



**Policy for Service Criteria for  
Americans with Disabilities Act (ADA)  
Complementary Paratransit Service  
June 2015**

**PURPOSE**

Tulare County's transit system, Tulare County Area Transit (TCAT), is funded in part with U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA) funds. FTA requires paratransit services to comply with the American with Disabilities Act of 1990 (ADA) and specifically with the requirements of 49 CFR Part 37. This policy for complying with ADA service criteria is one component of many management controls the County utilizes to provide efficient and effective transit services for full compliance with FTA regulations.

The ADA is sweeping legislation that makes it illegal to discriminate against persons with disabilities of all types whether permanent or temporary, physical or mental. The Act provides for equal access for disabled citizens in the areas of transportation, public services, public accommodations and facilities, employment and telecommunications. The USDOT published regulations to implement ADA (49 CFR Part 37, "Transportation Services for Individuals with Disabilities (ADA)" and Part 38 "Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles") on September 6, 1991 delineating specific transportation provisions of the ADA.

These regulations require that public entities operating fixed route transportation service for the general public also provide complementary paratransit within a three-quarter mile radius of the fixed route service to persons unable to use the fixed route system. Paratransit service is specialized service typically designed for senior and disabled riders who are unable to use the fixed route system. Fixed route and complementary paratransit services must be similar in several ways. The ADA (49 CFR 37.123 – 37.133) specifies eligibility for these services, the level of service that must be provided and standards for certain aspects of operation.

**ADA AND DEVIATED ROUTE (OR FLEXIBLE) SERVICE**

For the purpose of ADA regulations, transit systems are considered to be either fixed route or demand responsive (Section 37.3). Accurately categorizing a system is important because it determines the requirements that systems must follow. While some systems are clearly one or the other, systems that provide route deviation service can be harder to categorize.

### **Flexible service-specific requirements**

According to DOT regulations, route deviation service is considered to be demand response service under DOT regulations and therefore must follow the requirements for equivalent level of service for its riders with disabilities.

FTA, however, has informally made a distinction between service that allows anyone to request route deviations and service that only allows riders with disabilities to request the deviations. If the system provides route deviations only to customers with disabilities, this service is then regarded as complementary paratransit service, and is held to the ADA paratransit service criteria. On TCaT routes that provide route deviation for ADA eligible riders, TCaT will comply with the service criteria.

### **ADA ELIGIBILITY CERTIFICATION PROCESS**

As a system with flexible service providing complementary paratransit service for its riders with disabilities, TCaT also is required to implement an eligibility determination and appeals process for those who would like to use the service. TCaT has a formal certification process that is used to determine eligibility and allows for an appeals process consistent with ADA regulations.

Persons who are denied eligibility or given conditional or temporary eligibility are given a written notice with specific reasons for the decision and notice of their right to appeal. If a decision is not made within thirty (30) days of completing the appeals process, transportation is provided until and unless a decision to deny the appeal is issued.

### **COMPLEMENTARY PARATRANSIT SERVICE AND THE DISABLED**

Consistent with 49 CFR 37.123, complementary paratransit service must be provided to three general categories of persons with disabilities:

1. Persons who are unable to board, ride, or disembark from a vehicle even if they are able to get to the stop and even if the vehicle is accessible.
2. Persons who cannot use vehicles without lifts or other accommodations. These persons are eligible for paratransit service if accessible fixed route vehicles are not available on the route on which they need to travel when they need to travel.
3. Persons with specific impairment related conditions who cannot travel to a boarding location or from a disembarking location to their final destination.

### **ADA SERVICE CRITERIA**

Service criteria have been established by the Department of Transportation (DOT) to determine the level of paratransit service that is considered “comparable” to fixed route services. These

criteria apply only to persons certified or eligible for paratransit service while non-ADA eligible riders may be provided a lower standard of service. A description of each criterion found in 49 CFR 37.131 is provided, as follows:

1. **Service Area**: Service must be provided to all origins and destinations within a corridor three-quarter mile on each side of the fixed route. Service beyond this area may be provided at the County's discretion. The County must coordinate where service areas overlap or are contiguous.
2. **Response Time**: Next-day service must be provided for requests made any time during the preceding day. Requests for service must be taken when administrative offices are open and must arrange to accept reservations on days or times when administrative offices are closed if service is provided on the following day.
3. **Fares**: Fares can be no more than twice the fixed route adult fare.
4. **Service Days and Hours**: Days and hours of operation must be at least the same as the fixed route system.
5. **Trip Purpose**: Trips must be accepted and handled on an equal basis. There can be no restrictions on trip purposes or prioritizing by trip type.
6. **Origin to Destination Service**: Service must be provided from origin to destination. The basic mode of service can be designated as door-to-door or curb-to-curb. If the entity's mode of service is curb-to-curb, it must have policies in place to provide assistance from the vehicle to the first doorway for customers requesting such assistance.
7. **Capacity Constraints**: Service to eligible individuals cannot be limited because of capacity constraints. Adequate capacity must be available so that there is no pattern of trip denials. No waiting lists can be maintained, and the number of trips provided to an individual cannot be restricted.

Subscription service is permitted if it does not result in capacity constraints to eligible individuals. If capacity constraints exist, subscription service can comprise no more than 50% of total paratransit service capacity.

#### **TCAT POLICY FOR COMPLIANCE WITH ADA SERVICE CRITERIA**

1. **Service Area**: TCAT 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 three-fourths of a mile radius at the ends of each fixed route.

Within the core service area, TCAT also shall provide service to small areas not inside any of the corridors but which are surrounded by corridors. Outside the core service area, TCAT has designated corridors with widths from three-quarters of a mile up to one and one half miles on each side of a fixed route, based on local circumstances. (For purposes of this criterion, the core service area is that area in which corridors with a width of three-quarters 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 are served.)

TCAT shall not be 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. TCAT, however, shall take all practicable steps to provide paratransit service to any part of its service area.

2. **Response Time:** TCAT 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 (e.g., answering machine).

TCAT shall make reservation service available during normal business hours of TCAT's administrative offices, as well as during times, comparable to normal business hours, on a day when TCAT's offices are not open before a service day.

TCAT 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.

TCAT shall use real-time scheduling to provide complementary paratransit service.

TCAT shall permit advance reservations to be made up to fourteen (14) days in advance of an ADA paratransit eligible individual's desired trips.

3. **Fares:** 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.

In calculating the full fare that would be paid by an individual using the fixed route system, TCAT may charge a premium for trips beyond the three-quarter mile corridor.

Fares for individuals accompanying ADA paratransit eligible individuals, who are provided service under Sec. 37.123 (f) of this part, shall be the same as for the ADA paratransit eligible individuals they are accompanying.

A personal care attendant shall not be charged for complementary paratransit service. TCAT reserves the right to charge a fare higher than otherwise permitted by this paragraph to social service agencies or other organizations for agency trips (i.e., trips guaranteed to the organization).

4. **Trip Purpose**: TCAT shall not impose restrictions or priorities based on trip purpose.
5. **Service Days and Hours**: The complementary paratransit service shall be available throughout the same days and hours as TCAT's fixed route service.
6. **Origin to Destination Service**: TCaT shall provide service from origin to destination with curb-to-curb service. TCaT has policies in place to provide assistance from the vehicle to the first doorway for customers upon request.
7. **Capacity Constraints**: TCAT shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:
  - a. Restrictions on the number of trips an individual will be provided.
  - b. Waiting lists for access to the service.
  - c. Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.
  - d. Such patterns or practices include, but are not limited to, the following:
    - Substantial numbers of significantly untimely pickups for initial or return trips.
    - Substantial numbers of trip denials or missed trips.
    - Substantial numbers of trips with excessive trip lengths.

Operational problems attributable to causes beyond the control of TCAT (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.

#### **TCAT POLICY FOR PROVIDING COMPLEMENTARY PARATRANSIT SERVICE TO VISITORS**

1. TCAT shall provide complementary paratransit service under part §37.121 of the ADA and shall make the service available to visitors as provided in this section.
2. For purposes of this section, a visitor is an individual with disabilities who does not reside in the TCAT service area where TCAT provides coordinated complementary paratransit service.

3. TCAT shall treat as eligible for its complementary paratransit service all visitors who present documentation that they are ADA paratransit eligible, under the criteria of part §37.125 of the ADA, in the jurisdiction in which they reside.
4. With respect to visitors with disabilities who do not present such documentation, TCAT may request documentation of the individual's place of residence and, if the individual's disability is not apparent, of his or her disability. TCAT shall provide paratransit service to individuals with disabilities who qualify as visitors under paragraph 1. of this section. TCAT shall allow visitors who have no ADA certification documentation to use fixed route transit based on their saying so.
5. TCAT 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 TCAT require a visitor to apply for or receive eligibility certification before receiving the service required by this section.

In some cases, TCAT may contact the visitor's transit agency directly to get a copy of their eligibility certification.

#### **TCAT POLICY FOR ADDITIONAL SERVICE**

TCAT may provide complementary paratransit service to ADA paratransit eligible individuals exceeding that provided for in this policy. Only the cost of service provided, however, may be considered in any TCAT request for an undue financial burden waiver under Sec. Sec. 37.151-37.155 of this part.