

Good afternoon, I'm Dan Gadbury, the Project Manager for the Paratransit Education and Advocacy Collaborative. Before we begin today, I want to refer everyone to our website, www.Paratransittexas.org. On the Presentations page of the website, you'll find the PowerPoint for today's presentation. Also, I want to refer you to our Contact page on the website and I'd like to encourage you to use that as a way of sending in your comments or questions for this call. We welcome all those and what we are going to do is, we are recording this call and we'll be posting it later on as a podcast, also available on the Presentations page of the website. Also, in about 30 days, you'll

be able to see a transcript of the call. We're doing it that way to make it as accessible as we can to everyone. As I said, I'm with PEAC and PEAC is a statewide project originally funded by Texas Council for Development Disabilities. Our primary goal is to increase the quality, quantity and customer service of Paratransit to persons with disabilities. And this is the very reason why we have decided to conduct these calls. We found there is a basic need in Texas for people with disabilities that in order for them to travel as independently as possible, there needs to be a general understanding of the ADA guidelines for Paratransit services. So, as I begin this call, I want to start out with a footnote. I want to

emphasize the importance of utilizing any form of Travel Training available to you in your local area. By that I mean, Travel Training typically refers to the training of a Paratransit rider to use a fixed route service. Travel Training tools are also available on our website, and I encourage you to access those. They can greatly enhance the independence of anyone with mobility challenges. Today, my colleagues Kristy Range and Tim Brown, will help us go through some of the general ADA Paratransit definitions and guidelines. Examples given today, which are matters of public record, will be given. But specific concerns about transportation Providers will not be discussed today on this call. However, if you

have any concerns or specific considerations that you would like to talk with us about, please feel free to call us at our toll free number at 1-877-542-5101 or through our contact link on our website at www.ParatransitTexas.org. Tim Brown is our Project Liaison. He is based in Austin and he's our technical specialist and has a pretty wide array of experience with disability advocacy. Tim supports all of our locations across the state, including our office in El Paso, as well as my office here in Fort Worth. Right now on I want to begin by introducing Kristy Range. Kristy is our East Texas Outreach Coordinator and she is a rider of both Tyler Transit and East Texas Rural Transit, the Trans-County accessible provider

operated by the East Texas Council of Governments. I am going to hand it over to Kristy now. She is going to go through some definitions with us. Thank you, Dan. As a way of laying the foundation for the call today, I will give you the basic definitions of 3 public transportation services. They are: Fixed Route, Demand Response and Paratransit Services. The basic definition of Fixed Route is that it typically utilizes a fleet of full-sized busses as opposed to the vans or medium-sized busses used in Paratransit and demand- response fleets. These larger busses provide public transportation along a prescribed route and adhere to a recurring or fixed schedule. Just remember, the

fixed route bus only travels from bus stop to bus stop. Passengers must be able to get to the bus stop in order to board the bus. Some people refer to it as the main bus or the “big bus”. Demand Response can also be referred to as dial-a-ride. This service is comprised of passenger cars, vans, or small buses that are dispatched in response to passengers’ requests to be picked up at a designated location and transported to their destination. Unlike, Paratransit, demand-response can be a stand-alone service, in that it does not have to be connected to a fixed route system. There are no bus stops. Every trip is scheduled in advance. Paratransit service is complementary to

the fixed route system. For example, if someone is unable to go to a bus stop, due to a disability, he or she can be picked up from a scheduled location and be transported to a scheduled destination.

Paratransit services are operated like demand-response systems, but demand response providers don't always provide ADA Paratransit services.

Because the Paratransit is complementary to the fixed route, it operates the same hours as the fixed route. In some locations, the hours are even extended. Paratransit service is provided by public transportation agencies that provide fixed route services, who are required by the Americans with Disabilities Act (ADA) to provide origin-to-

destination services, to those who are unable to use a fixed route service because of a disability.

Now, I will turn the call over to Tim, and he will discuss Eligibility Determination, among other things. Thanks Kristy. We are now at the slide that is titled Eligibility and the Reasonable Person Test. One thing that is not consistent with provider to provider is eligibility requirements, where a doctor's note might suffice in one system in the might take the form of physical assessment in another. One thing that might be noted here, that once you've been deemed eligible to use one system you should be able to use any system to which you are traveling, no matter what their

standards. The background is when the ADA was created, there was a thinking that making a standard eligibility requirement for providers would put an unnecessary burden on smaller systems that might have difficulty finding the resources to determine eligibility, that might be more easily done by a larger metropolitan system. Functional assessments are like what VIA does in San Antonio. The potential rider, with an occupational therapist, will go up a set of stairs or do a series of physical tasks. Then the occupational therapist will take the potential rider to a bus stop outside of VIA and ask them to get on the bus, go a couple of stops down, get off, cross the street, and come back by another bus. Now while

this may show a standard amount of competency for using the bus, it by no means explores the different kinds of terrains and infrastructures that might exist throughout the city. So in a sense, it doesn't tell the complete story either. There's two types of eligibility or there's usually a two choice option. And that is called All-or-Nothing eligibility. In this scenario the rider is demonstrating that they can ride the main line buses and might be kicked out Paratransit services. In reaction to this the users of those services might be discouraged from trying to blend Main Line and Paratransit Services. Thus, forming their dependence on this more segregated form of travel. And also increasing costs for the provider,

since it costs them a great deal more to provide a Paratransit ride. Some systems in the United States are using what's called Conditional Eligibility. And Conditional Eligibility has to do with a couple of different things. If you have a type of disability that changes your ability to use Paratransit or the main route buses, that would be one of the Conditional Eligibility scenarios. For instance, if a rider has MS, and the symptoms of the MS are exacerbated or made worse by temperatures over 80 degrees the transportation provider would tag that as such and any days that the forecast says it is going to be over 80 degrees, they would be made eligible automatically for Paratransit Services. Another

example of a transitory status for people with disabilities is people with epilepsy. If they have had an epileptic seizure for x amount of time, they may be considered eligible for Paratransit Services until their condition improves. On the other side of things, Conditional Eligibility can also apply to the infrastructure or pedestrian infrastructure that exists where the person is coming from or where they are going. Now this is a little bit harder to assess obviously as you are going to any part of the city. If you are in a large city, it might be difficult to keep tabs on the pedestrian infrastructure, but it could at least apply to your own particular home stop. If it's more than three quarter of a mile or if it's hard to get

there, for any reason such as lack of sidewalks, curb cuts or that type of thing. Then the person may be considered Conditionally Eligible to use Paratransit Services. That brings us to the Reasonable Person Test which I touched upon earlier. The Sacramento Transit Authority in Sacramento California was sued several years ago by riders because the riders were being told if it was not literally impossible for them to get to the bus stop, in fact they were told even if they had to crawl and could make it to the nearest bus stop then they were deemed ineligible for Paratransit Services. Well, there was a class action suit and the 9th Circuit Court came back with the idea of the Reasonable Person Test. It agreed that it not need

be literally impossible to reach a bus stop for someone with a disability to qualify for Paratransit eligibility. The Appeals Court suggested instead that ADA eligibility is warranted if a reasonable person with an impairment-related condition in question be deterred from making the trip. So, it's not just the idea of not be able to physically make it, but the idea of trying to get there being a deterrent would also make them qualify for Paratransit services. Other trip deterrents, such as one significant problem for people with disabilities lies not in the bus service itself, but that it might be difficult to get to the route bus stop, like I was saying because there are barriers in the community. Such as inaccessible bus

stops, intersections without curb ramps, street crossings and pedestrian signals that are inaccessible to visually impaired persons, for instance. And recently, the FTA has been putting emphasis on fact that transit agencies need to look at the infrastructure every bit as much as the disability. For instance, if someone needs to ride on the shoulder of a highway with a power chair to reach a fixed route stop, even though it might be technically possible for the person to get to the stop that way, it would still be considered unreasonable and even illegal for the person to do that and put themselves in harm's way. So we are going on to the next slide that says comparable to the fixed

route services. For all Paratransit services, the operative term is parallel services to the main route. That means with all these aspects of fixed route services, service area, hours of service, next day advance reservation, response time and the fare structure, the Paratransit should parallel main route services. With certain guidelines and exceptions for items such as next day advance reservations and response time which are only applicable to the Paratransit system, and not to the fixed route. Let's take a look at each of these features individually and how they relate to Paratransit and the ADA. The first one is service area. And it says Paratransit must minimally serve areas three quarters of a mile of

each side of the fixed route. In this sense, the emphasis is on minimally served areas. In many metro areas like Fort Worth or in Austin, there may be areas within the city limits that are indeed more than three quarters of a mile from the fixed route, but those will usually be covered anyway. So, it is important to remember that this is a minimal requirement. And the idea behind the three quarters of a mile is that most people will not work more than three quarters of a mile to get to where they need to go. If they are asked to walk more than that, they will more than likely not walk. So that's how it is derived and applied to people who are not necessarily walking. We'll go on to the next slide which talks

about hours. This is very straight forward.

Paratransit must minimally operate during the same hours as those of the fixed route services. So, if Capitol Metro serves people main route service from 6 am to midnight, then the Paratransit service must also do that. One of the good things about this is that some of the providers like DART or MITS or City Bus, provide half windows beyond the fixed route normal hours. So it's actually a little bit expanded. As we go on to the next slide, you see the concept of next day advance reservation. All providers have to have the capacity to respond to requests for rides made a day in advance. This also applies to being able to take requests for rides on the days that

buses do not run. For instance, some Paratransit services don't run on Sundays, but run on Mondays. Even though the services are not available on that Sunday, the provider must have the capacity to take ride requests for the following Monday. ADA, however, is not explicit in how this has to happen. It can mean having to schedule to work those hours or it can mean also be as simple as a message machine recording requests from callers. Some new advances with DART in Dallas are the online reservations, they are another way that providers are allowing people to make next day reservations. Going on to the next slide which talks about response time. This is a really important one to

understand. Response time says that Paratransit providers must negotiate with more than one option a pickup time up to one hour earlier or later than the time requested. When you are reserving a next day ride, the providers must negotiate the pickup time with you that is either the exact time you requested or up to one hour earlier or up to one hour later than the time of your request. This sets a guideline for the provider's actions but it also implies that the rider should be flexible too, if at all possible. For example, you're calling one day for a next day ride at 8:30 am in the morning and the provider says to you that they can provide a ride at 7:45 am or 9:15 am in the morning. If you have a little flexibility in

your schedule, you can choose one of those alternate times, if that works for you. In some cases though, like with work or even a church trip, the time you arrive is crucial. So, in these instances, you should stick to your exact pickup time. The FTA has come down on providers who have offered the rider only one choice of pickup time. This was the case, fairly recently with the New York Transit Authority. So, the essence of this rule is that the rider should have choices in setting up their ride time. One choice is not enough. The next slide is about fair structure and this is fairly straightforward as well. It says that providers cannot charge riders more than twice that of fixed route cost. So if your fare is 75

cents to ride on the main route, like it is in Austin, then the Paratransit services cannot be more than twice that or \$1.50. Luckily, in most cases, many operators charge less than the maximum money allowed by the ADA. And in a few cases, like in Washington State, it's required that the fare be less than two times the fixed route cost. The next slide talks about what the ADA precludes. This one is pretty self-explanatory. But it is a point that is abused by providers from time to time. Whether you are scheduling a ride for a medical appointment, to go to a movie, to get to a job or to visit family and friends, the provider can't say that one trip is more important than another. For those of you who have

heard from your Paratransit provider that they cannot schedule you a ride to the grocery store because they have too many medical appointments at that time or that they are only taking medical rides at that time. This is a violation of the ADA and action should be taken. Going on to the next slide, we talk about a very important concept in advocacy and that's about capacity constraints. This is an issue that deals with patterns or practices of the provider that significantly limits a person's availability to access services. The capacity constraint concept is why if you're having consistent problems with your provider, you can't just talk about it to everyone you know. You have to start noting the details of your

interactions with your provider in a systematic way. And it doesn't have to be complicated, it can be as easy as writing down late or early pickup times or no shows for a month on a sheet of paper. But you do have to note it. Or if it hard for you to write it down yourself, have someone else note it when it happens. If you're seeing a pattern of trip denials, it needs to be documented. We hear about a lot of problems with providers, but unless trips are being documented as being late or denied, it can't be demonstrated as a trend or a practice. If it happens every so often, then that's just normal. Mistakes are made. But if it becomes a trend or practice and it happens on a consistent basis, then it becomes a

capacity constraint. So until you take the time to write it down, in the eyes of providers and others, it hasn't really happened. To this end, we have provided a spreadsheet on our website that you can download and use to track issues that you're having with your provider. And taking note and tracking behaviors does lead to changes. This was the case with DART, the Dallas Area Rapid Transit, there was a pattern or practice for DART where they were taking the position that if you had a house with a driveway the bus would not go up into the driveway. This practice was limiting people from taking rides when their driveway was accessible. They were sued by Advocacy Incorporated in Dallas and lost

and had to change their policy. So taking note of this can really make changes for you and make your Paratransit service more accessible. We're going to go on to the next slide, the one that says Capacity Constraints. Once again, if your access to service is limited with any regularity, it doesn't necessarily have to actually involve them being able to physically pick you up. It can be in a variety of ways. One of which that we're talking about here is not providing service within 24 hours advance. In any case, if they say they can't schedule you for next day service, that would be considered a capacity constraint. If it's untimely, if it's overly early, more than an hour early or overly late, more than an hour,

that's also considered a constraint. Another one is lengthy telephone hold times. For hold times, the industry standard is two minutes. Now with the case with VIA in San Antonio, that hold time was being documented as being an average of 28 minutes per call. It was noted by the people in the San Antonio area. VIA was sued and court ordered that it had two and a half years to bring the hold time down to industry standard. The 28 minute hold time is considered a capacity constraint. As far as trip length is concerned, according to the ADA, your Paratransit ride should take no longer than one and a half times the same trip on fixed route. No shows, this is on the providers' side, is obviously a capacity

constraint. And late cancellations on the part of the provider, it varies from being as-soon-as-they-know basis or at the very latest at least a two hour time period before the pickup is suppose to happen. The result of any of these cancellations, is always thought of being on the rider's side, but it can actually be on the provider side. If the provider is consistently late, that is a trigger for riders to seek other ways of getting places, and that leads to late cancellations on their side as well. So part of that is preventative. Finally, if the provider changes your pick up time without negotiating with you directly first, then that is also a violation of the ADA and should be noted. The next slide whereas, we were

talking about responsibilities of the providers, this kind of talks about the responsibilities and rights of the riders. The FTA has recently been harsh to agencies that have suspended services for what they see as not an acceptable length or one that is reasonable, what they call a reasonable suspension period. In case somebody was a daily rider and had violated company policy and they were going to take the Paratransit Services away from them for two weeks. This is something that is considered unacceptable because it would have caused the person to lose their job. The FTA is closely examining the standard definition and policy for late cancellations on the part of the rider. Also, the FTA

isn't afraid to look into the books of Providers when they have suspended a person's service. So they can find out if the person's actions involve intentional, repeated or regular actions. So in all these cases, the Providers must include an appeals process in the Rider's Manual. So that it's clear to the rider from the outset and also so that no exceptional treatment can be leveled against any rider. As some riders that have been suspended claim that it's because of a personal problem their having with a person at the transit company. So this particular rule is trying to get rid of that problem as well. Going on to the next one, we talk about a couple of services that are above and beyond ADA

requirements, and so the not required services are a bit different than the rest of Paratransit. So they don't have to exist. But in many cases they do exist. The first one is subscription services. They are basically a standing order for the same origin and the same destination and the same time on a recurrent basis. It's very popular for people going to work consistently or going to classes or going to church. You need to go to your workplace 8 am to 5 pm every day so it can be setup all at once for a standing order for Paratransit Services. Now while most Providers offer subscription services, they are not required, like I said. The ADA does state that a Provider must not dedicated more than 50 percent of

the total trips available at any given time of the day to subscription services. And since there are no guidelines for lengths of waiting lists and for obvious reasons that they are popular because of ease of use to the rider, the waiting lists for subscription services can be two years or more. The final slide that I'm going to do is about premium services. And premium services are offered by transit providers, but they don't have to comply with ADA requirements, like subscription services. And they may be much more expensive than main route or regular Paratransit services, meaning more than twice the amount. While there are some advantages to the service, for example, a chain trip, might take a

person several places before reaching their destination. There is a threat that it could be used as a money-generating tactic that the transit industry calls the King County model. Now in King County, WA, their Paratransit service provider did something where they reduced all the ADA Paratransit services to the bare minimum. So cutting back on the Paratransit services as much as they could and still follow the law. At the same time they started offering these premium services that exceeded the regular services but it was at an elevated cost. So the concern here in the advocacy community is that these premium services might just be what the transit agency was originally providing that

exceeded standards, like we've seen in a lot of different instances. And that they are now actually charging more for the services that their customers previously enjoyed at a much reduced cost. That is the end of my part of the presentation. I going to turn it over now to Kristy and then finally to Dan to finish the call. Thank you, Tim. On the next slide are the upcoming calls. They are:

Paratransit 102 – Getting Service, Eligibility

Categories and Best Practices

Paratransit 103 – Self Advocacy Tools -- also note that these Self Advocacy Tools are listed on our website at Paratransittexas.org. Please check that out today.

Paratransit 104 – Increasing independence through travel training – just a reminder, our goal can be described in one word, independence! We hope you enjoyed today's call. And we would like to ask that you take a few moments to send us feedback in a short survey. The survey is only 5 questions and will be sent to you by email. We look forward to your evaluation and comments. And now, I will turn the call back over to Dan for some final thoughts, Dan.

Well, thank you Kristy. First of all, Kristy let me thank you and Tim for doing such a wonderful job today. What we have tried to do today is lay out some basic approaches to Paratransit and we certainly hope that some of these things we have

laid out have helped you resolve or at least helped you address some issues in your situation or in your network's situation. I'm on the final slide and I just noticed possibly a typo, our website is www.Paratransittexas.org. The tools we have developed I think are pretty first-rate and I want to encourage everyone to go there and utilize those tools. Also as we've stated we're really trying to promote independence. And on our homepage we have a survey both in English and in Spanish and we want to encourage you to pass along those surveys and survey links to everyone in your network because we are constantly needing new data in order to impact transportation policies. Also,

I want to remind everyone that we are posting this call via podcast on our website later on this week. And we'll also have it available via transcript. Also as I said at the opening of the call, we provide one-on-one technical assistance to anyone having challenges. If we can help, please give us a call or go to our contact page on our website. One final thing, if you haven't registered for this call, please do so. Again it's on the presentations page of our website. I want to thank everyone for joining us on this call and say that we appreciate everyone's support. This call has been a presentation of the Paratransit Education and Advocacy Collaborative.

Thanks everyone for helping us and have a great
afternoon. Goodbye.
