



# Transit Obligations Under the Americans with Disabilities Act

For Providers of Regular-Route & Paratransit  
Services



# ADA REQUIREMENTS APPLICABLE TO BOTH PARATRANSIT AND REGULAR-ROUTE PROVIDERS

# MATERIALS/SCHEDULES

- Any and all materials distributed by a transit provider relating to system usage must be made available in an alternative format upon request.
- Transit providers must give primary consideration to a requestor's format of choice, but needn't necessarily provide the information in that format if:
  - a.) An equally effective format exists; or
  - b.) Delivery of information via the format requested would constitute "undue burden".

# SERVICE ANIMALS

- A “service animal” is defined as an animal that is individually trained to perform a specific task for a person with a disability.
- A service animal always rides free of charge.
- The animal must remain under control of the passenger at all times.
- Animal species is irrelevant.
- Aggressive/disruptive behavior on the part of a service animal can result in that animal being barred from a transit agency.

# SERVICE ANIMALS (CONTINUED)

- Identifying harnesses/vests cannot be required.
- Proof of certification/identifying paperwork cannot be required.
- Allergies/fear/religious considerations cannot be used to bar a service animal.



# SERVICE ANIMALS (CONTINUED)

- While therapy animals (which exclusively provide emotional support/stabilization) are not generally considered by the ADA to be service animals, Metropolitan Council policy allows for therapy animals to ride free of charge as long as they are not disruptive or aggressive and are under rider control at all times.

# SERVICE ANIMALS (CONTINUED)

- While transit providers cannot ask excessive questions regarding service animals or require that animals demonstrate specific behaviors, providers *can* ask the following two questions:
  - a.) Is this a service animal; and
  - b.) What task has the animal been trained to perform?



# OXYGEN TANKS AND RESPIRATORS

- Portable oxygen tanks and respirators must be allowed on all public transit vehicles.
- DOT rules on the transport of hazardous materials explicitly allow for these devices.



# LIFTS/RAMPS

- All public transit buses must be equipped with lifts or ramps .
- Any passenger has the right to use a bus lift/ramp to board or alight the vehicle upon request.
- The ADA requires regular maintenance and cycling of lifts/ramps on a regular basis. Many Met Council vehicle operators cycle lifts/ramps as part of every pull-out procedure, all Council vehicles cycle lifts frequently enough to surpass ADA requirements.
- *Occasional* lift/ramp failures do not constitute ADA noncompliance.



# LIFTS/RAMPS (CONTINUED)

- Until 2011, ADA regulations specified that lifts and ramps must be able to accommodate “common mobility devices”. While the language around “common mobility devices” has been removed from regulations, the old specifications are still relevant as they establish the *basement* level of acceptable accessibility.

# LIFTS/RAMPS (CONTINUED)

- Old regulations defined common mobility devices as:
  - a.) Having 3 or 4 wheels;
  - b.) Being designed for and used by individuals with mobility impairments;
  - c.) Being usable indoors;
  - d.) Not exceeding 30 inches in width;
  - e.) Not exceeding 48 inches in length (measured from 2 inches above the ground); and
  - f.) Not weighing more than 600 pounds, occupied.

# LIFTS/RAMPS (CONTINUED)

- Current ADA regulations state that transit providers must carry a wheelchair and occupant if the lift and vehicle can physically accommodate them, unless doing so is inconsistent with legitimate safety requirements.
- Legitimate safety requirements have been determined by the USDOT to include the blocking of aisles or vestibules, interfering with door closure or preventing safe evacuation.
- This does not apply to securement; mobility devices cannot be denied access to transit based on limitations of securement systems.



## LIFTS/RAMPS (CONTINUED)

- Whenever possible, customers have the right to board front- or rear-facing upon request.
- Providers have the right to adopt general practices and adhere to them unless otherwise requested.
- Specific customers may be required to board in a particular fashion if the provider documents a direct threat associated with that customer boarding differently.

# PERSONAL CARE ASSISTANTS

- PCAs cannot be required by a transportation provider except in cases where an individual has a pattern and practice of:
  - a.) Endangering other passengers; or
  - b.) Disrupting operation of transit service.
- While Federal Law does not require that PCAs ride free of charge, Council policy waives fares for PCAs.
- Vehicle operators are never required to assist passengers with personal needs.\*
- PCAs cannot be required to show documentation identifying them as attendants.



# TIE-DOWNS/SEATBELTS

- Securement systems that prevent an occupied common mobility device (under old parameters) from moving more than 2 inches in any direction during normal operation must be available on all public transit buses.
- Seatbelts w/ shoulder harnesses need to be available for use at every securement location, but cannot be required unless *all* passengers are required to use them.
- Transit providers can require that mobility devices be secured as a condition of service. The Met Council does so.
- Metro Mobility requires that all passengers use seat belts.



# TIE-DOWNS/SEATBELTS (CONTINUED)

- Operators must be trained to utilize securement systems and must offer assistance upon request.
- Met Council policy states that ultimate responsibility for ensuring proper securement lies with operators, so operators *must* assist with securement.
- Riders cannot be denied trips because their mobility devices cannot be adequately secured.
- Riders must be allowed to transfer from a mobility device to a conventional seat upon request, but cannot be required to do so. Operators needn't assist with transferring.





# SUSPENSIONS

- A transit provider can suspend a rider for activity that is illegal, violent or seriously disruptive.
- Passengers cannot be suspended for disability-related behavior that is annoying, inconvenient or offensive but does not pose a direct threat to others.
- Every suspended passenger has a right to due process under an appeals procedure. Appeals must be processed in a timely manner.

# Reasonable Modifications

- In March of 2015, USDOT issued a final rule clarifying reasonable modification requirements for regular-route service and fundamentally altering them for paratransit service.
- Essentially, transportation providers are required to assure access through reasonable modifications as long as doing so does not violate law, constitute a fundamental alteration of service or create a direct threat to health and safety.
- See attached Federal Register for details and examples: <http://www.gpo.gov/fdsys/pkg/FR-2015-03-13/pdf/2015-05646.pdf>



# ADA REQUIREMENTS APPLICABLE TO ONLY REGULAR-ROUTE TRANSIT PROVIDERS

# STOP/STATION ACCESSIBILITY

- Every bus stop and transit station built or altered after 1991 must be accessible to transit users with disabilities and must allow for safe lift/ramp deployment.
- If a particular stop is temporarily inaccessible (due to an accident, construction, snowfall, etc) it must be closed to all transit users.
- If vehicles for more than one route serve a stop or station, announcements must be made to allow passengers to aurally identify route numbers. The announcements can be prerecorded or made by operators.

# Stop Announcements

- Operators of regular-route transit vehicles are required to announce, at minimum, the following information:
  - a.) All transfer points;
  - b.) Major intersections;
  - c.) Destination points of interest;
  - d.) Stop/station name if applicable; and
  - e.) any stop specifically requested by a rider with a disability.
- Metro Transit modified its operational protocol in 2012 with regard to announcing transfer points.

# Stop Announcements (Continued)

- Announcements must be made at sufficient intervals to allow for adequate orientation.
- Announcements must be clearly audible to passengers on the vehicle.
- Announcements can be prerecorded or made by operators.
- Transit vehicles 22 feet or greater in length must be equipped with a public address (PA) system to ensure audible announcements.



# FARES

- Under Federal Law, off-peak fares for riders with documented disabilities cannot exceed 50% of the standard peak fare. Transit providers may require that riders obtain special identification in order to qualify for fare reduction.



# FARES (CONTINUED)

- Regional fare policy offers riders with disabilities 75-cent fares all day long, 7 days a week. To qualify for this reduction, a rider with a disability must obtain one of the following forms of identification:
  - a.) A valid MN ID or Driver's License with an "L" indicator;
  - b.) A valid MN ID or Driver's License with an "A" indicator; or
  - c.) A Valid Metro Mobility ID Card.



# SEATING

- Regular-route buses must identify specific seats as being intended for use by passengers with disabilities.
- At the request of passenger with a disability, an operator is required to request that a seat currently occupied by a non-disabled passenger be vacated.
- If a non-disabled passenger refuses to vacate a seat, an operator is under no obligation to further pursue the matter.
- Regular-route buses 22 feet or greater in length must be able to accommodate at least two common mobility devices.



# SEATING (CONTINUED)

- Regular-route buses less than 22 feet in length must be able to accommodate at least one common mobility device.
- If a passenger with a disability is unable to ride a bus or train because of unavailable seating, the transit provider must make other accommodations. If the next regularly-scheduled bus or train will take less than 30 minutes to arrive at the pick-up location, the accommodation may be to ensure the accessibility of that vehicle.
- Every public-transit rail car must accommodate at least two common mobility devices. On rail vehicles, space provided need not be marked and may include the area typically used by passengers who are standing.
- Metro Transit LRT cars do indicate disability seating areas and do accommodate common mobility devices outside of the area used by passengers who are standing.



# ADA REQUIREMENTS APPLICABLE TO ONLY ADA PARATRANSIT PROVIDERS



# ELIGIBILITY REQUIREMENTS

- In Order to be eligible for ADA paratransit, symptoms of a disability or health condition must, at least sometimes, prevent an applicant from being able to:
  - a.) Independently navigate the regular-route system;
  - b.) Independently board or alight from a regular-route vehicle; or
  - c.) Independently self-propel to and/or from stops or stations in areas that have regular-route service.
- Eligibility is based on current functional ability, not clinical diagnosis.



# ELIGIBILITY DETERMINATIONS

- Transit agencies may require written information, medical verification and the completion of in-person assessments in evaluating ADA paratransit eligibility.
- Individuals can incur no cost in the process of applying for ADA paratransit.
- If a transit agency does not make an eligibility determination within 21 calendar days of receiving a completed application, the applicant must be granted presumptive eligibility until a determination is made.



# ELIGIBILITY DETERMINATIONS (CONTINUED)

- There are 3 types of ADA paratransit eligibility:
  - a.) Full (for individuals who, due to symptoms of their disabilities or health conditions, are never capable of independent travel via regular-route transit);
  - b.) Conditional (for individuals who, due to symptoms of their disabilities or health conditions, are only capable of independent travel via regular-route transit when specific supports are in place); and
  - c.) Temporary (for individuals for individuals who, due to symptoms of short-term disabilities or health conditions, are incapable of independent travel via regular-route transit).



# ELIGIBILITY DETERMINATIONS (CONTINUED)

- Individuals found conditionally eligible for ADA paratransit may be denied trips for which all of the supports necessary for them to access regular-route transit independently are in place.
- Individuals found ineligible or conditionally eligible for ADA paratransit have the right to due process through a transportation provider's appeal process. Appeals must be processed in a timely manner.
- The Met Council does not currently enforce conditional eligibility.



# Escort Policy

- ADA paratransit providers must provide a minimum of curb-to-curb service per federal law.
- ADA paratransit providers must provide first-door through first-door service (physical escorts from drivers) upon request per federal law.
- Metropolitan Council policy requires that all ADA paratransit trips include first-door through first-door service unless a notarized waiver expressly requesting otherwise has been signed by a customer or his/her legal guardian or an outdoor drop was requested at the time of booking.



# FARES

- Under Federal Law, “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.”



# SERVICE AREAS & HOURS

- ADA paratransit must serve at least the same area as regular-route transit at the same times.
- Commuter regular-route service does not create an ADA paratransit obligation.
- In cases of local regular-route bus service, ADA paratransit must serve a  $\frac{3}{4}$ -mile corridor along each bus route.
- In cases of all-day express bus service and rail, ADA paratransit must serve the areas within a  $\frac{3}{4}$ -mile radius of each stop.
- Metro Mobility exceeds both the service area and hours of service mandated by the ADA.



# METRO MOBILITY SERVICE AREA

## Provider Service Areas

**West Area**  
Transit Team

651-602-1100  
612-332-5081 (TTY)

**East Area**  
First Transit

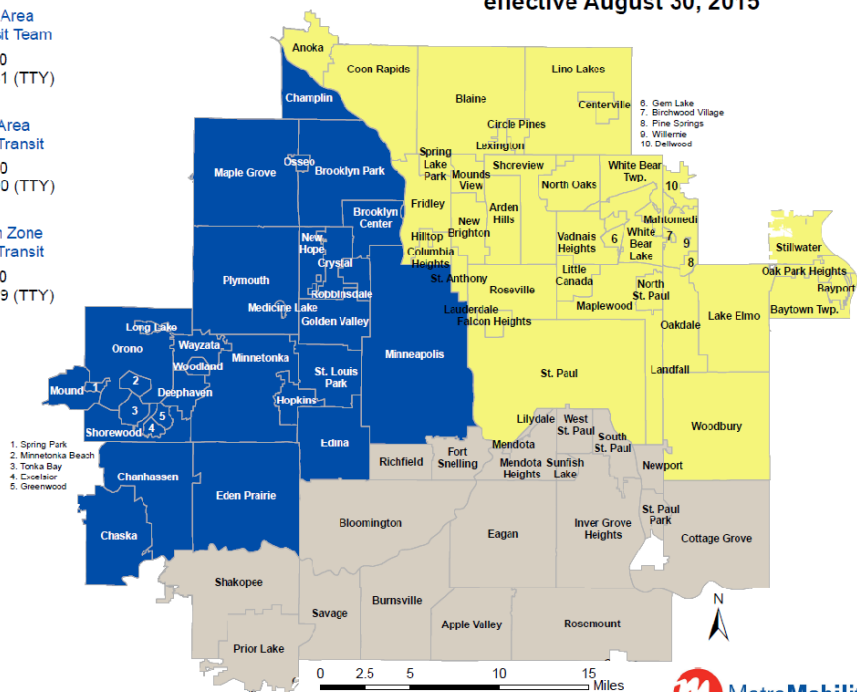
651-602-1120  
651-636-4000 (TTY)

**South Zone**  
First Transit

651-602-1180  
952-895-3449 (TTY)

## Twin Cities Metro Mobility Providers

effective August 30, 2015



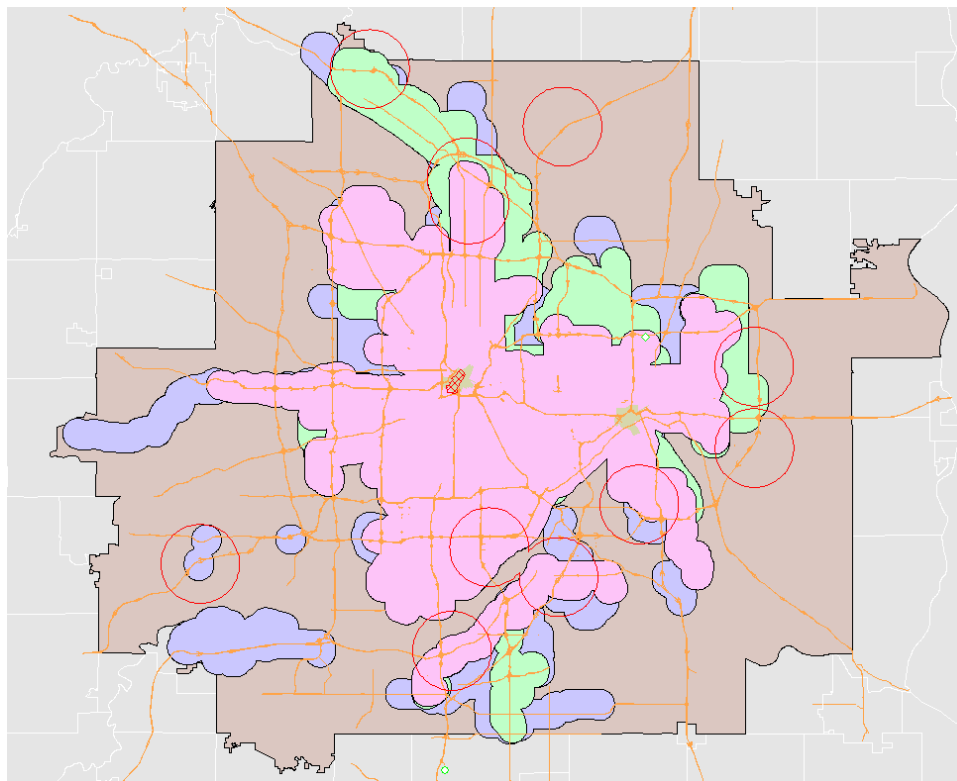
1. Spring Park
2. Minnetonka Beach
3. Tonka Bay
4. Creech Hill
5. Greenwood

2015





# Metro Mobility ADA/STS Service Areas



# TRIP DENIALS

- The ADA allows for zero trip denials, assuming that a valid trip was booked at least one day in advance. Trip denials include:
  - a.) Any refusal of service based on capacity constraints;
  - b.) The offering of a pick-up time more than an hour different than the time requested;
  - c.) Any waiting list for service; or
  - d.) Any trip refused for lack of an available accessible vehicle.



# TRIP BOOKING

- Riders must call at least one day in advance to book rides.
- ADA paratransit providers can negotiate with riders over ride times, but must offer times within one hour of the original request.
- Riders may limit negotiations on one end of a trip (“arrive by” or “pick up no earlier than” times) but not both.



# TRIP PERFORMANCE

- ADA paratransit provides a shared-ride service.
- paratransit providers have a 30-minute window to arrive at a pick-up location and be considered on time.
- While the ADA allows for the 30-minute window to start up to 15 minutes before the scheduled arrival time, Metro Mobility starts the 30-minute window at the scheduled arrival time.
- Customers must have at least a 5-minute window to board a bus at the agreed upon pick-up location.



# IDENTIFICATION

- Paratransit operators have the right to require picture IDs as proof of eligibility to ride.
- If a potential rider fails to produce an ID it is allowable that they not be transported.
- Council policy allows for two different forms of ID acceptable to ADA paratransit providers:
  - a.) A valid Metro Mobility card; and
  - b.) A valid MN State ID or Driver's License (with or without an "A" indicator.)



# NO-SHOW POLICIES

- A pattern and practice of no-showing scheduled rides constitutes a “seriously disruptive behavior” and therefore may be grounds for suspension.
- A no-show is a trip where a passenger fails to board the vehicle within 5 minutes of the bus arriving within the pickup window.
- A late cancel is counted as a no-show because it has a similar operational impact to a no-show. A cancel is considered late if it occurs less than one hour before the negotiated pickup time.



# NO-SHOW POLICIES (CONTINUED)

- Trips canceled less than an hour prior to their scheduled time (including those canceled at the door) are treated similarly to no-shows because they have the same operational impact as no-shows.
- Generally, Metropolitan Council policy calls for the suspension of any rider who no-shows/late-cancels four times within a rolling thirty-day period, as long as the 4 no-shows constitute 4% or more of that rider's trips in the 30-day period.
- Any rider suspended for no-shows must have the right to due process through a system of appeals.



# GUESTS

- In addition to a PCA, every ADA paratransit customer is allowed one guest per trip.
- Guests pay the same fare as customers.
- In order to guarantee sufficient capacity for guests and PCAs, the ADA paratransit provider must be told that a guest and/or PCA will be accompanying a customer at the time that the trip is booked.



# QUESTIONS?

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