



## Connect Douglas

### COMPLEMENTARY ADA PARATRANSIT PLAN

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## **INTRODUCTION**

This document serves as Connect Douglas' Paratransit Plan which is required by Federal Regulation, 49 CFR 37.135, also referred to as the Americans with Disabilities Act of 1990. The Federal Transit Administration's Office of Civil Rights prohibits discriminatory use of federal funds through civil rights regulations and policy. For more information visit <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/civil-rightsada>

Included as part of this plan is the Federal Transit Administration's 22-page "Frequently Asked Questions" about ADA Paratransit service. Douglas County considers the answers to these questions part of its plan and as such, adheres to the policies and requirements set forth in these answers.

Connect Douglas implemented fixed route service to operate within the boundaries of Douglas County in spring 2019. ADA Paratransit service was established as a complimentary service to the fixed route service. ADA regulations apply to both private and public transit systems. This plan establishes policies and procedures and how the Paratransit service will be operated.

A public hearing was held as part of development of this plan. The public hearing was conducted as part of the regular, open meeting of the Douglas County Board of Commissioners on May 6th, 2019.

The plan requires establishing an advisory board to oversee the ADA Paratransit service provided by Douglas County. The board will include the Transit Services Coordinator, the County Administrator or a County Commissioner or their representative, the Connect Douglas Federal Transit Administration (FTA) Compliance Officer, the service Contractor's on-site Manager or designee, and three advocates of the disabled community. The Board of Commissioners will select their representative. Connect Douglas will advertise for candidates from the public, and then will present the names to the Board of Commissioners for approval.

After initial citizen appointments made while establishing the board, terms on the board will be for two years. Active board members can request to be re-elected. For the initial citizen appointments, Post One will be for one year, Post Two will be for two years, and Post Three will be for three years. This is done to have staggered terms, where each post will not become open for applicants in the same year.

The advisory board will meet once a month at a time, date and location to be determined and made public. The time, date and locations are published on the County's website at [www.celebratedouglascounty.com](http://www.celebratedouglascounty.com).

## **What is ADA Paratransit Service?**

ADA Paratransit is a shared-ride, curb-to-curb (or door-to-door) transportation service that is available people with disabilities who are unable, or have limited ability because of their disability, to use fixed route buses. All public transit agencies that provide fixed-route bus service are required by the ADA to provide this service or equivalent service. As a civil rights statute, the ADA emphasizes nondiscriminatory access to fixed route service. Complementary ADA Paratransit service is intended to serve as a “safety net” for individuals who, because of their disabilities, are unable to use fixed route services,

## **Where does ADA Paratransit Service Operate?**

Connect Douglas operates ADA Paratransit Service to origins and destinations within corridors with a width of one-mile on each side of each fixed route and at the ends of each fixed route measured as a straight-line (as the crows fly) and the Core service area.

## **Who is eligible for ADA Paratransit Service?**

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 is eligible for ADA Paratransit.

Connect Douglas Paratransit service is available to eligible residents of Douglas County who is determined to have a cognitive and/or physical disability that precludes him/her from being able to use Connect Douglas’s fixed route service.

Connect Douglas is obligated by ADA Regulations to provide complementary Paratransit service to individuals with disabilities visiting the area. Visitors are defined as individuals who reside outside Connect Douglas’s service-area jurisdiction but are whose origin and destinations are within the service area. Individuals that other transit agencies have determined to be ADA Paratransit eligible can present documentation of eligibility received from other transit systems. Connect Douglas will give ‘full faith and credit’ to the ID card or other documentation from other transit agencies.

For all Visitors requesting to use Connect Douglas Paratransit System, documentation of the individual’s place of residents is required. With respect to individuals who disabilities are apparent, 49 C.F.R. Section 37.127(d) prohibits Connect Douglas from requiring additional documentation. For visitors who disability is not apparent, Connect Douglas requires documentation of a disability such as a letter from a medical professional or eligibility for other services based on a determination of disability AND a certification from the individual that they are unable to use fixed route transit.

Connect Douglas is obligated to provide eligible visitors with Complementary Paratransit service for any combination of 21 days during a 365-day period beginning with the visitor’s first use of

the service. Connect Douglas does not require visitors to apply for ADA Paratransit eligibility with Connect Douglas until the visitor has exceeded service beyond the 21 days in the 365-day period. .

## **How to Apply**

Connect Douglas's process for determining ADA Paratransit eligibility includes a paper application and an in-person eligibility practical assessment at the Connect Douglas Transportation Center located at 8800 Dorris Road in Douglasville. The application is available in English, Spanish, large print and electronic formats. Staff will also assist you with the application upon request. To request an application, contact Connect Douglas at (770) 949-7665 or visit the Douglas County Transportation Center.

The paper application will be required to provide two items of information: 1) Basic information about the applicant, and 2) a medical professional, who is licensed, that is familiar with the applicant's current medical diagnosis, must complete part two or submit a letter of disability on the medical professionals' letterhead. Once you have completed the application and received the medical professional completed written assessment or disability letter, contact the Transportation Center to schedule your in-person practical assessment. ADA Paratransit eligibility are scheduled on non-observed holiday weekdays between 8:00 a.m. and 5:00 p.m. If transportation is required to attend the in-person interview, please contact Connect Douglas at (770) 949-7665 or email [connectdouglas@co.douglas.ga.us](mailto:connectdouglas@co.douglas.ga.us) to request arrangements.

If after completion of your paper application, review of your medical professional recommendation and in-person assessment, you are certified 'ADA Paratransit Eligible', you will receive an Unconditional Approval or a Temporary Approval. Temporary approvals are valid from 30 days up to One Year and is dependent upon the Medical professional's recommendation and/or notes. Clients whose temporary status expires are eligible to repeat the application process. This recertification includes completing another application and obtaining another medical professional's assessment to determine re-eligibility. If after completion of your paper application, review of your medical professional recommendation and in-person assessment, you are deemed ineligible for Connect Douglas ADA Paratransit Services, you will be notified in writing of the denial, provided a Basis for the Determination letter along with an appeals form and Connect Douglas Paratransit Eligibility Appeals Policy

Connect Douglas makes eligibility decisions with 21 calendar days of the completion of the application process which includes the in-person practical assessment. If a decision takes more than 21 calendar days from the completed application process, that person is deemed eligible until such time as the person is deemed ineligible.

## **Eligibility Determination Appeals Process**

If you received an eligibility determination of temporary eligibility or a denial of services determination, you have the right to appeal. You must complete the Request to Appeal Form that you received with your determination letter and submit it to the Connect Douglas Paratransit

Office **within 30 days of the date of your eligibility letter.** You can return the form along with additional documentation that you think might have a bearing on your case **or** you may submit the form back requesting an in-person Appeals meeting. If you request the in-person appeal, upon receipt of the Appeals Form, the Connect Douglas Paratransit office will contact you to schedule an appeals meeting at a mutually convenient time during office hours.

*\*\*Please note that the Eligibility Appeals Process differs from the Suspension of Services Appeals Process.*

### **Incomplete applications**

Once an applicant receives their medical assessment or disability letter from their medical professional, they should contact the Connect Douglas office to schedule the in-person practical assessment. Connect Douglas makes every effort to promptly schedule appointments for the in-person practical assessment when requested. During the practical assessment, Staff will review the documentation. If during the review of the documentation, material information is missing and a determination of disability cannot be made, the file will be marked incomplete until such time as the missing documentation is obtained by the client. If the file is marked incomplete, the client will be required to obtain the missing documentation and reschedule the in-person practical assessment. If the client does not obtain the missing documentation within 45 days of the first appointment, the client's file will be deemed "Denied based on Incomplete Documentation" and the Client will have to reapply.

### **What are the Days and Hours of service availability?**

ADA Paratransit operates during all days and hours that fixed-route service operates. The general days and hours when service operates throughout the service area are Monday through Friday from 6 a.m. to 8:00 p.m. and Saturday from 7:00 a.m. to 8:00 p.m. The County does not operate fixed route or Paratransit bus services on New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.

### **What are the Costs for Trips and how do I pay and/or purchase Tickets?**

Paratransit trips regular rates are \$1.00 for a one-way trip. All Paratransit buses are equipped with fareboxes and accepts exact change fares of \$1.00 for one way trips. Tickets can also be purchased at the Transportation Center. Connect Douglas offers one-way tickets, 10 trips tickets and 31 day passes.

### **Requesting a Trip**

ADA Paratransit requires reservations for service. Call Reservations during operating hours. Advance Reservations are accepted up to seven (7) days in advance from the date of the trip.

On days prior to a service day on which the administrative offices are not open at all (e.g., a Sunday prior to a Monday service day), Connect Douglas accepts voice mail reservations for the next day ONLY. This also applies to days when Connect Douglas is closed for holidays. Next day reservations are accepted via voicemail at (770) 949-7665.

Because ADA Paratransit is a shared-ride service and trips are grouped whenever possible for efficiency, Reservationists may request that you adjust your requested trip time up to one hour. Any request to adjust your time will consider your trip needs.

### **What types of Trips can I make on ADA Paratransit?**

You can request ADA Paratransit trips for any purpose. There is no prioritization of trips based on trip purpose in the trip booking and scheduling process. ADA Paratransit service for ADA eligible riders making ADA eligible trips are provided without limits or constraints. Although there are no denials of eligible trip requests, no waiting lists and no trip caps, service is limited by available resources and capacity is based on first-come first-serve.

### **Destinations**

Drivers are only permitted to stop at locations designated in the reservation. Travel arrangements with more than one destination are treated as separate trips and must be scheduled as such. Plan to schedule the appropriate number of reservations.

### **What are Subscription Trips (i.e., Standing)**

Subscription Trips are trips that are reoccurring over a period of time for the same days and same times. Connect Douglas accepts subscription/standing trip reservations for one calendar month at a time and limits trip subscriptions to appointments for medical services, trips to educational facilities/purposes, work transportation and religious services. If you plan to make the same trip at the same time on the same day or days of the week for the above listed trip purposes, you may request to use ADA Paratransit subscription service. This service allows you to make regular trips that are consistent without having to call to schedule each ride. **Riders are however responsible for canceling a ride as soon as possible but no later than two hours before the scheduled pick-up time to avoid being charged with a No-show or Late Cancellation penalty which could result in consequences to rider right to be transported.**

### **When do I need to be ready for my ride?**

Connect Douglas has a 30 minute pick-up window (20/10) which is the “ready” window. Connect Douglas can arrive as early as 20 minutes before the scheduled pickup time and 10 minutes after the scheduled pick up time. Arrivals during this pick-up window are considered to be “on-time”. It is important that riders are ready and waiting in an area where you can determine when the vehicle arrives at the start of the pickup window because your bus could arrive during this time. If you have a visual impairment and cannot see when the vehicle arrives,

let the Reservationist know when you book the trip and a note will be documented to have the driver or a dispatcher alert you to the vehicle's arrival.

Once the vehicle arrives, driver will wait for you to board for five minutes within the on-time (20/10) pick-up window. If you are not ready, drivers may have to leave and you may miss your ride.

Drop-offs are considered "on-time" if made within 10 minutes of the scheduled drop-off time. Connect Douglas strives to ensure that all riders arrive on time for scheduled appointments.

If a driver arrives after the pick-up window has expired, it is considered a "missed-trip" by the provider and does not count against the passenger as a no-show or canceled/canceled late if the passenger decides not to accept the trip.

### **Who may ride with me and what will they pay?**

#### Personal Care Attendant

ADA Paratransit eligible riders may elect to travel with a Personal Care Attendant, also known as a PCA. A PCA is an individual who provides assistance to you during the trip or at your destination. PCA's are not charged a fare when riding with the ADA eligible rider. PCAs must travel with you, to and from the same locations and at the same time.

#### Companions

ADA Paratransit eligible riders are also allowed to ride with one companion rider. This is usually a friend or family member but is not necessarily there to provide assistance to you during the trip or at your destination. Like the PCA, Companion riders must travel from the same point of origin to the same destination as the ADA eligible rider. Companion riders, however, must pay the same fare as the ADA eligible rider. It is the Rider's responsibility to make notify the Reservationist if you will be traveling with a PCA and/or Companion at the time you make your trip reservation.

### **What assistance will the driver provide?**

Connect Douglas service is curb-to-curb service. This means that the driver picks up and delivers passengers at the curb or roadside. Drivers also do not assist with packages for curb-to-curb service. Under some circumstances, disabled riders require door-to-door service. Connect Douglas strives to make reasonable accommodations for disabled riders that request or need door-to-door service by assisting ADA eligible passengers beyond the curb in order for them to use the service unless such assistance would result in a fundamental alteration or direct threat. Drivers also can provide limited assistance with packages for door-to-door rides. Drivers however are never permitted to enter a rider's residence. Drivers also cannot be gone from the vehicle for an extended period of time and must be able to maintain effective continuing control of the vehicle at all times.

## **Allowable Medical Equipment**

As long as the equipment is not violating transit-related hazardous materials laws, a rider may have portable oxygen, a respirator and/or other life support equipment. The rider must advise the reservationist of such equipment at the time the ride is scheduled. A rider with a mobility impairment may be assisted on and off the vehicle by the driver. Passengers with hearing or sight impairments, upon request, will be provided needed assistance.

## **Reasonable Modification of Policies, Practices and/or Procedures**

In compliance with 49 CFR Part 27 and 37, transportation entities are required to make reasonable modifications/accommodations to policies, practices, and procedures to avoid discrimination and ensure that their programs are accessible to individuals with disabilities. Connect Douglas strive to assist persons with disabilities by making reasonable modifications to our policies, procedures and practices upon request. Modifications are not approved if the request presents a fundamental alteration of service, a direct threat to the health or safety of others, not needed by the requester to use the service or presents an undue financial administrative burden.

## **Usage of Securement Devices**

Connect Douglas policy is that all passengers wear seatbelts. Infants must be in a carrier. Passengers who request assistance with his/her seatbelt or the lift will receive it from the driver.

## **Priority Seating**

In compliance with 49 C.F.R., 37.5(c), Connect Douglas will not require an individual with a disability to use designated priority seats, if the individual does not choose to use these seats. Further, when an individual with a disability enters a vehicle and the individual needs to sit in a seat or occupy a wheelchair securement location, Connect Douglas drivers will ask the following persons to move in order to allow the individual with a disability to occupy the seat or securement location:

- (i) Individuals, except other individuals with a disability or elderly persons, sitting in a location designated as priority seating for elderly and handicapped persons (or other seat as necessary);
- (ii) Individuals sitting in or a fold-down or other movable seat in a wheelchair securement location.

## **Unaccompanied Children**

ADA Eligible Children aged nine (9) and under must be accompanied by a responsible adult.

## **Service Animals and Pets**

Per ADA 49 C.F.R. Section 37.167(d), an individual may be accompanied by his/her service animal while traveling on a Paratransit vehicle as long as the animal has been trained to perform “work or tasks” for the individual with a disability. The driver may NOT require a passenger to show proof that the animal is a service animal but may ask two questions: 1) is the animal a service animal and 2) what tasks does the animal perform? Service Animals has to be in the control of the individual/owner at all time while on the vehicle. The rider or the PCA, NOT the driver, will be responsible for the service animal.

Comfort animals and other pets or animals can be carried on Connect Douglas as long as they are properly caged or in a carrying container and not disruptive to other passengers or a nuisance.

## **Cancellations, No-Shows and Late-Cancellations**

Please notify your Paratransit service provider as soon as you know that you will be unable to make a scheduled trip. Early cancellations are made no later than two hours of the scheduled pick-up time. Cancellations that are made within 2 hours of a scheduled trips are considered “late cancellations” and can affect the rider’s right to using the service. Not cancelling or showing up for a scheduled trip at all is a “no-show” and can affect rider’s right to use the service in the form of temporary suspension of services. Riders are not penalized for no-shows beyond the Rider’s control such as medical or family emergencies or due to transit agency errors.

Requirement to cancel all legs of a scheduled trip

Riders are also required to cancel subsequent trips after a no-show. For example, if a rider is a no-show for the first leg of the trip, the return trip is considered a separate trip and will not be automatically cancelled. Passengers are required to cancel any trips they do not intend to take. If both legs of the trip are no-shows and are not excusable, this would count as two no-shows against the rider.

Late-cancellations and No-shows reduce the overall efficiency of the service, causes delays for other riders, and are expensive. You are responsible for calling at least two hours in advance of your scheduled trip to cancel a trip including Subscription trips. No-shows and late cancellations that are beyond your control are excused. If circumstances beyond your control cause a no-show or late cancellation, call the Paratransit office as soon as possible after the no-show to explain the circumstances. This helps ensure that these situations are recorded as excused.

## **Temporary Suspension of Rider Services**

49 C.F.R. Section 37.125(h) permits transit agencies to suspend riders who “establish a pattern or practice of missing scheduled trips” after providing a rider due process. Connect Douglas understands that because complementary Paratransit service requires trips to be scheduled in advance, riders may sometimes miss scheduled rides or forget to cancel rides they no longer need. Connect Douglas understands that riders may sometimes miss scheduled trips or be unable to cancel trips in a timely way for reasons that are beyond their control. However, repeatedly

missing scheduled trips or failing to cancel trips in a timely way can lead to suspension of service. The following information explains Connect Douglas's no-show policy.

Clients are responsible for contacting the Connect Douglas office to cancel a scheduled trip at least 2 hours before the scheduled-pick up time. Failure to cancel in a timely manner will result in the trip being designated a "late-cancellation" or a "no-show". When clients develop a pattern of late cancellations and/or no-shows, it jeopardizes their service availability in the form of temporary suspension of services. Temporary Suspensions of service due to excessive no shows and late cancellations, that are not due to circumstances beyond the client's control are calculated as listed below.

Excessive no-shows and late cancellations in excess of 20% of client's total trips in a 3 consecutive month period may result in client being temporarily suspended for a specified amount of time.

#### 1<sup>st</sup> Month

Once a client shows a trend or has in excess of 20% of total scheduled trips designated as no show and late cancellations in a 1 month period, the Connect Douglas will call the client to determine 1) reasons for no-shows/late cancellations and 2) counsel the client of their "no show" pattern and explain the effect on the system resources and other clients. This counseling and their reasons for each no-show/late cancellation will be documented in the client's file. This help determines if a no-show/late cancellation will be counted toward the client's suspension record.

#### 2<sup>nd</sup> Month

Excessive no-shows/late in excess of 20% for 2nd month within consecutive 3 month period, the Client will be contacted to determine reasons for no-shows/late cancels and determine if beyond their control. If valid occurrences still exceed the stated percentage, this 2nd occurrence will result in a written letter of notice and counsel the client on the suspension policy. The letter will indicate that this is the 2nd violation of policy and a 3rd violation will result in temporary suspension which is subject to appeal.

#### 3<sup>rd</sup> Month

Excessive no-shows and late cancellations in excess 20% for 3rd consecutive month in 3 month period, Connect Douglas will contact the client to determine is no-shows/late cancellations were within the Client's control. If the number of valid violations still exceed 20%, Connect Douglas will notify the Client via registered letter to their address of record of the suspension of service, effective date, length of suspension and appeals process.

Length of Suspensions (within a one year period from the date of first suspension)

1<sup>st</sup> Suspension of Service – 7 Calendar Days

2<sup>nd</sup> Suspension of Service – 10 Calendar Days

3<sup>rd</sup> and Subsequent Suspension of Service – 20 Calendar Days

## **SUSPENSION APPEALS PROCESS**

49 C.F.R. Section 37.125(h) (3) extends the ADA Paratransit eligibility denials appeal requirements (e.g., notification and an opportunity to be heard in person) to suspensions for no-shows. After a client has been deemed temporarily ineligible for services due to a Suspension, they will be promptly notified via a registered letter. Clients have **30** calendar days from the date of the letter to Appeal the temporary suspension. Clients can submit their request to appeal the proposed suspension by submitting a written letter, via email or submitting the Appeal Form that clients will automatically receive with their Suspension Letter. The Form will present the option of submitting documentation to be considered with their Appeal Request Form or requesting to schedule an Appeal hearing (in-person). Connect Douglas does not require the written request to include the basis or reasons for the appeal. The basis or reasons can be communicated in person. Requested in-person appeals will normally be scheduled within 14 working days from the date of the request but no more than 30 days. All Appeal Hearings will be conducted at the Transportation Center located at 8800 Dorris Road in Douglasville at a mutually agreeable day and time. Transportation to the hearing can be provided upon requested.

### **Service during the Right to Appeal Period**

During the 30 day right-to-appeals period which is before the Suspension is finalized or actually appealed, Clients are still eligible for service and can continue to use the service until expiration of the appeal period OR an appeal decision is upheld. If the Client does not request an appeal of the temporary suspension, the suspension will be finalized and go into effect on day 31 from the date of the letter for the prescribed length of time.

### **Timely Appeal Decisions**

If no decision has been made on an appeals review within 30 days of the completion of the appeal process, Connect Douglas is obligated to provide service until and unless it issues a decision to deny the appeal.

### **Clients' Rights for Riding with Respect**

Clients using public transit are given equal access to programs and services without regard to race, color, national origin or disability. (49 C.F.R. Part 37 [FTA Circular 4702.1B]). Douglas County reserves the right to refuse service to individuals who engage in violent, seriously disruptive or illegal conduct which may cause harm to the driver, themselves or others.

## **HOW TO FILE AN ADA COMPLAINT**

If you wish to file a complaint about the Paratransit service, please contact the Transit Services Coordinator at (770) 949-7665, in person or by mail at 8800 Dorris Road, Douglasville, GA 30134 or via email at [connectdouglas@co.douglas.ga.us](mailto:connectdouglas@co.douglas.ga.us). The complaint procedures are available in accessible formats upon request. A copy of the ADA Complaint Form is included herein as Attachment B.

Connect Douglas responds to ADA Complaints within 30 days of receiving the complaint. If you find Connect Douglas to be unresponsive, after waiting a reasonable amount of time for a resolution, you may decide to file a complaint with the Federal Transit Administration's (FTA) Office of Civil Rights. The Office of Civil Rights is responsible for ensuring that providers of public transportation comply with ADA requirements. An FTA complaint form, with mailing instructions, can be found at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>.

Douglas County maintains copies of ADA related complaints for one year and a summary of such complaints for five years.

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 27.123(b), an individual must file a written complaint with the Federal Transit Administration (FTA) no later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the FTA.

### **Title VI of the Civil Rights Act of 1964**

Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance. The Federal Transit Administration works to ensure nondiscriminatory transportation in support of our mission to enhance the social and economic quality of life for all Americans. The FTA Office of Civil Rights is responsible for monitoring FTA recipients' Title VI programs and ensuring their compliance with Title VI requirements. Connect Douglas adhere to the requirements set forth in the Title VI of the Civil Rights Act of 1964.

For a copy of Connect Douglas's Title VI Policy, please visit the Connect Douglas website at <http://www.celebratedouglascounty.com/ConnectDouglas>, submit an email request at [connectdouglas@co.douglas.ga.us](mailto:connectdouglas@co.douglas.ga.us) or request a copy by calling (770) 949-7665.

## APPENDIX A

### - ADA FAQs

- How is paratransit eligibility determined?
- If an individual is eligible for ADA paratransit in their place of residence, does that individual have the right to use paratransit service in a city where they are traveling?
- How do I appeal a transit agency's decision that I am not eligible for paratransit?
- May a rider eligible for complementary paratransit be accompanied by more than one individual?
- Is there a limit on how many destinations or legs of a trip a paratransit rider may request in a given day?

### ***Regulations and Guidelines***

- What regulations does the Federal Transit Administration's (FTA) Office of Civil Rights enforce, and where may I access the regulations and information about programs enforced by the Office of Civil Rights?
- Does the Federal Transit Administration (FTA) enforce Americans with Disabilities (ADA) regulations involving private tour buses?
- Are fixed route transit providers required to provide audible stop announcements?
- Is there a time limit on how long a lift may remain unrepaired on a transit vehicle?
- Where can I find decisions published by the Federal Transit Administration's (FTA) Office of Civil Rights?
- Are private contractors required to comply with the Americans with Disabilities Act (ADA)?
- What guidelines exist with regard to Americans with Disabilities Act (ADA) compliance for fare vending machines?
- Are bus operators required to assist persons with disabilities?
- If a nondisabled person is sitting in one of the "priority" seats in the front of a bus, does that person have to move so that a person with a disability can sit there?
- If a bus is filled to capacity with standing room only, may a driver displace people currently on the bus to create room for a person with a disability?
- Are bus stops and other transportation facilities required to provide bench seating?

## ***Passenger Accompaniment***

- Are transit providers required to allow a passenger to travel with a comfort animal?
- What is the Americans with Disabilities Act (ADA) definition of a service animal?
- May a passenger with a disability be required by transit personnel to show proof that an animal is a service animal?
- May a transit entity limit how many service animals may accompany a single passenger?
- May a transit entity require a paratransit eligible individual who will be traveling with a personal care attendant (PCA) to register their use of a PCA with the transit entity?
- May a transit provider require a rider to travel with a personal care attendant (PCA)?
- May personal care attendants (PCAs) ride for free on complementary paratransit and fixed route?
- May a transit entity set a minimum age limit for children riding without a parent or guardian?

## ***Paratransit Service***

- Are paratransit service providers required to provide service beyond the curb?
- For complementary paratransit service, does the requirement that paratransit service be provided within three-fourths of a mile of a fixed route bus service determine eligible destinations based on driving distance or “as the crow flies”?
- Why does the Americans with Disabilities Act (ADA) limit paratransit service to areas where there is already a bus route?
- Are transit systems required to take paratransit reservations during normal business hours?
- May a transit agency require a paratransit applicant to pay for rides to and from an assessment center for a paratransit eligibility evaluation?
- Does the Americans with Disabilities Act (ADA) limit subscription trips to 50% of available paratransit trips?
- Are public transit agencies operating a fixed route system required to provide complementary paratransit services?
- How are the operating hours of complementary paratransit service determined?
- Are paratransit providers required to solicit participation by the public and persons with disabilities in the initial development and continued provision of paratransit services?
- At what point is a paratransit ride no longer comparable to fixed route based on the time spent traveling?
- May an individual be charged a higher fee for complementary paratransit than they would pay on fixed route?

### *Pickup and Drop-off*

- May I change my drop-off location on complementary paratransit service the same day?
- May an Americans with Disabilities Act (ADA) complementary paratransit provider negotiate my pickup time?
- May a transit agency suspend service to paratransit customers who fail to show up for their scheduled pickups?

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- May a wheelchair user enter a lift platform and vehicle in the manner they prefer (e.g., entering facing forward or backing on)?
- May a passenger with a disability who does not use a wheelchair be required to disclose their disability before using a fixed route vehicle's lift or ramp?
- May a transit provider deny service to an individual whose wheelchair or mobility device does not have functioning brakes?
- Does FTA provide funding to help people purchase adaptive vans for personal use that are capable of carrying wheelchairs?
- May a transit agency require that a passenger using a mobility device wear a seatbelt?
- How much weight must a vehicle lift be able to accommodate?

### ***Filing a Complaint***

- How do I submit a complaint regarding a public transit agency's failure to comply with Americans with Disabilities Act (ADA) regulations?
- Is there a time limit for filing an Americans with Disabilities Act (ADA) complaint with the Federal Transit Administration (FTA)?
- What do I do if I have severe allergies to something I encounter on a public transportation system (i.e., service animals, cigarette smoke at bus stops, etc.)?

## ***Paratransit Eligibility***

How is paratransit eligibility determined?

**Disability alone does not determine paratransit eligibility; the decision is based on the applicant's functional ability to use the fixed route bus and is not a medical decision.** The Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations in Appendix D to 49 C.F.R. Section 37.125 explain: “The substantive eligibility process is not aimed at making a medical or diagnostic determination. While evaluation by a physician (or professionals in rehabilitation or other relevant fields) may be used as part of the process, a diagnosis of a disability is not dispositive. What is needed is a determination of whether, as a practical matter, the individual can use fixed route transit in his or her own circumstances.” Transit agencies, with input from the communities they serve, devise the specifics of their individual eligibility processes. The DOT ADA regulations in Section 37.125 set only broad requirements that all agencies must incorporate, such as written notification of eligibility decisions and an opportunity for an appeal. This regulation may be accessed [here](#).

If an individual is eligible for ADA paratransit in their place of residence, does that individual have the right to use paratransit service in a city where they are traveling?

Yes. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.127, each public entity required to provide complementary paratransit service must make the service available to visitors as provided under the section. The transit entity must provide service to visitors who present documentation that they are ADA paratransit eligible in the jurisdiction in which they reside, under the criteria of 49 C.F.R. Section 37.125. If a visitor with a disability does not present such documentation, the transit entity may require documentation of the individual's place of residence and of his or her disability, if the disability is not apparent. A transit operator is not required to provide service to a visitor for more than 21 days during any 365-day period; after that, the visitor may be required to apply for eligibility through the same processes established for residents under 49 C.F.R. Section 37.125.

## How do I appeal a transit agency's decision that I am not eligible for paratransit?

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.125(g), transit operators must “establish an administrative appeal process through which individuals who are denied eligibility can obtain review of the denial.” The transit operator may require that any appeal be filed within 60 days of the denial of an application. The appeal process must include an opportunity for the applicant to be heard and to present information and arguments. Decisions regarding the appeal cannot be made by anyone who was involved in the initial decision to deny eligibility. The transit operator must provide the individual with written notification of its decision and the reasons for it. The transit operator is not required to provide paratransit service while the appeal is under consideration; however, if a decision has not been made within 30 days of the completion of the appeal process, the operator must provide paratransit service from that time until and unless a decision to deny the appeal is issued.

## May a rider eligible for complementary paratransit be accompanied by more than one individual?

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.123(f), transit entities are required to permit one person to accompany the paratransit eligible individual. Additional persons accompanying the eligible individual are to be served on a space-available basis to prevent displacement of other ADA paratransit eligible individuals. The transit provider may not limit who the companion may be; the companion may be a family member, friend, or business associate, etc. The transit authority may require that the eligible individual reserve a space for the companion when reserving his or her own ride. A personal care attendant (PCA), someone designated or employed to assist the eligible individual, may always ride with the eligible individual. The transit entity may require that the eligible individual reserve a space for the PCA when reserving the trip. If there is a PCA on the trip, the eligible individual may still bring a companion, as well as additional companions on a space-available basis. To be considered as “accompanying” the eligible individual, a companion must have the same origin and destination points as the eligible individual.

## Is there a limit on how many destinations or legs of a trip a paratransit rider may request in a given day?

No, paratransit providers are required to provide all eligible requested trips, not just trips to and from a single location. A person may take as many individual legs of a trip in a day as their schedule allows (factoring in pickup windows and time to complete their business), just as a fixed route user may take as many trips as he or she desires. For example, just as a person may take a fixed route from their home to work, then from work to an appointment, and then home again, so should a paratransit rider be able to. Each leg may be separately scheduled (that is, paratransit providers are not required to wait while a passenger runs into the post office, just as a fixed route user would be required to wait for the next bus).

## **Regulations and Guidelines**

### What regulations does the Federal Transit Administration's (FTA) Office of Civil Rights enforce, and where may I access the regulations and information about programs enforced by the Office of Civil Rights?

The Federal Transit Administration's (FTA) Office of Civil Rights ensures the non-discriminatory use of federal funds through oversight of grantee implementation of required civil rights regulations and policy. Compliance reviews are conducted to ensure conformity under the Americans with Disabilities Act of 1990 (ADA), the Disadvantaged Business Enterprise (DBE) Program, the Equal Employment Opportunity (EEO) Program, and Title VI of the Civil Rights Act of 1964. More information about each of the four programs administered by FTA's Office of Civil Rights, as well as links to corresponding statutes and regulations, may be found by visiting the following website and selecting [individual program links](#).

### Does the Federal Transit Administration (FTA) enforce Americans with Disabilities (ADA) regulations involving private tour buses?

Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations cover both public and private entities; however, the Federal Transit Administration's (FTA) oversight authority extends only to public entities. For ADA issues involving private transportation, such as charter, tour, and motor-coach companies, please contact the U.S. Department of Justice. Information on how to file a complaint may be found on the U.S. Department of Justice ADA homepage at <http://www.ada.gov>. You may also reach them on their toll-free, ADA Information Line: 1-800-514-0301 (TDD 1-800-514-0383).

### Are fixed route transit providers required to provide audible stop announcements?

Yes, under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.167(b), the minimum requirement for fixed route stop announcements by a transit provider is that stops be announced (by personnel or a recording system) at least at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location. Further, the transit personnel must announce any stop upon request of an individual with a disability. For the text of 49 C.F.R. Section 37.167(b) and its corresponding section in Appendix D, please visit this [link](#).

### Is there a time limit on how long a lift may remain unrepaired on a transit vehicle?

There is a time limit on how long a lift may remain unrepaired on a transit vehicle only if the vehicle is not taken out of service. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.163(d), when a lift is discovered to be inoperative, the entity must take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service. However, if there is no spare vehicle available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service will reduce the transportation service the entity is able to provide, Section 37.163(e) permits the entity to keep a vehicle with an inoperable lift in service for no more than five days (if the entity serves an area of 50,000 or less population) or three days (if the entity serves an area of over 50,000 population) from the day on which the lift is discovered to be inoperative.

### Where can I find decisions published by the Federal Transit Administration's (FTA) Office of Civil Rights?

The following website contains links to finalized Americans with Disabilities Act (ADA) Compliance Review Reports, Letters of Finding, and [links](#) related to collaboration between the Federal Transit Administration (FTA) and the Department of Justice (DOJ).

## Are private contractors required to comply with the Americans with Disabilities Act (ADA)?

Yes. The Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations apply to both public and private operators of transportation service to the general public. If the private entity is providing service under a contract or other arrangement with a public entity, the private entity “stands in the shoes” of the public entity under 49 C.F.R. Section 37.23 and is subject to the requirements applicable to the public entity. While a public entity may hire contractors, it may not “contract away” its ADA responsibilities. For further detail regarding the “stand in the shoes” requirement, please consult the regulation, which is available [here](#).

## What guidelines exist with regard to Americans with Disabilities Act (ADA) compliance for fare vending machines?

Accessibility requirements for fare vending machines are established by the U.S. Architectural and Transportation Barriers Compliance Board (ATBCB or “Access Board”), the Federal agency responsible for developing minimum guidelines for accessibility under the Americans with Disabilities Act (ADA). These guidelines were updated by the Access Board in 2004, and incorporated into Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations as the enforceable standard for transportation in November 2006; specific requirements may therefore differ slightly, depending upon when the fare machine was made and installed. The current standards are found in Section 707 of the Americans with Disabilities Act Accessibility Guidelines, which can be found at <http://www.access-board.gov/ada-aba/ada-standards-dot.cfm>. In particular, Section 707 discusses fare machine requirements such as clear floor space, operable parts, privacy, and speech-enablement.

## Are bus operators required to assist persons with disabilities?

Yes. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.165(f), transit entity personnel must assist individuals with disabilities with the use of ramps, lifts, and securement systems. If it is necessary for the personnel to leave their seats to provide this assistance, they must do so, even if the entity’s drivers traditionally do not leave their seats (e.g., because of labor-management agreements or company rules). On a vehicle which uses a ramp for entry, the driver may have to assist in pushing a manual wheelchair up the ramp, particularly if the ramp slope is relatively steep. In sum, transit entity personnel must ensure that a passenger with a disability is able to take advantage of the accessibility and safety features on vehicles.

If a nondisabled person is sitting in one of the “priority” seats in the front of a bus, does that person have to move so that a person with a disability can sit there?

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.167(j) bus operators are required to ask the person without a disability to move to another seat. If, after the operator asks, the person refuses to move, the regulations do not require the operator to compel this person to move. However, a transit operator can decide to adopt a policy requiring people to vacate the seats.

If a bus is filled to capacity with standing room only, may a driver displace people currently on the bus to create room for a person with a disability?

No, if a bus is filled to capacity, a driver is not required to remove other passengers from the bus in order to make room for additional persons with disabilities. However, the driver would still be required to request that persons without disabilities vacate priority seating locations they may be occupying.

Are bus stops and other transportation facilities required to provide bench seating?

No. The Americans with Disabilities Act (ADA) does not require public transportation entities to install bench seating at bus stops or at transportation facilities. However, transit systems may find it beneficial to provide seating, as it may enable use of the fixed-route system by persons whose disabilities prevent them from standing for extended periods of time, and who might otherwise be dependent upon paratransit service.

### **Passenger Accompaniment**

Are transit providers required to allow a passenger to travel with a comfort animal?

No. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.167(d), transit entities are only required to allow service animals to accompany individuals with disabilities in vehicles and facilities. DOT ADA regulations at 49 C.F.R. Section 37.3 define a service animal as an animal “individually trained to work or perform tasks for an individual with a disability.” If an animal’s only function is to provide emotional support or comfort for the rider, that animal would not fall under the regulatory training-based definition of a service animal. Simply providing comfort is something that animal does passively, by its nature or through the

perception of the owner. However, the ADA does not prohibit a transit agency from choosing to accommodate pets and comfort animals, which would be a local decision.

### What is the Americans with Disabilities Act (ADA) definition of a service animal?

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.3, “service animal” is defined as “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.” DOT ADA regulation 49 C.F.R. Section 37.167(d) requires transit entities to permit service animals to accompany individuals with disabilities in vehicles and facilities. Appendix D to Section 37.167 contains further important information on service animals. It is important to note that while the U.S. Department of Justice has amended the definition of “service animal” for purposes of its ADA regulations under Titles II and III of the ADA, for state and local governments and places that are open to the public, the definition under DOT ADA regulations for transportation has not changed. Therefore, members of the public may find that some service animals may no longer be considered service animals once they leave a transportation system.

### May a passenger with a disability be required by transit personnel to show proof that an animal is a service animal?

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.167(d), transit providers are required to permit service animals to accompany individuals with disabilities in vehicles and facilities. Service animals are animals that are individually trained to perform tasks for people with disabilities, such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. A transit provider may ask if an animal is a service animal or ask what tasks the animal has been trained to perform, but cannot require special ID cards for the animal or ask about the person's disability. A service animal may not be excluded unless the animal is out of control and the animal's owner does not take effective action to control it or the animal poses a direct threat to the health or safety of others.

### May a transit entity limit how many service animals may accompany a single passenger?

No. Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations do not limit the number of service animals that may accompany a single individual. As long as an animal meets the definition of a service animal and is kept under the control of the rider, a transportation provider may not refuse to carry the animal. It is possible that an individual might have service animals that are trained to provide different tasks.

**May a transit entity require a paratransit eligible individual who will be traveling with a personal care attendant (PCA) to register their use of a PCA with the transit entity?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.125(i), a transit provider may require an individual to indicate whether he or she travels with a personal care attendant (PCA) as part of the initial eligibility process. The transit entity is also permitted to make further inquiries regarding the individual's actual need for a PCA. When making any such inquiries, it is important to note an individual's need for a PCA may be unrelated to the trip itself, and that the passenger may not require the assistance of a PCA while onboard the vehicle. Because of the nature of typical PCA functions, it is most likely that the services provided by a PCA would be required throughout the day at the passenger's destination. All that is required is that the passenger establish that he or she requires a PCA, and for the PCA and the passenger to be traveling together between the same points. If the rider does not indicate the use of a PCA, then any individual accompanying him or her will be regarded simply as a companion.

**May a transit provider require a rider to travel with a personal care attendant (PCA)?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.5(e), a transit entity is prohibited from requiring that an individual with disabilities be accompanied by a personal care attendant (PCA). Transit entities are also not required to provide PCA services. This provision must be considered in light of the fact that under 49 C.F.R. 37.5(h), an entity may refuse service to someone who engages in violent, seriously disruptive, or illegal conduct. If an entity may legitimately refuse service to someone, it may condition service to him on actions that would mitigate the problem. The entity could require a PCA as a condition of providing service it otherwise had the right to refuse. However, a transit entity cannot refuse to provide service solely because an individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience the entity or other persons.

## May personal care attendants (PCAs) ride for free on complementary paratransit and fixed route?

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.131(c) (3), a personal care attendant (PCA) may not be charged a fare for complementary paratransit service. Under 49 C.F.R. Section 37.123(f)(1)(ii), a companion (i.e., friend or family member) does not count as a PCA unless the companion is actually acting in the capacity of PCA. PCAs may be charged a fare on fixed route. While some transit systems go beyond the minimum requirements of the ADA and allow PCAs to ride for free, there is no requirement that they do so.

## May a transit entity set a minimum age limit for children riding without a parent or guardian?

Yes. A transit system may set a minimum age limit for children riding without a parent or guardian present; this is a local decision. The policy must apply equally to both paratransit and fixed route.

## **Paratransit Service**

### Are paratransit service providers required to provide service beyond the curb?

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.129(a), complementary paratransit service for ADA paratransit eligible individuals must be “origin-to-destination” service. The goal behind use of this particular language, rather than characterizing the service as “curb-to-curb” or “door-to-door,” is to emphasize the obligation of transit providers to ensure that eligible passengers are able to travel from their point of origin to their point of destination. The particular factors involved will determine whether curb-to-curb or door-to-door service will be better for that individual or the location. During the local paratransit planning process, a transit provider may establish either door-to-door or curb-to-curb service as the basic mode of paratransit service. However, a paratransit policy must not be inflexible to the extent that service will not be provided beyond the curb under any circumstance. Paratransit providers must provide enhanced service on a case-by-case basis where necessary to meet the origin-to-destination requirement; some individuals or locations may require service that goes beyond curb-to-curb service. It should be recognized that transit providers are not required to accommodate individual passengers’ needs which would fundamentally alter the nature of the service or create an undue burden.

Transit providers' obligations do not extend to the provision of personal services, such as requiring a driver to go beyond a doorway into a building to assist a passenger or requiring a driver to lose visual contact with their vehicle. For further information, please see the following [DOT guidance document](#).

**For complementary paratransit service, does the requirement that paratransit service be provided within three-fourths of a mile of a fixed route bus service determine eligible destinations based on driving distance or "as the crow flies"?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.131(a) (1) (i), transit entities must "provide complementary paratransit service to origins and destinations within corridors with a width of three-fourths of a mile on each side of each fixed route." The measurement to destinations within the three-fourths of a mile corridor on each side of a fixed route is measured "as the crow flies" and does not vary based upon driving distance.

**Why does the Americans with Disabilities Act (ADA) limit paratransit service to areas where there is already a bus route?**

Under the Americans with Disabilities Act (ADA), paratransit functions as a "safety net" for persons whose disabilities prevent them from using the regular fixed route system (bus or rail). It is not intended to meet all of the transportation needs of all persons with disabilities, all of the time. As such, the level of service provided is required to be comparable to that available on the fixed route system; the hours and days of operation must be the same, and service must be provided to origins and destinations within three-fourths of a mile of a bus route (or between points within a three-fourths of a mile radius of different rail stations). There is no obligation to provide service to points beyond the service area, or during times of day or on days of the week when the comparable bus route or rail line is not operating. Of course, nothing in the ADA prohibits a transit system from operating service above and beyond the minimum ADA requirements. It is also important to note that while the term "paratransit" is often used to mean any kind of demand-responsive transportation service, it has a specific meaning under the ADA. The ADA paratransit eligibility criteria and service requirements apply only to paratransit operated as a complement to a fixed route system operated by a public entity; there are separate provisions covering demand-responsive service provided for the general public.

**Are transit systems required to take paratransit reservations during normal business hours?**

Yes. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.131(b), paratransit reservation service must be available during at least all normal business hours of the entity's administrative offices, as well as during times, comparable to normal business hours, on a day when the entity's offices are not open before a service day (e.g., on a Sunday).

### May a transit agency require a paratransit applicant to pay for rides to and from an assessment center for a paratransit eligibility evaluation?

No, under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.5(d), an entity may not impose special charges, not authorized by this part, on individuals with disabilities for providing services required by this part or otherwise necessary to accommodate them. Section 37.125 requires each operator of complementary paratransit to establish an eligibility process. The details of the process are developed at the local level by transit operators and the communities they serve. As Appendix D to Section 37.125 explains, however, the process developed may not impose unreasonable administrative burdens on applicants, and may not involve "user fees" or application fees to the applicant. This section prohibits applicants from having to pay for transportation to and from an assessment, as the assessment is part of the eligibility process.

### Does the Americans with Disabilities Act (ADA) limit subscription trips to 50% of available paratransit trips?

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.131(b), paratransit service must be provided to eligible individuals on a next-day basis (i.e., at any time tomorrow in response to a request made today). Section 37.133 permits the use of subscription service (i.e., trips provided to eligible ADA paratransit riders who make trips on a repeated or recurring basis, such as to school, work, religious services, dialysis treatment, etc.), as long as it does not absorb more than 50% of the available trips at a given time of day. Section 37.133(b) permits a transit operator to provide subscription service above the 50% ceiling if it finds it has excess capacity available (i.e., all requests for next-day service are met, and capacity to provide additional trips remains). If, after constant monitoring, it finds next-day requestors are being denied trips, the operator must either increase its passenger carrying capacity or reduce the number of subscription trips. Note that subscription service is discretionary and is not mandated by Section 37.133. Whether to provide subscription service beyond the 50% ceiling, or whether to provide subscription service at all, is entirely within the transit agency's discretion.

## Are public transit agencies operating a fixed route system required to provide complementary paratransit services?

Yes, under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 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.” The regulation does not specify how this paratransit service is to be provided—whether by vehicles from its own fleet, by vehicles from a subrecipient, or by vehicles from a for-profit third-party contractor. The regulation only requires complementary paratransit services to be provided, leaving the details to the local planning process. The fixed route operator, however, is ultimately responsible for ensuring a contractor meets all applicable ADA requirements as explained in Section 37.23. You may view the cited regulation [here](#).

## How are the operating hours of complementary paratransit service determined?

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.131(e), complementary paratransit service must be available during the same days and hours that fixed route service operates. Thus, if an individual can travel from a given origin to a given destination on a particular fixed route at a certain time of day, a paratransit eligible person must also be able to travel from the same origin to that same destination on paratransit at that time of day. Because paratransit service is required to be available during the same hours and days as the fixed route system, and because not all fixed routes will necessarily be operating at a given time on a given day, the shape of the paratransit service area can be expected to change accordingly. For example, it is common for certain routes to not run late at night. Those routes, and their associated paratransit corridors, do not need to be served with paratransit when the fixed route system is not running on them.

## Are paratransit providers required to solicit participation by the public and persons with disabilities in the initial development and continued provision of paratransit services?

Yes, under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.137, an entity developing a paratransit plan must ensure public participation through outreach, consultation with individuals with disabilities, opportunity for public comment on the plan, and at least one public hearing. Additionally, Section 37.137(c)

requires an “ongoing mechanism for the participation of individuals with disabilities in the continued development and assessment of services to persons with disabilities.” Many transit providers choose to establish an advisory committee as part of their process to fulfill the requirements under Section 37.137. To learn more about the specific requirements under this regulation, you may want to consult the full text of the [regulation](#).

**At what point is a paratransit ride no longer comparable to fixed route based on the time spent traveling?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 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.” Paratransit service is by nature a shared-ride service. The standard of service is not intended to reflect that of a taxi service, which typically transports passengers directly to their destination. A paratransit trip should be comparable in length to an identical trip on the fixed route system, including the time necessary to travel to the bus stop, wait for the bus, actual riding time, transfers, and travel from the final stop to the person’s ultimate destination.

**May an individual be charged a higher fee for complementary paratransit than they would pay on fixed route?**

Yes. Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.121 require paratransit fares to be comparable to the fare for a trip between the same points on the regular fixed route transit system. “Comparable” is defined in DOT ADA regulations at 49 C.F.R. Section 37.131(c) as not more than twice the fare that would be charged to an individual paying full fare for a trip of similar length, at a similar time of day, on the entity’s fixed route system, exclusive of discounts.

**Pickup and Drop-off**

**May I change my drop-off location on complementary paratransit service the same day?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.131(b), paratransit service must be provided to eligible individuals on a next-day response time. While transit systems are permitted to use real-time scheduling, it is not required. Where same-day service is provided, it is often a premium service. Because

paratransit is a shared ride, allowing riders to change their drop-off locations on the same day to make intermediate stops could lead to late pickups or drop-offs for other riders.

### May an Americans with Disabilities Act (ADA) complementary paratransit provider negotiate my pickup time?

Yes, under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.131(b)(2), a complementary paratransit entity may negotiate pickup times with an ADA paratransit eligible individual, up to one hour before or after the individual's desired departure time. Any deviation from this one-hour window would exceed the bounds of comparability. This means that in the event an individual accepts and takes a trip negotiated to begin more than one hour before or after his or her desired departure time, the transit operator must still record a denial based on its inability to provide the trip within the timeframe specified under DOT ADA regulations.

### May a transit agency suspend service to paratransit customers who fail to show up for their scheduled pickups?

Yes. Under 49 CFR Section 37.125 of the Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations, a transit provider "may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA eligible individuals who establish a pattern or practice of missing scheduled trips." A pattern or practice involves intentional, repeated or regular actions, not isolated, accidental, or singular incidents. Transit agencies cannot base a suspension of service on any trips missed by a rider for reasons beyond his or her control, including trips missed due to illness, family emergency, or transit agency error or lateness. Before suspending service, a transit provider must notify the individual in writing, provide an opportunity for an appeal, and issue written notification of the decision and reasons for it. The Federal Transit Administration (FTA) has permitted transit systems to also count "late cancellations" as no-shows, where they have the same operational impact as a no-show. A transit provider should be able to absorb the capacity of a trip cancelled one or two hours before the scheduled pickup. An hour or two is typically sufficient notice for a transit provider to redirect a vehicle without any negative operational consequences. Because these trips are being regarded as no-shows, the circumstances surrounding late cancellations would be the same as for a no-show; i.e., trips that are cancelled late due to circumstances beyond the passenger's control would not be grounds for sanctions.

## **Transit Provider Responsibilities**

### **How should a transit provider respond if a lift fails in service?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.163(f), if a lift fails in service and the headway to the next accessible vehicle on the route is more than 30 minutes, the transit provider is required to provide alternative accessible service by a paratransit or other special vehicle within a short response time (i.e., less than 30 minutes). Transit entities may provide this accommodation by having a “shadow” accessible service available along the route (i.e., by having an accessible vehicle “follow” the vehicle with the inoperative lift) or by having the bus driver immediately call in upon encountering a passenger he or she is unable to transport.

### **Are transit providers required to make information regarding transportation services accessible for persons who are blind or have vision impairments?**

Yes, under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.167(f), a transportation entity must make communications and information available, using accessible formats and technology (e.g., Braille, large print, TDDs) to obtain information about transportation services. Someone cannot adequately use the bus system if schedule and route information is not available in a form he or she can use. A lack of adequate information in accessible formats for fixed route service may lead to an over-reliance on paratransit service, and a lack of adequate accessible information on paratransit services could constitute a prohibited capacity constraint.

### **Are transit providers required to offer reduced transit fares to seniors, people with disabilities, or Medicare cardholders?**

Under 49 U.S.C. Section 5307(d)(1)(D) of the Federal Transit Act, federally subsidized transit providers may not charge more than half of the peak fare for fixed route transit during off-peak hours for seniors, people with disabilities, and Medicare cardholders. This is not an Americans with Disabilities Act (ADA) requirement. Rather, this is a general condition placed upon those receiving federal funding for transit from the Federal Transit Administration (FTA). The

discount does not apply for purposes of determining the fare for ADA complementary paratransit, which, under 49 C.F.R. Section 37.131(c), would be calculated without regard to discounts such as this. To learn more about this program, please visit the following [link](#). Further questions may be answered by submitting a question online at <http://ftawebprod.fta.dot.gov/ContactUsTool/Public/NewRequest.aspx>.

## **Wheelchairs and Mobility Devices**

**May a wheelchair user enter a lift platform and vehicle in the manner they prefer (e.g., entering facing forward or backing on)?**

Yes. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 38.23(b) (11), the lift must permit both inboard and outboard facing of wheelchair and mobility aid users. Appendix D to Section 37.165 further specifies that a transportation entity should respect the passenger's preference for entering a lift platform and vehicle in a particular direction (e.g., entering facing forward or backing on), except where the only way of successfully maneuvering a device onto a vehicle or into its securement area requires a particular orientation or an overriding safety concern (i.e., a direct threat) exists. Given that lifts have been required to accommodate passenger facing either direction since 1991, it is unlikely that successful boarding would require a particular orientation. In any event, the passenger would be in the best position to determine which direction is best suited for boarding under their specific circumstances. A "direct threat" represents a clear and present danger to the health or safety of others; by definition, a direct threat cannot exist on the basis of presumptions about persons with disabilities or their mobility devices. It is difficult to envision circumstances under which the direction that a passenger faces when boarding would constitute a direct threat.

**May a passenger with a disability who does not use a wheelchair be required to disclose their disability before using a fixed route vehicle's lift or ramp?**

No, passengers must not be asked to disclose their disability before using a fixed route vehicle's lift or ramp to board the vehicle. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.165(g), a transit provider must permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle. People using canes or walkers and other standees with disabilities who do not use wheelchairs but have difficulty using steps must also be permitted to use the lift on request. If a rider asks to use a lift or ramp, the transit personnel should deploy the lift or ramp without

inquiring about the individual's disability. [Click here](#) for the text of this regulation.

**May a transit provider deny service to an individual whose wheelchair or mobility device does not have functioning brakes?**

No. A transit provider may not deny transportation to a rider whose wheelchair or mobility device does not have functioning brakes. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.3, a "wheelchair" is defined 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 ADA regulations do not specify any particular equipment required for personal mobility devices, including brakes. Moreover, it will often be impossible for transit personnel to observe whether a passenger's wheelchair is equipped with brakes. Most power wheelchairs are equipped with electromagnetic brakes that engage automatically, and are completely internal to the drive system with no visible parts.

**Does FTA provide funding to help people purchase adaptive vans for personal use that are capable of carrying wheelchairs?**

No. FTA grant programs provide Federal financial assistance to public transit operators. Funding for private individuals may be available through State vocational rehabilitation programs, the Department of Veterans Affairs, or other individual funding sources. Many automobile manufacturers also offer rebates or reimbursements on adaptive modifications to new vehicles.

**May a transit agency require that a passenger using a mobility device wear a seatbelt?**

While Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulation 49 C.F.R. 38.23(d) (7) requires a seatbelt and shoulder harness to be provided as part of the wheelchair securement system, passengers with disabilities cannot be required to use the seatbelt and shoulder harness unless all passengers are provided with seatbelts and shoulder harnesses and are required to use them. Since few fixed route buses are equipped with seatbelts and shoulder harnesses for all passengers, their use cannot be required for passengers with disabilities. In the case of paratransit vehicles, seatbelts and shoulder harnesses may indeed be available for all passengers, and if all passengers are required to make use of them, passengers with disabilities occupying the securement location may also be required to do so. Note, however, that in some cases the use of seatbelts

themselves may be more harmful to passengers with certain types of disabilities than riding without them. Most state seatbelt laws recognize this, and provide for exceptions; policies concerning seatbelt use aboard transit vehicles should provide for similar exceptions.

### **How much weight must a vehicle lift be able to accommodate?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 38.23(b) (1), wheelchair lifts must accommodate a design load of at least 600 lbs., with a safety factor of at least six (3,600 lbs.) for working parts, such as belts, pulleys, and shafts that can be expected to wear, and a safety factor of at least three (1,800 lbs.) for nonworking parts, based on the ultimate strength of the material. For vehicles equipped with ramps, the design load must be at least 600 lbs. for ramps in excess of 30 inches in length, with a safety factor of at least three (1,800 lbs.); ramps less than 30 inches in length are required to have a design load of at least 300 lbs. Transit agencies are not prevented from acquiring vehicles and equipment with a higher design load but are not required to accommodate mobility devices that exceed the capacities of their lifts or ramps.

## **Filing a Complaint**

### **How do I submit a complaint regarding a public transit agency's failure to comply with Americans with Disabilities Act (ADA) regulations?**

Department of Transportation (DOT) regulations implementing the Americans with Disabilities Act (ADA) require transit agencies to have a complaint process. If you believe an ADA violation has occurred, we encourage riders to first file a complaint or otherwise communicate with their local transit agency to give them an opportunity to resolve the situation. If you find the transit agency to be unresponsive, after waiting a reasonable amount of time for a resolution, you may decide to file a complaint with the Federal Transit Administration's (FTA) Office of Civil Rights. The Office of Civil Rights is responsible for ensuring that providers of public transportation comply with ADA requirements. A complaint form, with mailing instructions, can be found [here](#). A complaint should contain enough details for an investigator to understand why a complainant believes a transit agency violated the ADA and include specifics such as dates, times, and route numbers of incidents, along with any related correspondence from the transit agency. The Office's enforcement priority is on repeated issues—not one-time operational breakdowns—so it may be important depending on the nature of the complaint allegations to keep a log of incidents, again with dates and times, to submit with the complaint. If you have questions about the types of complaints the Office of Civil Rights can process

or on how to prepare a complaint, the Office can be reached directly at [FTA.ADAAssistance@dot.gov](mailto:FTA.ADAAssistance@dot.gov) or 1-888-446-4511.

Is there a time limit for filing an Americans with Disabilities Act (ADA) complaint with the Federal Transit Administration (FTA)?

Yes, under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 27.123(b), an individual must file a written complaint with the Federal Transit Administration (FTA) no later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the FTA.

What do I do if I have severe allergies to something I encounter on a public transportation system (i.e., service animals, cigarette smoke at bus stops, etc.)?

Encountering cigarette smoke, service animals, and other potential allergens is a function of going out in public. Adoption of a no smoking policy at bus stops is a local issue and is not covered under the Americans with Disabilities Act (ADA); however, you may contact your local transit authority to discuss such a concern. Under Department of Transportation (DOT) ADA regulations at 49 C.F.R. Section 37.167(d), public transit providers are required to allow trained service animals to accompany riders on vehicles

APPENDIX B



**TRANSIT SERVICES DIVISION**

8800 Dorris Road • Douglasville, GA 30134  
Telephone (770) 949-7665 • Fax (770) 920-7515

www.ConnectDouglas.com • ConnectDouglas@co.douglas.ga.us

**ADA COMPLAINT FORM**

<b>SECTION I:</b>
Name:
Address:
Telephone:
Alternate Phone
Email Address:
Accessible Format Requirements (circle one)    Large Print    TDD    Other _____
<b>SECTION II</b>
I believe the discrimination I experienced was based on (check all that apply) Discrimination based on disability ____ Accessibility issue ____ Other (please explain) _____ _____
What is the date of the alleged discrimination (Month, day, year)



discrimination? Yes \_\_\_\_\_ No \_\_\_\_\_

If so, who? \_\_\_\_\_

\_\_\_\_\_

**You may attach any written materials or other information that you think is relevant to your complaint**

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Please submit this form in person at the address below, or mail this form to:**

**ADA Coordinator  
Connect Douglas  
8800 Dorris Road  
Douglasville, GA 30134**

Connect Douglas responds to ADA Complaints within 30 days of receiving the complaint. If you find Connect Douglas to be unresponsive, after waiting a reasonable amount of time for a resolution, you may decide to file a complaint with the Federal Transit Administration's (FTA) Office of Civil Rights. The Office of Civil Rights is responsible for ensuring that providers of public transportation comply with ADA requirements. An FTA complaint form, with mailing instructions, can be found at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>.

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 27.123(b), an individual must file a written complaint with the Federal Transit Administration (FTA) no later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the FTA

Douglas County maintains copies of ADA related complaints for one year and a summary of such complaints for five years.