

TRANSPORTATION DISTRICT COMMISSION OF HAMPTON ROADS
Unified Service Plan and
Policy for Complementary Paratransit Services
under the Americans with Disabilities Act (ADA)

Introduction and Process

This draft Unified Service Plan and Policy for ADA Complementary Paratransit Services has been developed in consultation with the Joint ADA Advisory Committees, and is being made available for review at the HRT offices and at the HRT website at <http://www.hrtransit.org>. Copies are available, upon request, in accessible formats.

Development of this plan included a full-day workshop on April 30, 2001, where representatives of the local disability community met with city and HRT staff to identify priorities for paratransit services, beyond the baseline requirements of the Americans with Disabilities Act, that are desirable if feasible. In order of preference, the priority items were:

- 1) Subscription service
- 2) Group trips for agencies including “contract service” if willing to pay (extra)
- 3) Anywhere in HRT service area, including Crossroads paratransit
- 4) Door-to-door service (beyond curb-to-curb)
- 5) Longer days & hours of service; priority for medical trips (tie).

HRT staff believes that the first two items in this list have operational and financial value to the system and member cities, as well as advantages to customers, and therefore recommends their inclusion in this Plan, even though they exceed the baseline requirements of the ADA.

Background and Justification for this Policy

The Americans with Disabilities Act, PL 101-336 (“ADA”), was signed into law on July 26, 1990. The U.S. Department of Transportation issued regulations implementing the transportation provisions of Titles II and III of the ADA (“ADA regulations”). The regulations specify procedures and service criteria for the provision of “complementary” paratransit service that is generally, in accordance with the statute, “comparable” to the fixed-route transit service available to the general public. As required under the ADA regulations, both of Hampton Roads Transit’s (HRT) predecessor systems (TRT and Pentran) developed initial “paratransit plans” in 1992 and provided annual updates for those plans through 1996. In 1999 the two public transportation systems were merged into the Transportation District Commission of Hampton Roads (TDCHR), operating as HRT. HRT’s complementary paratransit service is known as Handi-Ride.

Since beginning implementation, HRT and its predecessors have taken significant actions to improve their compliance with the ADA, including the purchase of computer-assisted scheduling software, improvements and increases in vehicles and staffing, and use of supplemental taxi service to ensure adequate capacity. In many aspects, Handi-Ride has historically provided a broader level of service and eligibility than is required by the ADA.

The advisory committees for ADA issues for the NorthSide and the SouthSide (collectively the “Joint ADA Advisory Committees”) are each comprised of members of the HRT-area disability community, organizations that represent the disability community, member city staff and HRT staff. The Joint ADA Advisory Committees provided valuable and constructive assistance in the development of this Unified Service Plan and Policy for Complementary Paratransit Services under the Americans with Disabilities Act (“Unified Service Plan”). Draft Guidelines for a unified committee, to be known as the Hampton Roads Transit Advisory Committee for Persons with Disabilities, are currently under review.

The purposes of this Unified Service Plan are:

- to ensure continuing compliance with the requirements of the ADA;
- to maintain and enhance accessible fixed-route transit services and encourage fixed-route ridership by persons with disabilities;
- to ensure financial stability for the HRT public transit system;
- to identify expectations for passengers’ rights and responsibilities regarding Handi-Ride service; and
- to the extent that additional financial resources may be available, to consider a range of supplemental service choices for passengers and member communities.

Member cities of HRTDC are encouraged to assist in improving fixed-route transit usage by improving access along public rights-of-way to bus stops, including paths of travel.

Upon adoption, this Unified Service Plan supersedes the Complementary Paratransit Plans and related Annual Updates submitted by Pentran and TRT to the Federal Transit Administration.

Eligibility for Service

The ADA and the ADA regulations identify three “categories” of eligibility for complementary paratransit service. The basic requirement is that the individual, *because of his or her disability*, is unable to use fixed-route transit service for all or some of his or her trips:

- **Category 1:** Any individual 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 bus operator), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities.
- **Category 2:** Any individual with a disability who needs an accessible vehicle and one is not available on the fixed route or at the time of day desired for travel. The ADA statute and regulations require that all purchases or lease of new transit vehicles be readily accessible to and usable by persons with disabilities, including wheelchair users.
- **Category 3:** Any individual who has a specific impairment-related condition that prevents the individual from traveling to or from a bus stop. If the disability “merely” makes it more difficult to get to/from the stop than for people without disabilities, this does not necessarily qualify the individual under this category. The interaction of barriers such as distance, terrain, or weather with an individual's specific impairment-related condition may form a basis for eligibility if the effect is to prevent the individual from traveling to or from a fixed route stop.

Eligible visitors from other transit systems are also able to use the HRT paratransit service for any combination of 21 days during any one-year period.

Consistent with the implementing regulations for ADA complementary paratransit service, ADA paratransit eligibility is strictly limited to individuals specified in the three categories identified above, and if an individual meets the eligibility criteria 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. HRT recognizes that the technical ability to monitor and restrict “trip-by-trip” or “conditional” eligibility is expected to improve over time with technology enhancements.

HRT will implement the process for eligibility recommended by the Joint ADA Advisory Committees. That process consists of a brief application form signed by the applicant (or, if needed, a parent or guardian on their behalf) and an in-person interview and

assessment. HRT may also require outside professional verification and documentation (medical or otherwise) of the applicant's functional disability or limitations, and such other information as is reasonably necessary for the eligibility determination. The application is deemed complete when these steps have been completed. If, by a date 21 days following the submission of a complete application, HRT has not made a determination of eligibility, the applicant shall be treated as eligible and shall be provided Handi-Ride service until and unless HRT denies the application. The application form will be available in accessible formats, upon request. To the extent feasible, interviews will be conducted on both sides of the HRT service area.

The Executive Director of HRT is authorized to implement a process for the timely and equitable review and consideration of re-certification for all individuals currently enrolled as eligible for Handi-Ride. Once the initial round of re-certification is complete, HRT will determine whether an in-person interview will be required for future re-certification of all individuals.

Once individuals are determined to be ADA paratransit eligible, they will be issued documentation from HRT which identifies their category(ies) of eligibility, the expiration date, and any conditions or limitations on their eligibility including the use of a personal care attendant. Except for temporary eligibility or changes in to the individual's ability to use fixed-route public transit, such eligibility will be valid for a period of three years from approval.

Service Criteria for ADA Complementary Paratransit Service

Consistent with Congressional intent and the ADA regulations, it is the policy of HRT to ensure strict compliance with the baseline standards for ADA complementary paratransit service. The summary of the regulations' baseline standards is set forth below and are the services that are now provided under this Unified Service Plan. In addition, a description of possible "Community Choice" or optional services is identified, each of which may only be implemented if feasible under the guidelines set forth below.

- (a) Service area – paratransit must be provided to-and-from any point within 3/4-mile of a fixed route.
- - Current service provided under the Unified Service Plan: ADA-required service is restricted to the required 3/4-mile corridors on both the NorthSide and the SouthSide.
 - Community Choice, if feasible: Service to trips which extend beyond the 3/4-mile corridor or which expand on existing fixed routes can be considered based on financial and operational resources and community priorities.
- (b) Response time – service must be provided on at least a "next-day" basis, and can be scheduled up to 14 days in advance. Pickup times can be negotiated within

- Current NorthSide: Trips scheduled from 3 days in advance through the day preceding the requested service. Subscription service permitted.
- Current SouthSide: Same as NorthSide.
- Service under the Unified Service Plan: Eliminate availability of 3-day advance reservations. ADA paratransit trips will be available only on a next-day reservation basis. When a passenger with disabilities needs an accessible vehicle on a fixed route and the bus is running with an inoperative lift or ramp, service using an accessible vehicle, including but not limited to paratransit, will be promptly provided.
- Community Choice, if feasible: Other trips, such as those requesting advance-reservations or subscriptions, can become part of the Community Choice options so long as there is no negative impact on the availability or delivery of ADA-required service.

(c) Fares – the fare for the paratransit service cannot exceed twice the “undiscounted” regular fixed route fare for a similar trip, including transfers and premium charges. A companion may be charged the paratransit fare; a personal care attendant rides free, but all such “accompanying persons” must have the same origin and destination as the eligible passenger. “Agency trips” can be charged a higher fare.

- Current service under the Unified Service Plan: Handi-Ride Fares will be \$3.00 per trip on the NorthSide. Handi-Ride Fares will be \$3.00 per trip on the SouthSide. This fare may be changed, after public hearing, in accordance with HRT procedures.
- Community Choice, if feasible: Consider a range of “agency fares” and contract arrangements as part of Community Choice options. Agencies and organizations that request a level of service beyond the baseline standards of the ADA should provide extra revenue to HRT for this impact to the system and other passengers.

(d) Trip purpose restrictions -- restrictions or priorities based on trip purpose are not allowed, except within subscription service.

- Current NorthSide: No trip purpose restrictions or priorities.
- Current SouthSide: No trip purpose restrictions or priorities.
- Service under the Unified Service Plan: No trip purpose restrictions or priorities.
- Community Choice, if feasible: Possible restrictions or priorities within subscription service.

- (e) Hours and days of service -- complementary paratransit service must be available throughout the same hours and days as the entity's fixed route service.
- Current NorthSide: Consistent with fixed route service.
 - Current SouthSide: Consistent with fixed route service.
 - Service under the Unified Service Plan: No changes proposed at this time.
 - Community Choice, if feasible: Possible longer hours and days of service.
- (f) Capacity constraints – specified limits to the availability of complementary paratransit service to ADA paratransit eligible individuals are not allowed. These include: restrictions on the number of trips to individuals; waiting lists for access to the service; or “any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.”
- Current NorthSide: No capacity constraints. However, there is a significant number of “non-trips” (trip requests scheduled which the passenger later cancels or no-shows and which may thereby restrict the availability of service to others)
 - Current SouthSide: No capacity constraints. However, there are high costs for taxi service, as well as a significant number of “non-trips”.
 - Service under the Unified Service Plan: No capacity constraints. A No Show/Late Cancel and Appeals policy was adopted February 15, 2002 that will impose sanctions for persons who “establish a pattern or practice of missing scheduled trips” and who thereby negatively impact availability of service to others. Scheduled for full implementation on April 15, 2002.
 - Community Choice, if feasible: Continue to explore non-ADA options for service, to the extent that financial and operational resources permit.
- (g) Additional service – or services exceeding the requirements of the regulations are allowed, but may not be considered in any request for an “undue financial burden waiver.”
- Current NorthSide: Several agency arrangements.
 - Current SouthSide: Several agency contracts as well as agency arrangements.
 - Service under the Unified Service Plan: It is the policy of HRT to strictly comply with the baseline standards of the ADA complementary paratransit regulations.
 - Community Choice, if feasible: Continue to identify policy guidelines so that service is available on an equitable and cost-effective basis for a variety of supplemental services in addition to those mandated by the ADA. These can be part of the Community Choice options, to the extent financially and operationally feasible without negatively impacting ADA-protected service.

Passenger Rights and Responsibilities

HRT acknowledges its obligation to provide a mandated level of service to ADA paratransit eligible individuals, and recognizes that passengers have an obligation to comply with reasonable system rules

The following statement of Handi-Ride “Rights and Responsibilities” has been reviewed by the Joint ADA Advisory Committees and becomes HRT policy under this Unified Service Plan:

Handi-Ride passengers have the following rights:

- Courtesy and respect from public transit personnel, including timely phone service and accurate information
- Service comparable to fixed route
- Information available in an accessible format
- Open public involvement process for changes in service or fares
- Reasonably well-maintained vehicles.

Handi-Ride passengers have the following responsibilities:

- Respect for other passengers and public transit personnel
- Obey vehicle and service rules (including but not limited to: no food, smoking or radios, curb-to-curb service, comply with service rules for scheduled pickup time, keep service animal under control)
- Limit “no-shows” and late cancellations, since these affect the availability and timeliness of service to others. Under this Plan and Policy, a “late cancel” is defined as one that occurs two hours or less before the beginning of the passenger’s scheduled pickup “window.”

Appeals

The ADA regulations require an administrative process for individuals to appeal: (1) denials of eligibility; and (2) suspensions of service.

Service may be suspended, for a reasonable period of time, for any individual who establishes a pattern or practice of missing or late-canceling scheduled trips, or for conduct that is violent, seriously disruptive, or illegal, or that is prohibited on fixed route vehicles.

Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips which are missed due to HRT error or because of the individual’s disability) shall not be a basis for determining whether a pattern or practice of missing scheduled trips exists.

Before suspending service, HRT shall take the following steps:

(1) Notify the individual in writing of the proposal to suspend service, citing with specificity the basis of the proposed suspension and setting forth the proposed sanction;

(2) Provide the individual an opportunity to be heard and to present information and arguments; and

(3) Provide the individual with a written notification of the decision and the reasons for it (“Suspension Notice”).

The following administrative appeals process shall be available for denial of eligibility and/or suspension of service:

- An appeal must be filed within 60 days of the date of denial of an individual's application or the date of the Suspension Notice, as appropriate.
- Upon request, the appealing individual is afforded an opportunity to be heard and to present information and arguments.
- No individual involved in the original determination to deny eligibility or to impose a sanction shall have a decision-making role in an appeal of that determination.
- Upon resolution of an appeal, the individual shall be provided written notification of the decision, and the reasons for it.

To the extent feasible, appeals hearings will be conducted on both sides of the HRT service area. Appeals under this process will be determined by a three or five-member panel. One member shall be a staff member from HRT. A second member shall be a voting member of the Hampton Roads Transit Advisory Committee for Persons with Disabilities. The additional member(s) shall be from one of the member cities’ Advisory Committees, or Mayor’s Committees on Disabilities or Human Rights, agreed upon by the two other panel members, or, if none is available, another “outside” person(s) agreed upon by the two other panel members. A majority decision of the Appeals Panel shall be final and binding.

For denials of eligibility, HRT is not required to provide paratransit service to the individual pending the determination on appeal. However, if HRT has not made a decision within 30 days of the completion of the appeal process, the individual shall be provided paratransit service, upon request, from that time until and unless a decision to deny the appeal is issued. For suspension of service, the sanction is stayed pending the outcome of the appeal. For conduct that is violent, seriously disruptive or illegal, a requirement for the individual to use a personal care attendant may be mandated pending a determination from the Appeal Panel as a compromise in lieu of suspension or termination of service.

Policy for Community Choice/Optional Services

Additional service beyond those required by the ADA will be considered based on the feasibility of financial and operational resources.

“Community Choice” or “optional” services that can benefit the overall HRT service may be authorized by the Executive Director or his/her designee. These may include, but not be limited to, options that may improve the operational efficiency of the Handi-Ride program (e.g., subscription services) or that may provide additional revenue to the HRT

system without negatively impacting the required ADA complementary paratransit service (e.g., “contract” arrangements or “agency fares” for supplemental services). The determination of whether a proposed Community Choice/optional service is operationally feasible shall be made by the Executive Director of HRT. A determination of financial feasibility shall require the agreement of all seven member cities. Any such additional services which are implemented will be on a discretionary and optional basis, shall be considered supplemental to and separate from those services required by the ADA, and shall not impede the civil rights guaranteed to eligible individuals under the ADA.

Implementation

Implementation of the provisions under this Unified Service Plan shall began August 1, 2002, following approval by the Transportation District Commission of Hampton Roads. The Executive Director has determined the phasing of eligibility certification and operational changes and has developed, and shall revise as necessary, procedures for implementing and enforcing this Unified Service Plan.