops must be announced:

1. At transfer points (to either other routes or modes)
2. At major intersections or destination points (undefined by the ADA – to be determined by the local entity)
3. At sufficient intervals so passengers with visual impairments can orient themselves
4. When more than one route serves a stop or station
- 5. AND at the request of a person with a disability**

Question – True or False?

An agency has a policy that operators will not handle money from customers. A reasonable modification to this policy would be to make an exception so operators can assist a customer with a disability to use the farebox.

Answer

True!

- Assisting with fare is a reasonable modification
- An alternative modification would be allowing that customer to ride for free

Question – True or False?

Bus operators are required to lower the lift or ramp for any person requesting to use it.

Answer

True!

Lifts are for the use of anyone who asks for them

- Need not be a person using a wheelchair
- Can't ask why it is needed
- Should be deployed upon request

Question – True or False?

Applicants can be denied paratransit eligibility if the assessor is certain that he or she can receive travel training services and in turn travel independently on all of his/her trips on the fixed-route service.

Answer

False!

- A person's eligibility for ADA complementary paratransit must be determined based on his/her current skill level.
- The ability or possibility of receiving training in the future can not be considered.

Question – True or False?

Paratransit agencies have the right to recertify all ADA complementary paratransit passengers for service even if the passenger's disability is not expected to change.

Answer

True!

- The ADA allows transit agencies to set their own policy on recertification which may include recertifying all paratransit eligible passengers on a regularly scheduled timeline.

Question – True or False?

An agency can require passengers to have brakes and footrests on their wheelchairs?



Answer

False! The DOT ADA regulations define a wheelchair as 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. The definition does not include a requirement for brakes or any other equipment. A transportation operator may not deny transportation to a wheelchair user because the device does not have brakes or the user does not choose to set the brakes.



Questions



ADA Q&A

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Questions

RESOURCES

Check out the FTA web site with information on ADA such as requirements and best practices for vehicle maintenance, stop announcements, eligibility requirements, telephone “hold time” issues, origin to destination policies, on-time performance, and dealing with no-shows.

<http://www.fta.dot.gov/civilrights/12325.html>



RESOURCES

Another good FTA resource is “Transit and the ADA – Frequently Asked Questions.”

http://www.fta.dot.gov/12325_5110.html



RESOURCES

The Disability Rights Education & Defense Fund (DREDF) funded by FTA and the U.S.DOT brought together the requirements of the ADA regulations, FTA determinations, and operational practices that comply with the ADA in their “Topic Guides on ADA Transportation.”

<http://dredf.org/transportation>



RESOURCES

Easterseals Project Action Consulting information and technical assistance on various topics relating to the ADA and accessible transportation.

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Thank You!

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