



# Liberty Transit Complementary Paratransit Plan

Dated: June 22, 2018





The City of Hinesville and Liberty Transit are committed to assuring full compliance with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. These laws include but are not limited to Title VI of the Civil Rights Act of 1964 ("Title VI"), the Civil Rights Restoration Act of 1987 (P.L. 100.259),

Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended.

The City of Hinesville and Liberty Transit does not discriminate against persons in the provision of its programs, services or activities.

This publication was prepared in cooperation with the Department of Transportation, State of Georgia, and the United States Department of Transportation. The opinions, findings, and conclusions in these publications are those of the author(s) and not necessarily those of the Department of Transportation, State of Georgia, or the United States Department of Transportation.

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## Introduction

The Americans with Disabilities Act of 1990 (ADA) requires that public entities that operate non-commuter fixed route transportation services also provide complementary paratransit service for individuals whose disabilities make them unable to use the fixed route system. In addition, these public entities must develop and administer a process for determining if individuals who request service meet the regulatory requirements for eligibility.

The Federal Transit Administration's Circular 4710.1 dated November 4, 2014, chapter eight and nine, provides the statutory requirements for Complementary Paratransit Services. *"This chapter explains how the U.S. Department of Transportation (DOT) ADA regulations in 49 CFR Part 37 apply to complementary paratransit service in terms of required service criteria, types of service options, operational performance, and other factors. ADA paratransit eligibility is discussed separately in Circular Chapter 9."* In the event of an inconsistency or conflict between the Federal Transit Administration's Circular 4710.1 and the Liberty Transit Complementary Paratransit Plan, the Federal Transit Administration's Circular 4710.1 shall prevail.

Liberty Transit Paratransit Service is "comparable" to the fixed route service in terms of service and availability. For Liberty Transit, the complementary paratransit service is comparable to the fixed route system when:

- (1) Service will be provided to all origins and destinations within the city limits for Walthourville, Flemington and Hinesville, and within  $\frac{3}{4}$  mile on each side including ends of the fixed routes for Allenhurst, Fort Stewart, Liberty and Long Counties.
- (2) The request for complementary paratransit service is made the previous business day;
- (3) Rides are available to any paratransit eligible person during normal operating hours and days of the fixed route system;
- (4) Paratransit fares are no more than twice the full fare that would be charged to an individual paying full fare for a trip of similar length on the fixed route system;
- (5) There are no trip restrictions or priorities based on trip purpose; and
- (6) There can be no constraints on the amount of service that is provided to eligible persons.

Complementary paratransit service will be provided to all individuals who are unable, because of their disability, to use the fixed route system. The criteria for determining eligibility is regulated by the Federal Transit Administration and Liberty Transit must have a documented process in place to determine if an individual qualifies for paratransit service.

## Implementation of Complementary Paratransit Service

On March 4, 2016, GDOT Intermodal issued a compliance letter requesting that Liberty Transit implement a complementary paratransit service and this letter is included in the appendix. In order to implement complementary paratransit services, this plan provides the policy for the system, the task schedule needed to have the system operating by August 1, 2018 and provide the budgets to both amend 5307 grant application(s) and provide amounts for the local budgets.

### Schedule

The schedule below highlights critical task and key dates needed to achieve complementary paratransit service November 1, 2018.

	Task	duration	start	end	action date	PUBLIC HEARING PROCESS	<i>Fri - Jun 22, 2018</i>
1.1	Council Work Session on Transit	n/a			Thu - Feb 08, '18	To FTA/GDOT for 30d review:	Wed - Jul 25, '18
2.1	Amend 5307 2018 Contract - Bus (complete)	n/a			Fri - Jun 01, '18	Distribute Notice:	Fri - Aug 24, '18
2.1	Purchase Bus (\$84,579) (complete)	150	Thu - Apr 19, '18	Sun - Sep 16, '18	Thu - Apr 19, '18	First Ad in Paper:	Sat - Aug 25, '18
3.1	Operations Plan	45	Mon - Jan 29, '18	Thu - Mar 15, '18		Start 30 day Public Hearing:	Mon - Aug 27, '18
3.2	Amend Transdev Contract	66	Mon - Jul 02, '18	Thu - Sep 06, '18	Thu - Sep 06, '18	Second Ad in Paper:	Sat - Sep 08, '18
4.1	Public Participation Period	68	Fri - Aug 24, '18	Wed - Oct 31, '18		Open House meeting	Wed - Sep 12, '18
5.1	Start Service:				Thu - Nov 01, '18	City Council (Board) Meeting:	Thu - Sep 20, '18
						End Pubic Hearing:	Thu - Sep 27, '18
						To FTA/GDOT for final review:	Thu - Oct 04, '18
						City Council (Board) Meeting:	Thu - Oct 18, '18
						Effective Date of Change (Ad):	Wed - Oct 24, '18
						Implement Major Service Change:	Thu - Nov 01, '18

### Budget

Amend the Section 5307 Grant(s) to include the following operating cost estimates:

- Purchase of ADA compliant Cut-Away Bus: \$84,579
- Estimated Operating Cost: \$45 per revenue service hour
  - \$ 13,600 per month (local share estimated at 31% or \$ 4,200/month)
  - \$ 163,000 per year (31% or \$ 50,500/year)

## **Amend the Operations Contract**

On October 21, 2015, the City entered into contract with Transdev Service, Inc., for the management and operations of Liberty Transit Service. Compensation is based revenue service hours. The City desires to incorporate management and operations complementary paratransit services into the Transdev contract by change order as the contract, RFP and proposal all incorporate the provision of paratransit service.

## **Existing Transit Services**

Currently, Liberty Transit operates three fixed, non-commuter, routes Monday to Friday:

- Route Six (purple): 06:09 to 09:04 and 15:21 to 20:16
- Route Seven (green M to Th): 05:50 to 19:07
- Route Seven (green F): 05:50 to 13:40 and 15:22 to 19:07
- Route Eight (orange M to Th): 05:55 to 18:32
- Route Eight (orange F): 05:55 to 12:41 and 15:31 to 18:32

Complementary paratransit availability requirement: from first (05:50) to last stop (20:16) less 30 minutes.

2010 census population coverage within  $\frac{3}{4}$  mile of each side of the route:

- Hinesville:  $31,633 / 33,437 = 95\%$
- Flemington:  $279 / 753 = 37\%$
- Walthourville:  $4,068 / 4,111 = 99\%$
- 

The existing paratransit services consist of the following:

- All of Liberty Transit's vehicles are wheelchair lift equipped and consequently ADA compliant.
- For those certified ADA eligible unable to use the fixed route system and, curb to curb deviated route service is provided in accordance with paratransit regulations.
- Liberty Transit has developed and administers a process for determining if individuals who request service meet the regulatory requirements for eligibility.

## **Proposed Complementary Transit Services:**

**1) Service Area:** Complementary paratransit service is provided, at a minimum, in all areas that are within  $\frac{3}{4}$  mile on each side of a fixed route the surrounding area at the end of a route.

The Complementary Paratransit service area will be within the City Limits for Walthourville, Flemington and Hinesville, and  $\frac{3}{4}$  mile from route for Allenhurst, Fort Stewart, Liberty and Long Counties.

Persons qualified for paratransit service do not have to live within this defined service area. The only qualification for a paratransit eligible trip is that it be being contained within the service area.

**2) Hours of Service:** Complementary paratransit service will be provided from the time of first fixed route pickup, currently 05:50 to the time of last stop 20:16. An end of service day consideration of 30 minutes will be applied with the last scheduled complementary paratransit service pickup no later than 19:46.

**3) Days of Service:** Liberty Transit's fixed route schedule does not provide service on Saturday, Sunday or on these holidays; New Year's Day, MLK Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day; therefore, complementary paratransit service will not be provided on these days.

**4) Response Time:** Actual ride pick up times can be negotiated up to thirty minutes before or one hour after the requested time by the client. Clients need to be available fifteen minutes prior and fifteen minutes after the scheduled pick up time. The driver will wait for at least five (5) minutes within the pickup window for the rider to appear.

**5) Call in Time:** Appointments are accepted 08:00 to 17:00 on the preceding business day for the trip and can be made up to two business days in advance. Subscription service is available for same day same time trips. If requests for service are made with less than the required next day notice, Liberty Transit will attempt to schedule the trip, but cannot guarantee the trip. Liberty Transit will document any trip denials outside the negotiation period and documents any late pick-ups.

Liberty Transit will implement TTY (Text Telephone) type services for deaf or other customers. For limited English proficiency customers, Liberty Transit will subscribe to a remote interpreter service to provide real-time interpretation in multiple languages.

**6) Fares:** The Liberty Transit paratransit fare will be two times the full one-way fixed route fare currently \$1.00 (paratransit fare will be \$2.00 per one-way trip). Personal Care Attendants (PCA's) will travel with eligible clients for free. Companions can ride the service as well for \$2.00 per one-way trip. PCAs and companions must travel to the same origin/destination as the qualified client.

**7) Trip Purpose:** As the fixed route service can be used for any trip purpose, so can complementary paratransit service. Liberty Transit will not prioritize eligible paratransit trips based on trip type or trip purpose. The only qualification for a paratransit eligible trip is that it is contained within the service area.

**8) Capacity Constraints:** The complementary paratransit service will be operated without capacity constraints; meaning that there can be no limitation on the number of total trips, or trips per person made available per day. Complementary paratransit service requires that there be no pattern or practice of trip denials, missed trips, late pickups or trips in length not comparable to the fixed route. Finally, there can be no operational practice that has the effect of limiting service to any eligible client.

Liberty Transit will use two ADA compliant cutaway busses for complementary paratransit purposes. The second vehicle has been ordered to ensure that complementary paratransit service is provided within the required times. Additionally, it is anticipated that the existing staff will be expanded with the addition of a scheduler and 1.5 full time equivalent drivers, all specifically trained in complementary paratransit operation.



**9) Trip Limitations:** Liberty Transit will have no limitation on the number of trips per day or trips per person that can be made. There will be no untimely pickups, defined as arrival later than 15 minutes after the scheduled time or 1 hour on a will-call. Travel times are generally less than comparable fixed route trips and there will be no peak hour service capacity issues. The current fixed route schedule has a maximum trip length of one hour and forty-two minutes; therefore, the maximum paratransit trip length cannot exceed this. Since Liberty Transit operates in a relatively small geographic area, almost all trips will be less than 30 minutes and the maximum trip length of 1:42 is not an issue.

**Summary Table** comparing the complementary paratransit service policy as proposed by Liberty Transit to federal regulations:

Service Criteria	Consistent with Regulations?	Comments
1) Service Area	Yes	Provided within $\frac{3}{4}$ mile of fixed route
2) Hours of Service	Yes	Trips requests are allowed the day before the service and pick-up times are scheduled within the thirty-minute window.
3) Days of Service	Yes	Paratransit is provided the same days as the fixed route service.
4) Response Time	Yes	Trips will be within thirty-minute requirement.
5) Call in Time	Yes	Trips requests are allowed the day before the service and pick-up times are to be scheduled within the one-hour window.
6) Fares	Yes	Fares do not exceed twice the full price fixed route fare and PCAs are not required to pay a fare.
7) Trip Purpose	Yes	There are no restrictions based on trip purpose.
8) Capacity Constraints	Yes	Staff and fleet will be increased.
9) Trip Limitations	Yes	No trip limitations allowed.

## Complementary Paratransit Service Eligibility Determination

Liberty Transit will adhere to regulations described in Federal Transit Administration's Circular 4710.1 dated November 4, 2014, chapter nine "ADA Paratransit Eligibility".

Per the ADA, documentation of eligibility and associated conditions of eligibility if applicable will be provided to persons deemed eligible. An appeals process must be made available for persons who are determined ineligible or only eligible under certain conditions with a separation of authority maintained between the individual making the initial determination and those individuals deciding the appeal.

All individuals determined to be complementary paratransit service eligible have a civil right to obtain the levels of service and associated provisions of the complementary paratransit service.

Complementary paratransit service eligibility as defined as follows:

- (1) Persons who have a specific impairment-related condition that prevents them from getting to or from a fixed route stop;
- (2) Persons who cannot use the fixed route service because the route needed for a particular trip is not accessible (although all Liberty Transit vehicles are lift equipped and therefore all vehicles are accessible, stops may not be ADA compliant).
- (3) Persons because of a disability are unable to independently board, ride or disembark from an accessible fixed route vehicle.
- (4) Disabilities can be permanent as well as temporary and will be considered accordingly.
- (5) Personal Care Attendants (PCA) of eligible individuals will be served.
- (6) One companion, in addition to the PCA will be accommodated. Other companions can be accommodated on a space available basis.

Complementary paratransit service eligibility is functionally based and will not be determined by the type of disability or mobility aid used. A person's eligibility can be decided on a trip by trip basis as determined by specific conditions in conjunction with the disability (weather, distance, passenger amenities available, going to specific medical treatments, etc.). Consequently, a person can be determined to be unconditionally eligible, conditionally eligible, temporarily eligible or ineligible for complementary paratransit services.

Visitors to the area will be provided 21 days of service in a 365-day period when they provide documentation of complementary paratransit service eligibility from another area. If a person is traveling from an area that doesn't have complementary paratransit services, they can be requested to provide documentation of their disability. If more than 21 days of service is needed, visitors can be required to go through the local eligibility process.

Liberty Transit has established a process for suspending service to individuals who are unduly disrupting operation with frequent no-shows. This process will exclude rides that are missed because of issues outside a person's reasonable control. The service suspension will be comparable to the level of disruption and is appealable.

The application for complementary paratransit service can be found in the appendix.

Disabilities can be permanent as well as temporary and must be considered accordingly. Liberty Transit will use a functional approach to eligibility determination and certification. The Liberty Transit Operations Manager reviews each application and determines eligibility. Liberty Transit may at its discretion use an outside service to the applicant to assist in determination (see proposal from MWR dated May 16, 2016 in the appendix).

If a determination cannot be made by Liberty Transit, the applicant will be required to have a licensed professional. This type of medical professional could include: Audiologists, Chiropractors, Registered Nurses, Medical Doctors, Mobility specialists, Occupational Therapists or Psychologists. The professionals may call upon additional medical personnel who have direct knowledge of the applicant. The physical and cognitive abilities assessment forms will be used by Liberty Transit to make eligibility determinations.

No fees shall be charged to the applicant for eligibility determination and certification.

## **Eligibility Process**

Applications for complementary paratransit service eligibility will be processed within twenty-one days from the date that the completed application is submitted. During this time Liberty Transit will review the application, consult with other medical professionals, and make the certification determination. Liberty Transit will notify the applicant in writing of the determination decision. The letter will state that the applicant has been approved for service, the conditions of eligibility (if any) and if a PCA is approved for travel.

If the eligibility is determined, Liberty Transit will issue an identification card within five business days.

An individual that submits a complete application and is not notified of the eligibility determination decision within twenty-one days will be granted presumptive eligibility until such time as written decision is rendered to the individual.

There will be a five-year expiration date assigned to a person's eligibility (unless they were approved as temporarily eligible). Liberty Transit will periodically review all applications to confirm the information as current.

## **Appeals to the Eligibility Determination**

The appeal policy and associated procedures can be found in this plan. The process applies to individuals who have been denied eligibility or who otherwise have had their Paratransit privileges temporarily suspended. Any individual denied eligibility may appeal this decision provided Liberty Transit receives notice within sixty days of the denial of an individual's application.

## **Public Participation and Information**

The public hearing process for public input and ability to comment regarding any changes in any of Liberty Transit services is included in the appendix. Liberty Transit will provide for ongoing participation in the operation and assessment of associated services by individuals with disabilities.

Liberty Transit utilizes a Transportation Steering Committee to fulfill these requirements with members appointed to represent a variety of perspectives. The committee's roster as detailed in the Liberty Transit Title VI plan should include representative(s) from the disabled community and the City's public relations department.

The Liberty Transit website will be updated to explain the complementary paratransit service to the disabled and general community. In addition to posting the forms, guides and policy, the website will use plain language guides and ease of reading standards. The Liberty Transit website has been formatting for multilingual with sound over text to be investigated.

## **Fixed Route Compliance and Bus Stop Improvements**

Liberty Transit fixed route service is in compliance with ADA in terms of providing accessible vehicles and ensuring new stops are accessible.

Liberty Transit has currently been approved for Section 5307 “Associated Transit Improvements” focusing on sidewalks to increase access to the fixed route stops. A component is examining the stops themselves for ADA compliance and identifying opportunities to make accessibility improvements. Opportunities to move complementary paratransit services users to fixed route accessible bus stop(s) will be receive a higher priority.

## **Liberty Transit No Show Policy**

Liberty Transit understands that riders may sometimes miss scheduled rides or forget to cancel rides they no longer need. Liberty Transit also 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 Liberty Transit's no-show policy.

### **Definitions**

**No-show:** A no-show occurs when a rider fails to appear to board the vehicle for a scheduled trip. This presumes the vehicle arrives at the scheduled pickup location within the pickup window and the driver waits at least 5 minutes.

**Pickup Window:** The pickup window is defined as from 15 minutes before the scheduled pickup time to 15 minutes after the scheduled pickup time. Riders must be ready to board a vehicle that arrives within the pickup window. The driver will wait for at least five (5) minutes within the pickup window for the rider to appear.

**Late Cancellation:** A late cancellation is defined as either: a cancellation made less than one (1) hour before the scheduled pickup time or as a cancellation made at the door or a refusal to board a vehicle that has arrived within the pickup window.

### **No-Shows Due to Operator Error or to Circumstances beyond a Rider's Control**

Liberty Transit does not count as no-shows or late cancellation for any missed trips due to our error, such as:

- Trips placed on the schedule in error
- Pickups scheduled at the wrong pickup location
- Drivers arriving and departing before the pickup window begins
- Drivers arriving late (after the end of the pickup window)
- Drivers arriving within the pickup window, but departing without waiting the required 5 minutes

Liberty Transit does not count as no-shows or late cancellations situations beyond a rider's control that prevent the rider from notifying us that the trip cannot be taken, such as:

- Medical emergency
- Family emergency
- Sudden illness or change in condition
- Appointment that runs unexpectedly late without sufficient notice

Riders should contact the Liberty Transit when experiencing no-shows or late cancellations due to circumstances beyond their control.

### **Policy for Handling Subsequent Trips Following No-shows**

When a rider is a no-show for one trip, all subsequent trips on that day remain on the schedule unless the rider specifically cancels the trips. To avoid multiple no-shows on the same day, riders are strongly encouraged to cancel any subsequent trips they no longer need that day.

### **Suspension Policy for a Pattern or Practice of Excessive No-shows and Late Cancellations**

Liberty Transit reviews all recorded no-shows and late cancellations to ensure accuracy before recording them in a rider's account. Liberty Transit reserves the right to suspend from services any rider who establish a pattern or practice of missing scheduled trips.

Each verified no-show or late cancellation consistent with the above definitions counts as one (1) penalty point. Riders will be subject to suspension after they meet all the following conditions:

- Accumulate three (3) penalty points in one calendar month, and
- Have booked at least three (3) trips that month, and
- Have "no-showed" or "late cancelled" at least 10% percent of those trips.

A rider will be subject to suspension only if both the minimum number of trips booked and the minimum number of penalty points are reached during the calendar month.

Liberty Transit will notify riders by telephone after they have accumulated two (2) penalty points and would be subject to suspension should they have verified no shows or late cancellation exceeding 10% of total booked trips.

All suspension notices include a copy of this policy, information on disputing no-shows or late cancellations, and how to appeal suspensions. Suspensions begin on Mondays.

Violations result in the following:

- First violation: Triggers warning phone call and written letter, but no suspension
- Second violation: 7-day suspension
- Third violation: 14-day suspension
- Fourth violation: 21-day suspension
- Fifth and subsequent violations: 28-day suspension

### **Policy for Disputing Specific No-Shows or Late Cancellations**

Riders wishing to dispute specific no-shows or late cancellations must do so within 15 business days of receiving suspension letters. Riders should contact the Liberty Transit at 912-877-1472 or e-mail [www.libertytransit.org](http://www.libertytransit.org) on regular business days from 8:00 a.m. to 4:00 p.m. to explain the circumstance and request the removal of the no-show or late cancellation.

### **Policy for Appealing Proposed Suspensions**

Riders wishing to appeal suspensions under this policy have the right to file an appeal by requesting in-person, via phone, email or Certified US Mail within 15 business days of receiving suspension letters. Riders who miss the appeal request deadline will be suspended from Liberty Transit on the date listed on the suspension notice.

All suspension appeals follow Liberty Transit appeal policy.

### **Complementary Paratransit Service Appeals Process**

Liberty Transit will establish a process to appeal decisions if a customer or rider is denied access to paratransit service.

An individual may file an appeal when Liberty Transit denies paratransit service for any of the following reasons:

- Denial of eligibility;
- Suspension resulting from excessive no-shows or late cancellations; and/or
- Suspension for seriously disruptive behavior

The General Manager will inform an applicant or current customer of a decision to deny eligibility status or to suspend service by certified letter via US mail. Individuals will have sixty (60) days from the date of the letter informing them of an eligibility denial or service suspension to request an appeal.

Requests for an appeal must be sent in writing to:

General Manager  
Liberty Transit  
115 East M. L. King Jr. Drive  
Hinesville, GA 31313

Within thirty days from when the request for an appeal is received, the Appeal Committee will convene. The Appeal Committee will consist of the Mayor of the City of Hinesville, the other Mayor(s) for municipalities that have an agreement for Liberty Transit Services, and the Hinesville City Manager. Written proxies are allowed. The Appeal Committee will issue a final written decision within thirty days of the appeal hearing. Liberty Transit will not provide service to individuals who are pursuing an eligibility appeal. However, if the Appeal Committee has not decided within thirty days after the hearing, temporary eligibility for complementary paratransit service will be provided. This temporary complementary paratransit service will continue until a decision on the appeal is reached.

Upon appeal for a no-show suspension, complementary paratransit service will be provided pending the appeal; suspension of complementary paratransit service will not begin until the appeals process is complete. If the decision is not made within thirty days of the completion of the appeal hearing, the

individual appealing the suspension shall be granted complementary paratransit service until a final decision has been reached.

Persons requesting an appeal will be notified in writing (certified US mail) of the time, date and location of the appeal hearing. Individuals are encouraged to attend the appeal hearing although attendance is not mandatory. If individuals requesting appeals cannot attend, they may have another person(s) represent them at the hearing. If the individual or a designated representative is not present at the appeal hearing, the Appeal Committee will base its decision on the documentation submitted by Liberty Transit.

Passengers who exhibit behavior that Liberty Transit documents as being seriously disruptive will be suspended from receiving paratransit services until the Appeal Committee reviews the suspension. Liberty Transit is not required to offer an appeal process if a customer is suspended because of seriously disruptive behavior.

Passengers who exhibit behavior that is violent or illegal will be denied paratransit services. The Appeal Committee will review an incident of violent or illegal behavior upon request but will only act to verify that such behavior occurred. Verification of violent or illegal behavior will result in denial of paratransit service.

### **Step 1: Filing an Appeal**

Applicants must file an appeal within sixty days from the date of the eligibility determination letter or notice of the suspension.

Appellants may write a letter that includes the pertinent information, complete the Appeal Form or inform the Liberty Transit General Manager verbally. Appellants are urged to include any additional medical or other documentation in support of their appeal.

A written appeal must be signed, dated, and contain: the name of the individual who was denied ADA eligibility certification or served with a notice of suspension of service, the nature of the disability, and an explanation or additional information describing the basis for the appeal. An appeal must include a return address and telephone number. A verbal appeal requires the same information as a written appeal except for signature; the General Manager will verify that all information has been obtained. An appeal that does not include the required information will be returned for completion.

### **Receipt of Appeals**

Upon receipt by the General Manager, appeals will be date-stamped. Appeals that are received after the 60-day time period will be returned to the sender. If the appeal is timely, the General Manager will review it to ensure that enough information is included.

The General Manager may contact the appellant for missing information. Appeals without the

necessary information will be returned for completion.

## **Step 2: Review/Decision by the Appeal Committee**

The General Manager will forward the completed appeal to the Appeal Committee. At this point in the review, the Appeal Committee may:

- reverse a determination of ineligibility or revise conditions of eligibility; or
- cancel or modify a suspension of service, or
- uphold the decision and forward the package to the General Manager, who serves as staff to the Appeal Committee.

## **Preparing for the Hearing**

If the Appeal Committee upholds the decision denying eligibility or the suspension, the General Manager will review the appeal for completion, schedule the hearing, and forward documentation to members of the Appeal Committee.

## **Scheduling the Hearing**

The General Manager will schedule the hearing with the Appeal Committee. The Appeal Committee will hear appeals on a as needed basis. The hearings will be held at Hinesville City Hall 115 East M. L. King Jr. Drive 3<sup>rd</sup> Floor conference room. The day and time of the hearings will be decided by the members of the Appeal Committee. Appellants will be notified of the date in writing at least seven business days prior to the hearing.

The General Manager will notify the appellant of the date, time, and room number for the hearing and advise the appellant of the necessity of producing all documentation and/or witnesses at the time of the hearing. The General Manager will also inquire whether the Appellant needs any accommodations for the hearing or transportation to the hearing and if requested, complementary paratransit service will be provided to the appellant at no charge.

## **Documentation**

For appeals of eligibility determinations, the General Manager will, at least seven business days prior to the hearing, provide the Appeal Committee and other applicable staff with copies of the following:

- Original application submitted by the appellant
- Any medical verification
- Any additional information submitted by the appellant or provided by Liberty Transit.

Appellants have the right to review all pertinent documents used by the Appeal Committee in determining their eligibility.



### **Step 3. Appeal Committee Hearing**

At the formal hearing, the appellant will be provided an opportunity to address the Appeal Committee and present testimony, documentation and additional evidence. The hearing will not be open to the public; however, appellants may be accompanied by a personal care attendant and/or other representatives or witnesses who can provide pertinent testimony. Proceedings of the hearing will be recorded. In the formal hearing, the Appeal Committee shall hear and consider:

- Information provided in the appeal letter or on the appeal form
- Statement(s) of the appellant, his/her representative, or witnesses
- Report by General Manager
- Information from Liberty Transit staff (as needed)
- Other relevant information

### **Step 4. Appeal Committee Decision**

After reviewing and considering the information presented as part of the appeal process, the Appeal Committee shall render its decision by majority rule. Appeal decisions will be forwarded to the Mobility Manager. The Appeal Committee should render and inform appellant of its decision within thirty calendar days of the appeal hearing.

If the decision is not made within thirty days, presumptive eligibility applies until the decision is rendered and the appellant is informed.

Members of the Appeal Committee are strictly prohibited from discussing the details of the appeal, the name of the appellant, or any other information about the appellant with any person not directly involved in the appeal process.

The General Manager will issue a letter to the appellant informing him or her of the determination of the Appeal Committee. The letter will specify in detail the reasons for the upholding, modification, or reversal of the matter of appeal.

The decision of the Appeal Committee serves as the final decision for Liberty Transit.

If there is a change regarding the disability, appellants may re-apply for complementary paratransit services.



## **Appendix**


- (A) Service Area Map for Complementary Paratransit Services
- (B) Paratransit Operator Development Syllabus (training)
- (C) GDOT Intermodal Letter - Complementary Paratransit Services (March 4, 2016)
- (D) Public Hearing Plan
- (E) Proposal from MWR for Eligibility Determinations (May 13, 2016)
- (F) Liberty Transit Paratransit Service Guide
- (G) Liberty Transit ADA Paratransit Eligibility Application
- (H) FTA Circular 4710.1 Chapters Eight and Nine (November 4, 2014)







# (B) Paratransit Operator Development Syllabus (training)



transdev  
MOBILITY INSPIRED BY YOU

PARATRANSIT OPERATOR DEVELOPMENT SYLLABUS

WEEK ONE	
DAY ONE	5 Hours 20 minutes
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The recommended training syllabus should be used as a guide in preparing local property schedules. The absolute minimum standard for total ODP training time is 120 hours. To the extent possible, adhere to recommended classroom topics and hours. Pre-driving skills, BTW and caret/behaviour service training time should equal a total minimum of 80 hours, with the latitude to adjust for local conditions and requirements.





**(C) GDOT Intermodal Letter - Complementary Paratransit Services (March 4, 2016)**

**Russell R. McMurry, P.E., Commissioner**



**GEORGIA DEPARTMENT OF TRANSPORTATION**

One Georgia Center, 600 West Peachtree Street, NW  
Atlanta, Georgia 30308  
Telephone: (404) 631-1000

March 4, 2016

Mr. Billy Edwards, City Manager  
City of Hinesville  
115 East M.L. King, Drive  
Hinesville, GA 31313

**Re: Hinesville-Liberty County Transit Complimentary Paratransit Service Changes**

Dear Mr. Edwards,

The Department is sending this letter as a follow-up for the conference call we had with you and your staff on February 19, 2015. As discussed, the Department understands that there are changes needed for your Complimentary Paratransit Service to be compliant with current FTA regulations and applicable statutory requirements under the Americans with Disabilities Act (ADA). In this letter, we have provided basic recommendations for procedures and practices, resources, capital equipment, and considerations that may be useful as you initiate changes to your service and as a result, become compliant with current FTA regulations and statutory ADA requirements.

In June 2015, the Department conducted a Compliance Review of the City of Hinesville's Hinesville-Liberty County Transit System (Liberty Transit). Subsequent communication with Hinesville staff in August 2015 indicated that the Transit System did offer fixed route service, but did not necessarily provide a complementary ADA service. It was noted that the Transit System offered deviated services only to persons with disabilities who were unable to use the accessible fixed route service. Hinesville stipulated that an RFP for the third party operating contract would be going out and awarded in September 2015, thereby October being the earliest any changes could begin to the service.

In October 2015, Liberty Transit submitted a Paratransit Rider's Guide, which was subsequently submitted in the Department's response to the FTA's Triennial Review findings. The guide described that the agency was operating a complimentary ADA service.

On January 6, 2016 during a site visit of Liberty Transit System's FTA funded inventory, the subcontractor Transdev advised the Department that it planned to implement the ADA complementary paratransit service during the week after the Dr. Martin King Jr. Holiday. On February 12, 2016, the Department held a conference call with Donita Gauden, Assistant Director and Theodis Jackson, General Manager of Transdev to obtain an update on the implementation of the ADA complementary paratransit service. It was noted during this update that the Department would provide technical assistance to help Liberty Transit with the implementation of their Complementary ADA Service.

Mr. Billy Edwards, City Manager  
City of Hinesville  
March 3, 2016

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**Federal Complementary ADA Service Requirements**

American with Disabilities (ADA) Federal Requirements (49 CFR part 37 and FTA C 4710.1):

1. Transit agencies operating a fixed route system must 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
2. Transit agencies are required to implement a complementary paratransit service at the time they introduce new fixed route service; implementation of complementary paratransit at a later date is not permitted.
3. The existence of ADA complementary paratransit service must be clearly distinguished from any other type of demand-responsive service that may also be provided, such as a deviated fixed route service.

**Listed below are questions or elements you should consider in developing your Paratransit Plan to comply with FTA and ADA regulations.**

- The Paratransit Plan differs from the Paratransit Riders guide in that the guide is for the ADA patron, describing how to use the service, the eligibility requirements, and service rules and expectations. The Paratransit Plan would include the guide, but pertain to how the Transit agency implements the complimentary service and transitions to compliance with the federal regulations.
- Did Liberty Transit solicit participation by the public and persons with disabilities in the initial development and continued provisions of Complimentary ADA Paratransit service? 49 CFR.37.137 (ADA C.4710.1 Ongoing Public Participation 8.9)
- Does the Complimentary ADA Paratransit service operate during the same hours and on the same days as fixed route bus service? 49 CFR 37.131 (ADA C.4710.1 Complimentary Paratransit Service Criteria 8.4)
- Is your Complimentary ADA Paratransit service offered in a corridor that is ¼ mile either side of each fixed bus route and within a ¾ mile radius of all transfer stations? 49 CFR 37.131(a)(1)(i) (ADA C.4710.1 Service Area – Fixed Route Bus 8.4.2)
- Does your Complimentary ADA Paratransit service have 50% of it's available trips be open for Paratransit patrons to schedule a trip up to fourteen days in advance or within twenty-four hours of the desired travel time? 49 CFR 37.131(b)(1)(4) (ADA C.4710.1 Trip Reservations and Response Time 8.4.5)
- How would Liberty Transit accept passenger reservations for pick-ups and drop-offs? Has there been adequate training of staff to facilitate ADA calls? Is there adequate telephone service for the hearing and speech-impaired passenger to make reservations. ADA C.4710.1 (Alternatives to Audio Communications 2.8.3 & 2.9)
- What type of complaint system is in place and how will complaints be resolved? 49 CFR 27.13 (a) (ADA C.4710.1 Designation of Responsible Employee 12.7.1)

Mr. Billy Edwards, City Manager  
City of Hinesville  
March 3, 2016

Page Three (3)

- Is there an Appeals Panel for Passengers who receive eligibility decisions such as denied, conditional or temporary; under FTA regulations patrons have a right to appeal this decision. 49 CFR 37.125 (ADA C.4710 Notification of Appeal
- Rights, Appeal Request, and Right to be Heard in person 9.7.1) Selection of Appeals Committee (ADA C.4710.1 Suggestion for Appeals Practices 9.7.4)
- Have all employees received ADA sensitivity training or securement and Pass Training? 49 CFR 37.173
- Liberty Transit only has one cut-away vehicle which they intend to designate for paratransit service. Is only one vehicle sufficient to operate an ADA Complimentary Service?

**Listed below are recommended next steps, implementing the changes for your system.**

- Liberty Transit has submitted a revised Paratransit Riders Guide to the Department, which was accepted by FTA during the 2015 Triennial Review
- Liberty Transit must submit a Paratransit Plan to GDOT for review and concurrence. The plan should include a brief description of planned modifications to existing paratransit and fixed route service and the new paratransit service planned to comply with the ADA paratransit service criteria.
- It is recommended using a (GIS) Mapping system to determine the ¾ mile radius around bus stops of the fixed route.
- Liberty Transit will need an adequate telephone system which must be in place to accept and schedule appointments. Teletype (TTY) telephone system must be in place for individuals that are hearing impaired.
- Liberty Transit has stated that they have one cut-away vehicle to operate paratransit service. It is highly recommended and highly advisable that Liberty Transit consider procuring more ADA accessible vehicles. The concern is if this singular vehicle goes down for repair or if the service need expands beyond one vehicle, how will Liberty Transit provide adequate Complimentary ADA service?
- May need additional staffing to answer the phone lines and to schedule passengers for pick-ups and drop-offs. Currently the Trandev General Manager and road supervisors on duty take incoming calls if available.
- Liberty Transit will be scheduling by hand. May need to procure Paratransit software for dispatching the service.
- Liberty Transit General Manager has stated that staff are being trained on wheelchair securements. Staff should have ADA sensitivity training as well, such as PASS (Passenger Assistance) training.

Mr. Billy Edwards, City Manager  
City of Hinesville  
March 3, 2016

Page Four (4)

As noted, several steps have already been taken toward compliance with ADA regulations. We realize that implementing these changes may be a lengthy process. The Department requests that you or your staff provide a Corrective Actions Plan, with a timeline as to how and when appropriate actions will be taken to address these ADA compliance issues no later than April 4, 2016.

The Department appreciates your commitment to providing safe, reliable and compliant transit services for the citizens of Hinesville-Liberty County. We are available to assist you and your staff with any technical assistance and support as needed. If you should have any questions feel free to contact me at 404.631.1238.

Respectfully,



Theo Letman, Urban Transit Group Leader  
Intermodal Division

cc Carol Comer, Division Director  
Nancy Cobb, Division Administrator  
Brian Smart, Transit Program Consultant (AECOM)  
Donita Gauden, City of Hinesville  
Antoine Hawkins, Transit Planner  
Eileen Schwartz- Washington, Transit Planner  
Swannie Wilson, Transit Planner

## (D) Public Hearing Plan

### Appendix F: Public Participation Plan

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#### Introduction

The Public Participation Plan (PPP) for Liberty Transit was developed to ensure that all members of the public, including minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the decision-making process for Liberty Transit. Policy and service delivery decisions need to take into consideration community sentiment and public opinion based upon well-executed outreach efforts. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about Liberty Transit services and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes to services. Liberty Transit also recognizes the importance of many types of stakeholders in the decision-making process, including other units of government, metropolitan area agencies, community-based organizations, major employers, passengers and the general public, including low-income, minority, LEP, and other traditionally underserved communities.

#### Goals

The main goal of the PPP is to offer meaningful opportunities for all interested segments of the public, including, but not limited to, low-income, minority and LEP groups, to comment, about Liberty Transit and its operations. The goals for this PPP include:

- **Inclusion and Diversity:** Liberty Transit will proactively reach out and engage low-income, minority, and LEP populations for the Liberty Transit service area so these groups will have an opportunity to participate.
- **Accessibility:** All legal requirements for accessibility will be met. Efforts will be made to enhance the accessibility of the public's participation – physically, geographically, temporally, linguistically and culturally.
- **Clarity and Relevance:** Issues will be framed in public meetings in such a way that the significance and potential effect of proposed decisions is understood by participants. Proposed adjustments to fares or services will be described in language that is clear and easy to understand.
- **Responsive:** Liberty Transit will strive to respond to and incorporate, when possible, appropriate public comments into transportation decisions.
- **Tailored:** Public participation methods will be tailored to match local and cultural preferences as much as possible.
- **Flexible:** The public participation process will accommodate participation in a variety of ways and will be adjusted over time as needed.

#### Public Participation Methods

The methods of public participation included in this PPP were developed based upon best practices in conjunction with the needs and capabilities of Liberty Transit. Liberty Transit intends to achieve meaningful public participation by a variety of methods with respect to service and any changes to service.

Liberty Transit will conduct community meetings and listening sessions as appropriate with passengers, employers, community-based organizations, and advisory committees to gather public input and distribute information about service quality, proposed changes or new service options.

The public will be invited to provide feedback on the Liberty Transit website [www.libertytransit.org](http://www.libertytransit.org). All feedback on the site will be documented and passed on to Liberty Transit management. The public will also be able to call the Liberty Transit office at 912-877-1472 during its hours of operation. Feedback collected over the phone will be documented and passed on to Liberty Transit management. Formal customer surveys to measure performance, and listening sessions to solicit input, will be conducted periodically. The comments recorded as a part of these participation methods will be responded to as appropriate.

Meeting formats will be tailored to help achieve specific public participation goals that vary by project or the nature of the proposed adjustment of service. Some meetings will be designed to share information and answer questions. Some will be designed to engage the public in providing input, establishing priorities, and helping to achieve consensus on a specific recommendation. Others will be conducted to solicit and consider public comments before implementing proposed adjustments to services. In each case, an agenda for the meetings will be created that work to achieve the stated goals and is relevant to the subject and not overwhelming for the public.

For all public meetings, the venue will be a facility that is accessible for persons with disabilities and, preferably, is served by public transit. If a series of meetings are scheduled on a topic, different meeting locations may be used, since no one location is usually convenient to all participants.

For community meetings and other important information, Liberty Transit will use a variety of means to make riders and citizens aware, including some or all the following methods:

- In-vehicle advertisement
- Posters or flyers in transit center
- Posting information on website
- Press releases and briefings to media outlets
- Multilingual flyer distribution to community-based organizations, particularly those that target LEP population
- Flyers and information distribution through various libraries and other civic locations that currently help distribute timetables and other information
- Communications to relevant elected officials
- Other methods required by local or state laws or agreements

All information and materials communicating proposed and actual service adjustments will be provided in English and any other language that meets the “safe harbor” criteria.

### Public Hearing

#### **Public Hearing Requirements**

*FTA C. 9030.1E, Ch.VI, Section 1.a (12): Public Comment on Fare and Service Changes. According to 49 U.S.C. 5307(c)(1)(I), the recipient must certify that it has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation service.*

*The recipient is expected to have a written policy that describes the public comment process on increases in the basic fare structure and on major service reductions. The recipient is responsible for defining a major service reduction. The policy should provide an opportunity for a public hearing or public meeting for any fare increase or major service reduction and should describe how the recipient will conduct such meetings and how the recipient will consider the results of such meetings in the process of changing fares and service. A public meeting is not mandatory; however, an opportunity for a public meeting to solicit comment must be provided. During a triennial review, the recipient should be able to provide evidence that public comments were considered. Guidance on this requirement is available in FTA Circular 4702.1, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients."*

The following public hearing policy shall be followed for any changes in the operation of the fixed route bus system operated by Liberty Transit:

- 1) **Minor Change:** A minor change to Liberty Transit System transit operations will not warrant a public hearing. A Minor Change is defined as:
  - a) An adjustment to a route that will increase or decrease a route's headway by less than fifteen minutes.
  - b) Bus stop relocation within 500' of the existing stop being moved.
  - c) Any bus stop addition on an existing route or a bus stop subtraction when the distance between bracketing stops is less than one-half mile.
  - d) Addition or subtractions of an end of route stop of less than one-half mile.
  - e) Temporary disruptions to service such as detours due to road construction, emergencies or other short temporary disruption.

The minimum public notice required is posting to the website, on-board posters and/or driver handouts on the impacted route for at least fifteen days before the change. For temporary disruptions to service such as detours due to road construction, emergencies or other short temporary disruption, provide as much notice as possible with driver handouts and/or on-board notices.

- 2) **Major Change:** The following service changes require public hearing process as defined below. A Major Change to Liberty Transit System operation is defined as:
  - a) An adjustment to a route that will increase or decrease a route's headway by more than fifteen minutes.
  - b) Bus stop relocation greater than 500' from the existing stop being moved.
  - c) A bus stop subtraction when the distance between the bracketing stops is greater than one-half mile.
  - d) Addition or subtractions of end of route stops is greater than one-half mile.
  - e) Establishment of a new bus route and the initial schedule and headway parameters for that route.
  - f) Significant deviations in the geographical path traversed by any routes, which may impact 25% of the existing average daily ridership or could be considered out the corridor of direct service

- g) Modification to increase in fare charged to the public for transit services.

**Public Hearing Process:** Liberty Transit shall solicit and consider public comments prior to implementing a “Major Change” in transit service in the manner provided herein. If the Major Change impacts transit service to the other municipalities that are members, the public hearing and consideration of the authorizing resolution shall be presented to both or all City Councils.

- 1) Pre-Public hearing Review: The FTA and GDOT Multi Modal require a 30-day review period prior to the start of the public hearing process. Submit the Major Change and achieve concurrence.

Task	date	c'days
1) To FTA/GDOT for 30d review:	Wed - Feb 10, 2016	
2) Distribute Notice:	Fri - Mar 11, 2016	+30
3) First Ad in Paper:	Sun - Mar 13, 2016	+2
4) Start 30 day Public Hearing:	Mon - Mar 14, 2016	+1
3) Second Ad in Paper:	Sun - Mar 27, 2016	+13
5) Open House meeting	Thu - Mar 31, 2016	+4
6) City Council (Board) Meeting:	Thu - Apr 7, 2016	+7
4) End Pubic Hearing:	Wed - Apr 13, 2016	+6
7) To FTA/GDOT for 30d review:	Wed - Apr 20, 2016	+7
8) City Council (Board) Meeting:	Thu - Jun 2, 2016	+43
9) Effective Date of Change (Ad):	Mon - Jun 6, 2016	+3
9) Implement Major Service Change:	Mon - Jun 20, 2016	+18

- 2) Prior to start of the thirty-day comment period, the notification will be emailed to GDOT Multi Modal with additional notifications placed in transit vehicles, on website, at public service agencies, bus shelters, etc.

- 3) A public notice with an overview of the service change will be placed in the legal newspaper (ad).  
 4) The thirty-day public comment period begin the day after publication of the ad. The ad shall run at least twice and at least seven days apart.  
 5) At least one public meeting (open house) shall be held with the public comment period but not sooner than two days after the date of second ad.  
 6) After the open house, a public hearing will be held by the City Council(s) prior to conclusion of the thirty-day comment period. The item shall be placed as an agenda item for information and public hearing, both in accordance with the City Council(s) policy.

- a) The public meeting(s) allow the opportunity for transit staff to summarize the proposed changes as well as receive passenger feedback and suggestions for alternatives. The attendance and discussion of each public meeting will be documented.

- 7) Post-Public Hearing Review: The FTA and GDOT Multi Modal require a thirty-day review period after the close of the public hearing process. Submit the Major Change, participation documentation and achieve concurrence.  
 8) At a meeting of the City Council(s), the Major Change shall be placed as an agenda item for action by resolution. The resolution shall certify the major change was in accordance with the public hearing process.  
 9) The effective date of the change shall be no sooner than fifteen days after a single ad. The notice will include the effective date and overview of the service change. Prior to date of this ad, this information shall be posted to the website and by on-board posters and/or by driver handouts on all routes.

Exhibits:

- (A) Sample Border Ad  
 (B) Resolution



- (C) On Board Poster
- (D) Driver Handout

LCB Meetings (Local Coordinating Board)

The Transit Steering Committee meets monthly with the City of Hinesville Chief Executive Officer chairing the session. Meeting attendance is documented. Various matters are discussed to include annual budget, grant funding, application opportunities, citizen comments, ridership, and system performance.



**(E) Proposal from MWR for Eligibility Determinations (May 13, 2016)**

MARITA WELLAGER-REILEY & ASSOCIATES



May 16, 2016

Mr. Theodis Jackson  
General Manager  
Liberty Transit  
115 East M.L. King Jr. Drive  
Hinesville, GA 31313

Dear Mr. Jackson,

I am pleased to present a proposal to you for ADA eligibility certification services for Liberty Transit.

My charge to process your application and make a determination of eligibility will be \$30.00. I will transmit a determination form and summary of each application processed. It will include the date transmitted to me either via mail or electronically and the reason for the determination. The determination will be based upon the categories of eligibility established by the Americans with Disability Act and guidance provided by the Federal Transit Administration in the most recent Circular 4710.1 titled Americans With Disabilities Act (ADA): Guidance issued November 4, 2015.

I will work with you and your staff to develop the internal procedures needed to accept, track and respond to customers. I will develop form letters to communicate eligibility determinations and provide limited training for your staff via the internet and phone communications. I will work with staff on an ongoing basis to implement your certification process. My professional hourly rate is \$115.00. I would not expect to bill more than 8 hours to accomplish the initial set up.

The ADA requires transit systems to respond to customers within 21 days of a completed application. I will guarantee a seven day turnaround but will usually be able to process in less time.

I can provide as needed ADA technical assistance at your request for my professional rate. I look forward to working with you and can begin immediately upon notice to proceed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marita Wellager-Reiley".

Marita Wellager-Reiley  
President, Marita Wellager-Reiley & Associates

6115 Widgeon Court | Sachse, Texas 75048 | P. 214-616-4713 | [maritawreiley@hotmail.com](mailto:maritawreiley@hotmail.com)



**Marita Wellage-Reiley & Associates**

Marita Wellage-Reiley & Associates (MWR), a sole proprietorship, specializes in paratransit planning, management, operations and demand responsive service design. Established in 1997, the firm has over 40 years of combined experience in transit service planning, implementation and direct operating experience. We have always delivered projects on time and within budget.

MWR is a 100% woman owned professional consulting practice serving state and local transit agencies in the United States and Canada. We contract directly with transit agencies or partner with other consulting firms that require our special expertise. Over the last five years the MWR has served the following clients: Maryland Transit Administration; Region of Peel, Canada; Metropolitan Atlanta Rapid Transit Authority; Fort Worth Transportation Authority; Nassau Inter-County Express, Long Island, NY; Houston Metro; The Bus in Honolulu, HI; Gwinnett County, Georgia and STARTran in Lincoln, NB.

Since beginning Marita Wellage-Reiley & Associates the firm has worked for over 25 different clients sometimes more than once and several for long engagements to provide on-going technical assistance.

MWR has extensive experience with ADA Complementary Paratransit eligibility certification practices. Marita Wellage-Reiley has assisted transit agencies and government organizations create, revise and implement certification policies and procedures. She designed and implemented the original certification processes in Cobb and Gwinnett Counties and certified applicants for 14 years for each system. She continues to assist Gwinnett certify applicants.

Most recently MWR worked with Mobility Paratransit in Baltimore, Maryland to revise everything from their application to the in person interview. Ms. Wellage-Reiley worked closely with staff and the occupational therapists who conducted functional assessments of applicants to produce accurate determinations.

## RESUME

### **Marita Wellage-Reiley**

#### **Marita Wellage-Reiley & Associates (MWR)**

#### **Marita Wellage-Reiley**

President,

1997 - Present

Marita Wellage-Reiley has participated in the planning, design, evaluation and start-up of ADA compliant paratransit operations for over two dozen different communities across the United States.

Maryland Transit Administration (MTA) Mobility ADA complementary paratransit contracted with Ms. Wellage-Reiley for operational, technical and management assistance. Her work for the MTA spanned 2 ½ years and included a reorganization of the eligibility screening process for Mobility which transports over 6000 passengers each weekday. Work included preparation of the RFP for Call a Ride (CAR) the taxi/sedan service which provides 1400 trips per weekday. She evaluated the Mobility Call Center and provided staffing recommendations. Ms. Wellage-Reiley assisted in the preparation of the Fleet Management Plan and worked with staff and three contractors to implement a new three year contract for service.

Working with Parsons Brinkerhoff, the prime consultant, MWR was responsible for conducting an Operations Review of directly operated and contracted service for the Region of Peel, Canada outside of Toronto. MWR reviewed best practices and developed service standards for the TransHelp Master Plan paratransit brokerage that serves the region.

Ms. Wellage-Reiley has just completed a project for VIA in San Antonio to develop a fleet plan and analyze operational issues affecting demand for paratransit vehicles. Houston Metro fixed route service had not materially changed in decades and the Board requested a new look at service how appropriate levels of service frequency and coverage. MWR & Associates was part of the design team for the Houston Metro Reimagining Project and specialized in innovative service options to address service coverage.

#### **Ryder Public Transportation Services, Cincinnati, Ohio**

General Manager, 1991 - 1996

Marita Wellage-Reiley supervised the start-up of 110-vehicle paratransit operation including vehicle acquisition, site environmental cleanup and facility construction in Dallas, Texas. She was responsible for hiring and training 200 drivers and management staff of 20 and negotiated the initial labor agreement. This start up required the development of operating systems and procedures.

Marita Wellage-Reiley served as interim Paratransit Manager in Greensboro, North Carolina. Working with the City and Senior Services she was able to reduce peak demand by shifting pick up times to meal sites and increase the number of number of people served.

Upon implementation of the Americans with Disability Act she assisted numerous transit agencies comply with the regulations.

Wellage-Reiley aided Seattle Metro convert a demand responsive service to a deviated route operation. Passenger productivity jumped from 5.0 passengers per hour to 11.00 passengers per hour during the first week of operation.



**(F) Liberty Transit Paratransit Service Guide**





# Liberty Transit Complementary Paratransit Service Guide



This publication was prepared in cooperation with the Department of Transportation, State of Georgia, and Federal Transit Administration. The opinions, findings, and conclusions in these publications are those of the author(s) and not necessarily those of the Department of Transportation, State of Georgia, or the Federal Transit Administration.

For more information regarding this plan or any other Liberty Transit activity, please contact us:

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Hinesville GA 31313  
912-877-1472 or e-mail [www.libertytransit.org](http://www.libertytransit.org):

Visit our website for the most up-to-date information and downloadable documents:  
<http://www.libertytransit.org/>

Liberty Transit is committed to assuring full compliance with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance.

These laws include but are not limited to:  
Title VI of the Civil Rights Act of 1964 ("Title VI"),  
Civil Rights Restoration Act of 1987 (P.L. 100.259),  
Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex),  
Americans with Disabilities Act of 1990,  
Section 504 of the Rehabilitation Act of 1973, and  
Age Discrimination Act of 1975, all as amended.

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### Information about this Guide

This Guide provides information about Liberty Transit Complementary Paratransit Service. It explains how to become eligible to use Complementary Paratransit, where Complementary Paratransit operates, the days and hours of service, how to request a ride, fares, and other important information. If you still have questions after reading this Service Guide, you can call the Liberty Transit office at (912) 877-1472. Outside of regular business hours, you will be able to leave a message and we will get back to you the next business day.

Esta guía de servicios ofrece breve información sobre el servicio de paratransito libertad de tránsito. Explica cómo ser elegible para usar paratransito, donde Complementary Paratransit funciona, los días y horas de servicio, cómo solicitar un viaje, tarifas y otra información importante. Si usted todavía tiene preguntas después de leer a esta guía de servicios, puede llamar a la oficina de tránsito de la libertad en (912) 877-1472. Fuera de horas regulares de negocio, usted podrá dejar un mensaje y le responderemos a usted el siguiente día hábil.

### Terms to Know

**Fixed Route** is what we call our regular bus service. It is scheduled to travel along set routes and at set times.

**Complementary Paratransit** is a term for service that parallels' fixed route service for passengers with disabilities.

**Accessible** means that a route or a vehicle is equipped to handle wheelchairs and other General devices.

### **Fixed Route Bus Service:**

Liberty Transit issues reduced-fare cards for senior citizens and passengers with disabilities. This card allows an eligible individual to travel at a discounted rate when traveling on Liberty Transit's fixed route services. The Complementary Paratransit ID card also qualifies as a reduced-fare card when riding on fixed route bus services. We encourage our customers with disabilities to take advantage of the flexibility, independence and reduced cost that our fixed route bus services provide.

For route and schedule information, or any questions you may have about using Liberty Transit's fixed route bus services, visit our website at [www.libertytransit.org](http://www.libertytransit.org).

### **Complementary Paratransit Service**

For eligible customers who have a disability that prevents them from making some or all of their trips on fixed route buses, Liberty Transit offers a shared-ride, origin-to-destination service. This service is sometimes called "ADA Complementary Paratransit service" because it is provided as part of our efforts to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). The service is provided with lift-equipped vans.

ADA Complementary Paratransit service is designed to be "comparable to" (similar to) fixed route bus service, operating in the same areas and during the same days and hours. As a comparable service, ADA Complementary Paratransit service is only required to transport riders to and from locations that are within three-quarters (3/4) of a mile of existing local fixed routes and during the same days and hours of that fixed route bus service. Points of origin-to-destination beyond this three-quarters (3/4) of a mile corridor are not eligible for ADA Complementary Paratransit service. To confirm whether Complementary Paratransit can serve where you are traveling from and where you would like to go, contact the office at (912) 877-1472. Reservations must be made at least one (1) day, and up to seven (7) days, in advance. Complementary Paratransit trips can be scheduled for any purpose, whether for shopping, appointments, etc.

### **Holiday Service**

Liberty Transit does not operate Fixed Route or Complementary Paratransit on the following Holidays: New Year's Day, MLK Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Please contact Liberty Transit if the holiday is on a Saturday or Sunday.

### **Complementary Paratransit Service in Gated or Secured Areas**

Complementary Paratransit vehicles may not travel into areas that require security clearance, including the entry of a security code for access, unless cleared in advance. Should you travel to or from a gated/secured area, you will need to share this information with us when you make your reservation and make any necessary arrangements with that location's security or the Complementary Paratransit pick-up and drop-off point may be established outside the secured area.

## Applying for Complementary Paratransit Service

Individuals interested in using Complementary Paratransit must first be determined eligible for the service. If a disability or health condition prevents you from using fixed route bus services under any conditions, you might be determined “unconditionally eligible,” meaning that you are eligible for Complementary Paratransit without any restrictions. If you can use fixed route buses some of the time, but not at other times, you will be determined “conditionally eligible” for those trips that you cannot make by bus.

To receive information about the eligibility process, visit our website or call Liberty Transit Complementary Paratransit to request that an eligibility information packet be mailed to you. You may request this information in various formats. Once you have reviewed the eligibility information and feel that you might be eligible for Complementary Paratransit service, call Liberty Transit for an application

## Eligibility Notification

After the completion of the application process, you will be notified in writing of your eligibility status within twenty-one (21) days.

- If you are determined eligible for Complementary Paratransit services, you will receive a Complementary Paratransit eligibility card. Your Complementary Paratransit eligibility card will also allow you to use Liberty Transit’s fixed route bus services at a reduced cost.
- If you are not eligible for Complementary Paratransit services but your disability qualifies under Liberty Transit’s reduced fare program, you will receive a reduced fare card.
- If a decision is not made within 21 days of a completed application process, Complementary Paratransit service will be provided until a final decision is made.

Once you receive your eligibility notification, if you do not agree with the decision that is made, **you can appeal the decision** to the Executive Director by following the information outlined in your eligibility letter. Also see the section in this Service Guide.

## Who is Eligible for Complementary Paratransit Service?

The ADA regulations provide that a person may be eligible for Complementary Paratransit services under one of the following two categories:

### Unconditional Eligibility (1)

The first category of eligibility includes those persons who are unable to use fully accessible fixed route bus services. Included in this category is:

*“Any individual with a disability who is unable, as a 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.” [Section 37.123(e) (1) of the ADA regulations]*

This applies to an individual who cannot independently negotiate the fixed route bus system (board, ride or disembark from a bus).

### **Conditional Eligibility (2)**

The second category of eligibility includes:

*“Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system.”*  
*[Section 37.123(e) (3) of the ADA regulations]*

This applies to an individual who, because of his/her disability, cannot access a bus stop to board the fixed route bus and cannot access his/her destination after disembarking from a fixed route bus. Two important qualifiers to this category are included in the regulations. First, environmental conditions and architectural barriers not under the control of the public entity do not, when considered alone, confer eligibility. Second, inconvenience in using the fixed route bus system is not a basis for eligibility.

Eligibility is determined on a trip-by-trip basis for conditionally eligible customers.

**Temporary Disabilities:** Temporary eligibility is provided to customers who have a non-permanent disability that prevents them from using the Liberty Transit bus system. Eligibility will be provided for the expected duration of the disability, e.g., for the time expected to recover from a temporary impairment, or as a transitional period under specific circumstances. Customers must notify Complementary Paratransit if additional time is needed.

### **Service for Visitors**

Visitors to the Hinesville area can use Complementary Paratransit service for up to 21 days a year by providing documentation that they have been determined eligible for similar ADA Complementary Paratransit services by a transit agency in another part of the country. Visitors who do not have this kind of eligibility because they live in areas without public transit service might be asked for documentation of their health condition or disability.

### **Recertification of Eligibility**

Each Complementary Paratransit customer must be recertified upon reaching his/her eligibility expiration date. Recertification may also become necessary from time to time if the condition of the disability changes or if the terms governing the program change. Typically, eligibility extends for three (3) years from certification. A customer's Complementary Paratransit ID Card will indicate his/her Complementary Paratransit eligibility expiration date. It is the customer's responsibility to reapply for services prior to his or her eligibility expiration date. If a customer fails to renew Complementary Paratransit eligibility, he/she will be ineligible for service until he/she is determined eligible in the certification process.

## Liberty Transit Complementary Paratransit Identification Card

For eligible customers, your Complementary Paratransit Identification Card will be mailed at the time eligibility has been determined. Your Complementary Paratransit ID card is considered a Liberty Transit-approved reduced fare card, which allows you to ride for a **reduced fare** on Liberty Transit's fixed route services as well. If you lose your Complementary Paratransit ID card, there will be a \$5.00 replacement charge.

## Fares

The one-way fare for Complementary Paratransit is \$2.00. This fare must be paid when boarding the vehicle. Riders who do not have fare will not be transported. Fares can be paid in the following ways:

- Cash – Exact fare only. Operators carry no change. Cash fares may be paid with coins or dollar bills.
- Complementary Paratransit Pass – you can purchase a Liberty Transit Fare Value Pass in increments of \$5, \$10, and \$20. You may purchase passes with a credit or debit card at Hinesville City Hall Water Department, located at 115 East M. L. King Jr. Drive Hinesville GA 31313

*Please note that fares are set by the Hinesville Mayor and City Council and are subject to change.*

Note: Operators are not permitted to accept tips. If you would like to commend an operator for service provided, call Liberty Transit at 912-877-1472.

## Scheduling Rides on Complementary Paratransit Service

How to Book a Trip: You can reserve your Complementary Paratransit ride by calling the Liberty Transit office at 921-877-1472 from 8:00 am to 5:00 pm Monday through Friday. Reservations must be made at least one business day in advance and can be made up to 2 days in advance Monday through Thursday, and up to 4 days in advance Friday. Same day reservations are available but not guaranteed.

Reservations can be one-way or round-trip, and you will need to provide all the following pertinent information:

- Your First and Last Name
- The Date and Day of the week you need to ride
- Time of Your Appointment
- Address where you need to be Picked Up
- Address you are Traveling To
- Time you want your Return
- Return Trip Pick-up Address
- Return Trip Destination
- Phone Number where you can be reached (you may call back to confirm your ride time)
- Any accompaniment (PCA, guess, service animal, etc.)
- Special notification request, for example, asking for the operator to beep upon arrival if your disability affects your vision.

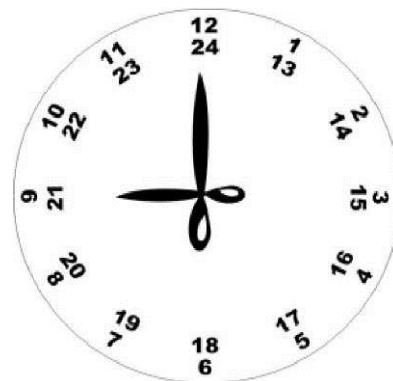


Please do not schedule a trip several days in advance if you are not sure that you will go or if you are not sure of the time you want to go. Reserving rides that are later cancelled or that result in a No-Show causes the vehicles to be less efficient, can significantly increase the cost of the service, and can lead to suspension of your Complementary Paratransit service.

It is very important for you to keep us updated on new phone numbers. From time to time it can become necessary for us to change a pick-up time to prevent multiple vehicles being sent to the same location or to better group customers on the same bus. If this occurs, we will notify you of the time change either by speaking directly with you or by leaving a message for you about the time change. Calls may be made up to 7:00 PM the night before your ride.

### **Military Time Clock**

In case your pick-up time is given using military time, the following picture of a military time clock has been included for your reference. The numbers 1-12 refer to AM and 13-24 refer to PM times.



### **“Ready Time” and “Ready Window”**

After you have provided the trip information, the reservationist will offer you your trip options. We will make every effort to offer you a pick-up and drop-off time that is as close as possible to the times you requested. Because Complementary Paratransit is a **shared-ride service**, and other customers may need to be scheduled on the same vehicle, it may be necessary to get you to your appointment a little early or to pick you up for a return a little later than your request.

To ensure that the scheduling options offered will meet your needs, Liberty Transit has established the following guidelines for the Complementary Paratransit scheduling process:

- Every effort will be made to schedule your trip so that you do not arrive more than 30 minutes before your requested drop-off time and no later than your requested drop-off time.
- Every effort will be made to schedule a return pick-up no later than 60 minutes after the time you have requested and no earlier than the time you have requested.
- Every effort will be made to schedule trips so that travel times are comparable to the time it would take to make the trip by fixed route bus. When comparing these ride times, walking distance to the bus stop will be considered as part of the measurement.

The **actual pick-up time** that is offered and accepted by you will be your **“Ready Time.”** The reservationist will then note that **a Complementary Paratransit vehicle might arrive up to 15 minutes before your Ready Time and up to 15 minutes after your Ready Time.** This is called the 30-minute **“Ready Window.”** This window of time is needed to group rides and to accommodate unexpected traffic conditions, weather conditions, or other delays and schedule changes. It is important that you be ready to meet the Complementary Paratransit vehicle during this 30-minute “window” of time.

**EXAMPLE:** A customer asks for a ride to and from work. They work from 9:00am to 5:00pm, so they request an 8:45am drop-off in the morning and a 5:15pm pick-up in the afternoon. The reservationist is able to offer an 8:30am pick-up in the morning and a 5:45pm return pick-up in the afternoon. In the morning, the Ready Time is 8:30am and the customer needs to be ready to meet the vehicle between 8:15am and 8:45am, the Ready Window. For the return, the customer's scheduled time is 5:45pm, which makes the Ready Window from 5:30pm to 6:00pm.

**Riders must be ready to depart at any time during the thirty (30) minute Ready Window** described when the reservation was made. Out of courtesy for other Complementary Paratransit customers who are scheduled on the same vehicle, the operator will wait at least five (5) minutes after arriving. The vehicle will depart when the five-minute period is up. If a customer has not boarded the vehicle within five (5) minutes of the vehicle's arrival, the vehicle will depart, and a No-Show will be assessed to the customer's record.

**EXAMPLE:** Your scheduled pick-up time is 7:50. The operator arrives at 7:40 and will depart at 7:45 if you are not out to catch the bus.

### **Subscription Service**

If you need a ride to the **same place**, at the **same time**, at least once a week, "Subscription Service" may be a good option for you. This service allows you to schedule these recurring trips with one call. You will then automatically be placed on the schedule each week. Ask the reservationist about this option.

Depending on demand, it may sometimes become necessary to limit the number of subscription trips that we provide. If this happens, your request will be put on a waiting list and we will call you back when we are able to meet your request for Subscription Service.

**NOTE: All subscription trips are pre-cancelled on holidays.**

### **How to Change a Scheduled Ride**

If you have scheduled a trip and your plans (times) change, call Liberty Transit Complementary Paratransit at 912-877-1472 at least one business day before your trip. Tell the reservationist that you would like to change a ride that has already been scheduled, and the reservation agent will ask you:

- Your first and last name.
- The date and time of the trip you are calling to change.
- The new times you would like to schedule or the changes you would like to make.

The reservationist will always try to accommodate your needs, but changes to your original ride request may result in adjustments to your pick-up times.

Every effort will be made to adjust your return trip pick-up time and assign another vehicle to pick you up later. However, since schedules are set the day before, **rescheduling may not always be possible or there may be a delay of an hour or more before another vehicle is available to accommodate your trip.**

Remember to allow extra time for medical appointments or other appointments that may take longer than expected. This will reduce the unnecessary cost of sending an additional vehicle and the inconvenience of an extra wait for you.

### **How to Cancel a Scheduled Ride**

Scheduled rides that are cancelled after an operator is assigned (5:00 PM the night before), cost Liberty Transit thousands of dollars each year and affect our ability to provide trip opportunities to other riders. If you have scheduled a ride that you no longer need to take, please call Liberty Transit *as soon as possible* to cancel. Notice is required at least two (2) hours before your scheduled pickup time. Customers with Subscription Service also have the option to put service on hold for up to three (3) months.

To cancel a scheduled trip, call 912-877-1472 during business hours to talk to a reservationist who will take your trip cancellation information.

### **No-Show Policy**

Liberty Transit understands that riders may sometimes miss scheduled rides or forget to cancel rides they no longer need. Liberty Transit also 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 Liberty Transit's no-show policy.

#### **Definitions**

**No-show:** A no-show occurs when a rider fails to appear to board the vehicle for a scheduled trip. This presumes the vehicle arrives at the scheduled pickup location within the pickup window and the driver waits at least 5 minutes.

**Pickup Window:** The pickup window is defined as from 15 minutes before the scheduled pickup time to 15 minutes after the scheduled pickup time. Riders must be ready to board a vehicle that arrives within the pickup window. The driver will wait for at least five (5) minutes within the pickup window for the rider to appear.

**Late Cancellation:** A late cancellation is defined as either: a cancellation made less than one (1) hour before the scheduled pickup time or as a cancellation made at the door or a refusal to board a vehicle that has arrived within the pickup window.

#### **No-Shows Due to Operator Error or to Circumstances beyond a Rider's Control**

Liberty Transit does not count as no-shows or late cancellation for any missed trips due to our error, such as:

- Trips placed on the schedule in error
- Pickups scheduled at the wrong pickup location
- Drivers arriving and departing before the pickup window begins
- Drivers arriving late (after the end of the pickup window)
- Drivers arriving within the pickup window, but departing without waiting the required 5 minutes

Liberty Transit does not count as no-shows or late cancellations situations beyond a rider's control that prevent the rider from notifying us that the trip cannot be taken, such as:

- Medical emergency
- Family emergency
- Sudden illness or change in condition
- Appointment that runs unexpectedly late without sufficient notice

Riders should contact the Liberty Transit when experiencing no-shows or late cancellations due to circumstances beyond their control.

### **Policy for Handling Subsequent Trips Following No-shows**

When a rider is a no-show for one trip, all subsequent trips on that day remain on the schedule unless the rider specifically cancels the trips. To avoid multiple no-shows on the same day, riders are strongly encouraged to cancel any subsequent trips they no longer need that day.

### **Suspension Policy for a Pattern or Practice of Excessive No-shows and Late Cancellations**

Liberty Transit reviews all recorded no-shows and late cancellations to ensure accuracy before recording them in a rider's account. Liberty Transit reserves the right to suspend from services any rider who establish a pattern or practice of missing scheduled trips.

Each verified no-show or late cancellation consistent with the above definitions counts as one (1) penalty point. Riders will be subject to suspension after they meet all the following conditions:

- Accumulate three (3) penalty points in one calendar month, and
- Have booked at least three (3) trips that month, and
- Have "no-showed" or "late cancelled" at least 10% percent of those trips

A rider will be subject to suspension only if both the minimum number of trips booked and the minimum number of penalty points are reached during the calendar month.

Liberty Transit will notify riders by telephone after they have accumulated two (2) penalty points and would be subject to suspension should they have verified no shows or late cancellation exceeding 10% of total booked trips.

All suspension notices include a copy of this policy, information on disputing no-shows or late cancellations, and how to appeal suspensions. Suspensions begin on Mondays.

Violations result in the following:

- First violation: Triggers warning phone call and written letter, but no suspension
- Second violation: 7-day suspension
- Third violation: 14-day suspension
- Fourth violation: 21-day suspension

- Fifth and subsequent violations: 28-day suspension

### **Policy for Disputing Specific No-Shows or Late Cancellations**

Riders wishing to dispute specific no-shows or late cancellations must do so within 15 business days of receiving suspension letters. Riders should contact the Liberty Transit at 912-877-1472 or e-mail [www.libertytransit.org](http://www.libertytransit.org) on regular business days from 8:00 a.m. to 4:00 p.m. to explain the circumstance and request the removal of the no-show or late cancellation.

### **Policy for Appealing Proposed Suspensions**

Riders wishing to appeal suspensions under this policy have the right to file an appeal by requesting in-person, via phone, email or Certified US Mail within 15 business days of receiving suspension letters. Riders who miss the appeal request deadline will be suspended from Liberty Transit on the date listed on the suspension notice.

All suspension appeals follow Liberty Transit appeal policy.

## **How to Ride**

### **Ready for Pick-up**

You are expected to be ready to ride when the vehicle arrives. Complementary Paratransit operator will stop the vehicle at the curb in front of the pick-up address you provided unless something is preventing them from doing so. If there is an obstacle, then they will park as close as possible to the location. You are expected to be at the curb so you can identify/be identified by the bus operator. ***Remember, the vehicle might arrive up to 15 minutes before your Ready Time and up to 15 minutes after your Ready Time.*** Please be ready to go when the vehicle arrives so that the operator can stay on schedule for all customers. The operator is not permitted to honk the horn to let you know the vehicle has arrived (unless previously authorized through Liberty Transit). Wait in an area where you can see or hear the vehicle arrive or where the operator will be able to see you.

**Please note that the operators can only wait for you for five (5) minutes after they have arrived. If you are not ready, the operator will have to leave to avoid inconveniencing other customers.**

### **Operator Assistance**

Complementary Paratransit is an origin-to-destination service. Operators are not permitted to leave the vehicle or other customers unattended due to safety and security concerns, so if you need assistance getting to the curbside or from the vehicle to your destination, please arrange to have someone there to assist you. If requested, operators will assist you as you enter and exit the vehicle. Operators will operate the wheelchair ramp or lift and will assist customers with the securement of wheelchairs and General aids and with seat belts. See "Packages and Personal Items" section for more detail.

### **Paying Your Fare**

Fares must be paid when boarding the vehicle.

If you do not pay the correct fare, the operator may refuse to provide the ride and you could have a No-Show marked on your record. Operators do not carry cash for safety reasons and will not be able to make change.

### **To Check on Your Ride**

Unexpected delays can arise from road construction, traffic conditions, or bad weather, or on occasion mechanical problems with the vehicle. If a Liberty Transit Complementary Paratransit vehicle has not arrived by the end of the Ready Window (15 minutes after your scheduled pick-up time), call Liberty Transit at 912-877-1472 assistance. Stay within sight of the pick-up location if at all possible, in case the vehicle arrives while you are calling.

### **Personal Care Attendants**

A Personal Care Attendant (PCA) is someone you may bring with you to assist you while traveling or with personal care or activities. **A PCA may ride for free when traveling with you, but you must be registered with us as needing a PCA.** This is done as part of the eligibility process. A PCA must get on and off the bus at the same places and times as you, and you must tell us that your PCA is traveling with you when you schedule your ride. This ensures that there will be room on the vehicle for you, your PCA, and other scheduled riders. Operators cannot add riders who do not have a reservation, so if you do not make a reservation for your PCA, they may not be allowed to ride with you.

**Note: A customer registered as needing a PCA may not use another Complementary Paratransit client as their PCA.**

### **Guests/Companions**

A guest or companion is someone you want to bring along to share the trip, not someone you bring to assist you. Guests/companions must pay a fare when accompanying you and must get on and off the vehicle at the same place and time as you.

You may schedule only one (1) companion to travel with you, and you will need to tell the reservationist when you schedule trips that you will be traveling with a guest/companion. This ensures that there will be room on the vehicle for you, your guest/companion, and other scheduled riders. Operators cannot add riders who do not have a reservation, so if you do not make a reservation for you guest/companion, they may not be allowed to ride with you.

Additional guests/companions may be accommodated if there is enough space on the vehicle. To schedule additional guests, you may call the day before your ride to see if there is enough space on the vehicle.

### **Children**

All children under six (6) years of age must be accompanied by an adult. They cannot ride unattended. Liberty Transit policy allows two (2) children under six to ride for free with an eligible fare-paying adult. An adult accompanying a child on any LIBERTY TRANSIT vehicle (including Complementary Paratransit) is responsible for the child and for providing the appropriate car seat. Operators will not secure a child restraint or car seat, will not assist with strollers, and are not permitted to carry children on or off the vehicle for you. Operators can, however, assist with securing the child's seatbelt. If you will need assistance with the child, please bring someone

## **Wheelchairs and other General Devices**

Complementary Paratransit vehicles are designed to accommodate most wheelchairs and General aids. We highly recommend using the lap belt in addition to the wheelchair securements for your safety. It is Liberty Transit's policy that we cannot transport any General device that exceeds the "common wheelchair" dimensions as defined by the ADA.

We may not be able to transport a wheelchair or General device that exceeds the following dimensions:

- More than 30 inches wide.
- More than 48 inches long (measured 2 inches above the ground).
- More than 600 pounds when occupied.

Riders using wheelchairs or General devices must be in the upright position when boarding and during travel on the bus.

## **Scooters**

Some three-wheeled scooters are difficult to secure on Liberty Transit Complementary Paratransit vehicles. Some scooters also come with a warning from the manufacturer that they should not be used as seats on moving vehicles. Because of this, the operator may recommend that you transfer to a vehicle seat if you can. While the operator may not require you to transfer, we strongly recommend that you do, so we can provide you and other customers with the safest ride possible.

## **Wheelchair Securement and Seat Belt Policy**

It is the operator's responsibility on any Liberty Transit vehicle (including Complementary Paratransit) to ensure that all General devices are properly secured. Wheelchairs and scooters are required to be secured into the four-point securement system at all times during the ride. Liberty Transit requests that riders also allow operators to secure the lap belts and shoulder belts to ensure the customer's safety.

## **Safety Belts**

Although not required, but for your safety and security, Liberty Transit strongly encourages you to use a safety belt and remain seated while riding on Liberty Transit Complementary Paratransit vehicles.

## **Packages and Personal Items**

You may bring grocery bags, luggage, or other packages or (legal) personal items with you on Liberty Transit Complementary Paratransit Service. Please do not bring more than you and/or the assistant who is traveling with you can manage without delaying the vehicle. Operators are not required to assist with loading and unloading of packages and personal items. Delaying the vehicle occurs when you bring more items than you can carry on the vehicle at one time and you keep the vehicle from being able to move on to the next customer.

Additionally, please keep in mind that this is a shared-ride service and space is limited. Grocery store carts are not permitted on vehicles, but you may bring packages on-board in a personal two-wheeled, collapsible cart. Packages may not take up seats on the vehicle and must be safely stowed out of the aisle, either under your seat or on your lap.

**Remember, if you bring more bags/groceries than can be carried on or off and you delay the departure of the vehicle.**

### **Respirators and Portable Oxygen Equipment**

Portable oxygen equipment and portable respirators are permitted on all Liberty Transit vehicles. The operator will assist you in securing this equipment on the vehicle. Operators are not permitted, however, to assist you in using this equipment. If you need assistance with portable life support equipment, please arrange to bring someone who can help you.

### **Service Animals**

Customers may travel on any Liberty Transit vehicle with a service animal. Service animals should be trained and certified and are only dogs, and miniature horses (24 to 34 inches and 70 to 100 pounds). If you are traveling with a service animal on Liberty Transit Complementary Paratransit, be sure to inform the reservationist when you are scheduling a ride.

You are responsible for maintaining control of your animal while on board the vehicle. If you are planning on catching a Liberty Transit bus (including Complementary Paratransit) with a service animal, please follow these guidelines:

- Keep the animal on a leash or in a container when boarding, while riding, and when exiting the bus.
- Birds, reptiles, amphibians and rodents must be kept in an enclosed carrier/container.
- The animal must remain at your feet or on your lap. The animal may not sit on a vehicle seat.
- The animal must not be aggressive towards people or other animals.
- You are responsible for any damage or soiling caused by the animal.
- The animal must be clean and well-groomed.

### **Pets**

Animals that are not service animals may ride on Complementary Paratransit vehicles only if they are properly secured in a cage or kennel. For safety reasons, operators are not permitted to carry cages or kennels on or off the Complementary Paratransit vehicles. If you need assistance with a pet, please arrange to travel with someone who can help you.

### **Emergency Procedures**

In the event of an accident or emergency, please remain calm and follow the operator's instructions. A customer who becomes ill, or who notices another customer who may be ill, should immediately inform the operator.

If a customer is to be met when they are dropped off, due to their disability, and the person meeting them is not there when the operator arrives, the customer will be transported back to a mutually agreed upon location or original point of origin.



## **Inclement Weather**

Liberty Transit reserves the right to suspend, modify or cancel service during times of hazardous weather conditions that may jeopardize the safety of our customers, our employees, or our vehicles. On bad weather days, please listen to the school closure reports on the radio or television because Complementary Paratransit service announcements may be included with school closure information. You can always call the Complementary Paratransit office to find out whether service will be cancelled, but the phone lines may be tied up if everyone calls at once.

If your trip is for dialysis, chemotherapy, or another life-sustaining purpose, call Liberty Transit Complementary Paratransit at 912-877-1472 to make sure you can get where you need to go. Every effort will be made to deliver life-sustaining and essential trips using Complementary Paratransit or by arranging other emergency assistance.

## **Community Disaster Emergency Procedures**

During a community disaster, Liberty Transit will make every attempt to transport our Complementary Paratransit customers as scheduled. Due to the nature of the disaster, it might be necessary to establish pick-up points that either requires us to walk in to the area to get you or to have you get assistance from someone at your location to bring you to the vehicle. Through coordination with the local disaster control center, we will make every attempt to establish these locations to minimize your travel to and from them.

If you are at home when a disaster occurs, you should stay home. If we took you to a location and you make other transportation arrangements due to the emergency, please let us know so that we can account for all our customers who have scheduled trips

### **In the event of a community disaster, Liberty Transit will:**

- “Freeze” our system. This means all vehicles will hold at their current or at a nearby safe location until contacted by the Control Center.
- Conduct an inventory of vehicles and passengers on board.
- Conduct an inventory of passengers delivered in the system.
- Hold off on any additional passenger pick-ups until we have been able to determine whether we can safely proceed.
- Determine whether it is necessary to drop off passengers already on vehicles at established shelters.
- If a vehicle is out of contact with the Control Center when a community disaster occurs, the operator will proceed according to pre-established protocol:
  - Determine whether it is safe to proceed.
  - Assess any passengers on board.
  - Make their way to a Liberty Transit facility while continuing to try to contact Control.

By keeping our customer records as up-to-date as possible, we feel we will be able to provide a better service to our customers in times of an emergency. As part of our preparation for an emergency, we may from time to time request your emergency contact information, including a telephone number—preferably your cell phone—as well as the name of a person to contact on your behalf and their phone

number. If you have common places that you travel, please provide us with telephone numbers to those locations as well. Make sure we have at least one emergency contact person or location on file for you. If the nature of the disaster requires that you need your Complementary Paratransit trip earlier than originally scheduled, contact the office and we will attempt to meet your scheduling needs. Keep in mind that our ability to respond immediately is limited to the nature of the disaster. You can also call Liberty Transit Complementary Paratransit if you have not yet been picked up for your trip or to confirm that we are able to safely get you where you need to go.

In the event that our internal phone system is not functional, listen for emergency news announcements.

If it is unsafe for Liberty Transit to travel into a disaster area, we reserve the right to suspend, modify, or cancel service without notice.

### **Rider Courtesy and Conduct**

Liberty Transit uses common-sense rules to ensure the safety of all customers, operators, and others on the road. We ask that all customers, their personal care attendants, and any companions traveling with them observe the following Rules of Conduct:

- Customers shall maintain appropriate, reasonable personal hygiene.
- Shirts and shoes or other footwear (if ambulatory) must be worn.
- Smoking shall be kept off and away from the vehicle.
- Eating or drinking shall be done before entering or after exiting the vehicle, unless required for health reasons.
- Illegal drugs and open containers of alcohol shall not be permitted on the vehicle.
- Abusive, threatening, or obscene language or actions will not be tolerated towards the operator or other customers.
- Please be respectful of service animals and refrain from petting them without the permission of the owner.
- Use of electronic equipment (music, games, etc.) shall be with headphones and kept at a low enough volume so as not to be heard by and disturb other passengers.
- Operation of vehicle equipment is to be left to operators and other Liberty Transit employees; tampering can result in accidental injury.
- Trash shall be disposed of properly both on and around the vehicle.
- Baby strollers shall be folded and stowed to avoid blocking the aisle or causing injury to persons on the vehicle.
- Parents/accompanying adults shall make sure their children behave.
- Head, arms, and other body parts must be kept inside the vehicle.
- Objects may not be thrown from the windows.
- Federal regulations prohibit the transportation of flammable or explosive materials on transit vehicles.
- Dangerous weapons are prohibited on Liberty Transit vehicles.
- Deliberate fare evasion may result in loss of services.

- Passengers must depart the transit vehicle upon demand of any authorized Liberty Transit representative, including the operator.

### **Penalties and Suspension of Service**

Customers, their Personal Care Attendants, or their companions who violate rules of courtesy and conduct may be subject to penalties up to and including suspension of that customer's service.

Customers, their Personal Care Attendants, or their companions who engage in physical abuse or cause physical injury to another customer or the operator, or who engage in other illegal activities, may be subject to **immediate and permanent suspension** from receiving Complementary Paratransit service. They may also be subject to criminal prosecution, which may include fines.

Customers, their Personal Care Attendants, or their companions who engage in an activity that disrupts the safe or effective operation of Complementary Paratransit services may be subject to a suspension of that customer's service. If a customer on their own is disruptive to Liberty Transit service, Liberty Transit reserves the right to require that a Personal Care Attendant travel with the customer as an alternative to service suspension.

Any customer who is suspended from service will be notified in writing and will be given an opportunity to appeal the suspension.

## **Appeals**

### **ADA Complementary Paratransit Appeal Process**

The ADA requires that transportation providers establish a process to appeal decisions if they are denied access to Complementary Paratransit service. Liberty Transit has established an appeals procedure for persons whose applications for Complementary Paratransit eligibility are denied or for persons who have received suspension notices for other reasons.

An individual may file an appeal when Liberty Transit denies Complementary Paratransit service for any of the following reasons:

- Denial of Eligibility
- Suspension resulting from excessive No-Shows or Late Cancellations
- Suspension for Seriously Disruptive Behavior

The General Manager will inform an applicant or current customer of a decision to deny eligibility status or to suspend service by letter via certified US Mail. Individuals have sixty (60) days from the date of the letter informing them of an eligibility denial or service suspension to request an appeal. Requests for an appeal must be sent in writing to:

Liberty Transit  
115 East M. L. King Jr. Drive  
Hinesville, GA 31313

Within thirty (30) days from when the request for an appeal is received, the Appeal Committee will convene. The Appeal Committee consists of the Mayors or designee, Hinesville City Manager or designee. The Appeal Committee will issue a final written decision within thirty (30) days of the appeal hearing. Liberty Transit will not provide service to individuals who are pursuing an eligibility appeal. However, if the Appeal Committee has not decided within thirty (30) days after the hearing, temporary service will be provided. This temporary service will continue until a decision on the appeal is reached.

Upon appeal for a No-Show suspension, Complementary Paratransit service will be provided pending the appeal; suspension of service will not begin until the appeals process is complete. If the decision is not made within thirty (30) days of the completion of the appeal hearing, the individual appealing the suspension shall be granted service until a final decision has been reached.

Persons requesting an appeal will be notified in writing via certified US mail of the time, date and location of the appeal hearing. Individuals are encouraged to attend the appeal hearing although attendance is not mandatory. If individuals requesting appeals cannot attend, they may have another person(s) represent them at the hearing. If the individual or a designated representative is not present at the appeal hearing, the Appeal Committee will base its decision on the documentation submitted by Liberty Transit.

Passengers who exhibit behavior that Liberty Transit documents as being seriously disruptive will be suspended from receiving Complementary Paratransit services until the Appeal Committee reviews the suspension. The ADA does not require a transportation provider to offer an appeal process if a customer is suspended because of seriously disruptive behavior.

Passengers who exhibit behavior that is violent or illegal will be denied Complementary Paratransit services. The Appeal Committee will review an incident of violent or illegal behavior upon request, but will only act to verify that such behavior occurred. Verification of violent or illegal behavior will result in denial of Complementary Paratransit service.

## **Eligibility Appeal Process**

### **Step 1: Filing an Appeal**

Applicants must file an appeal within sixty (60) days from the date of the eligibility determination letter or notice of the suspension.

Appellants may write a letter that includes the pertinent information or complete the Appeal Form or inform the General Manager verbally. Appellants are urged to include any additional medical or other documentation in support of their appeal.

The written appeal must be signed, dated, and contain: the name of the individual who was denied ADA eligibility certification or served with a notice of suspension of service, the nature of the disability, and an explanation or additional information describing the basis for the appeal. An appeal must include a return address and telephone number. A verbal appeal requires the same information as a written appeal except for the signature; the General manager will verify that all information has been obtained.

An appeal that does not include the required information is incomplete and will be returned for completion.

### **Receipt of Appeals**

Upon receipt by the General Manager, appeals will be date-stamped. Appeals that are received after the 60-day time period will be returned to the sender. If the appeal is timely, the General Manager will review it to ensure that enough information is included.

The General Manager may contact the appellant for missing information. Appeals without the necessary information will be returned for completion.

### **Step 2: Review/Decision by the Appeal Committee**

The General Manager will forward the completed appeal to the Appeal Committee. At this point in the review, the Appeal Committee may:

- reverse a determination of ineligibility or revise conditions of eligibility
- cancel or modify a suspension of service, or
- uphold the decision and forward the package to the General Services Manager, who serves as staff to the Appeal Committee.

### **Preparing for the Hearing**

If the Appeal Committee upholds the decision denying eligibility or the Suspension, the General Manager will review the appeal for completion, schedule the hearing, and forward documentation to members of the Appeal Committee.

### **Scheduling the Hearing**

The General Manager will schedule the hearing with the Appeal Committee. The Appeal Committee will hear appeals on an as needed basis. The hearings will be held at Hinesville City Hall 115 East M. L. King Jr. Drive 3<sup>rd</sup> Floor conference room. The day and time of the hearings will be decided by the members of the Appeal Committee. Appellants will be notified of the date in writing at least seven (7) business days prior to the hearing.

The General Manager will notify the appellant of the date, time, and room number for the hearing and advise the appellant of the necessity of producing all documentation and/or witnesses at the time of the hearing. The General Manager will also inquire whether the Appellant needs any accommodations for the hearing or transportation to the hearing and if requested, complementary Complementary Paratransit service will be provided to the appellant at no charge.

### **Documentation**

For appeals of eligibility determinations, the General Manager will, at least seven (7) business days prior to the hearing, provide the Appeal Committee and other applicable staff with copies of the following:

- Original application submitted by the appellant
- Any medical verification
- Any additional information submitted by the appellant or provided by Liberty Transit

Appellants have the right to review all pertinent documents used by the Appeal Committee in determining their eligibility.

### **Step 3. Appeal Committee Hearing**

At the formal hearing, the appellant will be provided an opportunity to address the Appeal Committee and present testimony, documentation and additional evidence. The hearing will not be open to the public; however, appellants may be accompanied by a personal care attendant and/or other representatives or witnesses who can provide pertinent testimony. Proceedings of the hearing will be recorded. In the formal hearing, the Appeal Committee shall hear and consider:

- Information provided in the appeal letter or on the appeal form
- Statement(s) of the appellant, his/her representative, or witnesses
- Report by General Manager
- Information from Liberty Transit staff (as needed)
- Other relevant information

### **Step 4. Appeal Committee Decision**

After reviewing and considering the information presented as part of the appeal process, the Appeal Committee shall render its decision by majority rule. Appeal decisions will be forwarded to the General Manager.

***The Appeal Committee must render and inform appellant of its decision within 30 calendar days of the appeal hearing.***

If the decision is not made within thirty (30) days, presumptive eligibility applies until the decision is rendered and the appellant is informed.

Members of the Appeal Committee are strictly prohibited from discussing the details of the appeal, the name of the appellant, or any other information about the appellant with any person not directly involved in the appeal process.

### **Notice of Appeal Determination**

The General Manager will prepare a letter to the appellant informing him or her of the determination of the Appeal Committee and forward a formal copy of the decision to Liberty Transit. The letter will specify in detail the reasons for the maintenance, modification, or reversal of the matter of appeal.

***The decision of the Appeal Committee serves as the final decision for Liberty Transit.***

Within three (3) days of the decision, all Appeal Committee copies of appellants' applications and supporting information will be returned to the General Manager.

### **Appellants' Next Steps**

If there is a change regarding the disability, appellants may re-apply for Complementary Paratransit eligibility.

A customer who disagrees with their eligibility decision may request an appeal. The appeal request must be made in writing and must be received by Liberty Transit within sixty (60) days of the eligibility determination. Send written requests to:

**Appeals Committee  
Liberty Transit  
11 East M. L. King Jr. Drive  
Hinesville GA 31313  
c/o General Manager**

**Service Suspension/Termination Appeal Process**

Notification of suspension or termination of Complementary Paratransit service will always be sent in writing so that customers can discuss or perhaps appeal the circumstances. **You must follow the process outlined in your written notification.** Failure to follow the process described by the dates listed in the letter will result in the service suspension being upheld.

**Suggestions and Comments**

We welcome all feedback, suggestions, and comments about our Complementary Paratransit service. Call Liberty Transit at 912-877-1472, e-mail [www.libertytransit.org](http://www.libertytransit.org):  
Liberty Transit Authority  
115 East M. L. King Jr. Drive  
Hinesville GA 31313

***Thank you for your support.***





**(G) Liberty Transit ADA Paratransit Eligibility Application**



Liberty Transit  
c/o City of Hinesville  
115 East M.L. King, Jr. Drive  
Hinesville, GA 31313



## ADA Paratransit Eligibility Application and Instructions

Dear Applicant,

Thank you for inquiring about applying for Liberty Transit's Paratransit eligibility. Enclosed is a copy of an application for Certification of ADA Paratransit Eligibility.

Please read the enclosed materials carefully before completing the application.

Liberty Transit ADA Paratransit service provides service to individuals who are unable to use the fixed-route bus service because of a disability. An inability to use fixed route bus service may include being unable to travel to and from bus stops, board or exit busses, or understand how to ride and use the bus system.

Liberty Transit Paratransit provides shared ride, curb to curb service to persons determined to be "ADA eligible" for those trips that cannot be made using the fixed route service. You may, for example, be able to use fixed-route service for some trips if stops are nearby and there are no barriers that prevent you from getting to and from the bus. At other times, you may not be able to use the bus, Liberty Transit's paratransit service is meant to assist you at those times.

To enable us to accurately determine your eligibility for this service, please complete the enclosed application as accurately as possible. The questions are meant to determine the circumstances under which you can use fixed route or paratransit services.

If you need assistance completing this form, or have questions, please contact our office at 912-877-1472. This letter and application are available in alternate formats.

After you have completed the application information, please have a licensed health care professional or disability case worker who is familiar with your health condition or disability and your functional abilities and limitations complete the health care professional information. The information you provide in this application is confidential.

Please do not attach medical information to this application.

Please mail your application to:

Liberty Transit  
c/o City of Hinesville  
115 East M.L. King, Jr. Drive  
Hinesville, GA 31313

Liberty Transit  
c/o City of Hinesville  
115 East M.L. King, Jr. Drive  
Hinesville, GA 31313



Completed applications will be processed within twenty-one days of receipt. You will then be notified in writing of your eligibility status. If additional time is required to complete the evaluation and determination you will be given temporary eligibility until the process is completed.

If we determine that you are able to use Liberty Transit's fixed route service, and therefore in-eligible for paratransit service, we will notify you of the reason(s) for this determination. You may appeal this decision in writing. Liberty Transit will not provide complementary paratransit service during the appeal process, unless the appeal process can not be concluded within thirty days.

Liberty Transit  
c/o City of Hinesville  
115 East M.L. King, Jr. Drive  
Hinesville, GA 31313



**FOR INTERNAL USE ONLY**

Application reviewed for completeness  
by: \_\_\_\_\_

Date completed application received: \_\_\_\_\_

Application tracking number: \_\_\_\_\_

**Applicant Information**

Title: Mr. Mrs. Miss. Ms.

Social Security Number: \_\_\_\_\_

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

Mailing Address: \_\_\_\_\_

Physical Address (if different from mailing): \_\_\_\_\_

Telephone/TDD Number(day): \_\_\_\_\_ (evening): \_\_\_\_\_

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Gender: ☐ Male ☐ Female

Primary Language: ☐ English ☐ Spanish ☐ Sign ☐ Other: \_\_\_\_\_

Accessible Formats: ☐ Standard Print ☐ Large Print ☐ Braille ☐ Audio Tape ☐ Other: \_\_\_\_\_

Type or Eligibility: ☐ Conditional Temporary ☐ Conditional Permanent

☐ Unconditional Temporary ☐ Unconditional Permanent

**Please give us the name and phone number of a friend or relative we can call in case we are unable to reach you at your regular number:**

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

Telephone/TDD (day): \_\_\_\_\_ (evening): \_\_\_\_\_

**If this application has been completed by someone other than the applicant requesting certification, that person must complete the following:**

Liberty Transit  
c/o City of Hinesville  
115 East M.L. King, Jr. Drive  
Hinesville, GA 31313



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

Address: \_\_\_\_\_

Telephone: (day)\_\_\_\_\_ (evening)\_\_\_\_\_

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

**In case of emergency:** please list names of two people, including support professionals, agencies or other familiar with your disability that Liberty Transit can contact:

Name: \_\_\_\_\_ Work # \_\_\_\_\_ Home# \_\_\_\_\_

Address: \_\_\_\_\_

Relationship: \_\_\_\_\_

Name: \_\_\_\_\_ Work # \_\_\_\_\_ Home# \_\_\_\_\_

Address: \_\_\_\_\_

Relationship: \_\_\_\_\_

## About Your Disability

1. Do you have a disability, which prevents you from using the Liberty Transit fixed-route bus service?  
[ ] Yes [ ] No

If yes, please describe any and all physical, mental, visual, or functional disabilities which prevent you from using Liberty Transit fixed-route bus services.

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2. Explain how your disability prevents you from independently using fixed-route bus service:

Liberty Transit  
c/o City of Hinesville  
115 East M.L. King, Jr. Drive  
Hinesville, GA 31313



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3. Are the conditions you described? ☐ Permanent ☐ Temporary ☐ Vary day to day

If temporary, how long do you expect to have this disability? \_\_\_\_\_

4. Do you have medically defined cold sensitivity? ☐ Yes ☐ No

Above or below what temperatures? \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

5. Do you have medically defined heat sensitivity? ☐ Yes ☐ No

Above or below what temperatures? \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

6. Do other weather/lighting conditions (wind, dusk/dark and or glare) affect your disability? If yes, please explain: \_\_\_\_\_

7. Do you have a visual impairment? ☐ Yes ☐ No ☐ Sometimes

If yes or sometimes, please explain: \_\_\_\_\_

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8. Is your breathing affected by weather or environmental conditions: ☐ Yes ☐ No ☐ Sometimes

If yes or sometimes, please explain: \_\_\_\_\_

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9. Does the extent of your disability change after medical treatment? ☐ Yes ☐ No ☐ Sometimes

If yes or sometimes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. Are there any other comments or additional information relating to your disability that you would like to explain? \_\_\_\_\_

\_\_\_\_\_

### Traveling To and From Bus Stops

1. Are you able to locate fixed-route bus stops, destinations, locations, or cross streets independently?

☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

\_\_\_\_\_

2. Are you able to travel independently after dark? ☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

\_\_\_\_\_

3. Are you able to safely and independently travel 200 feet without help from another person?

☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

\_\_\_\_\_

4. Are you able to safely and independently travel 1/4 mile (about 4 blocks) without help from another person?

☐ Yes ☐ No ☐ Sometimes



Liberty Transit  
c/o City of Hinesville  
115 East M.L. King, Jr. Drive  
Hinesville, GA 31313



If no or sometimes, please explain: \_\_\_\_\_

5. Are you able to reach and return from your neighborhood bus stop independently?

☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

6. Are you able to wait outside without assistance or support for 10 (ten) minutes?

☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

7. Are you able to leave and return to your regular destination (local bus stops) independently?

☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

8. Are you able to wait longer than 15 minutes? ☐ Yes ☐ No ☐ Sometimes

If so, how long can you wait? \_\_\_\_\_ minutes

9. Are you able to travel on flat surfaces in good weather? ☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

10. Are you able to travel on slight inclines in good weather? ☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

11. Are you able to get to and from the nearest public transit stop? ☐ Yes ☐ No ☐ Sometimes



If no or sometimes, please explain: \_\_\_\_\_

\_\_\_\_\_

12. Could you wait if there were a seat or a bus shelter? ☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

\_\_\_\_\_

13. Could you wait if there were **NO** seat or bus shelter? ☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

\_\_\_\_\_

14. How long are you able to wait for a bus to arrive? \_\_\_\_\_ minutes

## Boarding and Alighting the Bus

1. Can you safely and independently walk up and down three (3) 12 inch steps?

☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

\_\_\_\_\_

2. Are you able to board, ride, or exit a wheelchair accessible bus without assistance?

☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

\_\_\_\_\_

3. Are you able to grasp handles or railings while boarding or exiting a bus?

☐ Yes ☐ No ☐ Sometimes



If no or sometimes, please explain: \_\_\_\_\_

---

4. Are you able to board or exit a vehicle if it has a kneeler that lowers the front of the bus?

☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

---

5. Are you able to get on and off a bus without assistance? ☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

---

6. Have you ever had training to learn how to travel around the community or on how to use the fixed-route buses? ☐ Yes ☐ No

7. Would you like information about free training to use the fixed-route buses? ☐ Yes ☐ No

8. List the three places you go most often and how you get there now.

A. Where do you go? \_\_\_\_\_

Address? \_\_\_\_\_

How often do you go there? \_\_\_\_\_

How do you get there now? \_\_\_\_\_

B. Where do you go? \_\_\_\_\_

Address? \_\_\_\_\_

How often do you go there? \_\_\_\_\_

How do you get there now? \_\_\_\_\_

C. Where do you go? \_\_\_\_\_

Address? \_\_\_\_\_



How often do you go there? \_\_\_\_\_

How do you get there now? \_\_\_\_\_

## Service Delivery

1. Do you use a wheelchair or scooter? ☐ Yes ☐ No

How wide is it? \_\_\_\_\_ inches

How heavy is it when occupied? \_\_\_\_\_ pounds

**This information is not used to determine paratransit eligibility. It is the applicant's responsibility to know the dimensions of their mobility device and whether it exceeds the definition of a common wheelchair.**

**The Americans with Disabilities Act of 1990 defines a common wheelchair as no more than 30 inches wide, 48 inches long, when measured 2 inches above the ground and weighing no more than 600 pounds when occupied. If your mobility device exceeds these dimensions, the ADA does not guarantee paratransit service.**

2. Do you use any of the following mobility aids or specialized equipment when traveling?  
Check all that apply.

☐ Manual Wheelchair ☐ Long White Cane ☐ Cane ☐ Crutches

☐ Communication Board ☐ Power Wheelchair ☐ Service Animal ☐ Walker

☐ Power Scooter (3 Wheeled) ☐ Other Aid: \_\_\_\_\_

☐ Large Power Chair (exceeds ADA)

3. If you use a wheelchair or scooter, will you use it on paratransit? ☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

4 Are you able to wait 15 minutes at a public bus stop with your mobility device?

Liberty Transit  
c/o City of Hinesville  
115 East M.L. King, Jr. Drive  
Hinesville, GA 31313



☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

5. Do you require an attendant (personal care, sight guide) to travel with you? An attendant may assist you with any personal or travel needs, such as crossing the street, navigating stairs, etc.

☐ Yes ☐ No ☐ Sometimes

If no or sometimes, please explain: \_\_\_\_\_

6. Do you travel with children under the age of 10? ☐ Yes ☐ No

## Release of Information

I, the applicant, understand that the purpose of this application is to determine my eligibility to use Liberty Transit Paratransit service. I hereby authorize my health care professional to release information about my disability and its affect on my ability to travel, which may be needed in connection with my request for ADA paratransit eligibility certification. It is my understanding that the information released will be used solely to determine my ADA paratransit eligibility. I agree to release this information to Liberty Transit. This release authorizes Liberty Transit T to directly contact my health care professional for further information or clarification of the information provided.

I agree to notify Liberty Transit of any changes in the status of my disability that affects my ability to use complementary paratransit service. I understand that providing false information in this application could result in a loss of ADA paratransit service as well as a penalty under the law.

**I hereby certify that I am the individual requesting certification for ADA complementary paratransit service and that all information contained in this application is true and accurate:**

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name of Applicant:** \_\_\_\_\_

**If the applicant is a minor or has a legal guardian the parent or guardian must sign this application, and attest to the accuracy of the information contained herein.**

Liberty Transit  
c/o City of Hinesville  
115 East M.L. King, Jr. Drive  
Hinesville, GA 31313



**Signature of Parent or Legal Guardian:**

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

Liberty Transit  
c/o City of Hinesville  
115 East M.L. King, Jr. Drive  
Hinesville, GA 31313



## Liberty Transit

### Attachment to Application for Complementary Paratransit Service

#### **Dear Health Care Professional or Disability Case Worker**

Federal law requires that Liberty Transit provide complementary paratransit service to persons who cannot use the accessible fixed route bus system.

The information you provide in the attached Professional Verification will allow Liberty Transit to make an appropriate evaluation of the applicant's mobility and determine how we may best meet their needs.

In accordance with the "Americans with Disabilities Act of 1990" (ADA) and its regulations, Section 37.123 (e), there are two specific circumstances under which a person would be considered ADA eligible for Liberty Transit's Complementary Paratransit Service.

1. Any individual with a disability who is unable, as a 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.
2. Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system.

**Please note** this does not include persons who find it uncomfortable or difficult to get to and from bus stops.

Resources for this service are limited, and your evaluation of each person must be based solely upon the individual's ability to use regular transit service. All fixed route buses are ADA accessible. Your verification should consider only the presence of a disabling condition, not the applicant's age or economic status. Please exercise care in evaluating applicants for this service.

If you have any questions about the application or the review process, please contact Liberty Transit at (912) 877-1472

Sincerely,

Theodis Jackson, General Manager  
Liberty Transit  
115 East M.L. King, Jr. Drive  
Hinesville, GA 31313

Liberty Transit  
c/o City of Hinesville  
115 East M.L. King, Jr. Drive  
Hinesville, GA 31313



This part of the application form should be completed by one of the following health care professionals **who is currently treating the applicant for their disability, and is** authorized to provide this information to Liberty Transit in order to complete the application for certification:

**Check the appropriate box to identify your profession**

- ☐ a rehabilitation specialist
- ☐ an orientation and mobility specialist
- ☐ an occupational or physical therapist
- ☐ an independent living counselor
- ☐ a social worker
- ☐ a vocational rehabilitation counselor
- ☐ an ophthalmologist or optometrist
- ☐ a physician or registered nurse
- ☐ a psychologist or psychiatrist
- ☐ a mental health counselor

Applicant Name: \_\_\_\_\_

1. In what capacity do you know the applicant and for how long?

\_\_\_\_\_

2. Is the applicant your regular client? ☐ Yes ☐ No

3. Please indicate all the medical diagnoses of the applicant's disability. (Please print clearly.)

\_\_\_\_\_

\_\_\_\_\_

4. Is the condition temporary? ☐ Yes ☐ No

If yes, please specify the time from (example: 6 months) within which you anticipate the applicant to recover or next reevaluation.

\_\_\_\_\_

5. Is this condition likely to worsen? ☐ Yes ☐ No

6. Does the applicant require use of the following? (check each, where it applies)

	Yes	No	Sometimes
Manual wheelchair	_____	_____	_____
Motorized wheelchair	_____	_____	_____
Cane, Crutches, or Walker	_____	_____	_____
Service animal	_____	_____	_____
Personal care attendant	_____	_____	_____





7. Is the applicant able to do any of the following with the use of a mobility aid and without the assistance of another person?

	Yes	No	Sometimes
Travel ½ block?	_____	_____	_____
Travel 1 block?	_____	_____	_____
Travel 2 blocks?	_____	_____	_____
Travel 4 blocks or more:	_____	_____	_____
Climb three 12" steps?	_____	_____	_____
Wait outside without support for 10 minutes?	_____	_____	_____

If "No" or "Sometimes", describe in detail any factors which would have an adverse impact on the applicants abilities to travel or wait outside.

8. Can the applicant independently cross the street? ☐ Yes ☐ No

9. Under what circumstances do you believe the applicant could independently use accessible LIBERTY TRANSIT fixed route bus service? Please describe. (example: if person receives transit orientation, if distance to bus stop is not too great)

10. Is the applicant able to:

Give addresses and phone number upon request? ☐ Yes ☐ No

Recognize a destination or landmark? ☐ Yes ☐ No

Sign his/her name? ☐ Yes ☐ No

Deal with unexpected situations? ☐ Yes ☐ No

Ask for, understand, and follow directions? ☐ Yes ☐ No

11. Is the applicant currently taking any medication that would likely have an impact in their travel abilities or limitations? ☐ Yes ☐ No

If yes, please list if there are any side effects? \_\_\_\_\_

12. Does the applicant experience episodic days? ☐ Yes ☐ No

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TRANSIT

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14. Does weather impact the applicant's ability to travel?    ☐ Yes    ☐ No  
If yes, please explain and list the temperatures at which the applicant would be impacted.

**Please return this completed form directly to your patient**

**(H) FTA Circular 4710.1 Chapters Eight and Nine (November 4, 2014)**



## Chapter 8 – Complementary Paratransit Service

### 8.1 Introduction

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In crafting the Americans with Disabilities Act (ADA), Congress recognized that even when a fixed route transit system is fully accessible, there will be some individuals whose disabilities prevent them from using the system. Congress therefore created a “safety net” to ensure that these individuals have transportation available to them on the same basis as individuals using fixed route systems.

This chapter explains how the U.S. Department of Transportation (DOT) ADA regulations in 49 CFR Part 37 apply to complementary paratransit service in terms of required service criteria, types of service options, operational performance, and other factors. ADA paratransit eligibility is discussed separately in Circular Chapter 9. FTA reminds readers to consult the general requirements in Circular Chapter 2, which apply to all types of services, including complementary paratransit.

This Circular does not alter, amend, supersede, or otherwise affect the DOT ADA regulations themselves or replace the need for readers to reference the detailed information in the regulations. FTA recommendations and examples of optional practices are included throughout the Circular and do not represent requirements. FTA recognizes there are many different ways agencies can implement the regulatory requirements and ensure the delivery of compliant service. FTA encourages transit agencies to engage riders with disabilities when making decisions about local transit service.

### 8.2 Requirement for Complementary Paratransit Service

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#### Requirement

“*Paratransit* means comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems” ([§ 37.3](#)).

“Except as provided in paragraph (c) of this section, 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” ([§ 37.121\(a\)](#)).

“To be deemed comparable to fixed route service, a complementary paratransit system shall meet the requirements of §§ 37.123–37.133 of this subpart. The requirement to comply with § 37.131 may be modified in accordance with the provisions of this subpart relating to undue financial burden” ([§ 37.121\(b\)](#)).

“Requirements for complementary paratransit do not apply to commuter bus, commuter rail, or intercity rail systems” ([§ 37.121\(c\)](#)).

#### Discussion

Complementary paratransit service must be provided by any public entity operating fixed route service that is not otherwise exempt from the regulations. This paratransit service must be “comparable” to the fixed route service. To be considered comparable, it must meet the service criteria in §§ 37.123–37.133 discussed below.

The requirement for complementary paratransit service applies to all fixed route bus and rail transit service except for commuter bus, commuter rail, and intercity rail (Amtrak) services, which are specifically exempt. Commuter rail service and Amtrak can be easily identified based on their definitions

in Part 37. Determining whether a bus service is actually commuter bus is less straightforward because it requires an assessment of the service’s characteristics. [Section 37.3](#) provides the following definitions:

- “*Commuter rail transportation* means short-haul rail passenger service operating in metropolitan and suburban areas, whether within or across the geographical boundaries of a state, usually characterized by reduced fare, multiple ride, and commutation tickets and by morning and evening peak period operations. This term does not include light or rapid rail transportation.”
- “*Intercity rail* means transportation provided by Amtrak.”
- “*Commuter bus service* means fixed route bus service, characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation.”

As highlighted in Circular Chapter 6, a bus route might have some but not all of the characteristics of commuter bus service found in the § 37.3 definition. A case-by-case assessment by the transit agency is needed to determine whether a specific bus route meets the definition of commuter service. (See Circular Section 6.8.1.) During a complaint investigation or other oversight activity, FTA may require an agency to substantiate how a particular service meets the definition of commuter bus. (See FTA response to [Complaint 14-0067](#) for an example of an FTA analysis of whether a particular service met the definition.)

## 8.3 Types of Service

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### 8.3.1 Origin-to-Destination Service

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#### Requirement

“*Origin-to-destination service* means providing service from a passenger’s origin to the passenger’s destination. A provider may provide ADA complementary paratransit in a curb-to-curb or door-to-door mode. When an ADA paratransit operator chooses curb-to-curb as its primary means of providing service, it must provide assistance to those passengers who need assistance beyond the curb in order to use the service unless such assistance would result in a fundamental alteration or direct threat” ([§ 37.3](#)).

“Except as provided in this section, complementary paratransit service for ADA paratransit eligible persons shall be origin-to-destination service” ([§ 37.129\(a\)](#)).

#### Discussion

By definition, complementary paratransit service is an origin-to-destination service featuring a level of personnel assistance that enables all complementary paratransit riders to travel from their origins to their destinations. In 2005, DOT published “[Origin-to-Destination Service](#)” guidance that elaborates on the meaning of origin-to-destination service. In 2015, DOT’s Reasonable Modification of Policy final rule added the above definition of origin-to-destination service to the regulations. It also introduced [Appendix E](#) to Part 37 (Reasonable Modification Requests), which includes several examples specific to origin-to-destination service. (See Circular Section 2.10.)

#### Base Level of Service

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Transit agencies, through the public participation process, may set a “base level” of service for complementary paratransit, which may be defined as door-to-door or curb-to-curb service. Door-to-door service means assisting all riders beyond the curb. Setting the base level of service as curb-to-curb means agencies will pick up and drop off riders at the curb. Where the local planning process establishes curb-to-

curb service as the basic complementary paratransit service mode, however, agencies must provide assistance to ensure the service actually gets riders from their point of origin to their destination point. To meet this origin-to-destination requirement, agencies will need to provide service to some individuals, or at some locations, in a way that goes beyond curb-to-curb service.

## Rider Assistance Practices and Policies

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If transit agencies elect to provide assistance beyond the curb only on an as-needed basis, they may ask riders to inform them in advance if they will need additional assistance. However, assistance must also be provided if riders do not request it in advance. Riders may not know ahead of time what barriers exist at drop-off points. The § 37.169 reasonable modification requirements include making provisions for situations in which an advance request and determination are not feasible. As noted in Circular Section 2.10.2, these situations are likely to be more difficult to handle than advance requests, but agencies are required to respond to them regardless. An optional good practice is to include such information in a rider's file for future trips. Such information may also be obtained during the eligibility determination process. (See Circular Section 9.4.)

Transit agencies may set policies to ensure safety for drivers and other riders. Agencies may set a policy in which drivers must be able to maintain "effective continuing control" of the vehicle. This sometimes includes maintaining visual contact with the vehicle or not going more than a certain distance (e.g., X feet) from the vehicle. Agencies may also create a policy that prohibits drivers from entering a private residence or traveling beyond the lobby of a public building such as a hospital or traveling past the first exterior door of a building.

Once transit agencies establish policies for origin-to-destination service, they must ensure that all appropriate staff understand these policies and receive appropriate training consistent with [§ 37.173](#) to properly carry out these policies. (See Circular Section 2.9.)

## Origin-to-Destination Examples

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[Appendix E](#) to Part 37 introduces examples of the types of rider requests that, in most cases, will be reasonable or not. The examples cover the two basic elements of origin-to-destination service: first, the vehicle getting to the customer's location and, second, the operator leaving the vehicle and assisting the customer.

The following examples, quoted directly from Appendix E, apply specifically to the § 37.129(a) origin-to-destination service requirement:

*Snow and Ice.* Except in extreme conditions that rise to the level of a direct threat to the driver or others, a passenger's request for a paratransit driver to walk over a pathway that has not been fully cleared of snow and ice should be granted so that the driver can help the passenger with a disability navigate the pathway. For example, ambulatory blind passengers often have difficulty in icy conditions, and allowing the passenger to take the driver's arm will increase both the speed and safety of the passenger's walk from the door to the vehicle.

*Pick Up and Drop Off Locations with Multiple Entrances.* A paratransit rider's request to be picked up at home, but not at the front door of his or her home, should be granted, as long as the requested pickup location does not pose a direct threat. Similarly, in the case of frequently visited public places with multiple entrances (e.g., shopping malls, employment centers, schools, hospitals, airports), the paratransit operator should pick up and drop off the passenger at the entrance requested by the passenger, rather than meet them in a location that has been predetermined by the transportation agency, again assuming that doing so does not involve a direct threat.

*Private Property.* Paratransit passengers may sometimes seek to be picked up on private property (e.g., in a gated community or parking lot, mobile home community, business or government facility where vehicle access requires authorized passage through a security barrier). Even if the paratransit operator does not generally have a policy of picking up passengers on such private property, the paratransit operator should make every reasonable effort to gain access to such an area (e.g., work with the passenger to get the permission of the property owner to permit access for the paratransit vehicle). The paratransit operator is not required to violate the law or lawful access restrictions to meet the passenger's requests.

*Opening Building Doors.* For paratransit services, a passenger's request for the driver to open an exterior entry door to a building to provide boarding and/or alighting assistance to a passenger with a disability should generally be granted as long as providing this assistance would not pose a direct threat, or leave the vehicle unattended or out of visual observation for a lengthy period of time.<sup>1</sup>

*Hard-to-Maneuver Stops.* A passenger may request that a paratransit vehicle navigate to a pickup point to which it is difficult to maneuver a vehicle. A passenger's request to be picked up in a location that is difficult, but not impossible or impracticable, to access should generally be granted as long as picking up the passenger does not expose the vehicle to hazards that pose a direct threat (e.g., it is unsafe for the vehicle and its occupants to get to the pickup point without getting stuck or running off the road).

*Navigating an Incline or Around Obstacles.* A paratransit passenger's request for a driver to help him or her navigate an incline (e.g., a driveway or sidewalk) with the passenger's wheeled device should generally be granted. Likewise, assistance in traversing a difficult sidewalk (e.g., one where tree roots have made the sidewalk impassible for a wheelchair) should generally be granted, as should assistance around obstacles (e.g., snowdrifts, construction areas) between the vehicle and a door to a passenger's house or destination should generally be granted. These modifications would be granted subject, of course, to the proviso that such assistance would not cause a direct threat, or leave the vehicle unattended or out of visual observation for a lengthy period of time.

*Extreme Weather Assistance.* A passenger's request to be assisted from his or her door to a vehicle during extreme weather conditions should generally be granted so long as the driver leaving the vehicle to assist would not pose a direct threat, or leave the vehicle unattended or out of visual observation for a lengthy period of time. For example, in extreme weather (e.g., very windy or stormy conditions), a person who is blind or vision-impaired or a frail elderly person may have difficulty safely moving to and from a building.

*Unattended Passengers.* Where a passenger's request for assistance means that the driver will need to leave passengers aboard a vehicle unattended, transportation agencies should generally grant the request as long as accommodating the request would not leave the vehicle unattended or out of visual observation for a lengthy period of time, both of which could involve direct threats to the health or safety of the unattended passengers. It is important to keep in mind that, just as a driver is not required to act as a PCA for a passenger making a request for assistance, so a driver

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<sup>1</sup> Please see guidance issued on this topic. U.S. Department of Transportation, Origin-to-Destination Service, September 1, 2005, available at [http://www.fta.dot.gov/12325\\_3891.html](http://www.fta.dot.gov/12325_3891.html) (explaining that, "the Department does not view transit providers' obligations as extending to the provision of personal services... Nor would drivers, for lengthy periods of time, have to leave their vehicles unattended or lose the ability to keep their vehicles under visual observation, or take actions that would be clearly unsafe ...").



is not intended to act as a PCA for other passengers in the vehicle, such that he or she must remain in their physical presence at all times.

### Ensuring Origin-to-Destination Service When Transfers Are Required

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If different service providers or contractors operate a transit agency's complementary paratransit service with service divided into specific geographical areas, the agency is responsible for ensuring riders are able to travel from any point within its service area to any other point in its service area in a manner comparable with its fixed route service.

Transit agencies may meet the § 37.129(a) requirement by providing the trip in one vehicle or may establish transfer points within their complementary paratransit service area for efficiency or convenience. If an agency requires riders to transfer between two vehicles to complete the complementary paratransit trip within that agency's jurisdiction, then the agency is required to have an employee (driver or other individual) wait with any riders who cannot be left unattended. Not doing so would require the rider to travel with an attendant in order to travel safely, which would violate the [§ 37.5\(e\)](#) prohibition against requiring an individual with disabilities to be accompanied by an attendant. (See Circular Section 2.2.5.)

The requirement for attended transfers does not apply when an agency is dropping off a rider to be picked up by another provider to be taken outside the agency's jurisdiction.

### 8.3.2 Feeder Service

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#### Requirement

“Complementary paratransit service for ADA paratransit eligible persons described in § 37.123(e)(2) of [Part 37] may also be provided by on-call bus service or paratransit feeder service to an accessible fixed route, where such service enables the individual to use the fixed route bus system for his or her trip” ([§ 37.129\(b\)](#)).

“Complementary paratransit service for ADA eligible persons described in § 37.123(e)(3) of [Part 37] also may be provided by paratransit feeder service to and/or from an accessible fixed route” ([§ 37.129\(c\)](#)).

#### Discussion

The regulations permit transit agencies to use “feeder service” to transport certain complementary paratransit riders to and from the fixed route services. This includes using complementary paratransit to take individuals to bus stops if there are barriers in the pedestrian environment that prevent them from getting to stops or stations. It also includes taking individuals to nearby accessible stops or stations if the ones closest to them are not accessible.

Feeder service is a service-delivery option, not a type of eligibility. For individuals who can navigate the fixed route system and can use feeder service, a conditional eligibility determination would be appropriate for applicable trips. Appropriately placed conditions on an individual's eligibility identify the specific barriers that prevent use of fixed route service. When these conditions are present, transit agencies can then consider whether feeder service to access fixed route service is an appropriate option for particular trips.

Such an approach may involve evaluating individual riders and their trip requests to determine when feeder service is appropriate. Important considerations in evaluating whether using feeder service is appropriate for a particular trip include:

- Rider's functional abilities – A rider's functional abilities to independently complete the fixed route portion of the trip, based on the current assessment of the rider, must be confirmed.

- The total length of the trip – Providing feeder service for a very short trip can result in total travel time that could become a capacity constraint, i.e., excessive in length when compared to a comparable fixed route trip. (See Circular Section 8.5.5.)
- Distance between the alighting stop on the fixed route and the destination – As discussed in [Appendix D](#) to § 37.129,  
Given the more complicated logistics of such arrangements, and the potential for a mistake that would seriously inconvenience the passenger, the transit provider should consider carefully whether such a “double feeder” system, while permissible, is truly workable in its system (as opposed to a simpler system that used feeder service only at one end of a trip when the bus let the person off at a place from which he or she could independently get to the destination). There may be some situations in which origin to destination service is easier and less expensive.
- The headways of the fixed route service – Attempting feeder service with a route that runs infrequently could lead to an excessively long trip if the planned connection is missed.
- Amenities at the transfer point – If a rider may have to wait at the station or stop, it is important that the facility have a bench and/or shelter. Access to a telephone (or staff who can make a call) may also be important if the rider needs to contact the paratransit dispatch center about a connection issue.

## 8.4 Complementary Paratransit Service Criteria

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Comparability is defined and measured by the following characteristics:

- Hours and days of service (§ 37.131(e))
- Service area (§ 37.131(a))
- Response time (trip reservations) (§ 37.131(b))
- Fares (§ 37.131(c))
- Operating without regard to trip purpose (§ 37.131(d))
- Absence of capacity constraints (§ 37.131(f))

The regulations discussed in this section establish minimum levels of service. Transit agencies may set policies and performance standards that exceed these minimum service levels. (See Circular Section 8.7.) The discussion below explains each of the service characteristics and provides guidance on ensuring the related requirements are met.

### 8.4.1 Hours and Days of Service

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#### Requirement

“The complementary paratransit service shall be available throughout the same hours and days as the entity’s fixed route service” ([§ 37.131\(e\)](#)).

#### Discussion

As discussed in [Appendix D](#) to § 37.131,

This criterion says simply that if a person can travel to a given destination using a given fixed route at a given time of day, an ADA paratransit eligible person must be able to travel to that same destination on paratransit at that time of day. This criterion recognizes that the shape of the service area can change.

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## Setting Hours and Days of Service

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If riders can take a particular trip between two points on an agency's fixed route system at a specific time of day, § 37.131(e) requires the same trip to be available on complementary paratransit. A transit agency's complementary paratransit service area, therefore, may change by time of day and day of week when certain fixed routes are not in service. The service area may also expand and contract as individual bus routes or rail lines begin and end operation each day.

An agency that runs a bus route from 5 a.m. until 9 p.m., for example, must provide complementary paratransit service, at minimum, from 5 a.m. until 9 p.m. corresponding to that route. A rider's pickup time for paratransit is also dictated by the fixed route hours. For example, if the earliest time a rider could depart from a particular fixed route stop is at 6:45 a.m., comparable paratransit trips could be provided starting at 6:45 a.m. (subject to the requirement to negotiate pickup times under [§ 37.131\(b\)\(2\)](#)). (See Circular Section 8.4.5.)

If a transit agency runs fixed route service on weekends and holidays it must provide complementary paratransit on those days as well.

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## End of Service Day Considerations

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To ensure that complementary paratransit drivers can complete their drop-offs no later than the latest fixed route drop-off, establishing latest-available return-trip pickup times that reflect the likely travel times for requested trips is appropriate. For example, to ensure that the last drop-offs for complementary paratransit coincide with a last fixed route drop-off time of 10 p.m., transit agencies might limit the latest paratransit return-trip pickup times to 9:30 p.m. This would provide sufficient travel time (assuming the estimated trip time is approximately 30 minutes) to complete the last drop-off by 10 p.m.

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## Flexibility in Setting Service Hours

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For simplicity of operations, many transit agencies choose to not be overly precise in setting complementary paratransit service hours. Instead of taking a route-by-route approach and having dynamically changing service areas throughout the day and week, many agencies provide complementary paratransit throughout the overall service area whenever one or more fixed routes are operating. Others expand and contract their service areas more broadly by time of day and day of week, as follows:

- Service areas for weekday daytime
- Service areas for weekday nighttime
- Service areas for Saturday
- Service areas for Sunday

Weekday daytime service areas are typically the largest and Sunday service areas are typically the smallest. Such arrangements are appropriate as long as each of the service areas encompass all locations within 3/4 mile of all bus routes and rail stations that are in service during that time of day or day of week, and transit agencies provide service throughout such service areas from the time the earliest routes begin service until the last routes end. For example, if a weekday nighttime service area were generalized as between 7 p.m. and 11 p.m., then no fixed routes would operate past 11 p.m. on weekday evenings.

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### 8.4.2 Service Area – Fixed Route Bus

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#### Requirement

*“Service Area—(1) Bus.* (i) The entity shall 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 corridor shall include an area with a three-fourths of a mile radius at the ends of each fixed route.

- (ii) Within the core service area, the entity also shall provide service to small areas not inside any of the corridors but which are surrounded by corridors.
- (iii) Outside the core service area, the entity may designate corridors with widths from three-fourths of a mile up to one and one half miles on each side of a fixed route, based on local circumstances.
- (iv) For purposes of this paragraph, the core service area is that area in which corridors with a width of three-fourths of a mile on each side of each fixed route merge together such that, with few and small exceptions, all origins and destinations within the area would be served”  
(§ 37.131(a)).

## Discussion

FTA considers the 3/4-mile requirement as a straight-line distance (“as the crow flies” for bus service). In addition to meeting the requirement to provide service within 3/4 mile of each side of each fixed route and a 3/4-mile radius of the ends of each fixed route, this requirement obligates transit agencies to also provide service throughout a “core service area.” This refers to the portion of agencies’ service areas where many bus routes intersect and/or overlap so that their respective 3/4-mile corridors cover virtually all destinations. For smaller agencies, the core service areas are usually downtown districts served by multiple bus routes. For larger agencies, the core service areas may encompass entire downtowns or suburban activity centers. Inside the fixed route bus core service areas, § 37.131(a)(1)(ii) requires the complementary paratransit service to also include any small areas not inside any of the corridors but which are surrounded by corridors.

“Core service area” is further explained in [Appendix D](#) to § 37.131:

Another concept involved in this service criterion is the core service area. Imagine a bus route map of a typical city. Color the bus routes and their corridors blue, against the white outline map. In the densely populated areas of the city, the routes (which, with their corridors attached, cut 1 1/2 mile swaths) merge together into a solid blue mass. There are few, if any, white spots left uncovered, and they are likely to be very small. Paratransit would serve all origins and destinations in the solid blue mass.

But what of the little white spots surrounded by various bus corridors? Because it would make [no] sense to avoid providing service to such small isolated areas, the rule requires paratransit service there as well. So color them in too.

Figure 8-1 illustrates a delineated service area with a core service area included.

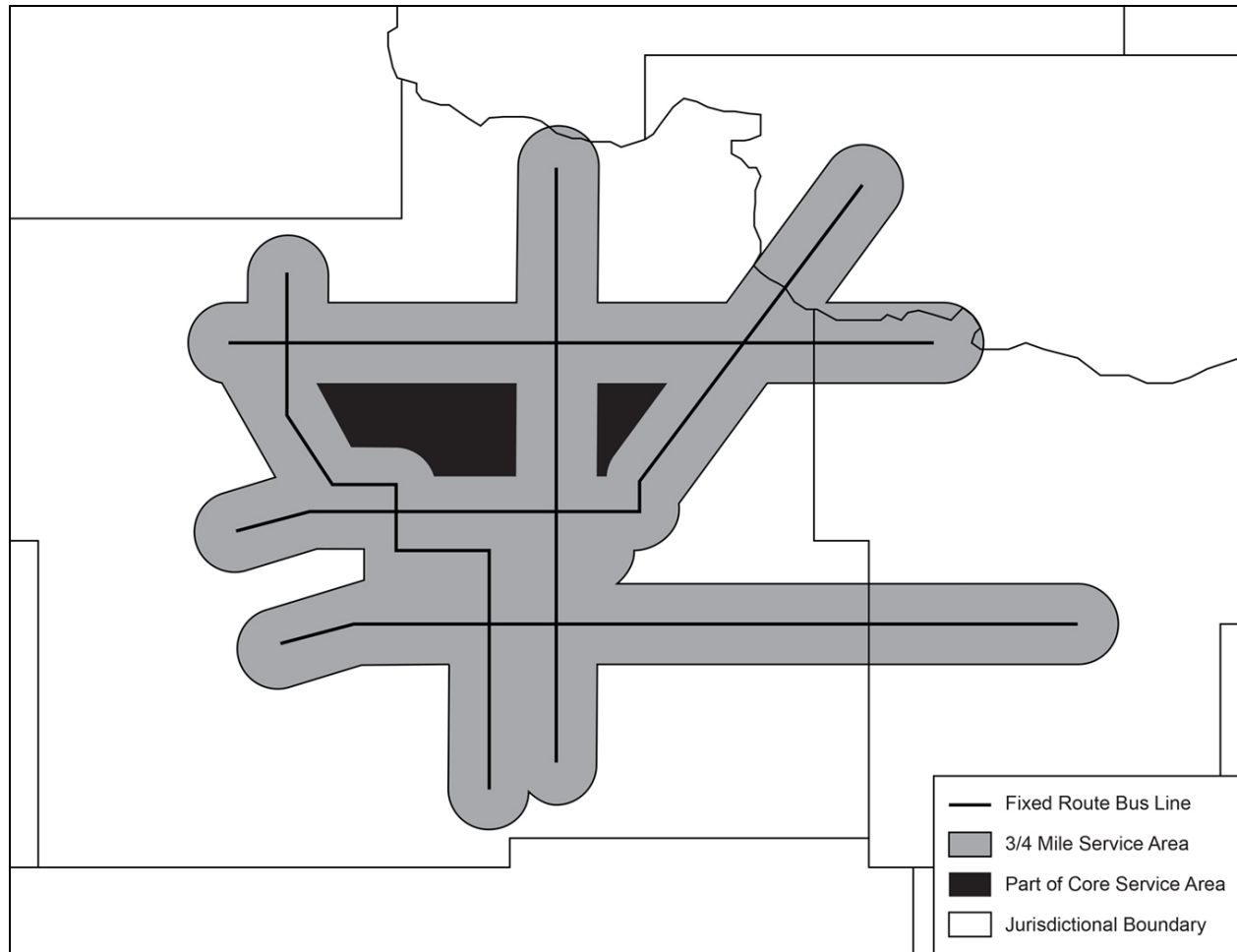


Figure 8-1 – Bus Route Service Area

For purposes of determining the complementary paratransit service area for bus rapid transit (BRT) service, BRT is considered as a fixed route bus service and the above requirements apply.

### 8.4.3 Service Area – Rail

#### Requirement

“Rail. (i) For rail systems, the service area shall consist of a circle with a radius of 3/4 of a mile around each station.

(ii) At end stations and other stations in outlying areas, the entity may designate circles with radii of up to 1 1/2 miles as part of its service area, based on local circumstances” ([§ 37.131\(a\)\(2\)](#)).

#### Discussion

The minimum rail service area for complementary paratransit—excluding commuter and intercity rail, which are exempt from the requirement—is defined as circles of 3/4-mile radius from the center of each station, as shown in Figure 8-2. FTA considers the 3/4-mile requirement as a straight-line distance (a radius around rail stations or “air miles”). This requirement obligates transit agencies to provide complementary paratransit trips from any point within one station circle to any point within the station

circle of another station (e.g., from point 1 to point 2 in Figure 8-2), but not between two points within the same station circle (e.g., from point 3 to point 4 or from point 5 to point 6 in Figure 8-2).

[Appendix D](#) to § 37.131 provides the following explanation of service area around rail stations:

Around each station on the line (whether or not a key station), the entity would draw a circle with a radius of 3/4 mile. Some circles may touch or overlap. The series of circles is the rail system's service area. (We recognize that, in systems where stations are close together, this could result in a service area that approached being a corridor like that of a bus line.) The rail system would provide paratransit service from any point in one circle to any point in any other circle. The entity would not have to provide service to two points within the same circle, since a trip between two points in the vicinity of the same station is not a trip that typically would be taken by train. Nor would the entity have to provide service to spaces between the circles.

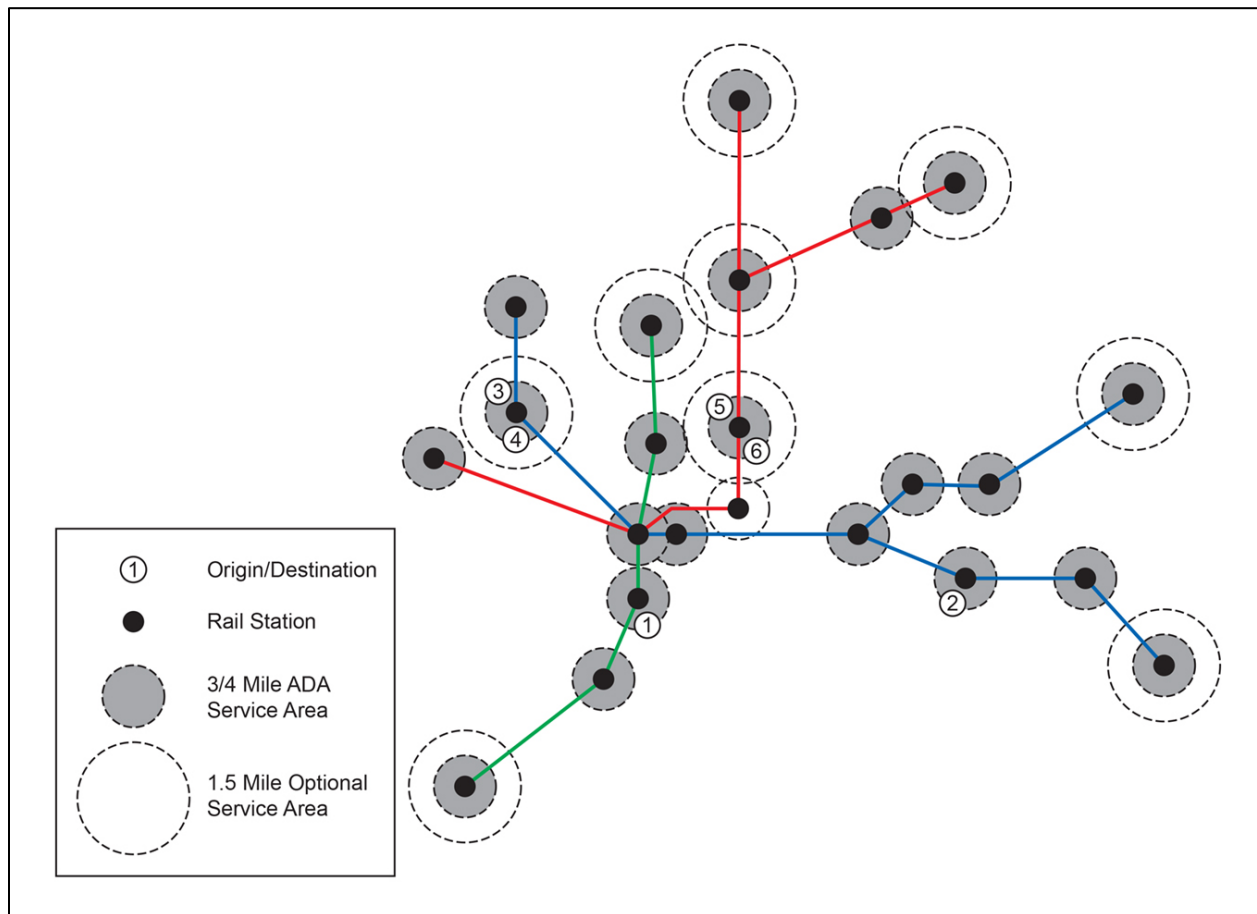


Figure 8-2 – Rail Station Service Area

#### 8.4.4 Jurisdictional Boundaries and Restricted Properties

##### Requirement

“Notwithstanding any other provision of this paragraph, an entity is not required to provide paratransit service in an area outside the boundaries of the jurisdiction(s) in which it operates, if the entity does not have legal authority to operate in that area. The entity shall take all practicable steps to provide paratransit service to any part of its service area” ([§ 37.131\(a\)\(3\)](#)).

## Discussion

The service areas encompass all points within the 3/4-mile range; where service areas extend beyond political boundaries of a transit agency's jurisdiction, this requirement obligates the agency to provide service to and from such points, except when legal prohibitions prevent service, as discussed below.

For example, "Transit Agency X" provides bus and rail service within 3/4 mile of the border with another state or county, but its vehicles do not have the legal authority to operate across the border. In this situation, § 37.131(a)(3) does not obligate the agency to provide complementary paratransit service in the neighboring state or county, even to locations within 3/4 mile of one of its fixed route services operating near the border. However, political boundaries alone do not constitute legal bars. Similarly, transit agency jurisdictional boundaries and taxing jurisdictions do not by themselves constitute legal bars.

As discussed in [Appendix D](#) to § 37.131,

There may be a part of the service area where part of one of the corridors overlaps a political boundary, resulting in a requirement to serve origins and destinations in a neighboring jurisdiction which the entity lacks legal authority to service. The entity is not required to serve such origins and destinations, even though the area on the other side of the political boundary is within a corridor. This exception to the service area criterion does not automatically apply whenever there is a political boundary, only when there is a legal bar to the entity providing service on the other side of the boundary.

The rule requires, in this situation, that the entity take all practicable steps to get around the problem so that it can provide service throughout its service area. The entity should work with the state or local governments involved, via coordination plans, reciprocity agreements, memoranda of understanding or other means to prevent political boundaries from becoming barriers to the travel of individuals with disabilities.

## Access to Private or Restricted Properties

[Appendix E](#) to Part 37 (Reasonable Modification Requests) includes the following example with respect to service to restricted properties:

*Private Property.* Paratransit passengers may sometimes seek to be picked up on private property (e.g., in a gated community or parking lot, mobile home community, business or government facility where vehicle access requires authorized passage through a security barrier). Even if the paratransit operator does not generally have a policy of picking up passengers on such private property, the paratransit operator should make every reasonable effort to gain access to such an area (e.g., work with the passenger to get the permission of the property owner to permit access for the paratransit vehicle). The paratransit operator is not required to violate the law or lawful access restrictions to meet the passenger's requests. A public or private entity that unreasonably denies access to a paratransit vehicle may be subject to a complaint to the U.S. Department of Justice or U.S. Department of Housing and Urban Development for discriminating against services for persons with disabilities.



## 8.4.5 Trip Reservations and Response Time

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### Requirement

“The entity shall schedule and provide paratransit service to any ADA paratransit eligible person at any requested time on a particular day in response to a request for service made the previous day.

Reservations may be taken by reservation agents or by mechanical means.

(1) The entity shall make reservation service 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.

(2) The entity may negotiate pickup times with the individual, but the entity shall not require an ADA paratransit eligible individual to schedule a trip to begin more than one hour before or after the individual’s desired departure time.

(3) The entity may use real-time scheduling in providing complementary paratransit service.

(4) The entity may permit advance reservations to be made up to 14 days in advance of an ADA paratransit eligible individual’s desired trips. When an entity proposes to change its reservations system, it shall comply with the public participation requirements equivalent to those of § 37.137 (b) and (c)”

(§ 37.131(b)).

### Discussion

These requirements cover a transit agency’s obligations to receive and negotiate complementary paratransit trip requests, and to confirm the pickup times, all of which are critical elements of scheduling paratransit service. The following discussion explains how to apply these response time requirements and presents optional good practices in trip scheduling.

### Next-Day Service

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For any day that a transit agency operates complementary paratransit, § 37.131(b) obligates it to allow individuals to reserve trips on the day before. For example, individuals can request a Wednesday trip by calling during normal business hours on Tuesday. Agencies may not require customers to reserve trips 24 hours in advance, a policy that [Appendix D](#) to § 37.131 describes as “inadequate.”

Transit agencies must also ensure that customers can reserve trips on a next-day basis even when the administrative office is closed and fixed route may not be running (e.g., on holidays). As discussed in [Appendix D](#) to § 37.131, “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), the reservation service would also be open 9 to 5.” As explained below and in [Appendix D](#), agencies may use voicemail to accept these reservations.

If a transit agency’s normal business hours for its administrative offices are 8 a.m. to 5 p.m. from Monday to Friday and it operates service Monday through Sunday, § 37.131(b) requires the agency—whether with reservation staff or other staff (e.g., dispatch)—to accept trip requests from 8 a.m. to 5 p.m. Sunday through Saturday.

Further, § 37.131(b) requires agencies to permit callers who request trips during these hours to be able to reserve trips for any time during the next service day. If an agency operates service past midnight—or operates service 24 hours a day—this also means allowing callers to call during normal business hours (i.e., during administrative office hours) the day before the trip to request a trip at any time the next day, including a trip that would begin just after midnight.

As noted in § 37.131(b)(4), while next-day service is the base requirement, agencies have the option to adopt a policy permitting advance reservations up to 14 days before a rider’s desired trip. If an agency adopts such a policy (e.g., allowing reservations 7 days before a desired trip) and later decides it wants to



change the advance reservation policy (e.g., scaling back the number of days to 3), it must follow the specific public participation requirements outlined in § 37.137 (b) and (c).

### Use of Voicemail for Trip Reservations

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Section 37.131(b) permits the use of “mechanical means” (e.g., voicemail) to accept trip requests, but doing so may affect a transit agency’s ability to negotiate the pickup time with the rider. Most larger agencies with high call volumes on all days have made arrangements to have staff available to accept trip requests every day, including on holidays. Some smaller agencies use voicemail for trip requests when the complementary paratransit office is closed and few calls are made (e.g., Sundays and holidays).

When a transit agency uses voicemail to accept trip requests, meeting the § 37.131(b) requirements means honoring all valid trip requests, i.e., providing the requested trips just as if the callers had spoken to a reservationist. For example, a caller who reaches an agency’s voicemail on a Monday holiday and requests a trip for Tuesday at 9 a.m. can expect the agency to provide the requested trip on Tuesday at 9 a.m. in a manner consistent with the agency’s operating policies (i.e., the on-time or pickup window, discussed below). In this example, if the agency finds it necessary to negotiate the pickup time or window, any call back must be made within a reasonable amount of time from the rider’s message. If the eligible rider cannot be reached, the agency is required to provide the trip at the time requested. Determining the amount of time that is reasonable for a customer to have to wait for the call back is a local decision to be made in consultation with the community served.

### Negotiating a Pickup Time with the Rider

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Per § 37.131(b)(2), while a transit agency may negotiate pickup times with the individual, it may not require an ADA paratransit eligible individual to schedule a trip to begin more than 1 hour before or after the individual’s desired departure time. For example, if a rider requests a trip with a 9 a.m. pickup time, the regulations permit the agency to offer a pickup time between 8 a.m. and 10 a.m.

This negotiation window, however, is subject to the rider’s practical travel needs. A true negotiation considers the rider’s time constraints. While some trips have inherent flexibility (e.g., shopping or recreation), other trips have constraints with respect to when they can begin (e.g., not before the end of the individual’s workday or not until after an appointment is over). For example, a rider may end his or her workday at 4 p.m. and request a 4 p.m. pickup. While § 37.131(b)(2) permits the agency to offer a pickup an hour before the requested time, doing so is not appropriate because the rider would still be working. In such instances, offering a pickup any time between 4 p.m. and 5 p.m. would be appropriate and consistent with the negotiation requirement.

Some transit agencies accept trip requests and do not create run schedules until the evening before the day of service when all requests have been received (commonly called batch scheduling with call-backs). In these instances, call-backs are typically made the evening before the day of service to inform riders of the exact scheduled time. Agencies that use this method of scheduling must have procedures that allow riders to negotiate the times offered consistent with § 37.131(b)(2).

### Pickup Windows

For practical purposes, FTA permits transit agencies to establish a reasonable “window” around the negotiated pickup time during which the vehicle may arrive and still be regarded as “on time,” to account for day-to-day variability in the operation of complementary paratransit. (See Circular Section 8.5.3.) Most agencies use pickup windows, which are typically 20–30 minutes in length and are also known as on-time windows. Some agencies place the full window after negotiated times, while others “bracket” windows around negotiated times (e.g., -15/+15 window). Either approach is allowable.

FTA considers pickup windows longer than 30 minutes in total to be unacceptable, because they require riders to wait an unreasonably long time for service.

An optional good practice when confirming trips during reservation calls is to restate the beginning and end of the pickup window instead of just the negotiated time. This step reminds riders to be ready throughout the window. For example, for a caller with a negotiated 9 a.m. pickup, a transit agency using a -15/+15 window would confirm the trip as follows: “We are confirming your trip from (origin) to (destination) on (date). The driver will arrive any time between 8:45 a.m. and 9:15 a.m.” instead of saying, “Your pickup is at 9 a.m.” This reinforces with the rider the concept that vehicles may arrive at any time during the window.

### Changing the Negotiated Pickup Time

Once a transit agency communicates the agreed-upon pickup time (and ideally the pickup window) with the rider, the negotiation is complete. Any changes in estimated times of arrival (ETAs) within the pickup window represent internal scheduling adjustments and require no further communication with the rider. The agency may make changes that affect the ETA, such as adding another shared-ride to the same run, but only within the agreed-upon pickup window. In other words, if a passenger agreed upon a 1 p.m. pickup time, and the pickup window is -15/+15 minutes, the vehicle could arrive as early as 12:45 p.m. or as late as 1:15 p.m. The agency may make changes to the associated run schedule on which the trip has been placed that move the ETA within that 30-minute window, but may not make changes to the negotiated trip time that cause the trip’s pickup window to change. In other words, the ETA may move to 1:10 p.m. as a result of changes to the run on which the trip was placed, but the negotiated time remains 1 p.m. and the pickup window—the time during which the rider has already been told the vehicle will arrive—remains 12:45–1:15 p.m.

However, if during the scheduling process it becomes necessary to change the pickup time enough to shift the pickup window forward or backward, the transit agency is obligated to renegotiate the pickup time with the rider. Meeting the § 37.131(b) response time requirement means conducting such renegotiations with the rider no later than the day before the scheduled travel day. Although there is no specific time by which an agency is obligated to contact the rider, FTA recommends doing so at a reasonable time up to the evening before the trip and to publicize such practices in rider guides and on websites. Agencies that have this practice generally place the calls to riders by 7 p.m. of the evening before the trip. Scheduling practices that routinely fail to protect the pickup window indicate a capacity constraint, which is prohibited.

Any negotiations are subject to rider acceptance; if the rider refuses, the agency is obligated to provide the trip as previously negotiated. Furthermore, if the agency cannot reach the rider, the agency is obligated to provide the trip as previously negotiated to avoid an agency missed trip or an inappropriately charged no-show penalty to the rider.

### Trip Requests with Appointment Times

While the regulations use the phrase “desired departure time,” riders are not always in a position to identify on their own or agree to an appropriate pickup time that will meet their time constraints. Certain trips are appointment driven (e.g., medical appointments, work events, and concerts), where arriving at a specific time is especially important. The desired departure time for riders in these cases becomes whatever time will get them to their destination on time. Transit agencies are in the best position to estimate how long a particular trip will take, considering factors such as how many other passengers will be on the vehicle and their destinations. On fixed route, most people check the schedule to see when the bus gets to the stop near their destination and work backwards to determine when they need to be at the bus stop to catch that particular bus. This level of precision is not always possible on complementary paratransit.

A discussion of the rider’s need to arrive on time for an appointment, therefore, will sometimes be part of the negotiation between the transit agency and the rider during the trip scheduling process. For example, a

rider may say, “I need to be at my doctor’s office for a 10 a.m. appointment.” In response, it would be appropriate for the agency to offer a pickup time based on expected travel time and service characteristics that lead to a drop-off time at or before 10 a.m. An agency’s negotiation and scheduling process must account for the fact that, for some riders taking some trips, arrival time is more important than departure time, and allow those riders to request either a desired pickup time or a desired drop-off time. “Going” trips with appointments are then scheduled to the stated appointment times while “return” trips are scheduled to the desired pickup time. For trips with requested drop-off times, this means scheduling the trips so that the riders will arrive at or before the requested time.

This does not mean, however, that the transit agency has to allow riders to also specify the pickup times for these trips. In short, when scheduling by appointment time, a rider may request either a pickup time or a drop-off time for a given trip, but not both.

Transit agencies have an implicit obligation to get riders to appointments on time (not late) and an explicit obligation to monitor performance to ensure that complementary paratransit service is operated without any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons. If trip reservation procedures and subsequent poor service performance cause riders to arrive late at appointments and riders are discouraged from using the service as a result, this would constitute a capacity constraint. (See Circular Section 8.5.6.)

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### Will-Call Trip Requests and No-Strand Policies

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As a service to riders who may not be able to predict their desired pickup time for return trips—often due to medical appointments—some transit agencies permit complementary paratransit riders to leave their exact pickup time for their return trips open (i.e., “will-call”). When riders know the time they will be ready for pickup, they contact the agency, which then dispatches a vehicle. Because will-call service is optional, agencies may apply trip purpose restrictions (e.g., limiting will-call availability to medical appointments) and charge higher fares.

In addition, a number of transit agencies have a “no strand” policy, to ensure a rider is not left stranded when he or she misses a scheduled pickup for any reason. Under this optional policy, the agency provides a return trip later than a previously scheduled return trip (but typically within regular service hours).

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## 8.4.6 Fares

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### Requirement

“The fare for a trip charged to an ADA paratransit eligible user of the complementary paratransit service shall not exceed twice the fare that would be charged to an individual paying full fare (i.e., without regard to discounts) for a trip of similar length, at a similar time of day, on the entity’s fixed route system.

(1) In calculating the full fare that would be paid by an individual using the fixed route system, the entity may include transfer and premium charges applicable to a trip of similar length, at a similar time of day, on the fixed route system.

(2) The fares for individuals accompanying ADA paratransit eligible individuals, who are provided service under § 37.123(f) of [Part 37], shall be the same as for the ADA paratransit eligible individuals they are accompanying.

(3) A personal care attendant shall not be charged for complementary paratransit service.

(4) The entity may charge a fare higher than otherwise permitted by this paragraph to a social service agency or other organization for agency trips (i.e., trips guaranteed to the organization)” ([§ 37.131\(c\)](#)).

## Discussion

Under § 37.131(c), the fare for a trip charged to an ADA paratransit eligible rider cannot exceed twice the fare that would be charged to an individual paying full fare (i.e., without regard for discounts) for a similar trip on the agency's fixed route system. The question then becomes what is a "similar trip" on fixed route. [Appendix D](#) to § 37.131 explains:

To calculate the proper paratransit fare, the entity would determine the route(s) that an individual would take to get from his or her origin to his or her destination on the fixed route system. At the time of day the person was traveling, what is the fare for that trip on those routes? Applicable charges like transfer fees or premium service charges may be added to the amount, but discounts (e.g., the half-fare discount for off-peak fixed route travel by elderly and handicapped persons) would not be subtracted. The transit provider could charge up to twice the resulting amount for the paratransit trip . . .

The system operates the same regardless of whether the paratransit trip is being provided in place of a bus or a rail trip the user cannot make on the fixed route system.

FTA has found that monthly passes (e.g., those providing unlimited rides) on fixed route are considered "discounts," which are not used to calculate the maximum complementary paratransit fare.

Transit agencies may determine locally whether to apply a flat fare or a varied fare for paratransit. For agencies with fare structures that vary by time of day or by distance, the § 37.131(c) maximum complementary paratransit fare provisions permit agencies to charge up to twice the fixed route fare. For simplicity and ease of administering fare policies, some agencies charge a flat fare for all complementary paratransit trips regardless of the time of day or distance travelled. In such instances, however, the flat fare cannot exceed twice the lowest non-discounted fixed route fare; otherwise, the complementary paratransit fare for the shortest trips and/or those during off-peak times would not meet the § 37.131(c) provisions. For example, if an agency's fixed route fare ranges from \$1.50 to \$3.50 (with some trips costing \$2.50), charging up to \$3, \$5, and \$7, respectively, for comparable paratransit trips is appropriate. However, if the agency charges a flat complementary paratransit fare, then the fare cannot exceed \$3.

## Determining Fares Where Multiple Fixed Route Paths Exist

[Appendix D](#) to § 37.131 discusses instances where fixed route riders can make trips between two points using different routes:

Where bus and rail systems are run by the same provider (or where the same bus provider runs parallel local and express buses along the same route), the comparison would be made to the mode on which a typical fixed route user would make the particular trip, based on schedule, length, convenience, avoidance of transfers, etc.

This situation is most common for transit agencies that operate both rail and bus service or operate routes with limited stops (not commuter bus) and local bus service, when there may be origin-destination pairs served by a combination of bus-only, bus-rail, and rail-only itineraries. For example, in a hypothetical large metropolitan system, fixed route riders might have alternative routing options via bus or via rapid rail that connect two points. During peak periods, the bus option is less costly (approximately \$2) and requires a transfer. Because the bus is operating in traffic and the trip requires a transfer, it takes 50 minutes to complete. The rail trip, which requires no transfer, costs approximately \$4.50, but takes half the time. In setting the fare for the complementary paratransit trip, this means considering which trip typical riders would make. In such instances, FTA recommends documenting in detail the methodology used for determining the fare for these types of trips.

Services provided by commuter bus or rail systems, which are not subject to complementary paratransit requirements, and services provided by other entities are not part of the basis for calculating comparable complementary paratransit fares.

### Free-Fare Zones

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Some transit agencies offer free trips on their fixed route system within a specific geographic area or on a specific route or set of routes. In cases where complementary paratransit riders are traveling between origins and destinations that are both within 3/4 mile of a zero-fare route, and the typical fixed route user would make use of this zero-fare route to make a comparable trip, applying the § 37.131(c) maximum fare provisions means the complementary paratransit fare for this trip is also zero. FTA recommends that agencies with free-fare zones that wish to determine whether a typical fixed route user would in fact take advantage of the free-fare option compare the following elements in their analysis:

- Regular fixed route fare (outside of free-fare zone)
- Frequency of the free service versus alternative service
- Need for transfers on the free versus alternative service
- Walking distances to and from the free service versus the alternative

Such an analysis would demonstrate that fixed route riders might walk to the nearest boarding point in the free-fare zone instead of boarding the nearest fixed route vehicle and transferring to the free-fare service. It might also demonstrate that individuals crossing the free-fare zone will typically use the regular fixed route system, while individuals traveling between points along the free-fare zone are more likely to use the free-fare service. This analysis would enable a transit agency to determine whether it may charge a fare for a given complementary paratransit trip from origins to destinations that are both within 3/4 mile of the free-fare zone.

In some cities, other entities such as downtown business districts or convention authorities assume the responsibility for paying the fixed route fare on a specific route or within a designated zone. Since from the perspective of the passenger, the fare is free, complementary paratransit fares within the designated zone would also be free, subject to the analysis outlined above. Therefore, FTA encourages transit agencies to consider including a requirement that the other entity also pay for complementary paratransit in any such arrangements they make.

### Fares for Personal Care Attendants and Companions

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When a personal care attendant (PCA) accompanies a complementary paratransit rider, the PCA must not be charged a fare. Transit agencies may charge a companion rider the same fare they charge the complementary paratransit rider, but a PCA must ride fare free. (See Circular Section 9.8.) The requirement for agencies to transport PCAs without charging a fare only applies to complementary paratransit and not to fixed route or general public demand responsive services.

### Negotiated Fares for Agency Trips

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Social service agencies and other organizations often have responsibilities for client transportation, and some of their clients may be ADA paratransit eligible. FTA encourages transit agencies and social service agencies to enter into coordinated service arrangements for these trips in such arrangements. Social service agencies often pay transit agencies for providing their clients with guaranteed rides to their programs. When providing agency trips, § 37.131(c)(4) states that “the entity may charge a fare higher than otherwise permitted by this paragraph to a social service agency or other organization for agency trips (i.e., trips guaranteed to the organization).” In other words, the negotiated reimbursement is not subject to the maximum complementary paratransit fare of twice the fixed route fare.

[Appendix D](#) to § 37.131 provides the following example:

If an agency wants 12 slots for a trip to the mall on Saturday for clients with disabilities, the agency makes the reservation for the trips in its name, the agency will be paying for the transportation, and the trips are reserved to the agency, for whichever 12 people the agency designates, the provider may then negotiate any price it can with the agency for the trips.

Agency trips may also include services that exceed the complementary paratransit requirements, including dictated rather than negotiated pickup times, direct travel between origins and destinations with no intervening pickups or drop-offs, service to and from points outside of the complementary paratransit service area, or service to individuals who are not ADA paratransit eligible.

When complementary paratransit riders travel to or from a social service agency or a program, such trips are not necessarily “agency trips” unless these trips are prearranged and funded as agency trips. Similarly, the fact that a social service agency employee assists a rider in making a trip reservation does not make the trip an agency trip. Appendix D also states:

We distinguish this situation from one in which an agency employee, as a service, calls and makes an individual reservation in the name of a client, where the client will be paying for the transportation.

## 8.4.7 Operating Without Regard to Trip Purpose

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### Requirement

“The entity shall not impose restrictions or priorities based on trip purpose” ([§ 37.131\(d\)](#)).

### Discussion

Just as individuals may ride a fixed route service for any purpose, complementary paratransit riders can also ride the complementary paratransit system for any purpose. Prioritizing one type of trip (e.g., work trips) over another (e.g., shopping trips) in the final scheduling and dispatching processes is prohibited.

As discussed in [Appendix D](#) § 37.131,

This is a simple and straightforward requirement. There can be no restrictions or priorities based on trip purpose in a comparable complementary paratransit system. When a user reserves a trip, the entity will need to know the origin, destination, time of travel, and how many people are traveling. The entity does not need to know why the person is traveling, and should not even ask.

The regulations permit a transit agency to set limitations based on trip purpose for any services it provides beyond the requirements. For example, an agency may limit subscription service or will-call trips to certain trip purposes. (See Circular Section 8.6.)

## 8.5 Avoiding Capacity Constraints

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### Requirement

“The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:

- (1) Restrictions on the number of trips an individual will be provided;
- (2) Waiting lists for access to the service; or



(3) Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.

(i) Such patterns or practices include, but are not limited to, the following:

(A) Substantial numbers of significantly untimely pickups for initial or return trips;

(B) Substantial numbers of trip denials or missed trips;

(C) Substantial numbers of trips with excessive trip lengths.

(ii) Operational problems attributable to causes beyond the control of the entity (including, but not limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists” ([§ 37.131\(f\)](#)).

## Discussion

As one of the most important complementary paratransit service requirements, § 37.131(f) prohibits a transit agency from operating complementary paratransit service in a manner that significantly limits the availability of the service through a “pattern or practice” of actions, commonly referred to as capacity constraints. Operational problems outside the control of the agency do not count as part of a pattern or practice under this provision.

### 8.5.1 Prohibition Against Limiting the Number of Trips

Policies that limit the number of trips, such as “no more than four trips per day,” would violate § 37.131(f)(1). It is appropriate for a transit agency, however, to consider in-vehicle times and pickup windows of two closely spaced trips by the same riders so they do not overlap. For example, a rider might request two trips: a pickup from home to travel to a store at 10 a.m. and a pickup at that store to go to a bank at 11 a.m. If the pickup window is 0/+30 minutes and the estimated travel time from home to the store is 35 minutes, an on-time pickup at 10:30 a.m. would deliver the rider to their first destination at 11:05 a.m., after the start of the second pickup window. For this particular origin-destination pair, an agency could justify not accepting the two trip requests separated by only 60 minutes. An appropriate trip policy in this instance would require the two trip requests to be at least 90 minutes apart (to allow a small amount of time at the destination).

### 8.5.2 Prohibition Against Waiting Lists

In the context of complementary paratransit operations, some reservation practices amount to waiting lists, which are prohibited by § 37.131(f)(2). Placing callers’ names on a list when the schedules are full and informing them they will be contacted if space becomes available would constitute a prohibited waiting list. Similarly, telling callers the schedules are full and suggesting they call back at a later time to see if space becomes available would be a waiting list.

Accepting a trip request during a reservation call and scheduling the trip later internally is not the same as placing a trip request on a prohibited waiting list. It may not always be possible for an agency to identify a scheduling solution during the course of a reservations call. In these instances, as long as the call-taker accepts the trip request and confirms the requested time with the rider, this is not a waiting list. Transit agencies that use this approach refer to these trips as “confirmed but unscheduled.” (See Circular Section 8.4.5.)

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### 8.5.3 Untimely Service – Prohibited Operational Practices

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As stated in § 37.131(f)(3)(i)(A), “substantial numbers of significantly untimely pickups for initial or return trips” are considered a capacity constraint and not permitted. The regulations do not provide an explicit threshold for what constitutes a “substantial number” or define “significantly untimely.”

Timely pickups and arrivals are fundamental elements of any transportation service. Poor on-time performance for complementary paratransit, whether for pickups or drop-offs (if scheduling to appointment times), may discourage riders from using such services and may discourage other individuals with disabilities from applying to become eligible riders.

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#### Pickup Windows and Timely Service

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As discussed in Circular Section 8.4.5, many transit agencies use pickup windows to enable shared-ride scheduling and manage the daily variability of complementary paratransit service. FTA considers pickups on time as long as drivers arrive at pickup locations within these established windows. For example, for a pickup window of 9–9:30 a.m., pickups at 9:01, 9:10, or 9:30 a.m. are all considered on time.

Many agencies have established a policy requiring drivers to wait at least 5 minutes for riders to board the vehicle after arriving at the pickup address. In such cases, it is important that such policies also require drivers to wait until the *start* of the pickup window to begin a 5-minute countdown and to wait until the full 5 minutes have elapsed before departing without the rider. For example, when the pickup window begins at 11 a.m. and the vehicle arrives at 10:55 a.m., the driver would wait for the rider at least until 11:05 a.m. before departing.

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#### On-Time, Early, and Late Pickups

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When assessing the timeliness of service, it is important to distinguish among on-time, early, and late pickups, as follows:

- On time – FTA considers pickups as on time when a driver arrives at the pickup location within the established pickup window.
- Early – FTA considers pickups early if a driver arrives and departs with the rider before the established pickup window begins.
- Late – FTA considers pickups late if a driver arrives after the end of the established pickup window and the rider boards the vehicle.

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#### Assessing On-Time Performance

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To maintain good service quality, most transit agencies establish a standard for on-time pickups, such as “X percent of pickups will be on-time (i.e., within the 30-minute window) or early.” In addition, some agencies have a standard related to very early pickups, such as “no more than Y percent of pickups will be more than Z minutes before the start of the on-time window.”

In order to ensure that a pattern or practice of substantial numbers of untimely pickups is not occurring, FTA expects transit agencies to document and analyze on-time performance. Analyzing on-time performance enables agencies to make appropriate operational changes when performance falls below an established standard. Ensuring that the number of significantly untimely pickups is not substantial means accurately recording arrival times in relation to scheduled pickup times and compiling this information for analysis. (Missed trips need their own separate analysis, which is discussed in Circular Section 8.5.4.)

When calculating on-time performance, transit agencies often combine early pickups together with on-time pickups when documenting on-time performance. While such an approach is appropriate for analysis purposes, it is not appropriate to pressure or require riders to board and depart earlier than the established pickup window. To avoid this, some agency policies direct drivers to wait “around the corner” and to not



attempt a pickup until the start of the window. For analysis purposes, transit agencies typically report this combined metric as “early arrivals plus on-time arrivals” and separately track the number and rate of early pickups, late pickups, and on-time pickups. FTA recommends that agencies review their scheduling practices and overall capacity whenever the analysis shows a high number and rate of early pickups (e.g., the vehicle consistently arrives before the start of a rider’s pickup window).

In addition, for the on-time performance analysis, FTA considers instances when drivers arrive on time and follow transit agency policies (e.g., wait the full 5 minutes), and riders are still no-shows, as on-time arrivals.

Operational problems attributable to causes beyond a transit agency’s control, such as weather or traffic conditions that could not be anticipated at the time the trip was scheduled, are not a basis for determining that capacity constraints exist. However, scheduling practices that fail to take into account regularly occurring traffic conditions (i.e., known peak-period traffic delays) could result in prohibited capacity constraints.

## 8.5.4 Trip Denials and Missed Trips – Prohibited Operational Practices

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A transit agency cannot have substantial numbers of trip denials and missed trips, as they are also considered capacity constraints and are not permitted under § 37.131(f)(3)(i)(B).

### Trip Denials

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Trip denials result when agencies do not accept trip requests. Avoiding denials means properly planning service, allocating resources, and managing operations in order to meet 100 percent of expected demand.

Examples of trip denials include:

- A rider requests a next-day trip and the transit agency says it cannot provide that trip.
- A rider requests a next-day trip and the transit agency can only offer a trip that is outside of the 1-hour negotiating window. This represents a denial regardless of whether the rider accepts such an offer.
- A rider requests a round-trip and the agency can only provide one leg of the trip. If the rider does not take the offered one-way trip, both portions of the trip are denials.

Counting the number of denials means accounting for *all* trips that the rider is unable to take because of a denial. For example, say a transit agency denies a rider the outbound portion of a requested round-trip and only offers a return trip. If the rider then elects not to travel at all, this represents two denials. However, if an agency denies a “going” trip and the rider accepts a return trip, then this is counted as one denial. The [preamble](#) to DOT’s September 2011 amendment to its ADA regulations offered the following statement with respect to counting trip denials and missed trips:

The Department believes that when a denied or missed trip makes a subsequent requested trip impossible, two opportunities to travel have been lost from the point of view of the passenger. In the context of a statute and regulation intended to protect the opportunities of passengers with disabilities to use transportation systems in a nondiscriminatory way, that is the point of view that most matters. To count denials otherwise would understate the performance deficit of the operator. The complementary paratransit operator obviously would not need to count as a denial a trip that was actually made (e.g., trip from Point A to Point B missed, passenger gets to Point B in a taxi, and complementary paratransit operator carries him from Point B back to Point A).

In order to ensure that a pattern or practice of substantial numbers of trip denials is not occurring, FTA expects transit agencies to document and analyze trip denials. FTA recommends including such details as the rider’s identification, date of request, date and time of requested trip(s), origin and destination, and

reason for denial. Reviewing the characteristics of these denials can help an agency determine their underlying causes in order to take steps necessary to prevent future denials.

## Missed Trips

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Missed trips, which are caused by agencies and not by riders, result from trips that are requested, confirmed, and scheduled, but do not take place because:

- The vehicle arrives and leaves before the beginning of the pickup window without picking up the rider and without any indication from the rider that he or she no longer wants to make the trip. Note that a rider is not obligated to board until the beginning of the pickup window or—for transit agencies that have a 5-minute wait-time policy—from the start of the pickup window until 5 minutes have elapsed.
- The vehicle does not wait the required time within the pickup window, there is no contact with the rider, and the vehicle departs without the rider. Note that if during the wait time the rider indicates he or she no longer wants to take the trip, this is typically recorded as a “cancel at the door.”
- The vehicle arrives after the end of the pickup window and departs without picking up the rider (either because the rider is not there or declines to take the trip because it is now late).
- The vehicle does not arrive at the pickup location.

Based on reviews conducted by the FTA Office of Civil Rights, transit agencies experiencing high rates of missed trips due to late arrivals often need to add capacity.

As discussed above, riders are not obligated to board the vehicle before the start of pickup windows. In addition, in cases when vehicles arrive after the end of pickup windows, riders can choose to board vehicles, but if they refuse trips because they are late, FTA considers these as missed trips and not no-shows or “late cancellations” on the part of riders. (See Circular Section 9.12.)

When riders do not board as scheduled, communication between drivers and dispatchers can often resolve issues. Dispatchers can verify the pickup location (through a combination of an automated vehicle location system and driver information), the vehicle arrival time, and the negotiated pickup time and associated on-time window. After confirming the information, dispatchers can then be confident in directing drivers and in documenting such events in their records. To help minimize the likelihood of both missed trips and passenger no-shows, dispatchers (and supervisors) can instruct drivers who arrive early to wait the full wait time (established by each transit agency) within the on-time window. Finally, it is important to ensure that dispatchers differentiate and record no-shows and missed trips appropriately.

Given the prohibition against a pattern or practice of a substantial number of missed trips, FTA expects transit agencies to document and analyze missed trips. Such analyses can identify potential geocoding errors or problems in the underlying maps used for scheduling trips. Analysis of actual vehicle arrival and departure times, as well as dispatcher notes, will also help to ensure that the documentation of events is accurate.

When missed trips arise from improper actions by drivers and dispatchers (e.g., dispatchers of a transit agency with a 5-minute wait time policy advise, “Wait 3 minutes, then you can leave,” or drivers leave early without first contacting dispatchers), the appropriate remedy is typically proper training or re-training (see Circular Section 2.9), any applicable disciplinary action, and subsequent performance monitoring.

### 8.5.5 Excessive Trip Lengths – Prohibited Operational Practices

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The length of complementary paratransit trips (also called travel time, trip duration, on-board time, or in-vehicle time) is another important measure of service. A pattern or practice of substantial numbers of trips with excessive trip lengths is a form of capacity constraint per § 37.131(f)(3)(i)(C); excessively long trips may discourage riders from using complementary paratransit services.

It is important to understand that “excessive” is in comparison to the time required to make a similar trip using the fixed route system; while a 1-hour travel time for a 5-mile complementary paratransit trip may seem excessive in the abstract, if the same trip takes an hour using the fixed route system, it is comparable, not excessive. Complementary 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.

#### Trip-Length Standards

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To help minimize the number of excessively long trips, transit agencies typically establish a trip-length performance standard, defined in relation to the length of comparable fixed route trips (as presented below). As with other policies, public input is valuable to inform such a standard.

FTA notes that transit agencies may consider all elements of fixed route trips between origins and destinations when determining comparability in paratransit travel time, including:

- Walking time to the stop/station from the origin address
- Waiting time
- In-vehicle time (for all trip segments)
- Transfer times (if any)
- Walking time from the final stop/station to the destination address

Some agencies have adopted policies based on absolute maximum trip lengths. Such standards do not properly reflect comparability to the length of time a specific trip would take on fixed route. For example, having a standard that no complementary paratransit trip can exceed 90 minutes is not appropriate for comparing short trips taken on the fixed route system.

Some agencies also allow complementary paratransit ride times to be up to a multiple of the fixed route ride time (e.g., twice as long). Such standards are not reasonable or appropriate for longer trips. Allowing rides on complementary paratransit to be up to 2 hours for trips that took 1 hour by fixed route would be outside the bounds of comparability. FTA encourages standards that are variable and consider trip distances and associated travel times on fixed route. Many transit agencies using scheduling software set system parameters to address trips of varying length (rather than just set single, global settings).

To account for in-vehicle time and transfer times that may vary by day of week and time of day, FTA encourages transit agencies to use performance standards that account for such variations. Many agencies now have online trip planners that estimate the varying travel times for specific trips. However, the calculation of trip lengths for comparable fixed route trips can be time consuming, even when aided by an online trip planner. FTA suggests analyzing a sample of complementary paratransit trip lengths periodically (weekly or monthly), focusing on trips longer than a certain duration (e.g., more than 45 or 60 minutes).

As with on-time performance, operational problems that are attributable to causes beyond the control of the transit agency are not a basis for determining that a pattern or practice of excessive trip length exists. However, effective complementary paratransit operations account for recurring factors such as known peak-period traffic conditions. FTA encourages transit agencies to establish travel time performance

standards, such as “at least X percent of complementary paratransit trips shall have travel times equal to or less than comparable fixed route travel times,” and expects agencies to closely monitor trip length performance. By monitoring and analyzing trip lengths, agencies can be aware of service issues and, if necessary, make operational adjustments to improve performance.

## 8.5.6 Other Potential Limits to Paratransit Service Availability

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While § 37.131(f)(3)(i) lists three examples of patterns or practices that significantly limit the availability of service, the regulations specifically prohibit “any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons” (§ 37.131(f)(3)). Other capacity constraints, including untimely drop-offs, poor telephone performance, and general practices that can discourage use of complementary paratransit, are discussed in this section.

### Untimely Drop-Offs

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All travelers using a transportation provider to travel to a time-sensitive appointment want to have confidence in the provider’s reliability. This is also true for complementary paratransit. Frequently arriving late to appointments could discourage use of the service. As such, FTA considers a pattern or practice of untimely drop-offs for trips with stated appointment times as a capacity constraint. As in pickup performance, monitoring on-time performance for trips with requested drop-offs is necessary. If the analysis indicates a pattern of late drop-offs, agencies can then make appropriate operational changes.

FTA encourages establishing policies to drop off riders no more than 30 minutes before appointment times and no later than appointment times. Some transit agencies schedule drop-offs no later than 5 minutes before appointment times to allow riders time to get from vehicles to appointments.

### Poor Telephone Performance

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Despite the increasing use of other technologies, the telephone remains the primary means for complementary paratransit riders to request trips and to check on the status of a ride. Poor telephone performance can limit the availability of complementary paratransit service to ADA paratransit eligible riders and has the potential to constitute a capacity constraint under § 37.131(f)(3)(i).

Properly functioning telephone systems for complementary paratransit have sufficient capacity to handle calls from riders, along with the appropriate staffing to answer calls in a timely manner; they do not have busy signals or excessively long hold times. For trip reservations, interactive voice response systems or online transactions offer alternatives to personal communications, but telephone calls with transit agency employees often remain the best communication method for many riders. Telephone conversations are especially helpful when riders have a complicated request or are checking on the status of a trip. (See Circular Section 2.8.3.)

Promptly responding to trip-status calls for late pickups, commonly known as “where’s my ride?” calls, is especially important. Riders may not be in a suitable position to remain on hold while waiting for a response from transit agency representatives.

Besides making reservations and checking on trip status, complementary paratransit riders may call transit agencies to:

- Cancel or revise previous reservations
- Confirm times for future trips
- Obtain information on eligibility and other service issues

While these calls may be less time sensitive than trip-status calls, good customer service also includes having the capacity to answer and respond to such requests in a timely manner.

Long secondary hold times can also be a constraint. Calls may be answered, but then put back on hold or transferred to another line where a long hold occurs. Tracking such secondary holds can be difficult and is typically done through first-hand observations of the service.

#### Setting Telephone Hold-Time Standards

To evaluate their telephone performance, many transit agencies have established performance standards for telephone hold times. An optional good practice is to define a minimum percentage (e.g., X percent) of calls with hold times shorter than a specific threshold (e.g., 2 minutes) and a second (higher) percentage (e.g., Y percent) of calls with hold times shorter than a longer threshold (e.g., 5 minutes).

FTA discourages the use of performance standards based on *average* hold times over a defined period because doing so can mask poor performance at certain times. If using average hold times, however, it is important to narrow the period within which the averages are calculated. Measuring averages over an entire day, week, or month can obscure any issues. FTA recommends measuring averages over hourly periods. The standard using average hold times would then be set as a minimum percentage (e.g., X percent) of hours for which the average hold times are shorter than one threshold (e.g., 1 minute), and a second (higher) percentage (e.g., Y percent) of hours for which the average hold times are shorter than a second (higher) threshold (e.g., 3 minutes).

When transit agencies direct calls to different lines depending on the purpose of the call (e.g., reservation lines and dispatch lines), applying these standards to all public lines provides transit agencies with a complete view of their phone service. Another optional good practice is for agencies to track performance for each telephone line separately.

#### Automatic Call Distribution Systems

Larger transit agencies use an automatic call distribution (ACD) system to measure the number and length of calls placed on hold. Besides assigning incoming calls to reservationists, such systems can measure hold times and the length of calls by time of day. These measurements enable agencies to analyze call patterns to determine the percentage of calls that exceeded the standard and identify when these calls took place. Based on this analysis, agencies can make suitable adjustments to reduce hold times.

Smaller transit agencies—or the contractors who accept calls on their behalf—may not have ACD technology. Instead, they may have telephone systems that forward incoming calls to available open lines. When using this approach, FTA encourages agencies to use other methods to determine if calls are placed on hold. A simple way to test telephone capacity is to place calls from outside locations during the busiest times to see if there are busy signals or if the calls are placed on hold. Agencies can also make first-hand observations in the reservation office and manually record hold times.

If hold times are excessive at particular periods during the week, FTA recommends first determining if sufficient telephone capacity and workstations exist to handle peak volumes. If the technology is sufficient, transit agencies might then add reservationists or reassign reservationists' hours to better match peak demand.

#### Taking Calls in Languages Other Than English

Transit agencies that receive federal funds also have obligations under Title VI of the Civil Rights Act of 1964 for ensuring individuals with limited English proficiency (LEP) can access their programs and activities. These obligations are described in FTA's [Title VI Circular 4702.1B](#), Chapter III-6. Because of these requirements, and in response to customer needs, some agencies employ reservationists who have been assessed for competency in English and a non-English language. An insufficient number of reservationists available to respond to calls in the caller's language can lead to longer-than-average hold times for these LEP callers and therefore may constitute a capacity constraint affecting this group. An

agency may also decide to subscribe to a remote interpreter service that provides real-time interpretation in multiple languages.

#### Limiting the Number of Trip Requests per Call

Some transit agencies have adopted the policy of limiting the number of trip reservations per call to reduce the amount of time reservationists spend with each caller. However, if riders want to make more trip reservations than a policy allows for a single call, they will simply make multiple calls. This places an unnecessary burden on riders and leads to higher call volumes. Often, multiple trip requests occur because riders are scheduling repeat trips for the next several days and subscription service is not available or is limited. If this is the case, FTA encourages agencies to consider making subscription service available, or expanding the amount of subscription service provided. (See Circular Section 8.6.)

#### Discouraging Use of the Service

Other practices that discourage individuals from applying for or using complementary paratransit may also constitute capacity constraints. Here are some examples of actions that potentially limit service:

- A transit agency omits the availability of complementary paratransit service from its public information.
- A transit agency operates demand responsive service for senior citizens in addition to its complementary paratransit service. For individuals who are 65 years or older, the agency only provides an application for its senior service when these individuals inquire about travel options.
- An individual lives in a private senior housing community that provides a van service on weekdays between 8 a.m. and 5 p.m. When that individual calls a transit agency to learn about how to get transportation on weekends, the agency suggests that they reschedule the trip for a weekday when the van service is operating.

At the same time, FTA encourages transit agencies to coordinate their complementary paratransit services with their other services available for individuals with disabilities, as well as transportation services provided and/or funded by other public agencies and private organizations. Similarly, FTA encourages agencies to inform current and potential complementary paratransit riders of the range of transportation options available in their service area. FTA especially encourages agencies to establish travel training programs that promote the use of fixed route services for individuals who have the ability to use the fixed route for a portion of their trips. Making sure people are aware of their transportation options so that they can make informed decisions is very different from discouraging complementary paratransit use.

### 8.5.7 Identifying and Addressing Patterns and Practices in Capacity Constraints

For any of the capacity constraints discussed earlier in this chapter, either due to policies or resulting from operational practices, FTA encourages transit agencies when monitoring their service delivery to consider performance, not only in terms of systemwide percentages and frequency, but to also in terms of potential patterns. Agencies can search for instances of patterns of poor service in the following areas:

- Certain portion(s) of the service area
- Certain destinations
- Certain day(s) of week or time(s) of day
- Ambulatory versus non-ambulatory riders (particularly when using a mix of accessible and inaccessible vehicles)
- Certain individuals

Below are several examples of patterns of poor service quality that are not necessarily apparent at the system level.



- A transit agency's on-time pickup performance might be very high on a systemwide basis. However, a more detailed analysis of performance may indicate that on-time performance on weekday mornings is significantly lower, or that trips for riders who need accessible vehicles have much lower rates of on-time performance. A reallocation of existing resources might remedy this problem, but in some cases this situation might require additional resources.
- A transit agency's overall telephone hold time might be very good. However, particular hours during the week may have significantly longer average hold times. This may result from higher call volume and/or lower staffing levels during these hours.

An agency can review these and other components of its complementary paratransit service for subsets of riders to identify potential patterns of poor service quality that could deny or limit service for them, and potentially discourage use of the service.

### 8.5.8 Circumstances Beyond a Transit Agency's Control

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As stated in § 37.131(f)(3)(ii), certain causes of poor complementary paratransit service are beyond a transit agency's control and, therefore, are not causes for determining whether a pattern or practice exists. These situations include, for example, severe inclement weather, unpredictable traffic delays, and occasional vehicle breakdowns. Although it is not possible to plan for all conditions that disrupt service, FTA encourages agencies to plan for disruptions or delays as follows:

- Rain or snow may cause vehicles to fall behind schedule. However, if there is snow on the roads from a previous storm, transit agencies can adjust schedules to account for slower vehicle speeds.
- Some traffic conditions cannot be anticipated. However, transit agencies can base their run schedules on the assumption that vehicles travel at lower speeds during peak periods—just as fixed route schedules assume longer travel times during the morning and afternoon peaks—or can determine where and when heavy traffic is predictable and incorporate such delays into scheduling.
- While vehicle breakdowns cannot be anticipated, many transit agencies have readily available backup capacity that allows for rapid response when breakdowns occur, such as “floater” vehicles, backup drivers, or supervisors who can respond with spare vehicles. Agencies can also contract with other providers for backup service on an as-needed basis.

An excessive number of breakdowns may be due to poor maintenance practices or running vehicles past their useful lives. Such instances are within transit agencies' control and are not justifications for poor performance.

## 8.6 Subscription Service

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### Requirement

“[Part 37] does not prohibit the use of subscription service by public entities as part of a complementary paratransit system, subject to the limitations in this section” ([§ 37.133\(a\)](#)).

“Subscription service may not absorb more than fifty percent of the number of trips available at a given time of day, unless there is non-subscription capacity” ([§ 37.133\(b\)](#)).

“Notwithstanding any other provision of [Part 37], the entity may establish waiting lists or other capacity constraints and trip purpose restrictions or priorities for participation in the subscription service only” ([§ 37.133\(c\)](#)).

## Discussion

This requirement establishes the parameters for implementing subscription service as a method of efficient reservations and scheduling for trips with a repeated pattern—same origin and destination, same pickup or drop-off time, and same day(s). Riders subscribe to the service once and then transit agencies provide the repeated service. Some agencies require riders to make a minimum number of trips per week to qualify for subscription service. Typical uses for subscription service include:

- Traveling to work or school each weekday
- Traveling to dialysis or other medical appointments several times per week
- Traveling to religious services once per week

After riders and transit agencies set up the subscription service, there is no need to make further arrangements until a rider's travel needs change.

Subscription service is helpful both to transit agencies and the riders who receive it. For agencies, such service provides predictability for a portion of their service, so they can assign these trips to vehicle runs in advance. Because riders only have to call once, subscription trips make traveling easier for riders and can lower call volumes for agencies.

While subscription service is generally beneficial, requests may need to be reviewed for efficiency. Some trips may run counter to the typical travel flows and may then not be able to be effectively grouped with other requests. In addition, placement of subscription trips on the most efficient runs may also change over time. An optional good practice is to have schedulers regularly review requests for subscription service and to actively manage subscription trips that have been accepted.

Subscription trips are still complementary paratransit trips. Even if transit agencies choose to reserve and schedule certain trips in this way, trips reserved and scheduled on a subscription basis remain subject to the regulatory requirements pertaining to service performance (e.g., agencies must ensure trip lengths are comparable to the fixed route and pickups are timely).

### 8.6.1 Limits on Subscription Trips Under Certain Circumstances

Section 37.133(b) allows a transit agency to provide subscription service as any proportion of its total complementary paratransit service as long as it has capacity for demand trips (i.e., non-subscription trips). However, when agencies experience capacity constraints on particular days or times, then subscription service may not absorb more than 50 percent of the number of trips available at a given time of day. For example, if an agency only has the capacity to provide 50 complementary paratransit trips between 8 a.m. and 9 a.m. Mondays, then the number of subscription trips during that period is limited to 25, since capacity constraints are present during that hour. Some agencies limit subscription service to 50 percent of available capacity even if they never experience capacity constraints.

## 8.7 Exceeding Minimum Requirements (Premium Service)

### Requirement

“Public entities may provide complementary paratransit service to ADA paratransit eligible individuals exceeding that provided for in this section. However, only the cost of service provided for in this section may be considered in a public entity's request for an undue financial burden waiver under §§ 37.151–37.155 of [Part 37]” ([§ 37.131\(g\)](#)).



## Discussion

The following are examples of services that can be viewed as a form of premium service:

- Same-day trips
- “Will-call” trips
- Trips beyond the defined service area
- Trips before or after the established service hours

Because premium services are optional under § 37.131(g) and otherwise do not fall under the complementary paratransit requirements, transit agencies may charge higher fares for premium service trips. For example, agencies may charge higher fares for trips requested on the same day of service. The exact fare for this extra service is a local decision.

In addition, transit agencies have the option to limit premium service to certain types of trips, where such a distinction would not be allowed for standard complementary paratransit service. For example:

- An agency provides out-of-area service, but only for trips associated with appointments to regional medical centers.
- An agency’s regular service hours on weekdays begin at 5 a.m., but its complementary paratransit service makes earlier pickups for riders going to dialysis treatment.

It is important to ensure that providing premium service does not lead to lower service quality for riders using the regular complementary paratransit service. For example, providing trips beyond the minimum service area is inadvisable if doing so might limit the service quality for trips within the 3/4-mile service area.

FTA recommends that transit agencies obtain public input when developing premium services, particularly when imposing premium fares. For more information on exceeding minimum requirements, see FTA Bulletin [“Premium Charges for Paratransit Services.”](#)

## 8.8 Complementary Paratransit Plans

Most of the Part 37 Subpart F requirements for complementary paratransit plans and related updates in [§§ 37.135–37.155](#) pertain to transit agencies’ transitions to compliance with the regulations, from issuance of the requirements in 1991 to full compliance by 1997. In 1996, DOT amended the regulations to eliminate the requirement for annual updates to complementary paratransit plans. While some agencies may continue to update their plans for their own internal planning purposes, the annual updates are no longer required under the regulations. Because the need to develop a complementary paratransit plan is now rare, this Circular does not discuss plan requirements in depth. There are three circumstances, however, where an agency may still be required to prepare a paratransit plan:

- An agency is starting up a new fixed route service that will require complementary paratransit service.
- A previously compliant transit agency has determined that it is falling short of compliance and reported the change in circumstances to FTA, as required.
- FTA determines or believes a transit agency may not be fully complying with all service criteria.

FTA notes that transit agencies are required to implement complementary paratransit service at the same time they introduce new fixed route service; implementation of complementary paratransit at a later date is not permitted.

## 8.9 Ongoing Public Participation

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### Requirement

“*Ongoing requirement.* The entity shall create an ongoing mechanism for the participation of individuals with disabilities in the continued development and assessment of services to persons with disabilities. This includes, but is not limited to, the development of the initial plan, any request for an undue financial burden waiver, and each annual submission” ([§ 37.137\(c\)](#)).

### Discussion

A transit agency must have ways to obtain feedback from the disability community on its paratransit service. Examples of ongoing participation mechanisms include citizen or rider committees and holding periodic meetings and workshops. This input is very important when transit agencies are considering modifications to complementary paratransit service policies, particularly when such modifications result in reductions in service.

In addition, when considering fare increases or major reductions in service, there are § 5307 requirements for public comment on fare and service changes. The law requires transit agencies receiving § 5307 urbanized area formula grants to certify that they have “a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation service” ([49 U.S.C. § 5307\(d\)\(1\)\(D\)](#)). A major reduction in fixed route service must also include consideration of the impact on complementary paratransit service.

# Chapter 9 – ADA Paratransit Eligibility

## 9.1 Introduction

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As described in Circular Chapter 8, public entities that operate non-commuter fixed route bus or rail services are required to provide complementary paratransit services. This chapter explains the U.S. Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations in 49 CFR Part 37 Subpart F related to eligibility for complementary paratransit, covering who is eligible and the requirements for eligibility determinations.

This Circular does not alter, amend, supersede, or otherwise affect the DOT ADA regulations themselves or replace the need for readers to reference the detailed information in the regulations. FTA recommendations and examples of optional practices are included throughout the Circular and do not represent requirements. FTA recognizes there are many different ways agencies can implement the regulatory requirements and ensure the delivery of compliant service. FTA encourages transit agencies to engage riders with disabilities when making decisions about local transit service.

## 9.2 Eligibility Standards

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### Requirement

“[Transit agencies] required by § 37.121 . . . to provide complementary paratransit service shall provide the service to the ADA paratransit eligible individuals described in [§ 37.123(e)]” ([§ 37.123\(a\)](#)).

### Discussion

As a civil rights statute, the ADA emphasizes nondiscriminatory access to fixed route services. Complementary paratransit service is intended to serve as a “safety net” for individuals who, because of their disabilities, are unable to use fixed route services, as discussed in [Appendix D](#) to § 37.121. The criteria for ADA paratransit eligibility, spelled out in § 37.123 and discussed below, reflect the safety net role of complementary paratransit.

### 9.2.1 Eligible Individuals

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Eligibility for complementary paratransit is directly related to the functional ability of individuals with disabilities to use fixed route transit services. Eligibility is not based on a diagnosis or type of disability. Individuals with the same diagnosis or disability can have very different functional abilities to use fixed route services. Similarly, eligibility is not based on the type of mobility aids that individuals use. Use of a wheelchair does not imply automatic eligibility, for example, since many individuals who use wheelchairs are able to use fixed route services for many or all of their trips. Nor is ADA paratransit eligibility based on age, income, or whether or not individuals can drive or have access to private automobile transportation.

The regulations define criteria for determining whether individuals with disabilities are ADA paratransit eligible based on their ability to use fixed route services. [Appendix D](#) to § 37.123 breaks eligibility types into three categories, which are described further below.

## Eligibility Category 1 – Inability to Navigate System Independently

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### Requirement

“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]” ([§ 37.123\(e\)\(1\)](#)).

### Discussion

The first category of eligibility includes individuals who, because of their disabilities, cannot independently navigate and use accessible fixed route services. In determining eligibility under this category, basic required assistance from vehicle operators may be assumed (e.g., help with using vehicle lifts or ramps).

Examples of eligibility under this category include:

- Individuals with intellectual or cognitive disabilities who cannot navigate the system. These individuals may not be able to understand, remember, or independently undertake the actions necessary to plan and use fixed route transit services. They also may not be oriented to person, place, and time, which are necessary abilities for independent travel by fixed route transit.
- Individuals with intellectual or cognitive disabilities who may have the functional ability to use a single bus route, but who are unable to make complex trips that require transfers between routes.
- Individuals with vision disabilities who cannot navigate through complex transit stations.
- Individuals with intellectual, cognitive, or vision disabilities who have received travel training or orientation and mobility instruction to make specific trips, but who are unable to use fixed route service for trips they have not been successfully trained to take.
- Individuals with significant psychiatric disabilities who cannot complete the tasks necessary to ride fixed route service independently. For example, some individuals with severe anxiety disorders may experience overwhelming physical and psychiatric reactions that prevent them from concentrating on and completing the tasks needed to independently use fixed route transit.
- Individuals with physical disabilities who can ride while seated but not while standing on a moving vehicle and who cannot be guaranteed a seat on a vehicle at all times of the day.
- Individuals with psychiatric or seizure conditions whose medications affect balance, memory, or other functional abilities needed to independently use fixed route transit.
- Individuals with significant intellectual or psychiatric conditions that impair judgment and decisionmaking ability needed to travel safely and independently on fixed route services.

Regarding the last example above, the legislative history indicates that general public safety concerns such as using fixed route transit late at night or in certain high-crime areas are not a basis for conferring eligibility under this category. However, individuals whose judgment, awareness, and decisionmaking are significantly affected by a disability and who would be at unreasonable risk if they attempted to use the fixed route service independently are eligible. This might apply to an individual with an intellectual disability lacking the judgment and awareness to respond appropriately to strangers and thus could be at significant risk when using fixed route service independently.

To some degree, the size and complexity of the fixed route system and a transit agency’s operating policies may affect eligibility under this category. For example, individuals may be able to navigate a rural fixed route system with a limited number of routes or local community bus services, but they may not be able to independently navigate complex transit stations in larger cities. Similarly, individuals with balance issues may be assured of getting a seat when riding buses in rural areas, but cannot be guaranteed

a seat on crowded urban systems. However, if an agency were to adopt an operating policy ensuring all riders with disabilities a seat, such a policy might allow individuals with balance issues to use the agency's fixed route services.

## Eligibility Category 2 – Lack of Accessible Vehicles, Stations, or Bus Stops

### Requirement

“Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route [is eligible for ADA paratransit].

(i) An individual is eligible under this paragraph with respect to travel on an otherwise accessible route on which the boarding or disembarking location which the individual would use is one at which boarding or disembarking from the vehicle is precluded as provided in § 37.167(g) of [Part 37].

(ii) An individual using a common wheelchair is eligible under this paragraph if the individual's wheelchair cannot be accommodated on an existing vehicle (e.g., because the vehicle's lift does not meet the standards of Part 38 of this title), even if that vehicle is accessible to other individuals with disabilities and their mobility wheelchairs.<sup>1</sup>

(iii) With respect to rail systems, an individual is eligible under this paragraph if the individual could use an accessible rail system, but—

(A) There is not yet one accessible car per train on the system; or

(B) Key stations have not yet been made accessible” ([§ 37.123\(e\)\(2\)](#)).

### Discussion

Individuals are eligible for complementary paratransit service under Category 2 if accessible vehicles are not being used to provide service on the bus route they wish to use, if a boarding or disembarking location is inaccessible, or if key stations are not yet accessible. (See Circular Section 3.9.) The determination under Category 2 is specific to the routes, stops, or stations that individuals need to use. As fixed route systems become more accessible, eligibility under this category will continue to become less common.

### Accessible Bus Service

A bus route is considered accessible under this category when *all* buses scheduled on the route are accessible. When only some of the runs on a route are accessible (e.g., every other run), the route itself is considered inaccessible, and individuals with disabilities who require accessible fixed route vehicles are eligible for complementary paratransit travel anywhere in that bus corridor.

[Section 37.7](#) considers fixed route buses to be accessible if they meet or exceed the [Part 38](#) vehicle specifications. (See Circular Section 4.2.) If buses do not have lifts, ramps, or securement systems that comply with the Part 38 standards, individuals who use wheelchairs who could otherwise travel on accessible vehicles are eligible for complementary paratransit service. This provision was more relevant immediately following the ADA's enactment in 1991, since many of the buses in use at the time were

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<sup>1</sup> When amending the DOT ADA regulations in 2011, DOT removed the “common wheelchair” concept. (See Circular Section 2.4.1.)

inaccessible. Because virtually all buses used in fixed route service are now accessible, this is no longer a significant factor in ADA paratransit eligibility.

### Bus Stop Accessibility

When drivers cannot deploy lifts or ramps at a particular bus stop, Category 2 applies to individuals whose trips involve using that stop. Category 2 also applies to a stop at which drivers can deploy lifts or ramps but individuals cannot use them because the stop itself is inaccessible. As discussed in [Appendix D](#) to § 37.123,

If the lift on a vehicle cannot be deployed at a particular stop, an individual is eligible for paratransit under this category with respect to the service to the inaccessible stop. If on otherwise accessible route 1, an individual wants to travel from Point A to Point E, and the lift cannot be deployed at E, the individual is eligible for paratransit for the trip. . . . This is true even though service from Point A to all other points on the line is fully accessible. In this circumstance, the entity should probably think seriously about working with the local government involved to have the stop moved or made accessible.

When we say that a lift cannot be deployed, we mean literally that the mechanism will not work at the location to permit a wheelchair user or other person with a disability to disembark or that the lift will be damaged if it is used there. It is not consistent with the rule for a transit provider to declare a stop off-limits to someone who uses the lift while allowing other passengers to use the stop. However, if temporary conditions not under the operator's control (e.g., construction, an accident, a landslide) make it so hazardous for anyone to disembark that the stop is temporarily out of service for all passengers . . . the operator [may] refuse to allow a passenger to disembark using the lift.

While nearly all fixed route buses are now accessible, most transit systems have some inaccessible bus stops, particularly in cases where someone else owns the stop (e.g., municipalities or other entities).

### Accessible Rail Service

For light rail and rapid rail systems, individuals are eligible under this category if the rail line they need to use does not have at least one accessible car per train or if stations on that line are not accessible.<sup>2</sup> Eligibility based on the inaccessibility of a rail system is unchanged even when fully accessible fixed route bus service is also available in the area. As discussed in [Appendix D](#) to § 37.123, this is required because:

[P]eople use rail systems for different kinds of trips than bus systems. It would often take much more in the way of time, trouble, and transfers for a person to go on the buses of one or more transit authorities than to have a direct trip provided by the rail operator. Since bus route systems are often designed to feed rail systems rather than duplicate them, it may often be true that “you can’t get there from here” relying entirely on bus routes or the paratransit service area that parallels them.

FTA notes that accessibility of rail systems depends not just on having at least one accessible car per train and on having accessible stations, but also depends on the platform-to-car interface. Depending on whether new or retrofitted vehicles are operating in new, existing, or key stations, the platform-to-rail-car gap can be as large as 2 inches vertically and as much as 4 inches horizontally; individuals for whom this represents a barrier to the use of the station would be eligible for complementary paratransit when traveling to and from locations within 3/4 mile of two different rail stations. (See Circular Section 0.)

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<sup>2</sup> The deadline for compliance with the one-car-per train requirement expired on July 26, 1995; there should no longer be any circumstances under which a train with no accessible cars is encountered.

## Eligibility Category 3 – Inability to Reach a Boarding Point or Final Destination

### Requirement

“Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system [is eligible for ADA paratransit].

(i) Only a specific impairment-related condition which prevents the individual from traveling to a boarding location or from a disembarking location is a basis for eligibility under this paragraph. A condition which makes traveling to boarding location or from a disembarking location more difficult for a person with a specific impairment-related condition than for an individual who does not have the condition, but does not prevent the travel, is not a basis for eligibility under this paragraph.

(ii) Architectural barriers not under the control of the public entity providing fixed route service and environmental barriers (e.g., distance, terrain, weather) do not, standing alone, form a basis for eligibility under this paragraph. The interaction of such barriers with an individual’s specific impairment-related condition may form a basis for eligibility under this paragraph, if the effect is to prevent the individual from traveling to a boarding location or from a disembarking location” ([§ 37.123\(e\)\(3\)](#)).

### Discussion

Under Category 3, individuals are ADA paratransit eligible only if their disability (“specific impairment-related condition”) prevents them from traveling to or from fixed route transit stops and stations. Individuals are not ADA paratransit eligible if getting to or from fixed route stops and stations is only more difficult or inconvenient. [Appendix D](#) to § 37.123 offers the following guidance on how to determine if travel to and from stops and stations is “prevented” or simply “difficult”:

Inevitably, some judgment is required to distinguish between situations in which travel is prevented and situations in which it is merely made more difficult. In the Department’s view, a case of “prevented travel” can be made not only where travel is literally impossible (e.g., someone cannot find the bus stop, someone cannot push a wheelchair through the foot of snow or up a steep hill) but also where the difficulties are so substantial that a reasonable person with the impairment-related condition in question would be deterred from making the trip.

Figure 9-1 illustrates this concept of a “reasonable person test.” At the left end of the spectrum, traveling to or from stops and stations rather than receiving origin-to-destination service may be more difficult or inconvenient and eligibility is not conferred. At the right end of the spectrum, it may be impossible for individuals with disabilities to get to or from stops and stations. At some point along this spectrum, getting to or from stops and stations becomes an unreasonable effort or risk for individuals with disabilities. It is at this point that ADA paratransit eligibility is granted.

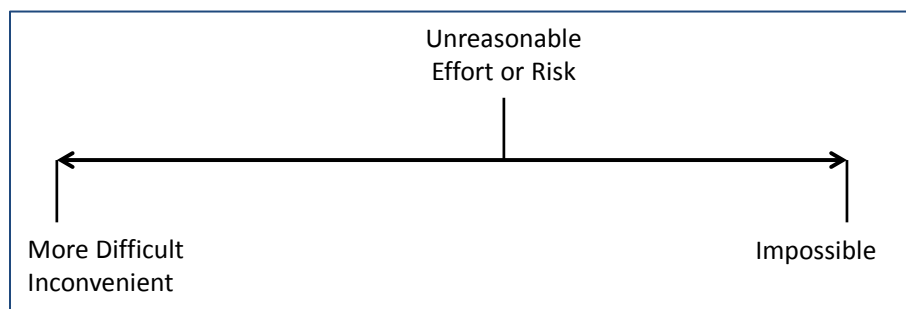


Figure 9-1 – Reasonable Person Test



Here are some examples of unreasonable travel expectations:

- Individuals with an ambulatory disability who use crutches can get to a bus stop four blocks away but doing so requires considerable exertion and leaves them exhausted
- Individuals with a vision disability may be able to cross a busy street where there is constant traffic turning right on the red signal, but in doing so they may be taking an unreasonable risk because they are not able to get an audible cue from the flow of traffic that allows them to know when it is safe to cross
- Individuals with cardiac conditions can walk five blocks to stops and stations, but doing so in very hot weather may put them at unreasonable risk

Under Category 3, the point at which the use of fixed route service becomes unreasonable to attempt varies for different individuals, depending on their particular disabilities or health conditions and their functional abilities. Reviewers determining eligibility need to identify the conditions under which it is reasonable to ask individuals to use fixed route services and when to provide complementary paratransit. Reviewers become the “reasonable people” making such judgments.

#### Consideration of Architectural Barriers and Environmental Conditions

Eligibility under this category considers the effects of architectural and environmental barriers on travel by individuals with disabilities. Even though such factors may not be under a transit agency’s control, the presence of these barriers, in combination with a person’s disability, can prevent use of fixed route services.

Examples of architectural and environmental barriers that, in combination with disabilities, might confer ADA paratransit eligibility include:

- A lack of curb ramps or alternative accessible pathways that would prevent individuals who use mobility devices from getting to or from stops and stations without traveling in the street (while others use the sidewalks)
- A lack of sidewalks along busy roadways, where reasonable people do not walk in the street, that would require individuals with disabilities to travel in the street to get to or from stops and stations
- Other barriers in pedestrian pathways to or from stops and stations. For individuals with physical disabilities, this may be sidewalks in poor condition or uneven or unstable surfaces. For individuals with vision disabilities, this may be pathways without detectable edges (e.g., open parking lots) that are not a safe distance from quickly moving traffic or have hazards that are not detectable (e.g., overhanging structures or guy wires)
- Long distances to or from stops and stations that individuals with disabilities cannot travel without an unreasonable level of effort (i.e., distances that would cause exhaustion or significant pain)
- Steep hills that prevent individuals with ambulatory disabilities or those who use manual wheelchairs from getting to or from stops and stations
- Snowy or icy conditions that may prevent individuals with disabilities from getting to or from stops and stations
- Extremes in temperature that may prevent individuals with certain disabilities or health conditions from traveling to or from stops and stations
- Complex intersections, busy streets, or wide streets that certain individuals with disabilities may not be able to cross



### Wayfinding Considerations

Individuals with certain types of disabilities may also be prevented from getting to or from stops and stations for other reasons, including:

- Individuals with intellectual, cognitive, or vision disabilities who are able to find their way along specific pedestrian routes, but who may not be able to find their way to or from stops and stations along unfamiliar routes
- Individuals with psychiatric disabilities who may be able to travel in certain settings (e.g., local routes within their neighborhood), but who may not be able to travel in unfamiliar areas or settings

Note that these individuals may also have issues navigating the transit system and may also have eligibility based on Category 1 considerations.

## 9.2.2 Eligibility Considerations – In General

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Important considerations when making ADA paratransit eligibility determinations follow.

### Ability to Use Fixed Route Independently

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Beyond the required assistance of vehicle operators (see Circular Section 2.5), eligibility is based on the independent ability of individuals to use the fixed route system. Eligibility is not based on the availability of other individuals, including personal care attendants, family, or friends who may be traveling with the passenger with a disability. (See below for a discussion of eligibility for young children.)

### Current Functional Ability

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Eligibility is based on current functional ability. While some individuals may learn to use fixed route services independently after participating in travel training, actual functional ability at the time of application is the basis for determining eligibility. FTA encourages transit agencies to offer travel training, but agencies cannot require individuals to participate. If an applicant indicates interest in travel training, an optional good practice is to confer temporary eligibility and then determine the applicant's longer-term eligibility if he or she successfully completes training. Agencies cannot limit or deny eligibility based on a presumption of functional ability with training or on an applicant's stated interest in participating in travel training.

### Most Limiting Conditions

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An applicant's eligibility must also be based on his or her most limiting condition, whether related to the environment or the variable nature of a disability. Determinations of ADA paratransit eligibility consider each applicant's ability to travel to any origins and destinations in the complementary paratransit service area under all conditions. A transit agency may not base initial determinations of ADA paratransit eligibility upon an applicant's ability to use fixed route service some of the time or under typical conditions. For example, if an individual could reasonably be expected to walk up to three blocks to get to and from bus stops, it would be inappropriate to deny eligibility because a bus stop was located only two blocks from her home. This decision incorrectly assumes the individual will only be traveling to and from his or her home and does not consider travel distances to all of the destinations he or she might visit at the other end of the trip.

Similarly, it would not be appropriate to deny eligibility to individuals because there was an accessible path of travel to the bus stop nearest their home. Again, such a denial does not account for architectural barriers elsewhere in the service area that would prevent travel to potential destinations.

The “most limiting condition” concept also applies to disabilities that may cause changes in functional ability from day to day. Determinations must consider the inherent variability of some disabilities. Basing a determination on an applicant’s “good day” would not be appropriate.

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### Considering the Appropriate Mobility Device(s)

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For all categories of eligibility, determinations are based on how individuals present themselves at the time of application. For example, some individuals may have both a manual wheelchair and a power wheelchair. They may choose to travel in the community with their manual wheelchair rather than their power wheelchair for a variety of reasons, such as destinations to which they are traveling (or the activities at those destinations) that may be more compatible with use of a manual wheelchair. In these cases, determinations of functional ability and eligibility are based on the mobility aid that individuals say they will use when they travel.

If an applicant states that he or she uses both types of mobility aids when traveling, eligibility determinations are based on the mobility device the applicant would use for particular trips. Alternatively, the transit agency could decide to simply grant the greater degree of eligibility regardless of which mobility device the applicant uses. It is not appropriate to require individuals to use specific mobility devices or to base eligibility decisions on devices that provide the greatest ability to use fixed route service if those mobility devices are not the devices applicants use when traveling.

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### Mobility Devices that Exceed Maximum Size or Weight

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Since ADA paratransit eligibility is based on an individual’s functional ability, denying eligibility solely because the applicant’s mobility device exceeds maximum vehicle size or weight capacities is not permitted. This means in some cases a transit agency will grant ADA paratransit eligibility to applicants but will not be able to transport them. In these situations, it is important for the agency to communicate the vehicle fleet capacity limitations to the affected eligible person, and for the person to understand that he or she may be able to start riding the service with a different (e.g., smaller/lighter mobility device) or other changed circumstances.

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### Eligibility for Young Children

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As discussed in Circular Section 2.2.1, [§ 37.5\(a\)](#) prohibits discrimination against an individual with a disability in connection with the provision of transportation service. Thus, policies limiting the availability of transit to children under a certain age or requiring children under a certain age to be accompanied by an adult cannot be created solely for complementary paratransit. Any policy would also need to apply to the fixed route service to avoid a discriminatory practice.

Transit agencies that have systemwide policies requiring all children under a certain age to travel with an adult (for fixed route transit as well as complementary paratransit) may apply these policies to eligibility determinations for children. For example, if an agency’s systemwide policy requires an adult to accompany all children under the age of 6, then eligibility determinations for children under 6 years old assume an accompanying adult. The abilities of the team (e.g., the child with a parent/guardian) are considered, rather than the independent ability of the child, since all children are required to travel with accompanying adults. In this example, a child’s age (not disability) would govern his or her inability to use the fixed route system independently. Agencies with such policies would then base eligibility determinations for children 6 and older on independent functional ability.

Some transit agencies have age-related fare policies such as “children under the age of 6 ride free when accompanied by a fare-paying adult.” While such policies provide free rides to children under 6, they do not by themselves represent a requirement for adults to accompany younger children.

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## Residence and Eligibility Determinations

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As discussed in [Appendix D](#) to § 37.123, “All fixed route operators providing complementary paratransit must make service available at least to individuals meeting these standards.” Limiting reviews of applications and determinations of eligibility to individuals residing within a transit agency’s service area is not appropriate.<sup>3</sup> If an otherwise eligible applicant is able to travel to a point within an agency’s complementary paratransit service area and wishes to use complementary paratransit within the service area, the Part 37 [Subpart F](#) requirements obligate the agency to grant the applicant eligibility and accommodate the trip request.

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## Half-Fare and Eligibility Determinations

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An applicant’s eligibility for a transit agency’s half-fare program on fixed route is not a basis for determining ADA paratransit eligibility. While there is a requirement for recipients of § 5307 funding to provide reduced fares for seniors and persons with disabilities riding fixed route during off-peak hours, it is not an ADA requirement; rather, it is a general requirement under 49 U.S.C. Chapter 53. The eligibility standards for reduced fare as outlined in [49 CFR Part 609](#) are very different from the ADA paratransit eligibility standards.

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## 9.3 Types of Eligibility

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Transit agencies generally grant unconditional or conditional eligibility and may apply temporary eligibility (see Circular Section 9.3.3) to either type.

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### 9.3.1 Unconditional Eligibility

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Sometimes called “unrestricted eligibility” or “all-trip eligibility,” unconditional eligibility means that an individual is unable to use fixed route transit services under any circumstances and is thus eligible to make all trips using complementary paratransit. Examples of applicants granted unconditional eligibility include:

- Individuals who cannot travel independently due to severe or profound intellectual disabilities or advanced dementia
- Individuals with physical disabilities who have limited functional ability (e.g., riders who use a manual wheelchair and who cannot sufficiently propel themselves)
- Individuals who have lost vision late in life and have not learned to travel independently in the community

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### 9.3.2 Conditional Eligibility

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#### Requirement

“If an individual meets the eligibility criteria of this section with respect to some trips but not others, the individual shall be ADA paratransit eligible only for those trips for which he or she meets the criteria” ([§ 37.123\(b\)](#)).

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<sup>3</sup> In regions served by two or more transit agencies that coordinate service, it is appropriate to direct individuals to apply for eligibility with the agency providing complementary paratransit service to their residence.

## Discussion

ADA paratransit eligibility does not have to be an all or nothing decision. As Appendix D to § 37.123 explains, “A person may be ADA paratransit eligible for some trips but not others. Eligibility does not inhere in the individual or his or her disability, as such, but in meeting the functional criteria of inability to use the fixed route system established by the ADA. This inability is likely to change with differing circumstances.”

Sometimes called “restricted eligibility” or “some-trip eligibility,” conditional eligibility applies to individuals who are able to independently use fixed route transit services under some circumstances.

Factors for determining conditional eligibility typically include:

- The maximum distance that individuals are able to walk to get to or from stops and stations
- Environmental conditions that prevent use of fixed route service (e.g., heat, cold, snow, ice, or air quality)
- Architectural and path-of-travel barriers that prevent use of fixed route service (e.g., lack of sidewalks, lack of curb ramps, uneven or unstable surfaces, or steep hills)
- Types of intersections or streets (e.g., complex intersections, busy streets, or wide streets) that individuals cannot cross safely
- Complexity of fixed route trips (e.g., transfers are required)
- Unfamiliar locations (e.g., destinations to which individuals have not been successfully trained to travel via fixed route)
- Severe fatigue after receiving treatment, including the potential for experiencing severe fatigue at other times
- Other variable effects of individuals’ disabilities, such as increased symptoms of multiple sclerosis on certain days
- Time of day (for individuals affected by low or bright light or for those who require a seat on the bus in order to travel and a seat cannot be guaranteed during certain times, such as peak hours)
- Inaccessible fixed route vehicles or facilities (i.e., routes, lines, stations, or stops are not accessible)

For transit agencies using conditional eligibility or considering doing so, the following are examples of individuals who might be candidates for this type of eligibility:

- Individuals with intellectual disabilities who have learned how to make certain trips on fixed routes but cannot make all trips independently – They would not be eligible for the trips they have learned to take by fixed route, but would be eligible for all other trips.
- Individuals with physical disabilities who can reach a bus stop or rail station within four blocks when the route is accessible – An appropriate condition on eligibility in this instance is “when the distance to or from stops and stations is more than four blocks or when the route to stops and stations is inaccessible.”
- Individuals with health conditions who can get to and from stops and stations when the temperature is not too hot (e.g., less than 80°F) or the distance is not too far (e.g., closer than four blocks) – They would be ADA paratransit eligible when the temperature exceeds 80°F or the stop or station is more than four blocks away.<sup>4</sup>

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<sup>4</sup> 80°F is used as an example. Because climatic conditions (e.g., temperature and humidity) may vary by region, establishing thresholds for specific regions and individual applicants is appropriate.

Use of conditional eligibility is optional. If a transit agency's process does not include conditional eligibility, unconditional eligibility is granted to applicants who are only able to use fixed route under some conditions and who would otherwise be conditionally eligible. The individuals are not denied eligibility because they can use fixed route service some of the time.

Properly applying conditional eligibility (either on a full-term or temporary basis) means identifying the specific conditions under which each applicant is ADA paratransit eligible and communicating these conditions to the applicant.

As noted above, transit agencies may grant temporary eligibility to individuals whose health condition or disability is expected to change in the short term or whose mobility device will soon change. Temporary eligibility can be either unconditional or conditional, depending on the individual's functional ability.

### Considerations in Applying Conditional Eligibility

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Correctly applying conditional eligibility includes ensuring the stated conditions placed on the rider's eligibility are specific, measurable, and thorough. For example, conditions on eligibility such as "when the distance to or from bus stops is too far" or "when you are unable to safely cross the street" are too vague. Appropriate examples of thorough conditions of eligibility include "when the distance to or from fixed route stops and stations is more than three blocks" or "when you must cross streets wider than two lanes or intersections without traffic lights and pedestrian controls."

Conditions of eligibility reflect functional abilities, not trip purposes. For example, giving eligibility to riders who experience extreme fatigue due to end stage renal failure and associated treatments "for dialysis trips only" is not appropriate. Instead, an appropriate condition of eligibility is expressed as "when severe fatigue from your medical condition or treatment prevents you from using the fixed route service."

When granting conditional eligibility, it is also important to identify barriers that can affect travel. Not doing so would inappropriately limit an individual's eligibility. For example, individuals who use manual wheelchairs would likely be affected by distances to or from stops and stations, lack of sidewalks or curb ramps, steep hills, snowy or icy conditions, inaccessible bus routes and rail lines, and inaccessible stops and stations. If transit agencies attempted to simplify the process by only granting eligibility "when the distance to or from fixed route stops or stations is more than four blocks" and "when the presence of snow or ice prevents travel to or from bus stops or rail stations," this would be an inappropriate limitation of eligibility. It would imply that during non-winter months, as long as the distance to or from stops was no more than four blocks, individuals would never be prevented from using fixed route services. But this would be incorrect because path-of-travel barriers, steep hills, and bus stop and other system barriers could still prevent travel for some trips.

Individuals encountering architectural or environmental barriers that prevent them from reaching a bus stop often can use another path. For example, an individual using a wheelchair can often circumvent a lack of curb ramps by taking another, less direct route than an ambulatory person might take. This may involve more time, trouble, and effort, but the person can still reach the bus stop. If a reasonable alternative path were available, then that individual would not be eligible to use complementary paratransit for that trip.

### 9.3.3 Temporary Eligibility

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#### Requirement

“Individuals may be ADA paratransit eligible on the basis of a permanent or temporary disability” ([§ 37.123\(c\)](#)).

#### Discussion

Individuals who experience a temporary loss of functional ability that prevents them from using fixed route service may apply for temporary ADA paratransit eligibility. For example, an individual may need to undergo two months of treatment for a health condition, resulting in severe fatigue that prevents him or her from using fixed route service. This individual would be ADA paratransit eligible for the duration of the treatment period.

Temporary eligibility may also be appropriate if changes in functional ability are probable in the short term. For example, an individual who has had a stroke may be using a manual wheelchair immediately after the stroke and may not be able to independently self-propel the wheelchair to get to or from bus stops. If the individual were undergoing a year of prescribed therapy, one year of eligibility for all trips would be appropriate, with a review at the end of the year to determine if therapy or a change in mobility devices has changed the individual’s functional ability to use fixed route service.

## 9.4 Eligibility Determination Process

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#### Requirement

“Each public entity required to provide complementary paratransit service by § 37.121 of [Part 37] shall establish a process for determining ADA paratransit eligibility” ([§ 37.125](#)).

#### Discussion

While the DOT ADA regulations are specific in terms of who is ADA paratransit eligible, the regulations do not prescribe the determination process. Transit agencies, with input from the communities they serve, are to devise the specifics of their individual eligibility processes, while following the broad requirements in § 37.125 pertaining, for example, to timelines for decisions and appeal practices.

The following discussion covers the broad process requirements and considerations and provides examples of processes transit agencies have established.

### 9.4.1 Strictly Limiting Eligibility

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#### Requirement

“The process shall strictly limit ADA paratransit eligibility to individuals specified in § 37.123 of [Part 37]” ([§ 37.125\(a\)](#)).

#### Discussion

Transit agencies must strictly limit ADA paratransit eligibility to individuals who meet the regulatory criteria for eligibility. (See Circular Section 9.2.1.) This limitation supports the requirement in Title II of the ADA for agencies to provide services in the most appropriate integrated setting and is consistent with the concept that complementary paratransit is a “safety net” for those individuals unable to use fixed route



service. The requirement to strictly limit ADA paratransit eligibility, however, does not preclude agencies from providing paratransit service to other individuals. As explained in [Appendix D](#) to § 37.123:

This section sets forth the minimum requirements for eligibility for complementary paratransit service. All fixed route operators providing complementary paratransit must make service available at least to individuals meeting these standards. The ADA does not prohibit providing paratransit service to anyone. Entities may provide service to additional persons as well.

## 9.4.2 Types of Eligibility Determination Processes

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Designing eligibility processes that reflect local needs and circumstances is appropriate as long as these processes comply with the § 37.125 requirements. It is up to transit agencies and the communities they serve to design eligibility determination processes that meet the regulatory requirements.

Transit agencies that originally designed their eligibility determination processes as part of their complementary paratransit plans did so with the input of individuals with disabilities. Subsequently, if agencies implement new processes, or make significant changes to the existing process, FTA expects them to also incorporate a level of public participation that meets the [§ 37.137\(c\)](#) requirements.

## 9.4.3 Approaches for Determining Eligibility

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Transit agencies generally use any or a combination of the following three basic sources of information to determine eligibility:

- Information provided by applicants in the form of paper applications, responses to interview questions, or both.
- Information provided by qualified professionals familiar with the applicants. Transit agencies can provide applicants with forms for collecting the information or can accept information that the individuals may already have received from professionals. Alternatively, agencies can obtain the information by directly contacting professionals whom the applicants identify.
- Assessments of functional abilities. Transit agencies may ask applicants to participate in assessments designed to determine their functional abilities specific to the use of fixed route transit services.

This Circular does not comprehensively address the specifics of these determination approaches since they are not outlined in the regulations; general guidance is below. For technical assistance on the various types of eligibility determination processes, see Easter Seals Project ACTION, “[Determining ADA Paratransit Eligibility: An Approach, Guidance and Training Materials](#).”<sup>5</sup>

### Supplementing Paper Applications

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FTA notes that many transit agencies find that appropriate determinations of ADA paratransit eligibility, including the application of conditional trip-by-trip eligibility, often require more than a paper application. In-person interviews and functional assessments may be necessary to determine whether a particular individual can perform the functional tasks needed to use fixed route service independently. Interviews, whether in person or by phone, allow those making eligibility determinations to solicit additional information from applicants as needed. Properly designed and administered assessments can provide independent and objective measures of specific functions related to fixed route transit use. These can be important in determining the abilities of applicants who have never used fixed route transit and who may not be sure of their abilities to use these services.

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<sup>5</sup> This document, published in 2014, also includes a section on administering the Functional Assessment of Cognitive Transit Skills (FACTS).

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## Information Provided by Professionals

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Appropriate determinations of ADA paratransit eligibility are based on an applicant's functional abilities, not medical diagnoses of health conditions or disabilities. [Appendix D](#) to § 37.125 explains:

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. That is a transportation decision primarily, not a medical decision.

At the same time, eligibility is based on functional limitations due to disability. Individuals must have a disability to qualify for ADA paratransit eligibility. Obtaining information about disability is therefore appropriate, particularly if a disability is not apparent, such as a psychiatric disability or a seizure condition. Information about the disability can also help transit agencies better understand and confirm the likely associated functional issues.

For transit agencies that solicit professional verification of disability and supporting information regarding pertinent functional abilities, an optional good practice is to accept professional verification from a wide array of professionals, rather than limiting the types of practitioners from whom verification is acceptable (e.g., only licensed physicians). Orientation and mobility specialists, therapists, clinical social workers, job coaches, and registered nurses, among others, may be able to verify the existence of a disability and may provide the best information about an applicant's functional abilities relevant to fixed route transit use.

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## List of Functional Tasks and Skills

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Regardless of the specific determination approach a transit agency adopts, an optional good practice is for the agency to work with individuals with disabilities and disability service organizations to develop a master list of functional transit tasks and skills. Such lists identify the various functional tasks involved in using the local area fixed route transit service and the various functional abilities needed to do so (e.g., physical abilities, cognitive abilities, and sensory abilities). Such lists benefit those involved in making eligibility determinations to ensure that they consider all appropriate issues during the determination process. Attachment 9-1 provides a sample task and skills list. An optional good practice is to refine and customize the sample list with input from individuals with disabilities to reflect local fixed route services and policies.

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## Emphasizing Ability to Use Fixed Route Transit

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Another optional good practice is to develop an eligibility determination process that stresses ability rather than disability. Transit agencies may elect to design holistic processes that assist applicants in identifying their abilities to use fixed route service and all available travel options, rather than processes that focus on applicants' limitations. To this end, some agencies refer to the process as a "transportation assessment" rather than an "ADA paratransit assessment" and incorporate other services into their process. For example, some agencies have co-located travel training and eligibility determination functions, which permits them to provide travel training to applicants who indicate an interest. Other agencies provide applicants with information about accessible fixed route service or other transportation programs as appropriate.

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### 9.4.4 Avoiding Unreasonable Burdens and User Fees

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Given the nature of ADA paratransit eligibility, an inherent degree of rigor and complexity in the process is often unavoidable. However, as discussed in [Appendix D](#) to § 37.125, "The process may not impose



unreasonable administrative burdens on applicants, and, since it is part of the entity’s nondiscrimination obligations, may not involve ‘user fees’ or application fees to the applicant.”

Examples of process requirements FTA considers burdensome include:

- Requiring applicants to appear in person for interviews on one day and then participate in functional assessments on a different day
- Requiring applicants to appear in person for interviews or functional assessments and then make a second trip to another location to have a photo taken for an ID card
- Requesting extraneous or irrelevant information that has no bearing on ADA paratransit eligibility
- Using complex application forms that require applicants to apply for multiple transportation programs or services (e.g., state transportation programs in addition to complementary paratransit)
- Requiring medical documentation unrelated to functional ability to use the fixed route transit service

Effective practices for minimizing administrative burdens include:

- Performing in-person interviews and any needed functional assessments at the same location on the same day
- Taking photos for ID cards during interviews and assessments and then creating and sending IDs to those determined eligible

[Appendix D](#) to § 37.125 also explains that the determination process may not involve “user fees” or “application fees.” This position is based on [§ 37.5\(d\)](#), which prohibits agencies from imposing “special charges, not authorized by [Part 37], on individuals with disabilities, including individuals who use wheelchairs, for providing services required by [Part 37] or otherwise necessary to accommodate them.”

The prohibition against fees applies to transportation costs. For transit agencies that require applicants to travel to an interview or assessment center as part of their process, this means offering transportation to and from the center at no charge. If agencies use the complementary paratransit service for this transportation, fares must be waived for applicants.

## 9.5 Eligibility Decisions

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Once a transit agency has received a complete application from an individual, the DOT ADA regulations specify timelines for making a determination of eligibility and for notifying the applicant regarding the determination, as discussed in this section.

### 9.5.1 Making Timely Determinations

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#### Requirement

“If, by a date 21 days following the submission of a complete application, the entity has not made a determination of eligibility, the applicant shall be treated as eligible and provided service until and unless the entity denies the application” ([§ 37.125\(c\)](#)).

#### Discussion

The requirement for timely determination is explained in [Appendix D](#) to § 37.125:

When the application process is complete—all necessary actions by the applicant taken—the entity should process the application in 21 days. If it is unable to do so, it must begin to provide

service to the applicant on the 22nd day, as if the application had been granted. Service may be terminated only if and when the entity denies the application.

FTA encourages transit agencies to make decisions within 21 days. If decisions take longer, however, agencies must have a process to automatically grant provisional eligibility and provide service beginning on the 22nd day. FTA expects agencies to include information about this right to provisional service in public information describing the ADA paratransit eligibility process, in cover letters accompanying application forms, and/or letters acknowledging the receipt of applications.

As is the case throughout the regulations, “days” means calendar days (unless indicated otherwise). The 21-day timeframe begins at “submission of a completed application.” For transit agencies that require in-person interviews and functional assessments, applications are considered complete at the conclusion of interviews and assessments, not when applications are received. As discussed in [Appendix D](#) to § 37.125, the application process is complete when the applicant has taken all necessary actions.

When scheduling interviews and assessment appointments, transit agencies are not responsible for delays created by applicants. For example, suppose an agency offers an appointment within seven days, but the applicant indicates he or she will be away and requests an appointment in 17 days. Although the interview is delayed in this case, the agency has met its obligation to offer an appointment within a reasonable period.

In designing eligibility determination processes, it is important to consider the total time necessary for applicants to complete the process, including time to schedule any required in-person interviews or assessments. FTA expects transit agencies that require applicants to first submit paper applications and then appear for in-person interviews or functional assessments to offer these appointments promptly (e.g., within 7–10 days) once applications have been received. FTA considers long wait times for interview appointments to be an unreasonable administrative burden.

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### Treatment of Incomplete Applications

Some applicants may start but not complete the process of applying for ADA paratransit eligibility. They may submit application forms but leave out required information or they may submit an application form but fail to schedule or appear for a required interview or functional assessment. In such cases, FTA recommends returning the applications and explaining to applicants that the process cannot continue until they supply the missing information. When determining whether application forms are complete, it is important to distinguish between information needed to make an eligibility determination and other requested information such as emergency contact information. Secondary information, not pertinent to the determination, can be obtained at a later time in order to continue the processing of the application.

If applicants submit a completed application but fail to schedule or appear for in-person interviews or assessments, FTA recommends retaining the submitted information for a reasonable period and informing applicants of the time within which they need to complete the process. If applicants do not complete the process within that time, agencies can require them to reapply.

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## **9.5.2 Written Notice of Eligibility Decisions**

### Requirement

“The entity’s determination concerning eligibility shall be in writing. If the determination is that the individual is ineligible, the determination shall state the reasons for the finding” ([§ 37.125\(d\)](#)).

“The public entity shall provide documentation to each eligible individual stating that he or she is ‘ADA Paratransit Eligible.’ The documentation shall include the name of the eligible individual, the name of the transit provider, the telephone number of the entity’s paratransit coordinator, an expiration date for

eligibility, and any conditions or limitations on the individual's eligibility including the use of a personal care attendant” ([§ 37.125\(e\)](#)).

## Discussion

This requirement obligates transit agencies to transmit eligibility determinations to applicants in writing, and in accessible formats as applicable per [§ 37.125\(b\)](#). (See Circular Section 9.10.1.)

## Documentation Provided to Applicants Found Eligible

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For applicants found eligible, § 37.125(e) requires the documentation provided by the transit agency to specifically state that the individuals are “ADA paratransit eligible” and also include:

- The name of the eligible individual
- The name of the transit agency issuing the documentation
- The telephone number of the transit agency’s paratransit coordinator
- An expiration date of the eligibility (if applicable)
- Any limitations or conditions placed on the individual’s eligibility
- Whether the applicant travels with a personal care attendant

FTA notes that while § 37.125 specifically calls for the telephone number of the transit agency’s paratransit coordinator, agencies may provide any appropriate telephone number. (See Circular Section 9.9.)

## Identification Cards

Although not required, many transit agencies issue identification cards to eligible riders. While agencies have the option to choose which information to include on these cards, § 37.125(e) obligates agencies to also issue letters of determination containing all of the required information if the cards contain some but not all of the required information.

## Determination Letters Provided to Applicants Found Ineligible

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When informing applicants that they are ineligible, § 37.125(d) obligates transit agencies to explain the reasons for the determination. FTA considers determinations of less than unconditional eligibility (i.e., conditional and temporary eligibility) to be degrees of ineligibility and therefore this requirement applies to any decision other than unconditional eligibility.

As explained in [Appendix D](#) to § 37.125, in the determination letter “the reasons must specifically relate the evidence in the matter to the eligibility criteria of this rule and of the entity’s process. A mere recital that the applicant can use fixed route transit is not sufficient.”

For example, an applicant may claim that arthritis affecting the knees prevents him or her from walking to and from bus stops, but information gathered from professionals or through functional assessments did not substantiate this claim. Section 37.125(d) requires the determination letter to provide specific reasons for the denial. For example, “You indicated that you could not use fixed route services because arthritis in your knees prevented you from walking to and from bus stops. However, information from the professional you identified for verification of your disability indicated that you had mild osteoarthritis that did not limit your ability to walk to or from bus stops. The physical therapist who conducted the assessment of your walking ability also reported that you walked the 1/2-mile route at the assessment center without any apparent discomfort or change in gait.” In contrast, it would not be appropriate, for example, to offer the following explanation for a denial: “The information we obtained indicated that you were not prevented from using fixed route transit service.”

FTA recommends that those preparing determination letters put themselves in the applicant's position and ask, "Am I providing enough details to allow an applicant to adequately prepare for an appeal should they choose to do so?" If determination letters do not identify which pieces of information were critical in making the decision, then applicants do not know how to challenge that decision.

When denying or granting less than unconditional eligibility (i.e., conditional or temporary eligibility), FTA requires the written determination to also explain an applicant's right to appeal the decision and how to request an appeal. (See Circular Section 9.7.)

Attachment 9-2 provides sample determination letters that illustrate what information to include when making different types of determinations. This attachment includes sample letters for determinations of unconditional eligibility, conditional eligibility, temporary eligibility, and full eligibility denials.

## 9.6 Recertification

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### Requirement

"The entity may require recertification of the eligibility of ADA paratransit eligible individuals at reasonable intervals" ([§ 37.125\(f\)](#)).

### Discussion

Section 37.125(f) allows agencies to recertify the eligibility of ADA paratransit riders at reasonable intervals, recognizing that many factors might change over time that could affect the ability of individuals with disabilities to use fixed route transit service. These could include changes in the physical environment, changes in the accessibility of the fixed route system, or changes in riders' functional abilities.

[Appendix D](#) to § 37.123 provides guidance on establishing reasonable intervals for recertification, noting that requiring recertification too frequently (e.g., more than once per year) would probably be overly burdensome to riders. Too frequent recertification may also prove costly to transit agencies. On the other hand, granting eligibility for very long periods might not be adequate to capture changes in riders' abilities and conditions. Many agencies require recertification every 3 to 5 years as a balance between the need to determine current abilities and conditions and the cost of managing the recertification process.

Regardless of the recertification policies adopted, eligible individuals have the right to reapply at any time. [Appendix D](#) to § 37.123 explains that "a user of the service can apply to modify conditions on his or her eligibility at any time." For example, individuals initially granted conditional eligibility might feel that their functional abilities have changed and the conditions established no longer reflect their abilities. They can request reconsideration of their eligibility by submitting new documentation or reapplying during their current term of eligibility. Determinations made during existing terms of eligibility, whether based on additional documentation or new applications, are considered new decisions and, as such, are appealable. (See Circular Section 9.7.) This right to reapply extends to anyone, including those denied eligibility.

Similarly, transit agencies may request that eligible individuals reapply if information shows a significant change in their functional abilities. For example, an individual may initially apply while using a manual wheelchair. At some point during the term of eligibility, the individual might obtain a power wheelchair that could overcome a previous inability to get to and from transit stops and stations. In this case, it would be acceptable for the agency to ask the individual to reapply so that eligibility could be appropriately adjusted. It would not be acceptable to ask or require an individual to reapply for eligibility based on casual anecdotal observations by people not trained in making eligibility determinations, such as drivers or other riders.

## 9.6.1 Optional Practices for Recertification

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Transit agencies have several local options for implementing recertification. An optional good practice is to remind riders of the need to reapply before the end of their term of eligibility. Many agencies send riders a notice 60 to 90 days before their current eligibility expires and include the materials needed to reapply. This reminder helps to avoid lapses in a riders' eligibility and facilitates a smooth recertification process.

Agencies may also decide to use a simplified recertification process for certain riders such as those who have been granted unconditional eligibility and whose functional abilities are not likely to change over time even with different mobility aids. Such simplified recertification forms ask riders to update their contact information and note any changes in their travel abilities or needs. Repeat in-person interviews and functional assessments may not be necessary for these riders. Appropriate use of simplified recertification forms and processes may reduce eligibility determination costs.

FTA notes that many transit agencies have strengthened and improved their eligibility determination processes in recent years. Such changes may result in changes to some individuals' long-standing eligibility determinations (e.g., from unconditional to conditional or even to not eligible) after recertification. FTA encourages agencies to consider the significant impact that such changes can have and to consider implementing recertification in a way that allows people to make necessary transitions, in consultation with the community they serve. This approach can include providing reasonable transition periods or offering travel training to those who express an interest.

## 9.7 Appeal Process

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### Requirement

“The entity shall establish an administrative appeal process through which individuals who are denied eligibility can obtain review of the denial.

- (1) The entity may require that an appeal be filed within 60 days of the denial of an individual's application.
- (2) The process shall include an opportunity to be heard and to present information and arguments, separation of functions (i.e., a decision by a person not involved with the initial decision to deny eligibility), and written notification of the decision, and the reasons for it.
- (3) The entity is not required to provide paratransit service to the individual pending the determination on appeal. However, if the entity has not made a decision within 30 days of the completion of the appeal process, the entity shall provide paratransit service from that time until and unless a decision to deny the appeal is issued” ([§ 37.125\(g\)](#)).

### Discussion

Section 37.125(g) obligates transit agencies to establish an administrative process through which individuals can appeal eligibility denials, including those determined conditionally eligible or only eligible on a temporary basis. The right to appeal also extends to decisions resulting from individuals choosing to reapply during their eligibility term.

### 9.7.1 Notification of Appeal Rights, Appeal Requests, and Right to Be Heard in Person

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Section 37.125(g) obligates transit agencies to provide riders the opportunity to appeal an ineligibility determination. FTA requires transit agencies to include notice of the right to appeal and how to request an appeal in letters communicating decisions that deny or limit eligibility in any way. An optional good practice is to also enclose an appeal request form with determination letters. (See Attachment 9-3 for a sample appeal request form.)

Section 37.125(g)(1) obligates transit agencies to accept appeal requests received within 60 days of the initial determinations. Policies that provide a longer period to request appeals are permitted. If an applicant misses the deadline or chooses not to appeal, however, he or she may reapply for service at any time.

Section 37.125(g)(2) requires transit agencies to include an opportunity to be heard in person. While it is appropriate to require individuals to submit requests for appeals in writing, agencies may not require such requests to include the basis or reasons for the appeal. The choice to submit written information in advance of or instead of an appeal hearing is for the appellant to make.

FTA encourages transit agencies to ensure that hearing locations are easy for appellants to reach. Some appellants may be discouraged or prevented from exercising their right to attend an appeal hearing if they have difficulty traveling to a hearing location or if they would incur a significant expense in getting there.

The DOT ADA regulations do not specify a deadline by which agencies must hold an in-person appeal after an applicant requests a hearing. FTA encourages transit agencies to hold the appeal hearing promptly (i.e., within 30 days of the initial request).

### 9.7.2 Separation of Functions

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Section 37.125(g)(2) requires a separation of functions, meaning that, to the extent practicable, the individuals deciding appeals were not involved with the applicant's initial eligibility determination, including working in the same office as, supervising, or working for the original decisionmaker.

One way to check for separation of function (and authority) is to examine a transit agency's organizational chart. A vertical line or lines connecting those involved in initial determinations and those deciding appeals means that these individuals are not sufficiently separated. Appropriate separation means individuals from the agency involved in appeals work in a different office or department from those making the initial decision. In smaller agencies where it is not feasible to fully separate functions, [Appendix D](#) to § 37.125 explains that "the second decisionmaker should at least be 'bubbled' with respect to the original decision (i.e., not have participated in the original decision or discussed it with the original decisionmaker)."

### 9.7.3 Timely Appeal Decisions

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Under § 37.125(g)(3), a transit agency is not required to provide complementary paratransit service to the appellant pending the determination on appeal. But if it has not made a decision within 30 days of the completion of the appeal process, the agency is obligated to provide service until and unless it issues a decision to deny the appeal. Some agencies elect to continue to provide complementary paratransit service to current riders whose eligibility was denied or limited during recertification to avoid service interruptions should the appeal overturn the initial decision.



Once a decision is made, § 37.125(g)(2) obligates the agency to provide appellants with written appeal decisions (in accessible formats as appropriate) with specific reasons for the decision provided, similar to the level of detail provided in the initial determination letter.

## 9.7.4 Suggestions for Appeals Practices

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### Selecting Individuals to Hear Appeals

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In selecting individuals to hear and decide appeals, FTA recommends that transit agencies consider the following general guidelines and suggestions, in consultation with the communities served:

- Select individuals for their ability to maintain objectivity in reviewing appeals; do not select them to “represent” one side or a particular point of view (e.g., the transit agency or the disability community). If agency staff or members of the disability community are selected to hear appeals, it is important they remain impartial throughout the process.
- Select individuals to hear and decide appeals who bring a high level of knowledge about the functional abilities of individuals with disabilities similar to those of appellants. An optional good practice is to compile a roster of specialists to call upon according to each appellant’s disability. For example, call on orientation and mobility specialists to hear appeals from individuals with vision disabilities. Call on psychiatrists, mental health professionals, or social workers to hear appeals from individuals with psychiatric or cognitive disabilities. Physical or occupational therapists would be qualified to hear appeals from individuals with physical disabilities.
- Select individuals who have a thorough understanding of the function and intent of complementary paratransit and the regulatory criteria for ADA paratransit eligibility; train them as necessary to ensure they fully understand the regulations.
- Select individuals who also have knowledge of fixed route transit and complementary paratransit policies. This will allow them to more accurately determine if appellants can perform all of the tasks required to use fixed route services and to understand the differences between use of fixed route transit and complementary paratransit.

### Optional Internal Review Practices

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FTA encourages transit agencies to double-check any determinations that deny or limit eligibility before communicating the decision to the applicant. A second reviewer might review each file to ensure that the decision appears appropriate.

Similarly, when applicants request appeals, FTA encourages transit agencies to double-check applicants’ files and the initial decisions. If such internal reviews identify errors in initial determinations, agencies can quickly reverse the initial decisions and obviate the burden and cost of formal appeals.

It is important to note that these double-checks are internal and not considered part of the rider’s appeal, since they would be undertaken without additional information from the appellant and without an opportunity for the appellant to be heard in person, and might not meet the requirement for separation of functions. The results of such reviews would only be communicated to applicants if they determined that unconditional, full-term eligibility should have been granted. Otherwise, the appeal would be heard.

Communicating less than unconditional eligibility could cause applicants to interpret these internal reviews as an appeal decision and may discourage them from continuing with the appeal process. In such instances, FTA encourages undertaking these reviews within a day or two after receiving appeal requests.

If the internal review suggests less than unconditional eligibility, FTA encourages transit agencies to hold the appeal hearing promptly (i.e., within 30 days of the initial request).

## 9.8 Personal Care Attendants and Companions

### Requirement

“Individuals accompanying an ADA paratransit eligible individual shall be provided service as follows:

(1) One other individual accompanying the ADA paratransit eligible individual shall be provided service—

(i) If the ADA paratransit eligible individual is traveling with a personal care attendant, the entity shall provide service to one other individual in addition to the attendant who is accompanying the eligible individual;

(ii) A family member or friend is regarded as a person accompanying the eligible individual, and not as a personal care attendant, unless the family member or friend registered is acting in the capacity of a personal care attendant;

(2) Additional individuals accompanying the ADA paratransit eligible individual shall be provided service, provided that space is available for them on the paratransit vehicle carrying the ADA paratransit eligible individual and that transportation of the additional individuals will not result in a denial of service to ADA paratransit eligible individuals;

(3) In order to be considered as ‘accompanying’ the eligible individual for purposes of this paragraph (f), the other individual(s) shall have the same origin and destination as the eligible individual” ([§ 37.123\(f\)](#)).

“In applications for ADA paratransit eligibility, the entity may require the applicant to indicate whether or not he or she travels with a personal care attendant” ([§ 37.125\(i\)](#)).

### Discussion

A personal care attendant (PCA), as explained in [Appendix D](#) to § 37.121, is “someone designated or employed specifically to help the eligible individual meet his or her personal needs.”<sup>6</sup> A PCA typically assists with one or more daily life activities such as providing personal care, performing manual tasks, or providing assistance with mobility or communication. PCA assistance is not always needed during a complementary paratransit trip itself; because of the nature of typical PCA functions, it is most likely the services provided by a PCA would be required throughout the day at the passenger’s destination.

PCAs are sometimes family members or friends. In some instances, PCAs are other individuals with a disability. This might be an individual with a physical disability who assists someone with a vision disability or who accompanies an individual with an intellectual disability who cannot travel independently.

Section 37.123(f)(1) grants complementary paratransit riders the right to be accompanied by “at least one” companion. Section 37.123(f)(2) obligates transit agencies to accommodate additional companions if space is available, meaning that they do not displace other eligible riders. Such companions can be a spouse, a child, a coworker, a friend, or anyone else traveling with riders.

PCAs differ from companions. While both accompany riders with disabilities, PCAs also assist riders with a daily life activity. [Appendix D](#) to § 37.123 notes, “a companion (e.g., friend or family member) does not count as a personal care attendant unless the eligible individual regularly makes use of a personal care attendant and the companion is actually acting in that capacity.”

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<sup>6</sup> State agency requirements governing attendant services that may be more restrictive (i.e., limited to certain paid or licensed individuals) are not relevant for complementary paratransit purposes. Transit agencies may not require attendants to be paid or deemed “attendants” by state agencies to qualify as a PCA.



To be viewed as “accompanying” an eligible rider, PCAs and companions must board and disembark at the same locations as eligible individuals. This means that transit agencies are not required to transport PCAs and companions to or from other locations.

To ensure space availability for all riders, it is appropriate for transit agencies to require riders making trip reservations to indicate that they will be traveling with a PCA or companion.

As noted in Circular Section 8.4.6, PCAs pay no fare but transit agencies are permitted to charge companions the same fare charged to ADA paratransit eligible riders. Agencies are not required under § 37.123(f) to allow a complementary paratransit rider to be accompanied by more than one PCA at a time. The section of the regulations references “a personal care attendant” in the singular. In some cases, however, a complementary paratransit rider might want to bring along more than one companion.

### 9.8.1 Eligibility Considerations and PCAs

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During the eligibility determination process, a transit agency may ask applicants if they sometimes travel with a PCA. However, whether a rider travels with a PCA does not have a bearing on eligibility. As noted in [Appendix D](#) to § 37.123, this step is taken to “prevent potential abuse” of the PCA provision by documenting that the rider travels with a PCA. By noting the need for a PCA in a rider’s application, the agency can more easily determine if an individual traveling with the rider is a PCA or simply a companion, which in turn simplifies determining required fares, because a companion pays the fare while a PCA does not.

Even when applicants seeking ADA paratransit eligibility indicate they always need a PCA for travel, a transit agency-imposed requirement to always travel with a PCA is inconsistent with [§ 37.5\(e\)](#).<sup>7</sup> (See Circular Section 2.2.5.) Some riders may be able to use complementary paratransit unattended by a PCA for some trips (e.g., those ending at a destination familiar to them).

## 9.9 Service for Visitors

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### Requirement

“Each public entity required to provide complementary paratransit service under § 37.121 of [Part 37] shall make the service available to visitors as provided in this section” ([§ 37.127\(a\)](#)).

“For purposes of this section, a visitor is an individual with disabilities who does not reside in the jurisdiction(s) served by the public entity or other entities with which the public entity provides coordinated complementary paratransit service within a region” ([§ 37.127\(b\)](#)).

### Discussion

This requirement obligates transit agencies to provide complementary paratransit service to individuals with disabilities visiting their area. Visitors are defined as individuals who reside outside an agency’s jurisdiction. In cases where multiple transit agencies have developed a coordinated regional paratransit service, visitors are defined as those residing outside of the regional jurisdiction. [Appendix D](#) to § 37.127 explains:

[Section 37.127] requires each entity having a complementary paratransit system to provide service to visitors from out of town on the same basis as it is provided to local residents. By “on

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<sup>7</sup> There is one exception. An agency may require an attendant as a condition of providing service to an individual it otherwise had the right to refuse for conduct reasons under [§ 37.5\(h\)](#). For more information, see Circular Section 2.2.5.

the same basis,” we mean under all the same conditions, service criteria, etc., without distinction. For the period of a visit, the visitor is treated exactly like an eligible local user, without any higher priority being given to either.

FTA notes that granting visitor eligibility is a fairly simple and quick process enabling individuals to contact the host agency to learn what is required and then being able to easily meet the requirements. This also means that upon receipt of any required documentation described below, transit agencies are to quickly enter necessary information into any databases or systems to permit visitors to place trip requests. FTA envisions this as a process that can often be completed the same day or no more than one day later.

## 9.9.1 Visitors with Eligibility from Another Transit Agency

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### Requirement

“Each public entity shall treat as eligible for its complementary paratransit service all visitors who present documentation that they are ADA paratransit eligible, under the criteria of § 37.125 of [Part 37], in the jurisdiction in which they reside” ([§ 37.127\(c\)](#)).

### Discussion

Individuals that other transit agencies have determined to be ADA paratransit eligible can present documentation of eligibility received from these other agencies. As discussed in [Appendix D](#) to § 37.123, host transit agencies “will give ‘full faith and credit’ to the ID card or other documentation from the other [transit agency].” Agencies must accept this documentation directly from the individual and not require that the documentation be provided directly from the individual’s home transit agency.

## 9.9.2 Visitors Without Eligibility from Another Transit Agency

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### Requirement

“With respect to visitors with disabilities who do not present such documentation, the public entity may require the documentation of the individual’s place of residence and, if the individual’s disability is not apparent, of his or her disability. The entity shall provide paratransit service to individuals with disabilities who qualify as visitors under paragraph (b) of this section. The entity shall accept a certification by such individuals that they are unable to use fixed route transit” ([§ 37.127\(d\)](#)).

### Discussion

Individuals with disabilities might not have documentation of ADA paratransit eligibility from another transit agency because they reside in areas without public transit or they have not applied for eligibility in their home area. Asking such individuals to provide proof of residence to verify they qualify as a visitor is appropriate. For visitors whose disability is apparent, § 37.127(d) prohibits agencies from requiring additional documentation. For visitors whose disability is not apparent (e.g., cognitive disability or cardiac condition), requiring documentation of disability, such as a letter from a medical professional or eligibility for other services based on a determination of disability, is permitted. Once this basic documentation is provided, [Appendix D](#) to § 37.127 states that “the local provider will make service available on the basis of the individual’s statement that he or she is unable to use the fixed route transit system.”

### 9.9.3 Duration of Visitor Eligibility

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#### Requirement

“A public entity shall make the service to a visitor required by this section available for any combination of 21 days during any 365-day period beginning with the visitor’s first use of the service during such 365-day period. In no case shall the public entity require a visitor to apply for or receive eligibility certification from the public entity before receiving the service required by this section” ([§ 37.127\(e\)](#)).

#### Discussion

This requirement obligates transit agencies to provide 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. This requirement prohibits agencies from requiring visitors to apply for ADA paratransit eligibility. However, for visitors requesting service beyond the 21 days in the 365-day period, it is appropriate to ask such visitors to apply through the agency’s eligibility process. An optional good practice is to ask visitors when they first call if they expect to use the service for more than 21 days in the next 365-day period and to offer application materials if they answer in the affirmative.

## 9.10 Access to Information

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### 9.10.1 Providing Accessible Information and Materials

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#### Requirement

“All information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility shall be made available in accessible formats, upon request” ([§ 37.125\(b\)](#)).

#### Discussion

In addition to the general requirement in [§ 37.167\(f\)](#) for transit agencies to provide service information in accessible formats (see Circular Section 2.8), the DOT ADA regulations in [§ 37.125\(b\)](#) specifically require ADA paratransit materials to be in accessible formats. This accessible format requirement covers brochures or public information describing ADA paratransit eligibility and the application process, the application form, letters of determination, and information on the appeal process, as well as other information and materials.

As discussed in [Appendix D](#) to [§ 37.125](#), “A document does not necessarily need to be made available in the format a requester prefers, but it does have to be made available in a format the person can use. There is no use giving a computer disk to someone who does not have a computer, for instance, or a braille document to a person who does not read braille.”

### 9.10.2 Providing Title VI Language Access

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Transit agencies that receive Federal funds also have obligations under Title VI of the Civil Rights Act of 1964 for ensuring individuals with limited English proficiency (LEP) can access their programs and activities. These obligations are described in [FTA Circular 4702.1B](#), Chapter III. Because of these requirements, agencies must ensure, for example, that LEP individuals are able to have access to information on complementary paratransit service and how to apply. The Title VI Circular notes specifically that agencies must translate vital text, including “an ADA complementary paratransit eligibility application.” Agencies must also in some cases provide foreign language interpreter services so

that LEP individuals may participate, for example, in interviews, assessments, and appeal processes related to eligibility denials or no-show suspensions. A failure to translate vital text or to provide foreign language interpreter services at no cost to an LEP individual could result in a denial of meaningful access by a transit agency to that individual in violation of Title VI. (See Circular Section 9.12.)

## 9.11 Other Process Considerations

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### 9.11.1 Confidentiality of Applicant Information

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Determination of ADA paratransit eligibility is likely to include collecting personally identifiable information (PII), including information about disabilities and health conditions. Transit agencies are not subject to the Health Insurance Portability and Accountability Act's (HIPAA) privacy and security rules. However, according to the Transit Cooperative Research Program's (TCRP) [Legal Research Digest 46](#):

[S]ome state statutes impose an obligation on a person or entity not to disclose health information without an individual's reauthorization of its disclosure. Even in the absence of a state statute, persons or entities that disclose an individual's health information may be subject to civil claims under state constitutional or statutory provisions or at common law for invasions of privacy and other claims in tort or for breach of contract.<sup>8</sup>

FTA recommends that transit agencies keep PII confidential, limit distribution to only those who need access, and keep application files in a secure location. FTA also recommends informing those involved in reviewing applications and making determinations of the need to maintain confidentiality.

Optional good practices include developing information security and confidentiality policies and plans, informing and training all employees who receive protected information of their responsibilities, and requiring all employees to sign statements acknowledging their responsibilities and agreeing to protect and keep information confidential. Such optional practices also apply to the appeal process, including requiring individuals hearing appeals to maintain strict confidentiality and requiring individuals involved in hearing appeals to sign confidentiality policy statements. Another optional good practice is to require those involved in hearing appeals to return all application information after deciding an appeal.

FTA notes that some transit agencies request social security numbers (SSNs) as part of the application process in order to establish a unique identifier for each applicant. FTA discourages agencies from requesting SSNs because the information is not needed for a determination of eligibility and collecting and storing SSNs creates additional data security responsibilities. FTA encourages agencies to use other unique identifiers.

In some instances, it is important to communicate rider information to drivers to ensure safe, appropriate service while maintaining confidentiality. In these cases, an optional good practice is to add information to run manifests without including specific information on the rider's specific disability. This practice protects confidentiality while providing drivers important operational information.

### 9.11.2 Coordination of Eligibility Determination Processes

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FTA encourages transit agencies with contiguous service areas or serving a defined region to coordinate eligibility determinations to facilitate regional travel. An example of such coordination is in the San

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<sup>8</sup> Transportation Research Board, Transit Cooperative Research Program (TCRP), Legal Research Digest 46, "How the Health Insurance Portability and Accountability Act (HIPAA) and Other Privacy Laws Affect Public Transportation Operations" (July 2014).

Francisco Bay area, which has a Regional Eligibility Database (RED). Approximately 20 area transit providers record eligibility data for their riders into the RED and then access this data to verify eligibility for riders approved by another provider.

## 9.12 No-Show Suspensions

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### Requirement

“The entity 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.

(1) Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists.

(2) Before suspending service, the entity shall take the following steps:

(i) Notify the individual in writing that the entity proposes to suspend service, citing with specificity the basis of the proposed suspension and setting forth the proposed sanction.

(ii) Provide the individual an opportunity to be heard and to present information and arguments;

(iii) Provide the individual with written notification of the decision and the reasons for it.

(3) The appeals process of paragraph (g) of this section is available to an individual on whom sanctions have been imposed under this paragraph. The sanction is stayed pending the outcome of the appeal” ([§ 37.125\(h\)](#)).

### Discussion

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. As discussed in [Appendix D](#) to § 37.125, a “pattern or practice” involves “intentional, repeated or regular actions, not isolated, accidental, or singular incidents.” The purpose of a suspension process would be to deter or deal with chronic “no-shows.”

Only actions within the control of the individual may count as part of a pattern or practice. As [Appendix D](#) to § 37.125 explains,

Missed trips due to operator error are not attributable to the individual passenger for this purpose. If the vehicle arrives substantially after the scheduled pickup time, and the passenger has given up on the vehicle and taken a taxi or gone down the street to talk to a neighbor, that is not a missed trip attributable to the passenger. If the vehicle does not arrive at all, or is sent to the wrong address, or to the wrong entrance to a building, that is not a missed trip attributable to the passenger. There may be other circumstances beyond the individual’s control (e.g., a sudden turn for the worse in someone with a variable condition, a sudden family emergency) that make it impracticable for the individual to travel at the scheduled time and also for the individual to notify the entity in time to cancel the trip before the vehicle comes. Such circumstances also would not form part of a sanctionable pattern or practice.

### 9.12.1 Late Cancellations

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The regulations only address proposed service suspensions due to a pattern or practice of missing scheduled trips. However, FTA permits transit agencies to count late cancellations as no-shows for trips

cancelled less than 1 to 2 hours prior to the pickup time negotiated with the rider, and only under the same circumstances (i.e., not due to reasons beyond the rider’s control).

### 9.12.2 Establishing that a Pattern or Practice Exists

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In order to establish whether or not a particular rider has established a “pattern or practice” of missing scheduled trips, a transit agency must consider the rider’s frequency of use of the paratransit service. Three no-shows in 30 days for a regular rider who uses the service daily to commute to and from work as well as for other purposes, for example, is very different from three no-shows by a customer who schedules only five trips per month.

To help define what constitutes an abuse of the service, FTA recommends that transit agencies establish a two-step process for determining whether a pattern or practice exists. The first step is to establish thresholds for suspensions that represent multiples of the systemwide average. For example, if the systemwide average for no-shows is 5 percent of all scheduled trips, the threshold for potential suspensions might be greater than 10–15 percent.

The second part of this two-step process is to establish thresholds for the minimum number of no-shows within a given interval, below which suspensions would not be imposed. For example, a pattern or practice might be defined as three or more no-shows in a given month that exceed 10 percent of scheduled trips. If the policy only set a 10 percent frequency and did not also include at least three no-shows, a passenger taking only 10 trips in a month would face suspension after a single no-show, which would not represent a pattern or practice.

A sample no-show policy that offers an example of how to address both the absolute number and frequency of no-shows is provided in Attachment 9-4.

Regardless of the methodology chosen, agencies must be prepared to explain to FTA during oversight activity how their threshold represents a pattern or practice consistent with § 37.125(h).

Because transit agencies cannot use no-shows beyond a rider’s control as a basis for determining a pattern or practice of missing scheduled trips, an optional good practice is to include statements to this effect in all public information describing no-show policies.

### 9.12.3 Notifying Riders of Proposed Suspensions and Right to Appeal

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Section 37.125(h)(3) extends the appeal requirements (e.g., notification and an opportunity to be heard in person) for ADA paratransit eligibility denials under § 37.125(g) to suspensions for no-shows. As [Appendix D](#) to § 37.125 notes, “Once an entity has certified someone as eligible, the individual’s eligibility takes on the coloration of a property right. . . . Consequently, before eligibility may be removed ‘for cause’ under this provision, the entity must provide administrative due process to the individual.”

If a transit agency proposes to suspend a rider, it must first notify the individual in writing (using accessible formats where necessary) and cite with specificity the basis of the proposed suspension consistent with § 37.125(h)(2). As Appendix D to § 37.125 explains,

If the entity proposes to impose sanctions on someone, it must first notify the individual in writing (using accessible formats where necessary). The notice must specify the basis of the proposed action (e.g., Mr. Smith scheduled trips for 8 a.m. on May 15, 2 p.m. on June 3, 9 a.m. on June 21, and 9:20 p.m. on July 10, and on each occasion the vehicle appeared at the scheduled time and Mr. Smith was nowhere to be found) and set forth the proposed sanction (e.g., Mr. Smith would not receive service for 15 days).



FTA recommends that the notifications also inform riders that no-shows beyond their control will not be counted and indicate how riders can explain the no-shows were beyond their control.

Section 37.125(g)(2) also obligates transit agencies to inform riders that they have the right to appeal the proposed suspension (with an option for an in-person appeal), consistent with the appeals process outlined in § 37.125(g). (See Circular Section 9.7.) This means including instructions on the appeal process, and how to request an appeal. Under § 37.125(h)(3), suspensions are stayed pending the outcome of the appeal.

An optional good practice is to regularly notify riders of individual no-show charges to allow them an opportunity to dispute or explain no-shows beyond their control, or have a mechanism in place for riders to call or otherwise proactively report why they missed specific trips. FTA notes, however, that riders can appeal the basis for proposed suspensions even if they elect not to dispute any individual no-show.

For riders who have accumulated several no-shows and may soon be facing service suspensions, another optional good practice is to send warning letters before a rider has reached the point of suspension. Effective no-show suspension warning letters list the no-shows recorded, note that additional no-shows could result in a suspension, and encourage riders to call if they feel any of the no-shows were recorded in error or were outside the rider's control. Providing this notification after only a few no-shows makes it easier for riders to recall the actual circumstances surrounding the no-shows and discourages future no-shows by the rider.

FTA recommends that transit agencies have robust procedures to verify that no-shows were recorded correctly before proposing service suspensions, including reviewing a vehicle's location and arrival and departure times for each trip, and to remove any incorrectly recorded no-shows. For example, for agencies that use 30-minute pickup windows and require drivers to wait at least 5 minutes before departing without a rider (see Circular Section 8.5.3), this means verifying that drivers did not:

- Arrive before the 30-minute window and depart before waiting at least 5 minutes within the 30-minute pickup window without picking up the rider (a missed trip)
- Arrive within the 30-minute window and depart before waiting at least 5 minutes without making contact with the rider (a missed trip)
- Arrive after the 30-minute window without picking up the rider (a missed trip)

This also means verifying trip addresses to ensure that trip-booking errors did not occur and that vehicles were at the correct location.

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### 9.12.4 Duration of Suspensions

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Section 37.125(h) requires suspensions to be “for a reasonable period of time.” FTA considers up to 1 week for the first offense a reasonable duration. Subsequent offenses may justify longer suspensions. A second violation might result in a suspension for a few days longer than the first violation and so forth. While it is reasonable to gradually increase the duration of suspensions to address chronic no-shows, FTA generally considers suspensions longer than 30 days to be excessive.

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### 9.12.5 Prohibition Against Financial Penalties

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While § 37.125(h) permits a transit agency to establish an administrative process to suspend, for a reasonable amount of time, complementary paratransit service to eligible individuals who establish a pattern or practice of missing scheduled trips, there are no provisions for imposing other types of penalties for no-shows. This includes financial penalties, including charging fares for trips scheduled but not taken or requiring payment of a fine in order to restore complementary paratransit service. In some cases, however, agencies and riders facing suspensions have mutually agreed on payments for missed

trips in lieu of suspensions. Where such arrangements are made voluntarily, FTA has elected not to intervene.

### 9.12.6 Round-Trips and No-Shows

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Because riders have an independent right to each trip, transit agencies that assess riders with no-shows for the outgoing portion of a round-trip are advised not to automatically assume that the return trip is not needed. Absent indications from riders or other reliable sources that they will not need return trips, FTA requires return trips and subsequent trips to remain on schedules. In these instances, an optional good practice is to attempt to contact riders who no-showed the outgoing trip to inquire about return trips to avoid the cost of sending vehicles unnecessarily and penalizing the rider for another no-show.

### 9.12.7 Optional Practices for Minimizing No-Shows

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FTA encourages transit agencies to develop operating procedures that minimize no-shows. Optional good practices include:

- Establishing a brief period (e.g., 5 minutes) within on-time pickup windows during which drivers will wait for riders before departing.
- Ensuring all drivers provide the same level of rider assistance. Inconsistencies can create rider expectations that result in no-shows if some drivers go to a rider's door while others only wait at the curb or if policies for assistance beyond the curb are not consistently implemented.
- Repeating and verifying key information during trip booking. This includes day and date, addresses, special pickup instructions (e.g., "side door"), and scheduled pickup times and windows.
- Making it easy for riders to cancel trips they no longer need. For example, transit agencies might provide a 24-hour trip cancellation phone number for riders to leave messages when the office is closed.
- Contacting riders who have repeat no-shows before a pattern or practice develops to determine if they understand how to use the service.
- Establishing a process to adjust subscription schedules for riders whose subscription trips are affected. No-shows often occur from a failure to adjust subscription schedules when temporary changes occur. For example, a rider who has subscription services may go on vacation and inform the transit agency of the vacation, but the subscription schedule may remain unchanged. Note that failure to properly manage subscription trips is an agency failure and would not be held against the rider.
- Maintaining close communications with agencies that may provide lists of riders who receive subscription service. No-shows sometimes occur if these lists are not updated or if agencies do not accurately communicate which riders are to be scheduled each day. Again, this would be a failure between the two agencies, not something that would be held against the rider.



# Attachment 9-1

## Assessing Abilities to Use Fixed Route Transit Services

### Sample/Draft Task List (to be Discussed and Refined with Local Input)

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Following is an optional draft list of tasks to be considered when developing a master task list with local input. Tasks must be performed independently, with the exception of transit personnel providing assistance with boarding, alighting, and operation of lifts, ramps and securement systems. With a reasonable level of effort or risk, can the applicant independently and consistently:

- Get and remember transit system information
- Walk/wheel to and from transit stop/station
  - Throughout area – up to 3/4 mile
  - Over various surfaces
  - Over various terrain
  - Up/down curbs
  - Up/down curb ramps
  - Cross streets of various widths and with various controls
  - Find way in familiar and unfamiliar settings
- Enter and exit transit stations
  - Flights of stairs
  - Elevators and escalators
  - Navigating complex stations
- Wait at a stop/station for transit vehicle with and without benches/shelters
- Locate and recognize bus/train to take Single route and multiple routes with transfers
- Board and exit vehicle
  - Inaccessible vehicles
  - Accessible vehicles (lift, ramp)
- Pay fare
- Get to seat/securement area
- Ride in seated or standing position
- Recognize destination
- Signal for stop
- Perform above tasks in various weather and environmental conditions
  - Snow, ice, rain, heat, humidity, cold, smog
  - Bright light, low light, background noise
- Handle unexpected situations
- Remain safe when traveling alone (related to personal judgment and safety skills, not general public safety)<sup>1</sup>

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<sup>1</sup> See Circular Section 9.2.1.

## Sample/Draft Functional Skills Lists (to be Discussed and Refined with Local Input)

### Physical Functional Skills List

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Physical functional abilities needed to perform tasks required to use fixed route transit system:

- Walking speed
- Endurance
- Coordination
- Strength
- Balance
- Gait
- Range of motion
- Dexterity

### Cognitive Functional Skills List

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Cognitive functional abilities needed to perform tasks required to use fixed route transit system:

- Orientation to person, place and time
- Judgment and safety skills
- Problem solving
- Coping skills
- Short and long-term memory
- Concentration (attention to task)
- Ability to seek and act on directions
- Ability to process information
- Ability to communicate needs
- Consistency
- Behavioral skills

### Sensory Functional Skills List

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Sensory functional abilities needed to perform tasks required to use fixed route transit system:

- Orientation to place
- Directional wayfinding
- Ability to detect changes on surfaces
- Ability to detect environmental cues (hearing)
- Proficiency in using mobility aids

## Attachment 9-2A

# Sample Unconditional ADA Paratransit Eligibility Letter

[On Transit Agency Letterhead]

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[Date]

[Name]

[Mailing Address]

Dear [Applicant Name]:

We have completed our review of your recent request for [name of complementary paratransit service], [transit agency's] ADA paratransit service. Based on the information provided, we have determined that you are **UNCONDITIONALLY ELIGIBLE** for [name of complementary paratransit service] service. This means that you can use [name of complementary paratransit service] for any trips you need to make.

We have noted in your rider file that you sometimes travel with a personal care attendant (PCA). A PCA is someone designated or employed specifically to help you meet your personal needs, and is different from a guest or a companion. Your PCA may accompany you at no additional charge.

Your eligibility for [name of complementary paratransit service] is valid through [EXPIRATION DATE], after which you will need to request a continuation of your eligibility. We will notify you in advance of this expiration date to remind you to reapply and will send you a recertification request form at that time.

Enclosed is a copy of [insert name of a rider's guide], which explains the [name of complementary paratransit service] service and how to use it. The rider's guide includes helpful tips for using the service, so please be sure to read it. If you have any questions about the service, please call our Customer Service office at [phone number].

In addition to using [name of complementary paratransit service], this letter of eligibility also entitles you to use similar ADA paratransit services at other transit systems across the country as a visitor for up to 21 days per year. Simply provide the transit agency in the city you plan to visit with a copy of this letter to obtain approval to travel as a visitor.

If you have any questions about this determination of eligibility, please call our ADA Paratransit Eligibility office at [phone number].

Sincerely,

[ADA Paratransit Eligibility Manager]

Attachment: Rider's Guide