

**Interim Report: A Study Regarding the Use of
Certain Public Transportation Services by Persons
with Disabilities**

Prepared for:

Members of the 84th Texas Legislature



Texas Governor's Committee on People with Disabilities

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The Committee on People with Disabilities

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Introduction

During the [83rd Legislative Session, HB 1545](#) was passed which required the Governor's Committee on People with Disabilities (GCPD) to conduct an interim study regarding the use of certain public transportation services by people with disabilities. Specifically, the Committee was tasked with the responsibility to identify:

- The feasibility of standardizing the process of certifying an individual's eligibility for services in the state; and
- Whether the current 21-day provision of services by a provider is adequate to meet the needs of visitors with disabilities to locations served by the provider.

Data Collection

The Committee conducted two web-based surveys (one for paratransit providers, and one for Texans with disabilities), and held an accessible public hearing at the State Capitol on the charges of the interim study. The online surveys, in English and Spanish, were sent out through various virtual channels including emails lists and a GovDelivery format. Additionally, we offered the survey be sent out through the postal mail or could be taken by calling our office over the phone. We had three individuals complete the paratransit portion of the survey in Spanish. There were 568 Texans who self-identified as a person with a disability who provided input for the *Paratransit Rider* survey. In addition, we received input from 266 Texans who indicated they do not have a disability but were familiar with paratransit services. A number of these responses came from family members, disability advocates, or professionals in the field of disability issues. The Committee heard from 13 people at the public hearing in July of 2014. The subsequent data analysis from the two surveys and the testimony and information provided to the Committee during the public hearing can be organized into three general findings.

General Findings

First: The Committee found the process of certifying an individual for paratransit eligibility in the state of Texas varies between transit agencies. [Section 37.125 of the Department of Transportation's ADA eligibility regulations](#) stipulates that each public entity required to provide complementary paratransit service must establish a process for determining ADA paratransit eligibility. While the eligibility criteria are established under the Department's regulations, it is up to each transit agency and the community it serves to determine its own procedures based on its community demographics and service needs. The research revealed that there was no significant justification to exceed the current federal requirements.

Second: Based on survey data of Texans with disabilities and paratransit providers, the Committee found that paratransit users, by and large, do not exceed the [21 days of visitor service guaranteed to them by Section 37.127 of the Department of Transportation’s ADA](#) regulations. The research found that the vast majority of paratransit riders rarely travel outside of their local service area or use paratransit while visiting another city, county or region of Texas. Some respondents completing the survey by phone acknowledged that they were not aware that they *could* use paratransit in another city or town.

Third: Given the size of Texas, accessible, affordable and reliable transportation is critical. It is important to understand that accessible, affordable and reliable transportation for everyone, including people who use fixed route or paratransit services, is complex and interconnected. Access to accessible¹, affordable and reliable transportation is critical to securing education, employment, housing, healthcare, and obtaining goods and services such as food, clothing and pharmacy items. There are numerous factors that often keep people from using fixed route transportation such as inaccessible sidewalks, lack of covered bus stops, and distance to bus stops. Whether to work, school, the gym, the doctor or the grocery store, “getting there” is the necessary first step to participating in activities that positively influence one’s quality of life.

Conclusion

After an extensive review of relevant laws, regulations, and policies; funding; and historical and contextual background of the provision of paratransit services, a survey of both paratransit riders and providers, and a public hearing, it is the recommendation of the Committee that there is no need to expand the 21 day visitor provision, nor is it feasible to standardize the eligibility process for certification of paratransit services in the state of Texas.

Nonetheless, there remains critical opportunities to improve access to transportation for all Texans. More efforts must be made to ensure that Texans have access to accessible, affordable and reliable transportation. The Texas Governor’s Committee on People with Disabilities envisions a State where people with disabilities have the opportunity to enjoy full and equal access to lives of independence, productivity and self-determination. The Committee offers six recommendations that we believe are win-win solutions to transportation challenges facing our state and our citizens.

¹ The word accessible used throughout the study means that a person with a disability has equal access and use of programs, services and physical infrastructure that people without disabilities have.

Recommendations

1. The Committee was requested to study two narrow provisions of the Federal Transportation Code related to paratransit services, however because of the complex and interconnected nature of any transportation system, the Committee suggests conducting a comprehensive study on the transportation needs of all Texans as we move into the future, including specific barriers to transportation services for people with disabilities. The provision of public transportation connects people with and without disabilities to other aspects of living such as employment, housing, healthcare, education, recreation, voting, as well as, access to food and pharmacy services.
2. Develop an educational campaign to increase awareness of paratransit services for individuals who want, or need, to travel outside of their local service area.
3. Within the Texas Department of Transportation:
 - Support the creation of a Statewide Paratransit Advisory Committee.
 - Support the creation of a Paratransit Ombudsman.
 - Support the creation of an accessible Statewide Paratransit Rider Database.
 - Support the creation of an accessible one-stop-shop website that contains comprehensive information about transit agencies in Texas.
4. Examine current funding to ensure adequate resources for an accessible, affordable and reliable transportation system and related programs that serve all Texans.
5. Encourage local communities and transit operators to work together to improve the critical infrastructure, such as accessible sidewalks and covered bus stops in and around transit locations.
6. Support the principles of “[Livable Communities](#)” in the long-range regional planning and development of communities in Texas, including emphasizing accessible transportation options and “Complete Streets.”

Background

In existence since September of 1950, the [Texas Governor's Committee on People with Disabilities](#) (GCPD) works toward a State where people with disabilities have the opportunity to enjoy full and equal access to lives of independence, productivity and self-determination. The Governor appoints twelve members to serve on the Committee, seven of whom must be people with disabilities. Representatives from six State agencies serve as ex-officio or advisory members.

The Committee makes [recommendations](#) to the Governor and Legislature on disability issues; promotes compliance with disability-related laws; promotes a network of local committees doing similar work; recognizes employers for hiring and retaining employees with disabilities; and recognizes media professionals and students for positively depicting Texans with disabilities. The members and staff also provide technical assistance, information and referral services to citizens of Texas on issues affecting Texans with disabilities. Members of the Committee work on issues related to Access, Communications, Education, Emergency Management, Health, Housing, Recreation, Transportation, Veterans and Workforce. The Committee's enabling law is outlined in the [Human Resources Code, Chapter 115](#).

This interim report is designed to establish a common set of information and references to help inform the Governor and Legislature's work on transportation for people with disabilities. As documented throughout this report, the Committee undertook an extensive review of relevant laws, regulations, and policies; funding; and historical and contextual background of the provision of paratransit services. In addition, the Committee focused on developing a comprehensive understanding of the transportation, needs, preferences, and priorities of people with disabilities.

The Americans with Disabilities Act of 1990

The [Americans with Disabilities Act \(ADA\)](#)² was signed into law on July 26, 1990, by President George H.W. Bush. The [United States Department of Justice](#) explains the ADA accordingly:

The ADA is one of America's most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in and enjoy—employment; public transportation; public accommodations, such as stores, shopping malls, restaurants, and hotels; and services provided by state and local government. To be protected by the ADA, one must have a disability, which is defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having

² [Americans with Disabilities Act of 1990, as amended with ADA Amendments Act of 2008](#). (2009, June 15). Retrieved November 18, 2014
[Pub. L. No. 101-336, § 223\(a\), codified at 42 U.S.C. § 12143\(a\)](#).

such an impairment. The ADA does not specifically name all of the impairments that are covered.³

“This act is powerful in its simplicity.” Remarked George H.W. Bush at the signing of the Americans with Disabilities Act. “It will ensure that people with disabilities are given the basic guarantees for which they have worked so long and so hard: independence, freedom of choice, control of their lives, the opportunity to blend fully and equally into the rich mosaic of the American mainstream. Legally, it will provide our disabled community with a powerful expansion of protections and then basic civil rights. It will guarantee fair and just access to the fruits of American life which we all must be able to enjoy. And then, specifically, first the ADA ensures that employers covered by the act cannot discriminate against qualified individuals with disabilities. Second, the ADA ensures access to public accommodations such as restaurants, hotels, shopping centers, and offices. And third, the ADA ensures expanded access to transportation services. And fourth, the ADA ensures equivalent telephone services for people with speech or hearing impediments.”⁴

ADA Amendments Act of 2008

Since its enactment in 1990, the ADA has been subject to judicial interpretation and review in the court systems. Amendments to the Americans with Disabilities Act (ADA) signed into law on September 25, 2008, clarify and reiterate who is covered by the law’s civil rights protections. The effect of these changes is to make it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the ADA.⁵ The amendments primarily affect employment provisions in the original law under Title I of the ADA which falls under the purview of the [U.S. Equal Employment Opportunity Commission](#). The amendments did not impact the transportation provisions of the ADA.

What is Paratransit?

Paratransit service is defined in the [Department of Transportation](#) regulations⁶ as comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed-route transportation systems. Paratransit service is accessible, origin-to-destination transportation service that operates in response to calls or requests from riders. It is an alternative to fixed-route transit service, which operates according to regular schedules along prescribed routes with designated stops.⁷

³ United States Department of Justice Civil Rights Division. (n.d.). [Introduction to the ADA](#). Retrieved November 18, 2014

⁴ Equal Employment Opportunity Commission. (n.d.). [Remarks of President George Bush at the Signing of the Americans with Disabilities Act](#). Retrieved November 18, 2014

⁵ U.S. Equal Employment Opportunity Commission. (n.d.). [The Americans with Disabilities Act Amendments Act of 2008](#). Retrieved December 11, 2014

⁶ 49 C.F.R. §37.3 Definitions

⁷ U.S. Government Accountability Office. (2012, November 15). [ADA Paratransit Services: Demand Has Increased, but Little is Known about Compliance](#). Retrieved November 18, 2014

History of Paratransit

Before the passage of the ADA, paratransit was provided by not-for profit human service agencies and public transit agencies in response to the requirements in Section 504 of the Rehabilitation Act of 1973.⁸ Section 504 prohibits the exclusion of people with disabilities from any program or activity receiving federal financial assistance. With the passage of the ADA, Section 504 of the Rehabilitation Act was extended to include all activities of state and local government. Its provisions were no longer limited to programs receiving federal funds. It now applied to all public transit services, regardless of how the services were funded or managed. When the ADA became effective in 1992, the Federal Transit Administration⁹ required transit systems in the United States to plan and begin implementing ADA compliant services, with full implementation by 1997.¹⁰ According to the [American Association of People with Disabilities](#), “Fixed-route public transit is the goal of the ADA for those who are able to use it. Paratransit was envisioned only for those people with disabilities who are unable to use mass transit systems, not for those who merely choose paratransit.”¹¹

Paratransit Regulations

The passage of the Americans with Disabilities Act (ADA) in 1990 has had a dramatic impact on the mobility of Americans with disabilities and the transit agencies that serve them. The primary goal of the transportation provisions of the Act was to remove barriers to equal opportunity by encouraging the use of accessible fixed-route service by as many people with disabilities as possible. However, the law recognizes that some people with disabilities are not able to use fixed-route services even with such accessibility features.¹² To ensure that these individuals have equal access to public transportation, the ADA introduced a requirement that all public entities operating a fixed-route transit system must provide complementary and comparable ADA paratransit service.¹³

The transit provider’s responsibility to provide equal access to public transportation for people with disabilities is found in the U.S. Department of Transportation (DOT) ADA regulations, under [Title II, Subtitle B of the ADA](#).¹⁴ The requirements for fixed-route, paratransit, and other forms of publicly funded transportation, including requirements for stop announcements, paratransit eligibility categories, and paratransit service criteria such as the requirements for

⁸ [29 U.S. Code § 794 - Nondiscrimination under Federal grants and programs](#)

⁹ The [Federal Transit Administration \(FTA\)](#) is a small agency within [the United States Department of Transportation \(DOT\)](#). It has regional offices to provide support to and oversight of transit agencies. FTA regional offices also work with local transit officials in developing and processing grant applications and provides financial and technical assistance to local public transit systems.

¹⁰ [49 CFR §37.139 Plan Contents \(5\)](#). A timetable for implementing comparable paratransit service, with a specific date indicating when the planned service will be completely operational. In no case may full implementation be completed later than January 26, 1997. The plan shall include milestones for implementing phases of the plan, with progress that can be objectively measured yearly.

¹¹ American Association of People with Disabilities. (2012). [Equity in Transportation for People with Disabilities](#). Retrieved December 19, 2014

¹² [42 U.S.C. §§ 12101. Findings and purpose](#)

¹³ [49 CFR Part 37 Transportation Services for Individuals with Disabilities \(ADA\)](#)

¹⁴ [5 U.S.C. 301; 28 U.S.C. 509, 510; 42 U.S.C. 12134.](#)

next-day service and fares, and the like is found in [49 CFR Part 37](#).¹⁵ The accessibility specifications for transportation vehicles is found in [49 CFR Part 38](#).¹⁶

Paratransit Eligibility Categories

Each transit system that is required to provide paratransit service is required to set up a process for determining eligibility. The DOT provides the eligibility rules that transit systems must follow. Under these regulations, not everyone with a disability qualifies for paratransit services. The regulations state that the process to determine eligibility shall limit ADA paratransit to qualified individuals.¹⁷ The ADA also includes temporary eligibility for people with disabilities that prevent them from using the fixed route system for a limited period of time. Table 1 outlines the three eligibility categories for paratransit service.

¹⁵ [49 CFR Part 37 Transportation Services for Individuals with Disabilities \(ADA\)](#)

¹⁶ [49 CFR Part 38—Americans with Disabilities Act \(ADA\) Accessibility Specifications for Transportation Vehicles.](#)

¹⁷ [49 CFR §37.123 ADA Paratransit Eligibility: Standards](#)

Table 1: ADA Paratransit Eligibility, Standards

The following individuals are ADA paratransit eligible:

(1) 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.

This category includes people who can't get on, ride, or get off of a bus or train, even if it is accessible, because of their disability. People in Category 1 can use paratransit for all trips that they make, meaning they have full or unconditional eligibility with no restrictions on travel.

(2) 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.

This category includes people who can ride accessible fixed-route transit, but there is no accessible transit available on the route they want to travel (not served by accessible buses or accessible trains and key rail stations). Or, the accessible fixed-route transit may not be available, for example, if the accessible vehicle is down for maintenance, or if the vehicle has no wheelchair lift or the lift is not working.

(3) 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.

This category includes people with a disability that prevents them from getting to or from the transit stop. In this case, the impairment must prevent travel to or from a stop; significant inconvenience or difficulty is not enough. Architectural barriers (like steps or curbs) or environmental conditions (like distance, terrain, weather) may make a person eligible for certain trips, this is known as conditional eligibility.

[Source: §37.123 ADA Paratransit Eligibility: Standards.](#)

Eligibility Determination Process

To make a determination on paratransit eligibility, transit providers may require in-person interviews, with or without functional assessments or tests.¹⁸ While the ADA provides the eligibility criteria transit agencies must follow, it does not specify a process for how transit agencies must determine eligibility. As a result, many transit agencies use a combination of the processes identified in table 2.¹⁹

Table 2: Types of ADA Paratransit Eligibility Determination Processes Used by Transit Agencies

Self-certification by the applicant	Requires the applicant to fill out an application form, with verification by a medical professional on an as-needed basis.
Professional verification via written documentation and/or telephone conversation	Requires a medical professional to independently verify and document the physical condition and mobility needs of the applicant. Additionally, professional verification interviews may be conducted by telephone or in person, depending on the situation.
In-person interview	Requires that some or all applicants receive a face-to-face interview to determine the level of service for which the applicant does or does not qualify.
In-person functional assessment	Requires some or all applicants to undergo observation or testing of their specific abilities, skills, or limitations to accurately determine their functional ability to access the fixed-route system.
In-person cognitive assessment	If the information provided by the applicant and professional is not sufficient to make a determination, the transit agency may ask the applicant to participate in a cognitive assessment.

Source: [ADA Paratransit Eligibility Certification Practices, TCRP Synthesis 30, 1998.](#)

¹⁸ Irvine, K., Golden, M., & DREDF. (n.d.). [ADA Paratransit Eligibility: How to Make Your Case](#). Retrieved December 19, 2014

¹⁹ There are a number of transit agencies that have provided helpful videos that document their paratransit eligibility process: The Rapid in Grand Rapids, Michigan has posted a video of their determination process on YouTube. It is viewable at the following link: <http://youtu.be/0jnlNMPNDYg>. Austin Capital Metro also has their eligibility process posted on YouTube. The video is available at the following link: <http://youtu.be/Em1NKoIEk28>

Not Eligible for Paratransit

Some individuals with disabilities may be deemed ineligible for paratransit. To address this issue, the Federal Transit Administration has been forthcoming in providing clarification on paratransit eligibility (see table 3).²⁰

Table 3: Not Eligible for Paratransit

Applicant: *“The transit operator in my city has an “ADA paratransit” service for people with disabilities. I applied, and they told me I’m not eligible. I have a note from my doctor that says I’m disabled, but I would have thought that this wheelchair I’m sitting in would make that obvious enough. How can they tell me I’m “not disabled enough” to ride?”*

FTA: Paratransit eligibility is based on an individual’s functional ability to use the fixed route system; it is not based on a medical diagnosis or meeting the broader ADA definition of “disability.” Simply having a disability does not make you eligible for complementary paratransit under the ADA.

The perception of ADA complementary paratransit as “a transportation system for the disabled” is common, but misguided. The ADA is a civil rights law, not a social services program. In terms of transportation, this means that its primary function is to remove the barriers that prevent people with disabilities from using the existing transportation system, not to provide separate, “special” services.

Transit operators are required to ensure that their regular fixed route systems are accessible to and usable by persons with disabilities, including wheelchair users. By now, people with disabilities should expect to be able to board virtually any bus in your city’s transit fleet by lift or ramp, on any route, at any bus stop, just like everyone else.

Under the ADA, complementary paratransit acts as a “safety net” for people with disabilities whose disability still prevent them—not merely makes use more difficult—from using the fixed route system, even when it’s fully accessible. The process a transit authority uses to determine eligibility for a person with a disability is found in §37.123(e) of the DOT ADA regulations.

Source: Federal Transit Administration. [Transit and the ADA: Frequently Asked Questions](#)

²⁰ See Federal Transit Administration. [Transit and the ADA: Frequently Asked Questions](#), specifically question number 3 for an insightful analysis of this issue.

Appeal Process

Individuals who are denied eligibility for paratransit services have the right to appeal the decision.²¹ The appeal process must include an opportunity for the applicant to be heard and to present information and arguments. Decisions regarding the appeal cannot be made by anyone who was involved in the initial decision to deny eligibility.

The transit operator must provide the individual with written notification of its decision and the reasons for it. The transit operator is not required to provide paratransit service while the appeal is under consideration; however, if a decision has not been made within 30 days of the completion of the appeal process, the operator must provide paratransit service from that time until and unless a decision to deny the appeal is issued. The Federal Transit Administration has provided clarification on the appeal process (see table 4).²²

Table 4: FTA's Appeal Process

Applicant: *"I still think they made a mistake; the closest bus stop is only two blocks away, but it's at the top of a very steep hill. I feel there's no way I can get to the bus stop on my own. What am I supposed to do?"*

FTA: If an applicant for ADA complementary paratransit feels there was an error in denying their eligibility, they may appeal that decision; [§37.125\(g\) of the DOT ADA regulations](#) requires transit operators to "establish an administrative appeal process through which individuals who are denied eligibility can obtain review of the denial."

Under [§37.123\(e\)\(3\) of the DOT ADA regulations](#), any individual with a disability who has a specific impairment-related condition that prevents him or her from traveling to or from a boarding or disembarking location would be eligible for ADA complementary paratransit service. If a disability prevents an individual from traveling to the nearest bus stop, that individual may be eligible under this section. It is important to stress, however, that this applies only where a specific impairment-related condition prevents the individual from reaching the bus stop, not simply because it is more difficult.

Source: Federal Transit Administration. [Transit and the ADA: Frequently Asked Questions](#)

²¹ [49 C.F.R. Section 37.125\(g\)](#), transit operators must "establish an administrative appeal process through which individuals who are denied eligibility can obtain review of the denial."

²² See Federal Transit Administration. [Transit and the ADA: Frequently Asked Questions](#), specifically question number 4, for an insightful analysis of this issue.

Paratransit for Visitors

A visitor is anyone with a disability who does not reside in the jurisdiction(s) served by the transit agency. Any visitors presenting documentation that they are ADA paratransit eligible in their home jurisdiction must be treated by the transit agency as eligible, and no further documentation may be required before paratransit service is provided. [Sec. 461.009 of the Texas Transportation Code](#)²³ requires transit providers to determine if an individual who resides outside of the provider's service area and who seeks to use the provider's services while visiting the provider's service area is eligible to use the services not later than two business days after the date the individual gives the provider the appropriate notice and submits any required documentation.

If a visitor does not have documentation of ADA paratransit eligibility, the transit agency may require documentation of the individual's place of residence. If the visitor's disability is not apparent, documentation of disability may also be required. But no documentation of disability may be required if the visitor's disability is apparent. For example, a person using a wheelchair, or an individual who is blind or has a vision impairment and travels with a guide dog.²⁴

A transit agency is not required to provide service to a visitor for more than 21 days per year; that is, per 365-day period from the first day of use. However, if the individual travels extensively, the transit agency may require, in order for the person to continue receiving paratransit service beyond 21 days within the same year that he or she apply for eligibility in the same manner as would a resident. This is true whether the 21 days are consecutive or parceled out over several shorter visits (see fig. 1).

Figure 1: Complementary Paratransit Service for Visitors

§37.127 Complementary Paratransit Service for Visitors: A public entity shall make the service to a visitor 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.

- 1** You live in Corpus Christi and will be traveling to Houston for a business trip. You expect to be in Houston for two days.
- 2** On Tuesday, July 8 you call Houston Metro to request paratransit service as a visitor for Monday, July 14th and Tuesday, July 15th.
- 3** Texas requires paratransit providers to make a determination within two business days.
- 4** Houston Metro was able to certify you the next day. You are set to have paratransit service while visiting Houston.



If this was your first trip to Houston, then you have an additional 19 days to use the Houston paratransit service as a visitor. If you travel to Houston extensively, and surpass the 21 days of visitor service you are guaranteed by the ADA, then you can apply for eligibility certification from Houston Metro.

²³ [Texas Transportation Code. Sec. 461.009. Eligibility of Visitors to Use Certain Public Transportation Services for People with Disabilities](#)

²⁴ Golden, M., Thatcher, R., Disability Rights Education and Defense Fund (DREDF), & TranSystems Corporation. (2010, June). [Eligibility for ADA Paratransit](#). Retrieved November 17, 2014

ADA Minimum Paratransit Service Requirements for Comparability to Fixed-Route Service ADA Paratransit Requirement

Paratransit is required to be comparable to the fixed-route system, where comparability is defined using specific characteristics, including service area, hours, fares, next-day advance reservations, and response time. Table 5 lists the statutory requirements for comparability.

Table 5: ADA Minimum Paratransit Service Requirements for Comparability to Fixed-Route Service ADA paratransit requirement

Service area	Generally within $\frac{3}{4}$ mile of a fixed route
Hours and days of service	Same hours and days as fixed route
Fares	Fares may not exceed twice the fare that would be charged to an individual paying full fare for a trip of similar length, at a similar time of day on the fixed route. A personal care attendant shall not be charged.
Response time	Paratransit service must be provided at any requested time on a particular day in response to a request for service made the previous day. Real time scheduling, in which a call to the transit provider would result in pickup the same day, is explicitly allowed but not mandated.
Trip purpose restrictions	No restrictions or priorities based on trip purpose are allowed.
Capacity constraints	The following are not allowed: <ul style="list-style-type: none"> • Restrictions on the number of trips per eligible individual • Waiting lists for access to the service • Substantial numbers of significantly untimely pickups for initial or return trips • Substantial numbers of trip denials or missed trip, and • Substantial numbers of trips with excessive trip lengths.

Source: [49 CFR §37.131](#) Service Criteria for Complementary Paratransit

Transit agencies are allowed to establish whether they will provide door-to-door service (the driver offers assistance from the rider's door to the vehicle and comparable assistance at the destination), or curb-to-curb service (assistance is not provided until the rider reaches the vehicle). However, per the FTA, if the base model of service chosen is curb-to-curb, it may still be necessary to provide door-to-door service for those persons who require it in order to travel from their point of origin to their point of destination.²⁵

²⁵ See Federal Transit Administration. [Frequently Asked Questions](#), specifically question number 10 for an insightful analysis of this issue.

Providing ADA Paratransit Service

In November 2012, the [United States Government Accountability Office \(GAO\)](#) published the findings of their report titled [ADA Paratransit Services: Demand has Increased but Little is Known about Compliance](#). Citing research conducted by the [Center for Transportation Research at the University of Texas at Austin](#)²⁶, the GAO found:

Scheduling ADA paratransit trips requires providers to match available vehicles to riders' trip time and destination requests. In general, the process starts when a passenger calls to reserve a trip. At that time the passenger's eligibility to receive the service is verified. Service must be provided on at least a next-day basis, though DOT's ADA regulations permit transit agencies to accept advance reservations up to 14 days in advance. A destination request is then either entered into [the transit agency's] scheduling software or scheduled manually. On the day of the trip, the dispatcher creates a log sheet or manifest with the trip information for the driver, and the passenger is then picked up and dropped off.

Figure 2: Basic Scheduling and Dispatching Operation of a Paratransit System



Source: GAO report. [ADA Paratransit Services: Demand has Increased but Little is Known about Compliance](#).

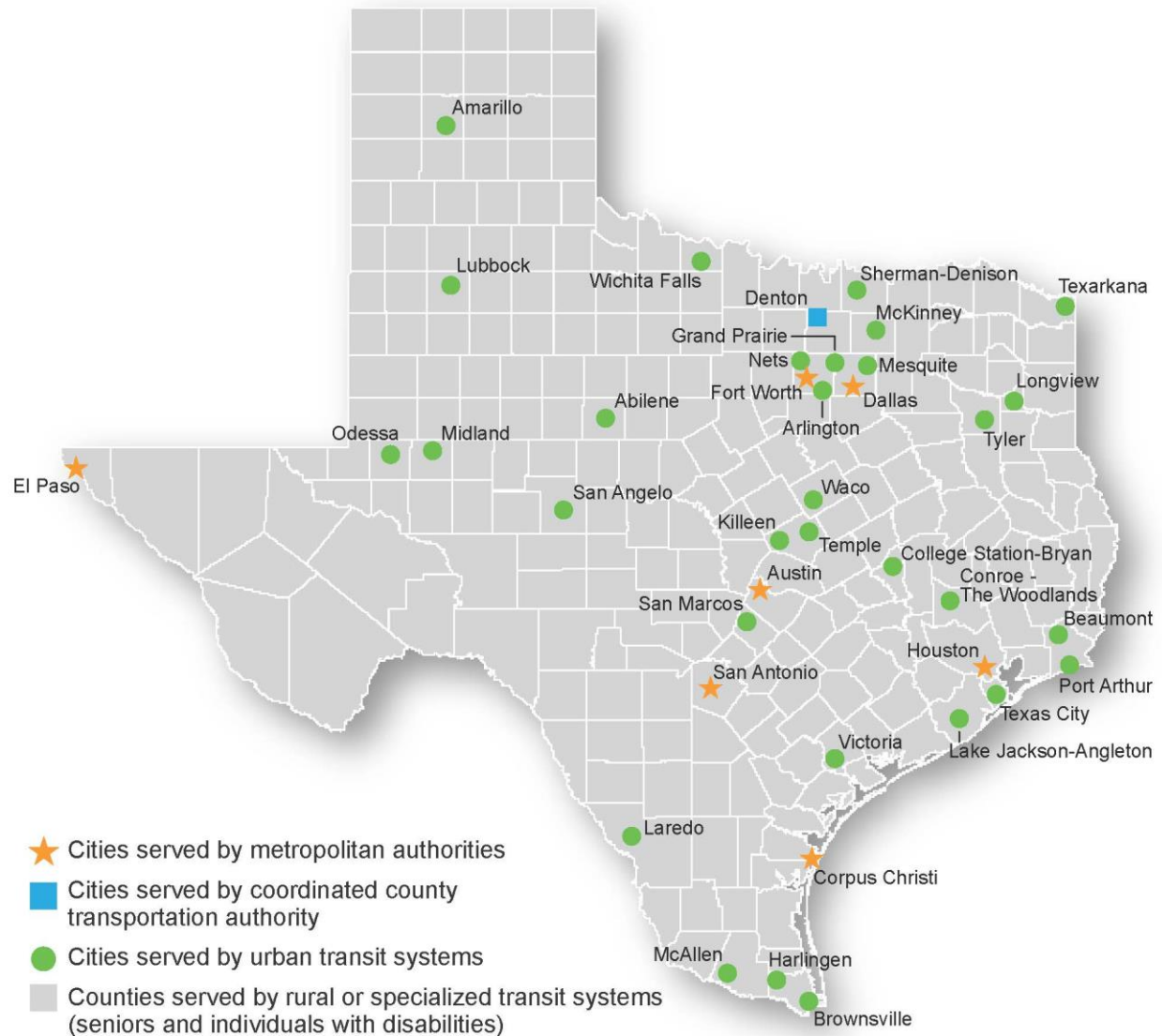
²⁶ Center for Transportation Research, University of Texas at Austin, [Transit Scheduling Data Integration: Paratransit Operations Review and Analysis](#) (May 2000).

Transit in Texas

Public transportation is an integral part of the Texas transportation system. It not only provides an alternative means of travel in both urban and rural areas, but also provides important services for the elderly and persons with disabilities.²⁷ Figure 3 shows the public transportation systems in Texas.

Figure 3: Public Transportation Systems in Texas

Cities and Counties Served By Public Transportation Systems



Note: Map adapted from Texas Department of Transportation

²⁷ Texas Department of Transportation/Transportation Planning and Programming Division. (2010). [Statewide Long-Range Transportation Plan 2035](#).

Funding for Transit in Texas

Public transportation in Texas is a responsibility of local government and each public transportation provider requires financial assistance. The [Federal Transit Administration \(FTA\)](#) within the [Department of Transportation \(DOT\)](#) is responsible for overseeing federal grants for public transportation, a responsibility that includes overseeing compliance with the [Americans with Disabilities Act \(ADA\)](#) requirements for paratransit service.

At the state level, The [Public Transportation Division of the Texas Department of Transportation](#) (TxDOT) provides financial and technical assistance to public transportation agencies throughout Texas.²⁸ Additionally, the Public Transportation Division annually publishes the [Texas Transit Statistics Report](#) which details the key operating and financial characteristics of Texas' publicly assisted transit agencies. The *Texas Transit Statistics Report* meets the reporting requirements of [Texas Transportation Code §456.008](#).

Texas' population is growing with roughly 635 people coming to Texas every day.²⁹ According to the Texas Department of Transportation, the population of Texas is expected to increase by 43 percent by 2035. The state population will exceed 33 million and outpace the nation.³⁰ As Texas' urban areas become more densely populated, transit needs are expected to grow. Additionally, the growing elderly population will create specialized and rural transit requirements. In 2001, the [Texas Comptroller of Public Accounts](#)³¹ released [Rural Texas in Transition](#), which found:

On average, rural Texas counties have a bigger share of older citizens than their city counterparts. Rural Texas accounted for a sixth of the state's population, but was home to one quarter of Texans over 65. The concentration of elderly Texans is greatest—22 percent—in the “most rural” counties. This situation, however, is changing. In metro counties, the over-65 population rose more than the total metro population in the 1990s. By contrast, the growth rate over the period for the rural over-65 population was less than half the total rural population growth rate of 9 percent.³²

²⁸ The [Public Transportation Division of the Texas Department of Transportation](#) provides financial, technical and coordination assistance to the state's public transit providers. The division also represents public transit in the planning and programming process and prepares funding-needs projections.

²⁹ O'Rourke, C. (2010, January 13). [Perry says 1,000 people move to Texas daily](#) [Editorial]. *Austin American-Statesman*. Retrieved December 19, 2014

³⁰ Texas Department of Transportation/Transportation Planning and Programming Division. (2010). [Statewide Long-Range Transportation Plan 2035](#) (Rep.). Retrieved November 18, 2014

³¹ The Comptroller is the chief steward of the state's finances, acting as tax collector, chief accountant, chief revenue estimator and chief treasurer for all of state government.

³² Texas Comptroller of Public Accounts. (2001, February). [Rural Texas in Transition](#). Retrieved November 18, 2014

Transit Entities That Levy a Sales and Use Tax³³

There are seven Metropolitan Transportation Authorities (MTAs) located in the largest Texas cities and one coordinated county transit authority. All MTAs serve urbanized areas with a population greater than 200,000. MTAs are located in Austin, Corpus Christi, Dallas, El Paso, Fort Worth, Houston, and San Antonio. They are organized under specific state laws and granted authority to levy a dedicated sales tax.³⁴ MTAs do not receive state funding, instead they rely on the generated tax revenue and federal funds.

Denton County Transportation Authority (DCTA) is a Coordinated County Transportation Authority in an urbanized area serving the “collar” counties adjacent to counties with populations of 1,000,000 or more, which includes Denton County. DCTA was successful in obtaining a Sales and Usage Tax in 2004 for the cities of Denton, Highland Village and Lewisville. The city of Laredo, is not considered an MTA, but was granted the authority to levy a Sales and Use Tax to help fund transit in 1991. Table 6 lists the public transit agencies that levy a Sales and Use Tax.

Table 6: Transit Entities That Levy a Sales and Use Tax

Austin	<u>Capital Metropolitan Transportation Authority (Austin Cap Metro)</u>
Corpus Christi	<u>Corpus Christi Regional Transportation Authority (RTA)</u>
Dallas	<u>Dallas Area Rapid Transit (DART)</u>
El Paso	<u>Mass Transit Department (Sun Metro)</u>
Fort Worth	<u>Fort Worth Transportation Authority (The T)</u>
Houston	<u>Metropolitan Transit Authority of Harris County (METRO)</u>

³³ Texas imposes a state sales tax on all retail sales, leases and rentals of most goods, as well as [taxable services](#). Texas cities, counties, transit authorities and special purpose districts have the option of imposing an additional local sales tax for a combined state and local tax rate of up to 8 1/4% (.0825). Source: [Texas Comptroller of Public Accounts](#).

³⁴ [Texas Transportation Code, Sec. 451.404. Sales and Use Tax.](#)

Table 6: Transit Entities That Levy a Sales and Use Tax, cont'd

San Antonio [VIA Metropolitan Transit](#)

Denton [Denton County Transportation Authority \(DCTA\)](#)

Laredo [El Metro](#)

Source: [Website of the Texas Comptroller for Public Accounts-Transit Sales and Use Tax](#)

No Dedicated Sales Tax –Urban Transit Districts

According to [Sec. 458.001 of the Texas Transportation Code](#) an “urban transit district” means a local governmental body or political subdivision of this state that operates a public transportation system in an urbanized area with a population of more than 50,000 but less than 200,000. There are 30 urban systems operating in Texas cities between 50,000 and 200,000 in population.³⁵ Table 7 lists the public transit agencies that receive state and federal funds. None of these entities are supported by a dedicated sales tax.

Table 7: Urban Transit Districts

<u>Abilene</u>	<u>Bryan/College Station</u>	<u>Longview</u>	<u>Midland-Odessa</u>	<u>Sherman-Denison</u>	<u>Victoria</u> ³⁶
<u>Amarillo</u>	<u>Grand Prairie</u>	<u>Lubbock</u>	<u>Northeast Transportation Service</u>	<u>Temple</u>	<u>Waco</u>
<u>Arlington</u>	<u>Harlingen</u>	<u>McAllen</u>	<u>Port Arthur</u>	<u>Texarkana</u>	<u>Wichita Falls</u>
<u>Beaumont</u>	<u>Killeen, Copperas Cove, and Harker Heights</u>	<u>McKinney</u>	<u>San Angelo</u>	<u>Texas City/La Marque</u>	<u>The Woodlands</u>
<u>Brownsville</u>	<u>Lake Jackson</u>	<u>Mesquite</u>	<u>San Marcos</u> ³⁷	<u>Tyler</u>	

³⁵ The city of Laredo, is not listed in Table 7. While the city of Laredo is an urban transit district it was granted the authority to levy a Sales and Use tax to help fund transit in 1991. For that reason, Laredo is in Table 6.

³⁶ The [city of Victoria](#) has [an Interlocal Agreement with the Golden Crescent Regional Planning Commission](#) for the operation of a transit system.

³⁷ Effective September 1, 2012, a new urbanized area became eligible for state and federal formula funds. The City of San Marcos and its designated area in and around the city, became recognized by the U.S. Census Bureau as urbanized in March 2012. This means that the former rural parts of Hays, Caldwell and Guadalupe counties, which were parts of the Alamo Area Council of Governments and Capital Area Rural Transportation System rural transit districts, are now part of the new urban transit district. Source: [2013 Texas Transit Statistics](#), compiled by the Public Transportation Division of the Texas Department of Transportation.

No Dedicated Sales Tax- Rural Transit

Rural public transportation in Texas is provided by 38 entities that provide service in rural areas and towns outside of urban districts or MTA systems. Providers can be:

- local governments³⁸
- public agencies, or
- rural transit districts³⁹

Rural public transportation serves non-urbanized areas that provide public transportation to communities with populations of less than 50,000.⁴⁰ Table 8 lists the rural transit operators that rely upon federal and state revenues to fund capital and operating expenses.⁴¹

Table 8: Rural Transit

<u>Alamo Area Council of Governments</u>	<u>El Paso County</u>	<u>Senior Center Resources and Public Transit</u>
<u>Ark-Tex Council of Governments</u>	<u>Fort Bend County</u>	<u>Services Program for Aging Needs</u>
Aspermont Small Business Development Center ⁴²	<u>Galveston Island</u>	<u>South East Texas Regional Planning Commission</u>
<u>Brazos Transit District</u>	<u>Golden Crescent Regional Planning Commission</u>	<u>South Padre Island</u>
<u>Capital Area Rural Transit System</u>	<u>Gulf Coast Center</u>	<u>South Plains Community Action Association</u>
<u>Central Texas Rural Transit District</u>	<u>Heart of Texas Council of Governments</u>	<u>Southwest Area Regional Transit District</u>

³⁸ [Councils of Government \(COGs\)](#). Regional councils are voluntary associations of local governments formed under Texas law to deal with the problems and planning needs that cross the boundaries of individual local governments or that require regional attention.

³⁹ According to [Sec. 458.001 of the Texas Transportation Code](#) a “Rural transit district” means a political subdivision of this state that provides and coordinates rural public transportation in its territory.

⁴⁰ Cherrington, L., & Edrington, S. (2010). [Estimated Impact of the 2010 Census on the Texas Transit Funding Formula](#) (Rep. No. 0-6199). Retrieved November 18, 2014

⁴¹ Texas Department of Transportation/Transportation Planning and Programming Division. (2012). [Texas Rural Transportation Plan 2035](#) (Rep.). Retrieved November 18, 2014

⁴² Aspermont Small Business Development Center, Inc./Double Mountain Coach is a Community Action Agency serving clients in Haskell, Jones, Kent, Knox, Stonewall, and Throckmorton counties with various assistance programs and transportation needs. No website is available.

Table 8: Rural Transit, cont'd.

<u>City / County Transportation (Cletran)</u>	<u>Hill Country Rural Transit District</u>	<u>STAR Transit</u>
<u>Colorado Valley Transit District</u>	<u>Kleberg County Human Services</u>	<u>Texoma Area Paratransit System</u>
<u>Community Action Council of South Texas</u>	<u>Lower Rio Grande Valley Development Council</u>	<u>The Transit System, Inc.</u>
Community Services, Inc. ⁴³	<u>Panhandle Community Services</u>	<u>Webb County Community Action Agency</u>
<u>Concho Valley Transit District</u>	<u>Public Transit Services</u>	<u>West Texas Opportunities, Inc.</u>
<u>City of Del Rio</u>	<u>Rolling Plains Management Corp</u>	
<u>East Texas Council of Governments</u>	<u>Rural Economic Assistance League</u>	

Source: TxDOT/Public Transportation Division. [Rural Public Transportation Systems Map](#).

⁴³ Despite being noted on The Texas Department of Transportation's most recent map of [Rural Public Transportation Systems](#), the author of this report was unable to find any information about Community Services, Inc.

Committee Action

Committee Action

The 83rd Legislature required the Governor's Committee on People with Disabilities (GCPD) to conduct an interim study, to identify:

- The feasibility of standardizing the process of certifying an individual's eligibility for services in the state; and
- Whether the current 21-day provision of services by a provider is adequate to meet the needs of visitors with disabilities to locations served by the provider.

Information Gathering

As part of the information gathering phase, GCPD staff met or spoke with the bill sponsors and a number of disability groups, service providers, transit providers, and research specialists. The following is a list of organizations and individuals GCPD met or spoke with during the information gathering phase:

- Representative Alma Allen, and Anneliese Vogel, Chief of Staff/Legislative Director
- Jessica Schleifer, Committee Director/Policy Advisor for Senator Ellis
- Chase Bearden, Director of Advocacy & Community Organizing, [Coalition of Texans with Disabilities](#)
- Dennis Borel, Executive Director, [Coalition of Texans with Disabilities](#)
- [Dallas Area Rapid Transit](#)
- [Houston METRO](#)
- Eric Gleason, Director of Public Transportation, Texas Department of Transportation
- Linda Cherrington, Research Scientist and Program Manager, [Texas A&M Transportation Institute](#)
- [Austin Capital Metro](#)

Paratransit Rider Survey

In the summer of 2014, GCPD staff developed a comprehensive *Paratransit Rider Survey* (see Appendix D). The survey asked citizens to provide input on their experience using paratransit and public transit. Citizens were also given the opportunity to provide open-ended responses on transit issues that are important to them. GCPD staff sent the *Paratransit Rider Survey* web link with an email invitation to members of our [GovDelivery Bulletins](#) (GovDelivery is a push notification system of information to foster citizen engagement), members of our local committees, community organizations, university ADA coordinators, etc.

Paratransit Provider Survey

Concurrently, in the summer of 2014, GCPD staff developed a comprehensive *Paratransit Provider Survey* (see Appendix E). The survey asked public transit agencies to supply input related to their experience in providing paratransit service. Transit agencies were queried on issues from House Bill 1545 as well as a number of initiatives that may benefit paratransit riders. Transit agencies were also given the opportunity to provide open-ended responses on transit issues that are important to them. GCPD staff sent the *Paratransit Provider Survey* weblink with an email invitation directly to public transit agencies.

Public Hearing

In addition, GCPD held a public hearing at the Texas State Capital on July 24, 2014. The purpose of the hearing was to allow paratransit providers and riders the opportunity to give public input on the topic of transit for Texans with disabilities.

Public Hearing

Public Hearing

The Texas Governor's Committee on People with Disabilities held a public hearing on its Interim Charges on July 24, 2014 at 9:00 a.m. in Austin, Texas in the Capital Extension, Room E1.016. The following staff and Committee members oversaw the public hearing: Angela English, Executive Director; Stephanie Myers, Accessibility and Disability Rights Coordinator; Joe Bontke, Committee Chair; Aaron Bangor, Vice Chair; David Ondich, Committee member.

Public Hearing Testimony

The following individuals testified on the charges:

- Dottie Watkins, [Capital Metropolitan Transportation Authority](#)
- Karen Swartz, [National Multiple Sclerosis Society](#)
- John Woodley, Self
- Doug Douglas, [Dallas Area Rapid Transit](#)
- Jamal Mohare, [NDMJ, Ltd.](#)
- David Frost, [San Antonio VIA Metro Transit](#)
- Arturo Jackson, [Metropolitan Transit Authority of Harris County](#)
- Dennis Borel, [Coalition of Texans with Disabilities](#)
- Joe A. Garcia, Yellow Cab Texas
- Judy Telge, [Coastal Bend Center for Independent Living](#)
- Linda Litzinger, Self
- Amy Litzinger, Self
- Julia Chalker, Self

Testimony from individuals who use paratransit, work with individuals with disabilities, or advocate for individuals with disabilities lent support to the following:

- Extending the 21-day paratransit visitor limit and the creation of a statewide paratransit eligibility process.
- A verification system that does not require paratransit riders to fax their information to transit agencies ahead of their visit. This brought up the suggestion of creating a statewide paratransit rider database.
- A one-stop-shop website that contains comprehensive information about transit agencies in the state of Texas.

Additional input highlighted concerns about the current level and quality of service provided by paratransit providers.

Testimony given by representatives of Texas transit agencies cautioned against extending the 21-day paratransit visitor limit and enacting a statewide eligibility process. Their position rested on the following:

- Federal regulations already specify the ADA paratransit eligibility criteria.
- Existing eligibility process at individual transit systems were developed with consumer input and take into consideration the following: existence of fixed-routes, characteristics of the region served, vehicles types operated, and climate considerations.
- A strong eligibility process ensures the service is available to those who meet eligibility requirements.
- Very few, if any, individuals exceed the 21-day paratransit visitor limit. If such an event occurs, the transit agencies work with the individual to avoid interruption in service by moving them through their eligibility process and/or providing them with a few extra days of service as a visitor as needed.

Joint Position Paper

As a result of the public hearing, several transit agencies decided to work together to develop a unified position on the interim study issues under review. On September 22, 2014, the Governor's Committee on People with Disabilities received a joint position paper (see Appendix C) from the following Transit Authorities:

- Corpus Christi B
- Capital Metropolitan Transportation Authority (Austin Cap Metro)
- Corpus Christi Regional Transportation Authority (RTA)
- Dallas Area Rapid Transit (DART)
- Denton County Transportation Authority (DCTA)
- Fort Worth Transportation Authority (The T)
- Metropolitan Transit Authority of Harris County (METRO)
- VIA Metropolitan Transit

Charge 1

Determine the feasibility of standardizing the process of certifying an individual's eligibility for services in the state.

Committee Action to Address Charge 1

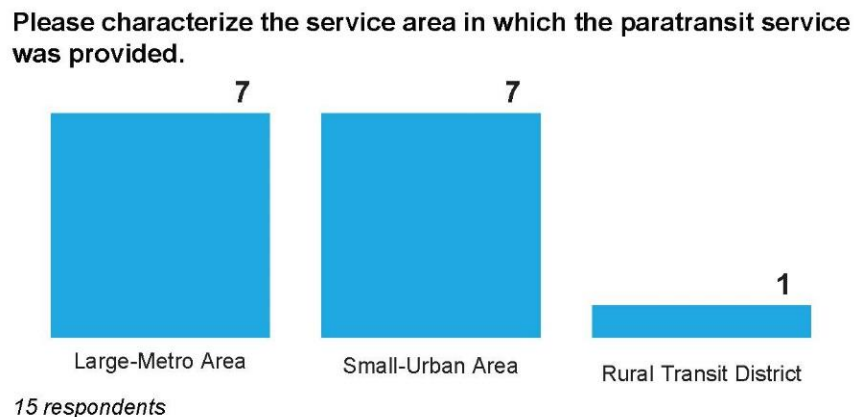
The question facing the Committee is can the eligibility process to determine paratransit eligibility be standardized in the state of Texas? To answer this, the Committee examined the laws, policies, and practices that provide for the certification of an individual’s eligibility for paratransit services.

Additionally, the Committee conducted a web-based *Paratransit Provider Survey* (see Appendix E) of public transit agencies from July to August 2014 to determine the following:

- Their eligibility process
- How often paratransit riders are re-certified
- How many paratransit visitors are served each fiscal year
- What initiatives, if any, have been implemented to curb paratransit costs, and
- Gather feedback on a number of initiatives that may help the paratransit riding population

The Committee identified 77 public transit agencies that provide demand-response service.⁴⁴ As of November 2014, there are seven Metropolitan Transit Authorities, one coordinated county transit authority, 30 Urban Transit Districts, and 39 Rural Transit Districts in the state of Texas. We received feedback from 15 transit agencies (see fig. 4). The *Paratransit Provider Survey* did not ask transit agencies to identify themselves by name. Instead, transit agencies were asked to “identify” themselves by characterizing the service area they serve. This was done purposely to afford transit agencies a measure of anonymity for the express purpose of eliciting honest and forthright feedback.

Figure 4: Number and type of paratransit service providers who responded to the Paratransit Provider Survey



⁴⁴ *Demand-response service* is service in which vehicles operate in response to calls or requests from passengers. Demand response service includes ADA paratransit service and other generic demand responsive services that are unrelated to ADA requirements.

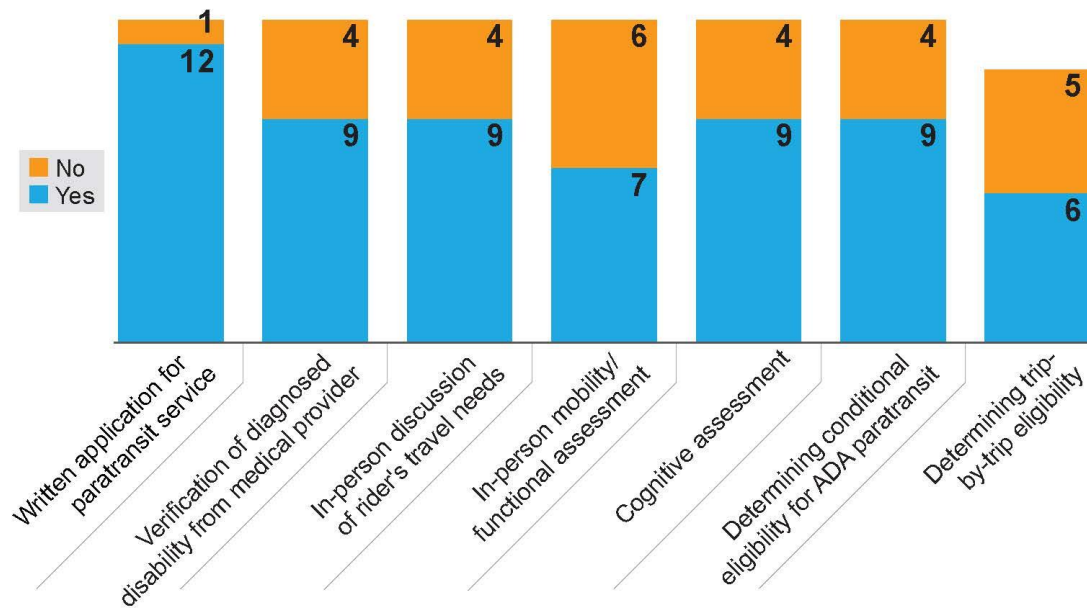
Eligibility Processes in the State of Texas

The Committee found that the process of certifying an individual for paratransit eligibility in the state of Texas varies between transit agencies (see fig. 5). This result was not surprising given that [Section 37.125 of the Department of Transportation’s ADA regulations](#) stipulates that each public entity required to provide complementary paratransit service must establish a process for determining ADA paratransit eligibility. While the eligibility criteria are established under the Department’s regulations, it is up to each transit agency and the community it serves to determine its own procedures.

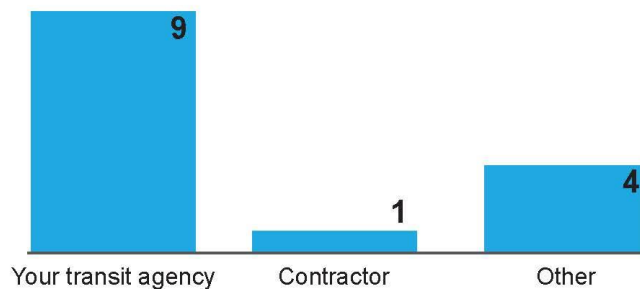
Figure 5: Paratransit Eligibility in the State of Texas

PARATRANSIT ELIGIBILITY

Did your agency's eligibility procedure include any of the following during FY 2013?



Who primarily determines an applicant's eligibility for paratransit services?



Frequency of Paratransit Re-Certification in the State of Texas

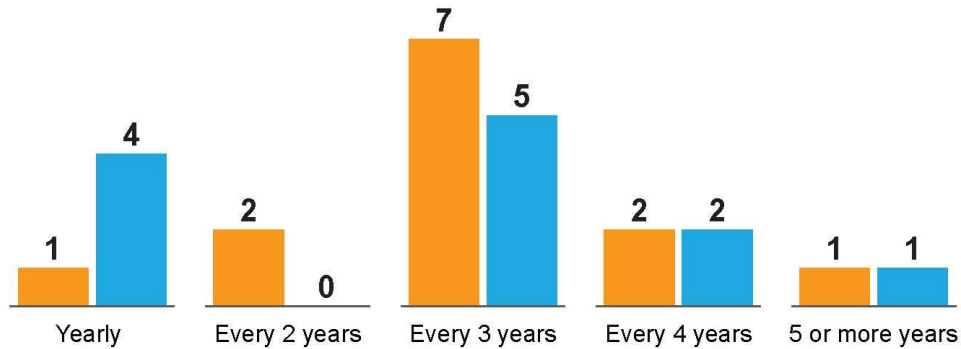
The Department of Transportation’s ADA regulations under [49 C.F.R §37.125 \(f\)](#) permit transit entities to re-certify an individual for paratransit eligibility. The regulations do not specify a time-frame, instead it merely states “The entity may require recertification of the eligibility of ADA paratransit eligible individuals at reasonable intervals.” Figure 6 provides confirmatory evidence that transit agencies in Texas are varied in their approach to paratransit recertification.

Figure 6: Paratransit Recertification in the State of Texas

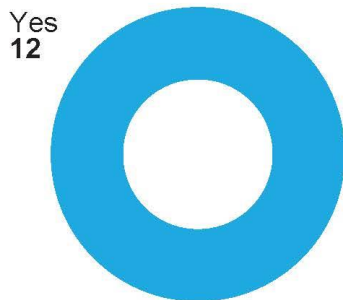
PARATRANSIT RECERTIFICATION

How often does each type of paratransit rider's eligibility typically get re-certified?

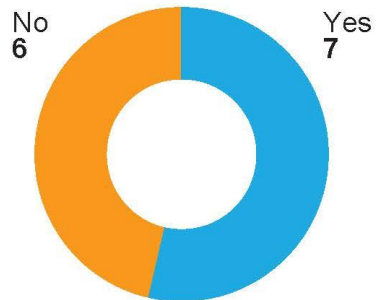
■ Fully eligible paratransit riders
 ■ Conditionally eligible paratransit riders



Does your agency require paratransit riders to be re-certified?



Some individuals have life-long, permanent disabilities. Has your agency explored any conditions in which an individual would be exempt from the re-certification requirement?



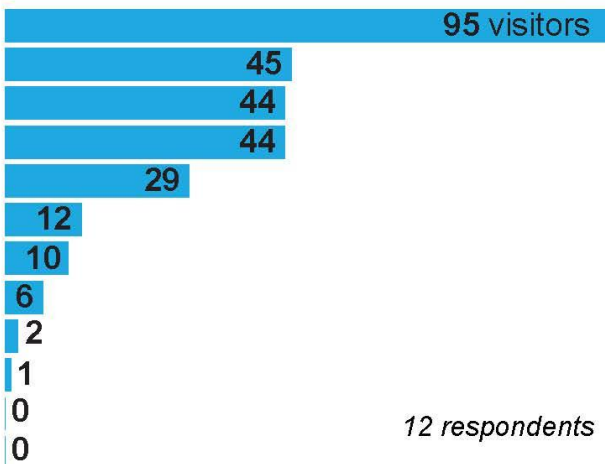
Paratransit Visitors in the State of Texas

According to our survey of transit agencies, demand for paratransit visitor service is relatively low. In fact, two transit agencies reported zero paratransit visitors in FY 2013 (see figure 7).

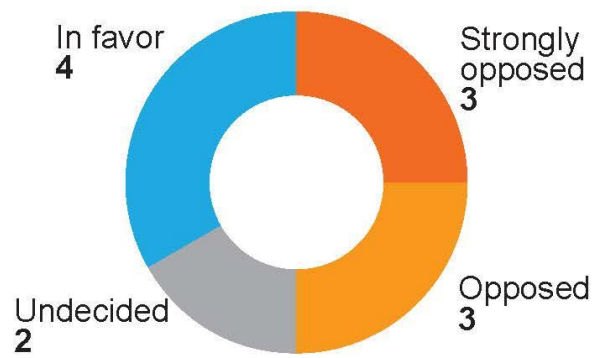
Figure 7: Paratransit Visitors in the State of Texas

PARATRANSIT VISITORS

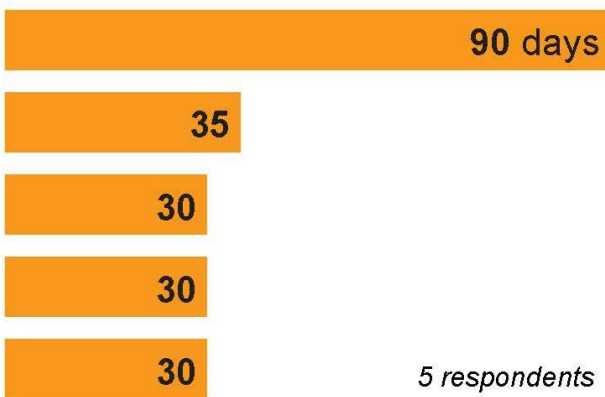
What was the total number of paratransit visitors your agency serviced in FY 2013?



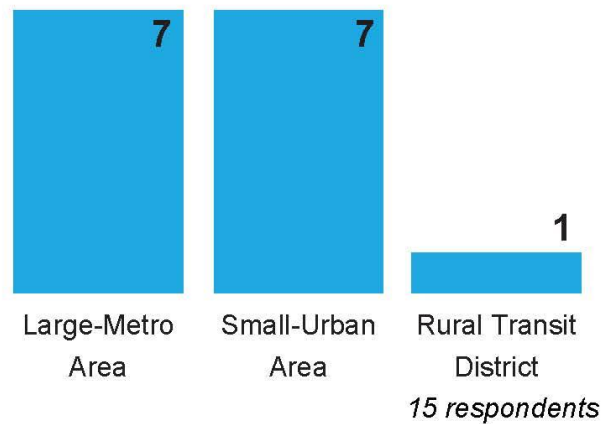
Based upon the actual number of paratransit visitors your agency serviced in FY 2013, what is your response to the idea of increasing the number of days a visitor can receive paratransit service to more than 21 days?



If you believe increasing the number of days a paratransit visitor can receive service would be helpful, how many days do you think would benefit travelers with disabilities?



Please characterize the service area in which the paratransit service was provided.



Curbing Paratransit Costs in the State of Texas

Transit agencies in Texas have implemented a number of actions aimed at addressing the growing demand for ADA paratransit trips and reducing the costs of ADA paratransit services.

Figure 8: Paratransit Service in Texas

PARATRANSIT SERVICE

Does your transit agency provide the following services to your paratransit customers?

Yes No

Servicing more than the 3/4 mile from bus or rail ADA-required minimum service area



Providing service outside the hours and days matching fixed route operations



Providing same day reservation services, regardless of circumstance



Operating ADA paratransit services on days when fixed route is not operating



Provide service to people who don't meet ADA paratransit eligibility rules



Travel training on riding existing fixed route services



Travel training on riding paratransit services



Charging less than the ADA maximum allowable fare per-trip for ADA paratransit services



Subscription service



Has your agency applied any of the following policies or programs for ADA paratransit services to make improvements in either costs or paratransit service?

Yes No

Travel training



More rigorous eligibility certification process



Coordination of transportation services with human service providers



Coordination with neighboring transit jurisdictions for ADA paratransit service



Online ADA paratransit trip reservations



Accessibility improvements to existing fixed route service



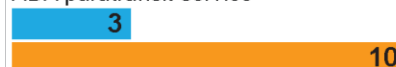
Re-aligning ADA paratransit service areas to better match ADA requirements



Re-aligning ADA paratransit service hours to better match ADA requirements



Use of commercial taxis for regular ADA paratransit service



Use of commercial taxis for overflow ADA paratransit service



Paratransit Improvement Initiatives

The Committee queried paratransit providers to gauge their interest in a number of initiatives that may benefit paratransit riders and providers.

Statewide Universal Paratransit ID card

The Committee considered the efficacy of creating a statewide universal paratransit identification card that establishes a uniform appearance of the ID card. An ID card is a requirement under the Department of Transportation's ADA regulations at [49 C.F.R. Section §37.125 \(e\)](#), each transit agency required to provide paratransit service 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.

Paratransit Database

Under the Department of Transportation's ADA regulations at [49 C.F.R. Section §37.127](#) visitors who can show they are eligible with a paratransit ID from their local service provider should not be asked to complete an application for services until they meet or exceed 21 days of service as a visitor. The creation of a statewide database of paratransit users would provide transit providers access to an individual's paratransit eligibility information. Access to the database can cut down or eliminate "red-tape" when a paratransit user visits an area outside of their local service provider.

Statewide Paratransit Advisory Committee

The formation of a Statewide Paratransit Advisory Committee would enable stakeholders to communicate with one another and have a forum to jointly resolve policy and operational issues. The Committee could be composed of consumers of paratransit services, human service representatives whose clients use paratransit service, representatives of private, public, and nonprofit providers, and others whose interests are consistent with the purpose of the Committee.

The on-going role of the Statewide Paratransit Advisory Committee would be to:

- Foster, organize, and guide coordination efforts in the state of Texas.
- Provide feedback to state, regional, and county agencies and organizations that fund/purchase community transportation services.

- Advocate for paratransit service which is safe, reliable, and responsive to changing needs and is consistent with the spirit, letter and intent of the ADA.
- Develop detailed recommendations for reform and introduce efficiencies in the provision of community and demand-response transportation services.

Ombudsman

Presently, Texans who believe they were denied paratransit services or feel as though the service is not meeting their needs have the option to appeal the decision or engage in the interactive process with the transit provider to seek a desirable outcome. If and when this is not successful, one has the option to file a complaint with the Federal Transit Administration’s Office of Civil Rights. Per the FTA:

Department of Transportation (DOT) regulations implementing the Americans with Disabilities Act (ADA) require transit agencies to have a complaint process. If you believe an ADA violation has occurred, we encourage riders to first file a complaint or otherwise communicate with their local transit agency to give them an opportunity to resolve the situation. If you find the transit agency to be unresponsive, after waiting a reasonable amount of time for a resolution, you may decide to file a complaint with the Federal Transit Administration’s (FTA) Office of Civil Rights. The Office of Civil Rights is responsible for ensuring that providers of public transportation comply with ADA requirements. A complaint should contain enough details for an investigator to understand why a complainant believes a transit agency violated the ADA and include specifics such as dates, times, and route numbers of incidents, along with any related correspondence from the transit agency. The Office’s enforcement priority is on repeated issues—not one-time operational breakdowns—so it may be important depending on the nature of the complaint allegations to keep a log of incidents, again with dates and times, to submit with the complaint.⁴⁵

The Committee believes that the establishment of a Paratransit Ombudsman, who is charged with providing impartial assistance for the informal resolution of concerns and conflicts could be beneficial. In all interactions, an ombudsman would act with impartiality. They do not serve as an advocate for any person in a dispute with an organization, nor for the organization; rather, they would advocate for due process and procedural fairness and would work to facilitate a solution that is acceptable to all parties.

⁴⁵ See Federal Transit Administration. [Frequently Asked Questions](#), specifically question number 14 for an insightful analysis of this issue.

Reaction to Paratransit Improvement Initiatives

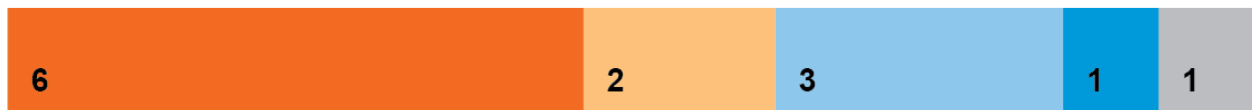
Responses from providers showed only moderate support for the four initiatives presented to them, with only the Statewide Paratransit Advisory Committee receiving a positive response by at least half of respondents. The creation and implementation of a statewide universal paratransit identification card received the strongest opposition with a majority of respondents indicating they strongly disagree with the initiative (see fig. 9).

Figure 9. Paratransit Improvement Initiatives

PARATRANSIT IMPROVEMENT INITIATIVES

■ Strongly oppose/disagree
 ■ Disagree
 ■ Agree
 ■ Strongly agree
 ■ Undecided

What do you think about the idea of creating and implementing a statewide universal paratransit identification card for the state of Texas?



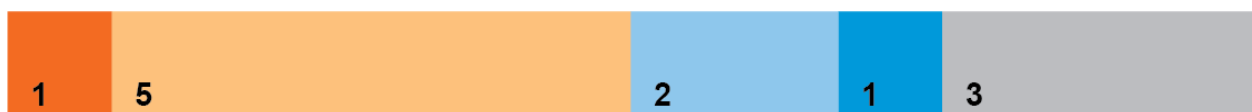
Texas should develop a statewide database of paratransit customers that any Texas transit authority could access.



Texas should develop a Statewide Paratransit Advisory Committee.



Texas needs a paratransit ombudsman who is charged with providing impartial assistance for the informal resolution of concerns and conflicts that are related to paratransit in Texas.



Summary of Charge 1

While the creation and implementation of a standardized eligibility procedure and a statewide universal paratransit ID card, may seem on its face, an idea that is easy to implement, there seems to be no compelling reason to argue for such measures. The U.S. Department of Transportation (DOT) addressed the issue of a standardized eligibility process in 1991. The DOT's comments can be found in the [Preamble-Transportation for Individuals with Disabilities \[September 6, 1991\]](#) and reads as follows:

A centralized process... in our view, [is] much less desirable than a process at the local level. Not only would it take longer to make decisions, but it would inevitably be less responsive to the details of local circumstances and individual needs. We would point out that the legislative history of the ADA contemplated that implementation of the paratransit requirement by fixed route operators would include a local certification process.

For these reasons, this section retains the requirement that each transit provider (or groups of providers in a region coordinating with one another) devise and operate a local eligibility process.⁴⁶

At this time, the Committee does not recommend standardizing the eligibility process for the certification of paratransit services in the state of Texas. The Committee came to this conclusion based upon the Department of Transportation's ADA regulations at [49 C.F.R. Section 37.125](#) which stipulates that each public entity required to provide complementary paratransit service must establish a process for determining ADA paratransit eligibility. While the eligibility criteria are established under the Department's regulations, it is up to each transit agency and the community it serves to determine its own procedures.

While the Committee does not recommend standardizing the eligibility process for paratransit, it has developed a number of recommendations that may benefit Texans with disabilities. These are discussed in greater detail on pages 83-88 of this document.

⁴⁶ U.S. Department of Transportation. (n.d.). [Preamble--Transportation for Individuals with Disabilities \[September 6, 1991\]](#). Retrieved December 30, 2014

Charge 2

Determine whether the current 21-day provision of services by a provider is adequate to meet the needs of visitors with disabilities to locations served by the provider.

Committee Action to Address Charge 2

To investigate issues of disability and mobility, GCPD conducted a survey of Texans who identify as having a disability, with a focus on engaging those who use paratransit services. Specific objectives were to address the issues raised in H.B. 1545. Concurrently, GCPD sought to determine how satisfied Texans with disabilities are with their transportation options, how often they make different types of trips, whether lack of transportation limits the trips they make, and what problems they encounter with using public transportation.

On June 7, 2014, GCPD released the *Paratransit Rider Survey* to gather quantitative data from persons with disabilities, family members, caregivers, and professionals in the field of disability. Questions for respondents were designed and arranged in a logical format and order to create a survey questionnaire. Careful attention was given to all phases of questionnaire development and design, including: definition of topics, concepts and content; question wording and order; and questionnaire length and format.

The *Paratransit Rider Survey* employed the use of screening questions with skip logic to reduce the incidence of over-coverage of people who have no experience using paratransit. This control measure was crucial to ensure that questions about paratransit were limited specifically to those who use the service. Additionally, the *Paratransit Rider Survey* underwent extensive accessibility testing prior to launch to ensure that it would be accessible, to the maximum extent feasible, to those with a visual disability. The survey also employed the use of visuals or pictures to make written information more accessible for those with intellectual disabilities.

Texans who self-identified as a person with a disability provided input for the *Paratransit Rider* survey equaled 568. In addition, we received input from 266 Texans who indicated they do not have a disability. A number of these responses came from family members, disability advocates, or professionals in the field of disability issues.

Where do participants in the *Paratransit Rider Survey* live?

The *Paratransit Rider Survey* asked participants to identify where they live (see fig. 10). Of the 568 survey participants who self-identified as a person with a disability, 490 elected to provide county data.

Figure 10: Paratransit Rider Survey County Data

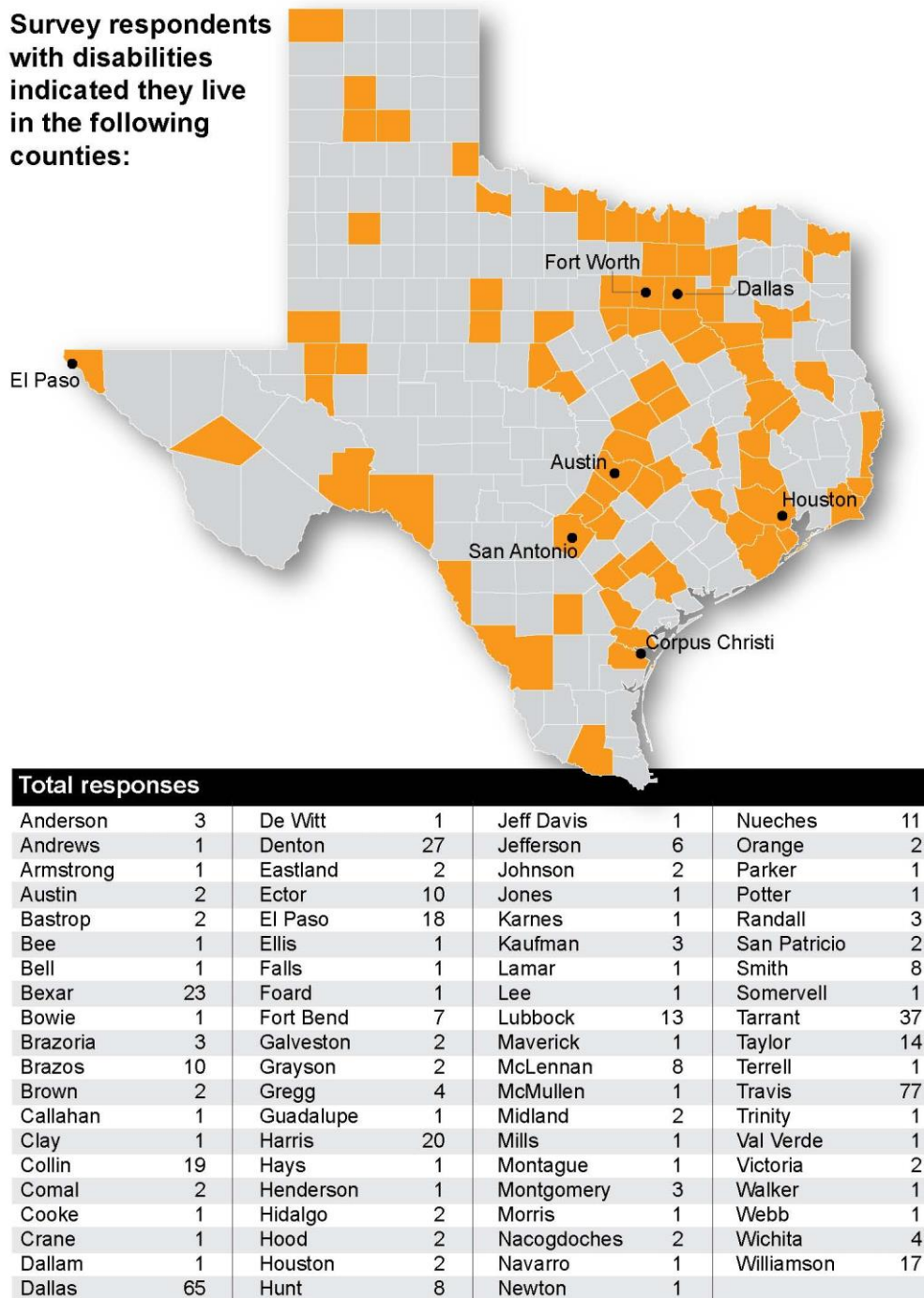
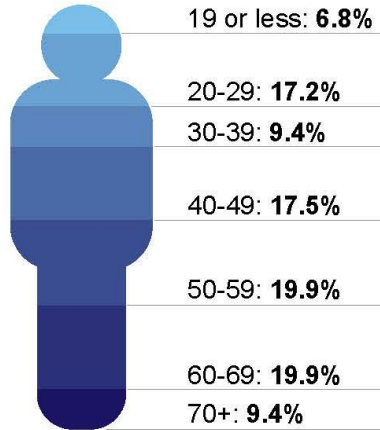


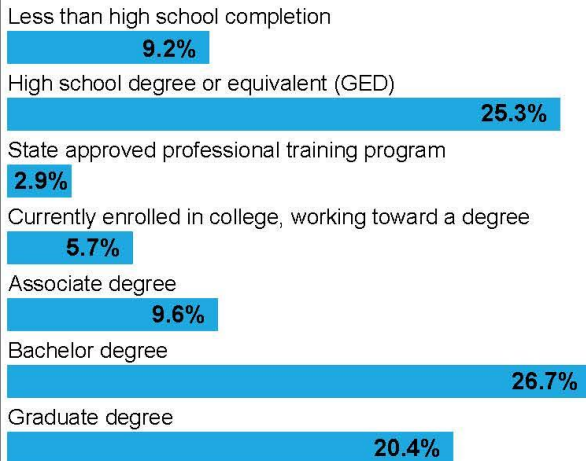
Figure 11: Demographics of Respondents with a Disability

DEMOGRAPHICS OF RESPONDENTS WITH A DISABILITY

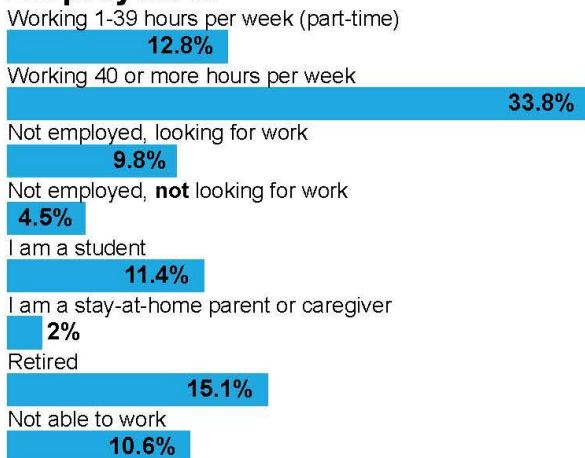
Age



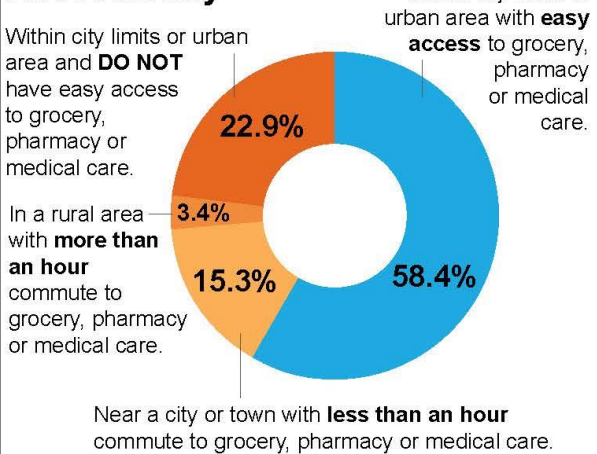
Education



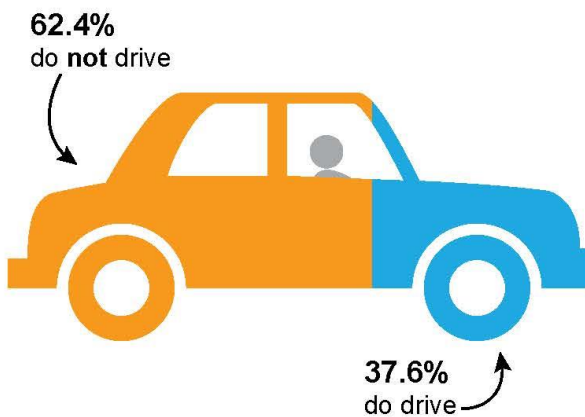
Employment



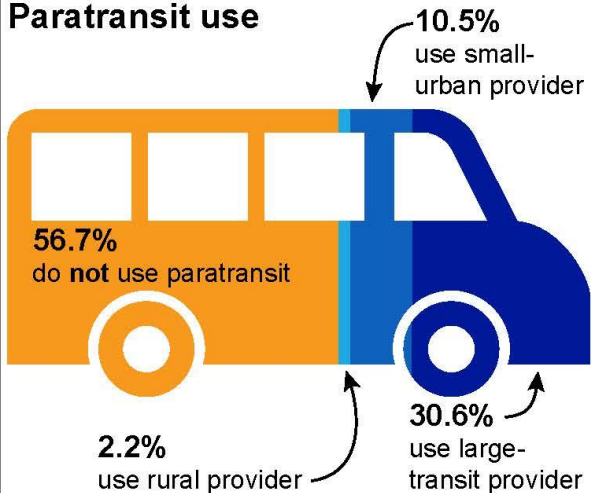
Accessibility



Driving



Paratransit use



Is the current 21-day provision of services by a provider is adequate to meet the needs of visitors with disabilities to locations served by the provider?

Our findings indicate a majority of respondents have not used paratransit as a visitor while traveling to another city or town (see fig. 12). Some respondents completing the survey by phone acknowledged that they were not aware that they *could* use paratransit in another city or town.

- 203 survey respondents who use paratransit provided feedback when asked if they have traveled outside of their local service area and used paratransit service as a visitor in another city or town.
- 49 individuals (24 percent) said “Yes” they have used paratransit as a visitor in another city or town.
- 154 individuals (76 percent) said “No” they have never used paratransit as a visitor in another city or town.

Additionally, among those who have used paratransit service as a visitor, the results show that 21 days of paratransit visitor service is largely adequate for the majority of paratransit visitors. The 49 individuals who indicated they have used paratransit as a visitor in another city or town were asked if 21 days of visitor service by a paratransit provider is adequate to fit their traveling needs. Of the 49 individuals queried on this question, 46 elected to provide feedback:

- 27 individuals (59 percent) said “Yes,” 21-days of service by a paratransit provider is adequate for their needs.
- 13 individuals (28 percent) said “No,” 21-days of service by a paratransit provider is not adequate for their needs.
- 6 individuals (13 percent) are “Not Sure” if 21-days of service by a paratransit provider is adequate for their needs.

Under the Department of Transportation’s ADA regulations at [49 C.F.R. Section 37.127 \(e\)](#), a transit agency is not required to provide service to a visitor for more than 21 days per year; that is, per 365-day period from the first day of use. However, if a person with a disability travels to a city where paratransit service is provided for more than 21 days a year, they may apply for eligibility in the same manner as would a resident.

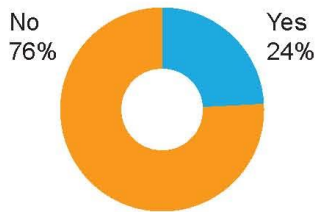
The 46 survey respondents who provided a response as to whether or not 21 days of visitor service by a paratransit provider is adequate to fit their traveling needs were asked how likely they were to apply for eligibility certification from that city or town's transit provider to continue making trips to that location in the event they exceed 21 days of visitor service. .

- 17 individuals (37 percent) said they are “Not likely” to apply for eligibility certification.
- 17 individuals (37 percent) said they are “Likely” to apply for eligibility certification.
- 12 individuals (26 percent) said they are “Undecided.”

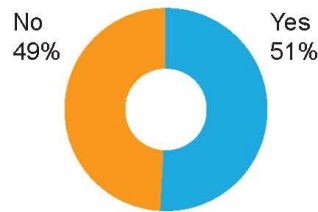
Figure 12: Paratransit Travel Experience of Survey Respondents

PARATRANSIT TRAVEL EXPERIENCE

Have you traveled outside of your local service area and used paratransit service in another city or town?



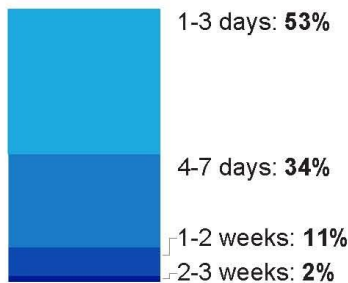
Has your paratransit identification card been accepted by other service providers when you have traveled outside of your local service area or jurisdiction in the state of Texas?



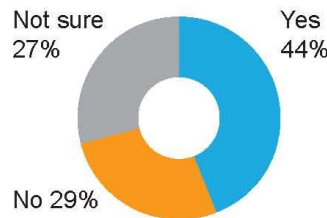
If your identification card was not accepted by other paratransit service providers outside of your local service area, what were the procedures or requirements you had to meet to determine eligibility in the city, county, or region of Texas you were traveling to?

Proof of disability	56%
Letter from a doctor	40%
Proof of residency	32%

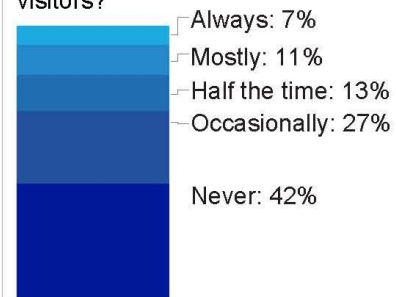
When traveling outside your local service area, how long is your typical visit?



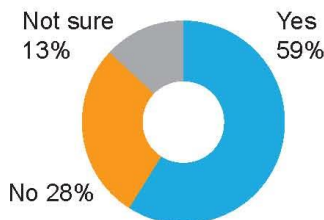
The ADA guarantees eligible patrons 21 days of service in other cities or towns that provide paratransit. Is the 21-day paratransit visitor limit something that is of great concern to you?



Think about your frequency of travel outside your service area. Do you typically meet or exceed 21 days of paratransit service the ADA guarantees eligible visitors?



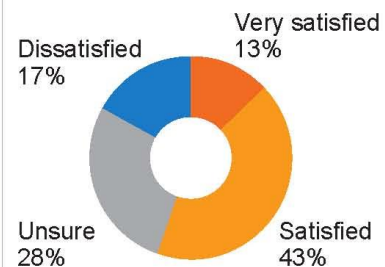
Think about your frequency of travel outside your service area. Is 21 days of services by a paratransit provider adequate for your needs?



Think about your frequency of travel outside your service area. If you travel extensively and surpass the 21 days of paratransit service the ADA guarantees eligible visitors. How likely are you to apply for eligibility certification from that city or town's transit provider so you can continue making trips to that location?



Overall, are you satisfied with your experience using paratransit while visiting cities, counties, or regions in the state of Texas that are outside of your local service area?



Summary of Charge 2

The Committee believes that the existing 21-day policy is sufficient and does not warrant a change. The Committee came to this conclusion for three reasons:

- The data generated from both the *Paratransit Rider Survey* and the *Paratransit Provider Survey* shows that a small portion of paratransit riders travel outside of their local service area and use paratransit while visiting another city or town.
- Fifty-nine percent of survey respondents who indicated they have used paratransit as a visitor in another city or town said that 21-days of paratransit visitor service is adequate for their [traveling] needs.
- If a person with a disability travels to a city where paratransit service is provided for more than 21 days a year, they may apply for eligibility in the same manner as would a resident.

While the Committee does not recommend expanding the 21 days provision of visitor service, it has developed a number of recommendations that may benefit Texans with disabilities. These are discussed in greater detail on pages 83-88 of this document.

Public Transit Use

Public Transit Use

Affordable and reliable transportation ensures access to important opportunities in education, employment, health care, housing, and community life for all Texans. In communities across Texas, people with disabilities continue to face barriers to transportation due to inaccessible bus stops, intersections without curb ramps, street crossings and pedestrian signals that are not audible to individuals with visual disabilities, and barriers such as telephone poles blocking sidewalks. If people with disabilities cannot get down their streets, they will be unable to connect to other forms of transportation.

In an effort to improve and enhance the mobility of public transit users, GCPD captured data on public transit use by people with and without disabilities. Respondents were asked the degree to which they agree or disagree with an issue related to using public transportation. The following section compares the challenges in using public transportation by the two groups. The data comes from respondents who indicated there is a fixed-route bus system where they live. This section also features open-ended responses from survey respondents expressing their thoughts on the difficulties faced when using public transportation. It is interesting to note, that some elements of public transportation are troublesome for respondents with and without a disability.

Among respondents with a disability, the following issues emerged as a source of difficulty when using public transportation:

- Crossing wide or busy roads to use the service
- Making transfers between routes or among vehicles*
- Lack of large covered shelters at bus stops*
- Perceived lack of safety at local bus stops
- Lack of accessible pathways to fixed-route bus stops
- Distance from home or office to the bus stop*

* *Shared by public transportation users without a disability.*

The ADA's public transportation requirements for service, vehicles, systems, buildings, and facilities; alternative formats for information; and accessible pathways are means to create integration so that individuals with disabilities can not only travel to work, school, and other activities, but can do so in a non-segregated way.⁴⁷ If accessible routes to the bus stops are not provided or maintained then you are essentially denying someone the opportunity to use public transit. In addition, safety and security must be considered if passengers are to feel comfortable while using transit. Making improvements to the location and design of bus stops and providing bus shelters will aid in the creation of safe and secure transit environments for all transit riders.

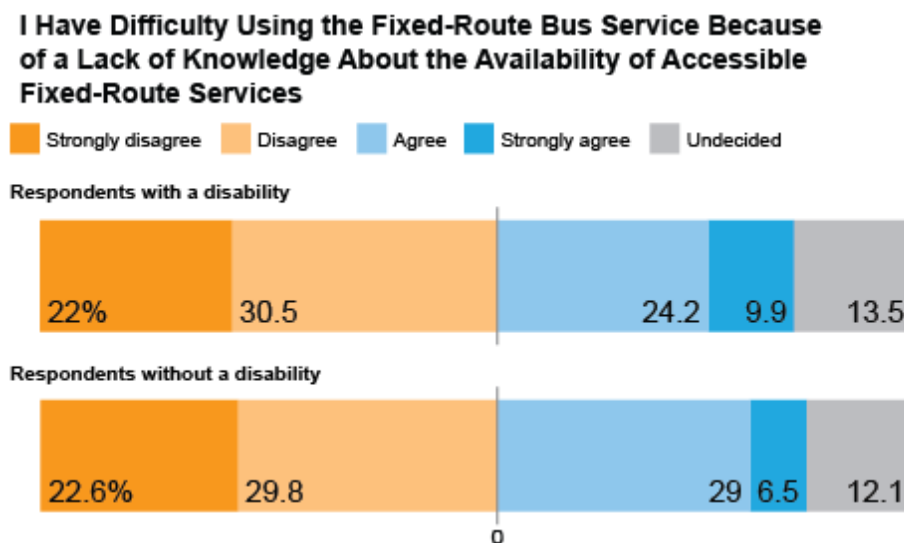
⁴⁷ Public fixed-route bus operators in the U.S. are required to comply with accessibility regulations related to vehicles, stations and communication/information. U.S. Department of Transportation requirements are outlined in 49 CFR Parts 27, 37 and 38. ADA guidance related to transit service is provided by the Federal Transit Administration, and the U.S. Access Board establishes standards for vehicles facilities, vessels, public rights-of-way, and shared use paths.

Knowledge about the Availability of Fixed-Route Services

Under the Department of Transportation’s ADA regulations at [49 C.F.R. Section 37.167\(f\)](#), a transportation entity must make communications and information available, using accessible formats and technology (e.g., Braille, large print, accessible electronic versions, etc.) to obtain information about transportation services. According to the [Federal Transit Administration, Office of Civil Rights & Accessibility](#), “...someone cannot adequately use the bus system if schedule and route information is not available in a form he or she can use. A lack of adequate information in accessible formats for fixed route service may lead to an over-reliance on paratransit service...”⁴⁸

Paratransit Rider Survey respondents were asked the degree to which they agree or disagree with the difficulty using fixed-route bus service because of a lack of knowledge about the availability of fixed-route services. The results are shown in figure 13.

Figure 13. Lack of Knowledge about the Availability of Fixed-Route Services



“If I was well informed of the locations and times the bus passes and where it drops off.”
 -Jefferson County survey respondent who identifies as being blind or visually impaired.

“Publish routes, increase advertising and information.”
 -Terrell County survey respondent who identifies as having an autoimmune disorder.

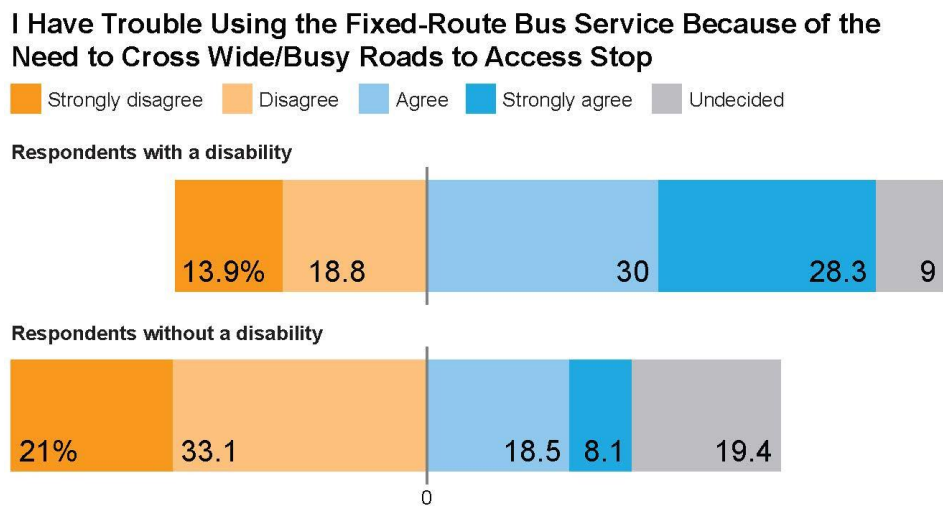
⁴⁸ See Federal Transit Administration. [Frequently Asked Questions](#), specifically question number 27 for an insightful analysis of this issue.

Crossing Wide or Busy Roads

When bus stops are located on busy, highly trafficked roads, it can be a potential safety hazard for pedestrians who need to safely cross to the other side to get to their destination. This scenario can be a deterrent to using the local fixed-route bus system.

Paratransit Rider Survey respondents were asked the degree to which they agree or disagree with the difficulty using fixed-route bus service because they have to cross wide or busy roads to get to and from the bus stop. The results are shown in figure 14.

Figure 14: Crossing Wide or Busy Roads



“I am blind and also hard of hearing. Not having to transfer or cross streets where there are multi lanes of traffic would make it easier.”

-Travis County survey respondent.

“A route that did not require me to cross an eight lane road and a stop closer than half a mile from my office and sidewalks between the stop and my office.”

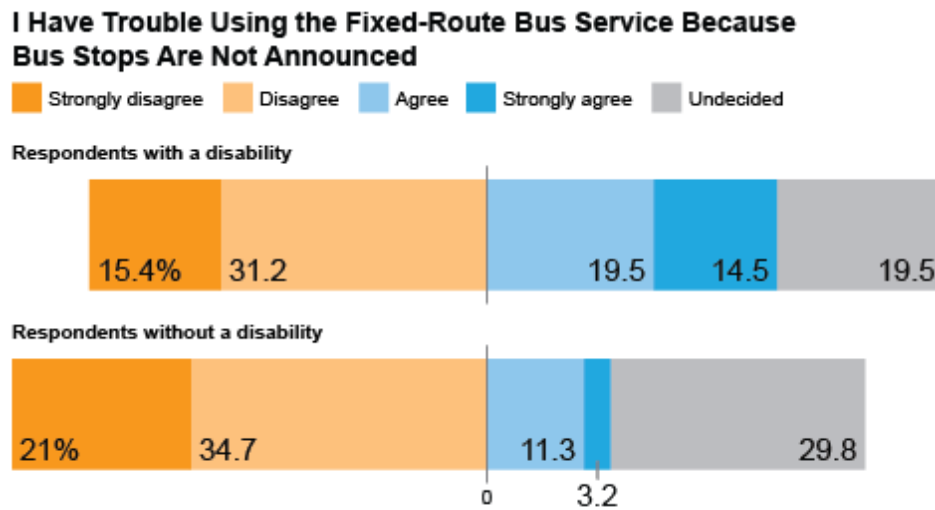
-Collin County survey respondent who identifies as being blind or visually impaired.

Announcement of Bus Stops

Under the Department of Transportation’s ADA regulations under [49 C.F.R. Section 37.167\(b\)](#) the minimum requirement for fixed route stop announcements by a transit provider is that stops be announced (by personnel or a recording system) at transfer points with other fixed routes; at major intersections and destination points; at intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location; and upon request of an individual with a disability.

Paratransit Rider Survey respondents were asked the degree to which they agree or disagree with the difficulty using fixed-route bus service because the bus stops are not announced. The results are shown in figure 15.

Figure 15: Announcement of Bus Stops



“If the bus drivers would not turn off the auto announce feature on the buses that announce the bus line and number. When I have asked if the auto announce feature is working, I just get asked where do you need to get off? That is not independence, I should be able to listen for the stop and signal the driver....”

-Dallas County survey respondent who identifies as being blind or visually impaired.

“More stops announced. It is difficult to know sometimes when to get on or off the bus, and because I am autistic, there are times it is difficult for me to communicate with the bus driver...”

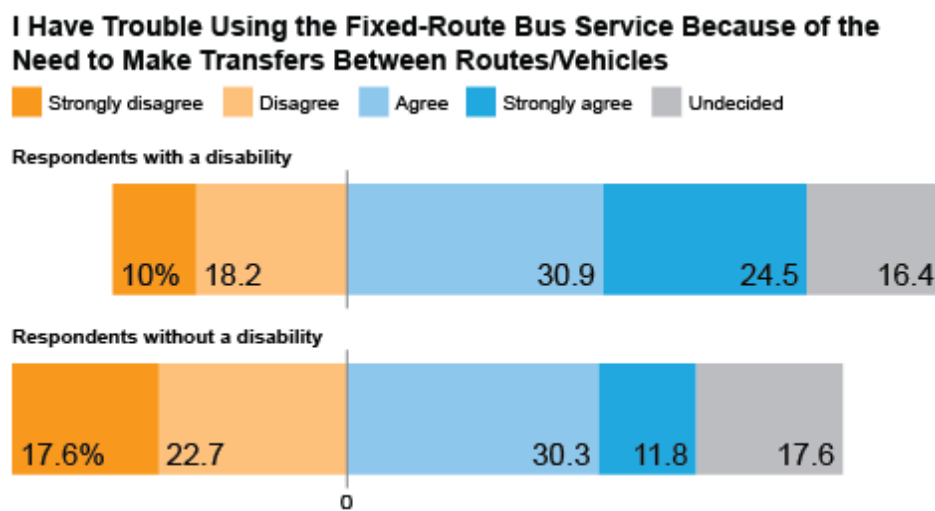
-Bexar County survey respondent.

Transfers between Routes or Among Vehicles

For some riders, there is no easy solution to avoid having to make multiple transfers between vehicles and routes to get to their final destination. A number of transit agencies offer travel training to educate riders about their transportation options and to familiarize them with the routes that will take them to their desired destination(s).⁴⁹

Paratransit Rider Survey respondents were asked the degree to which they agree or disagree with the difficulty using fixed-route bus service because they must make transfers between routes and/or vehicles to get to their final destination. The results are shown in figure 16.

Figure 16: Transfers between Routes or Among Vehicles



“It’s transferring buses that confuse me and it just takes too long to arrive at destinations. Very tiring.”

-Collin County survey respondent who identifies as having a learning disability.

“I do not like to transfer buses.”

-El Paso County survey respondent who identifies as being a person with mental illness.

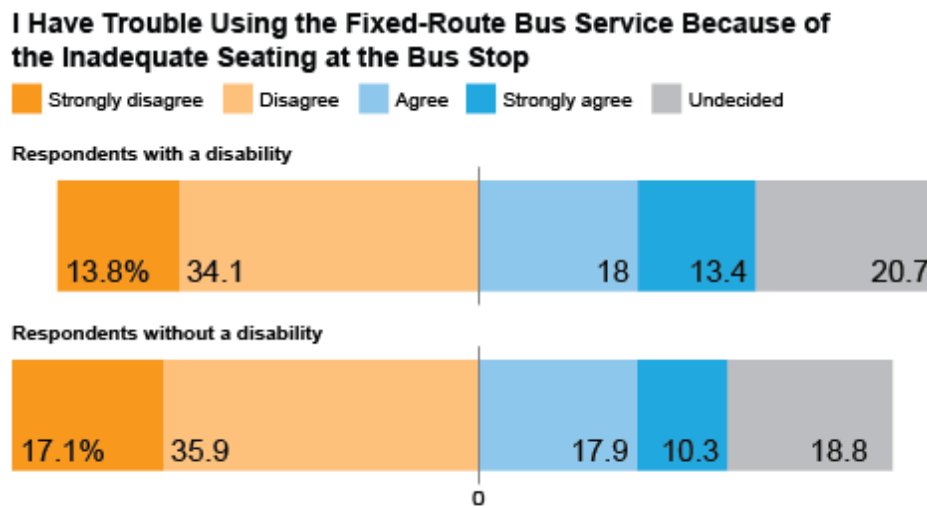
⁴⁹ Information about Travel Training can be found on the website of most transit agencies. For example, Houston Metro offers riders information about their travel training program and its benefits. For more information visit the Houston Metro web link: <http://www.ridemetro.org/services/lift/otherprograms.aspx>

Seating at Bus Stops

The Americans with Disabilities Act (ADA) does not require public transportation entities to install bench seating⁵⁰ at bus stops or at transportation facilities. However, the [Federal Transit Administration, Office of Civil Rights & Accessibility](#) points out the benefits of providing seating at bus stops, "...transit systems may find it beneficial to provide seating, as it may enable use of the fixed-route system by persons whose disabilities prevent them from standing for extended periods of time, and who might otherwise be dependent upon paratransit service."⁵¹

Paratransit Rider Survey respondents were asked the degree to which they agree or disagree with the difficulty using fixed-route bus service because of inadequate seating at their local bus stops. The results are shown in figure 17.

Figure 17: Seating at Bus Stops



"Improve the bus stop with adequate comfortable seating and cover the bus stop. The Texas heat is awful."

-Dallas County survey respondent who identifies as having multiple disabilities.

"Shaded waiting areas with seating to make the waiting tolerable."

-Collin County survey respondent who identifies as having multiple disabilities.

⁵⁰Seats provide comfort to waiting customers and increase the attractiveness of the bus service, especially for those with mobility impairments. Patrons who have difficulty standing will benefit from seating and will more likely use transit services. Source: Easter Seals Project ACTION. (2005). [Toolkit for the Assessment of Bus Stop Accessibility and Safety](#). Washington, D.C.: Project ACTION. Retrieved November 20, 2014

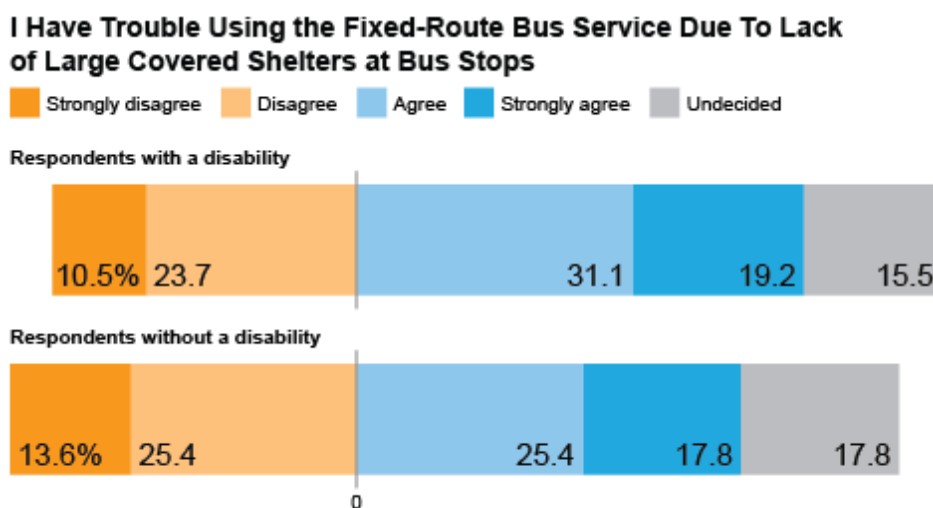
⁵¹ See Federal Transit Administration. [Frequently Asked Questions](#), specifically question number 6 for an insightful analysis of this issue.

Covered Shelters at Bus Stops

A bus shelter provides protection from the elements and seating while waiting for a bus. Some transit agencies in Texas have made a concerted effort to have bus shelters at a number of their fixed-route stops. [Houston METRO](#) has taken it a step further with their pledge to install bus shelters throughout the METRO service area.⁵²

Paratransit Rider Survey respondents were asked the degree to which they agree or disagree with the difficulty using fixed-route bus service because there are no covered shelters at their local bus stops. The results are shown in figure 18.

Figure 18: Covered Shelters at Bus Stops



“... Many bus stops are not sheltered to promote security. It is not user friendly for riders with [a]physical disability.”

-Tarrant County survey respondent who identifies as being deaf or hard of hearing.

“...More adequate shelter should be provided at all bus stops to offer shade and protection from rain and any other inclement weather elements.”

-Nueces County survey respondent who identifies as having a mobility impairment and uses a cane or walker for support.

⁵² For additional information about Houston METRO’s Passenger Bus Shelter Program visit the following web link: <http://www.ridemetro.org/CurrentProjects/BusShelterProgram.aspx>

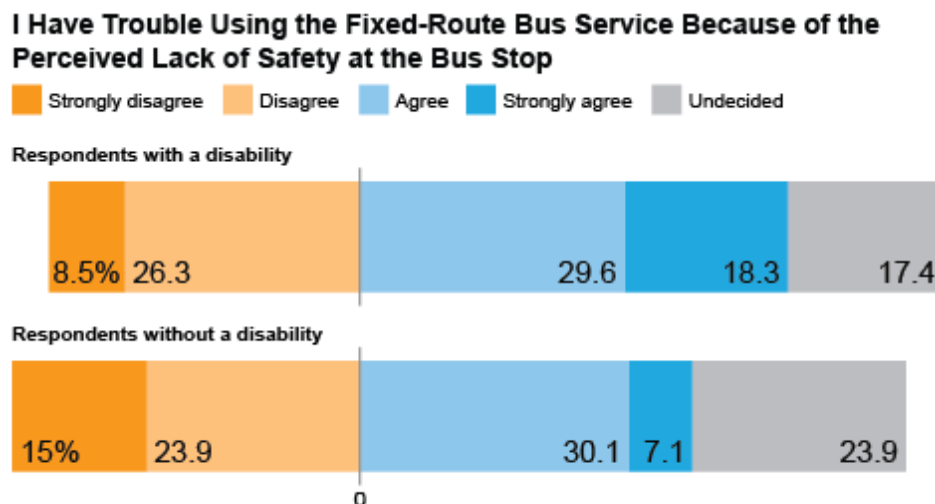
Safety at Local Bus Stops

Passenger security can be an issue in bus stop design. The setback from the street edge, and location can positively or negatively influence a bus patron’s perception of the bus stop. The Texas Transportation Institute examined bus stop safety in their report [Guidelines for the Location and Design of Bus Stops](#) and found the following:

Safety is the freedom from danger and risk. In the transit environment it includes an individual’s relationship to buses and general traffic, and the bus’ relationship to other vehicles. Pedestrian safety issues include the nearness of a bench to the flow of traffic on a busy street or safely crossing the street to reach the bus stop. Bus reentry into the flow of traffic safely is an example of an operational safety concern. Thus, pedestrians, bus passengers, buses, and private vehicles can all be involved in concerns for safety at or near a bus stop.⁵³

Paratransit Rider Survey respondents were asked the degree to which they agree or disagree with the difficulty using fixed-route bus service because of safety concerns at their local bus stops. The results are shown in figure 19.

Figure 19: Safety at Local Bus Stops



“Some routes are a concern because I am deaf and have had issues with late evening bus routes in dark areas and have had hearing people pick on me because I cannot hear them and they think I am ignoring them. Feel danger but so far I have been able to protect myself.”
 -Bexar County survey respondent.

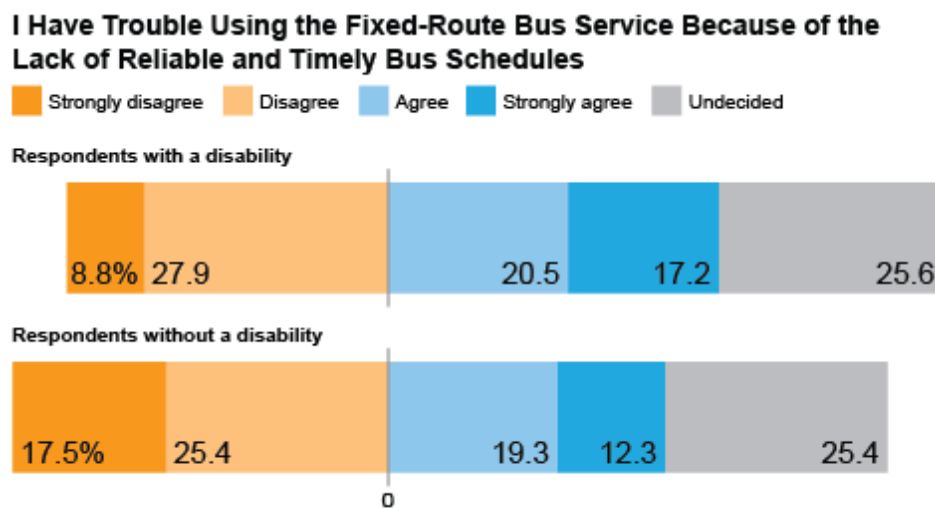
⁵³ Texas Transportation Institute. (1996). [Guidelines for the Location and Design of Bus Stops](#). *TCRP Report 19*. Retrieved November 20, 2014

Reliable and Timely Bus Schedules

For some, using the fixed-route public transit system is more time consuming than using paratransit or a personal vehicle. The amount of time it takes to get from point A to B can be a strong deterrent for individuals who would otherwise be more open to utilizing fixed-route services.

Paratransit Rider Survey respondents were asked the degree to which they agree or disagree with the difficulty using fixed-route bus service because the local bus routes are not timely or reliable. The results are shown in figure 20.

Figure 20: Reliable and Timely Bus Schedules



“At this time I do not need the service but I did look at using the bus system when I moved to Lubbock...Here, there wasn't a bus that would get me to work on time unless I left at 6:00 am. I live a 10 minute drive from work.”

-Lubbock County survey respondent who identifies as having a mobility impairment and uses a wheelchair.

“I would use fixed-route transportation if it would ensure that I would get to my destination in a timely manner and if the transportation was reliable.”

-Hunt County survey respondent who identifies as being blind or visually impaired.

“If one could get from point A to point B without having to take 60 to 90 minutes to do so, especially when it's just 2 to 3 miles away. That is the main reason why I don't use the bus system anymore as it wastes a great deal of time, especially on Saturdays when the schedule is even longer.”

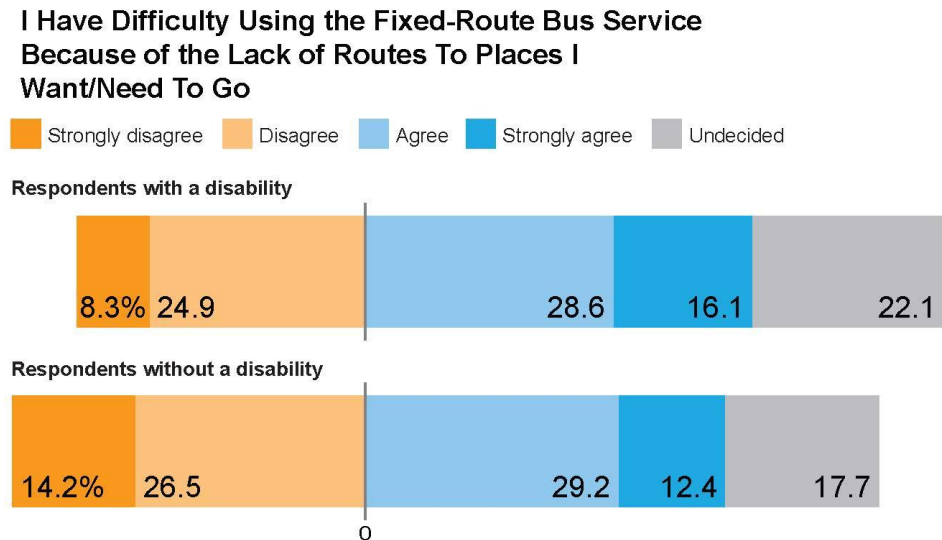
-Smith County survey respondent who identifies as being blind or visually impaired.

Routes to Places I Need/Want to Go

Reliable transportation ensures access to important opportunities in education, employment, health care, housing, and community life. There is concern that for some respondents there is a lack of transportation options to key destinations. As a result, active participation in community life remains out of reach for some Texans.

Paratransit Rider Survey respondents were asked the degree to which they agree or disagree with the difficulty using fixed-route bus service because of a lack of bus routes to places they need/want to go. The results are shown in figure 21.

Figure 21: Lack of Routes to Places I Need/Want to Go



“More stops closer to busy business areas”

-Lubbock County survey respondent who identifies as having a physical impairment.

“More routes [I] can’t get close enough to the places I need”

-Travis County survey respondent who identifies as having a mobility impairment and uses a wheelchair.

“Increased number of routes and increased coverage areas.”

-Tarrant County survey respondent who identifies as being blind or visually impaired.

“Have more frequent stops near grocery stores and medical centers.”

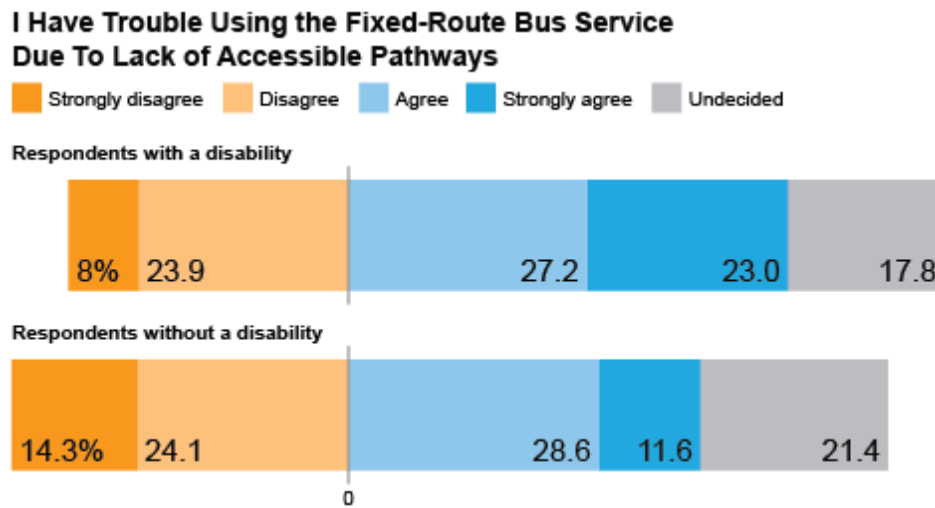
-Denton County survey respondent who identifies as having a physical impairment.

Accessible Pathways to Fixed-Route Bus Stops

Pedestrians need pathway infrastructure that allows them the freedom to access all the available amenities and modes of transportation in their community. [Easter Seals Project ACTION](#) calls inaccessible bus stops the weak link in the system because they effectively prevent the use of fixed-route bus service by people with disabilities.⁵⁴ When people with disabilities cannot access a station or bus stop, they may be forced to go out of their way to find one that is accessible, and in some cases, this may make travel prohibitive. Accessible paths⁵⁵ allow transit users to reach their intended bus stop conveniently and safely.

Paratransit Rider Survey respondents were asked the degree to which they agree or disagree with the difficulty using fixed-route bus service because there is a lack of accessible pathways to their local bus stops. The results are shown in figure 22.

Figure 22: Accessible Pathways to Fixed-Route Bus Stops



“Solve some of the critical problems! We need sidewalks and not be forced to walk in the streets or have to stand in the street or inappropriate places for service...”

-Taylor County survey respondent who identifies as being blind or visually impaired and has difficulty hearing.

“Improve and expand sidewalks and pathways to bus stops.”

-Bexar County survey respondent who identifies as being blind or visually impaired.

⁵⁴ Easter Seals Project ACTION. (2005). [Toolkit for the Assessment of Bus Stop Accessibility and Safety](#). Washington, D.C.: Project ACTION. Retrieved November 20, 2014

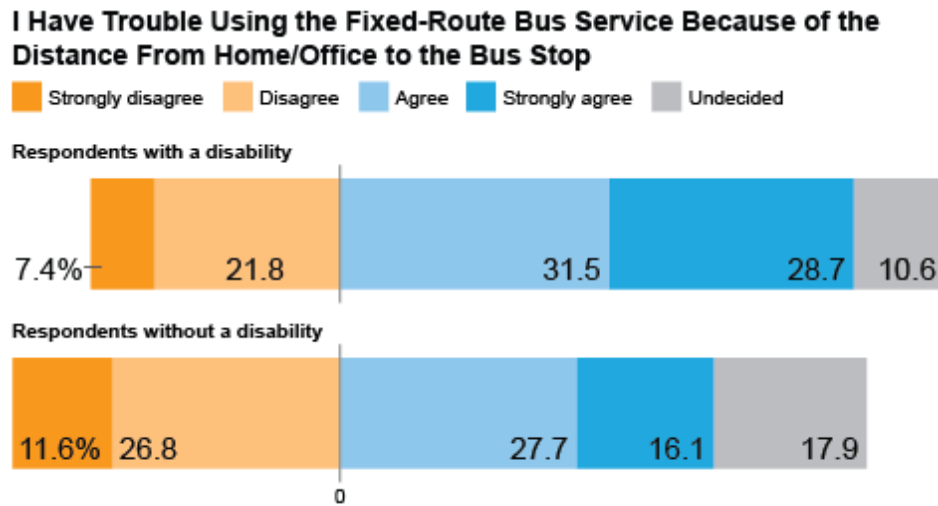
⁵⁵ [Per the ADA Accessibility Guidelines \(ADAAG\), Section 4.3 Accessible Route](#): At minimum, an accessible path should accommodate the following: A minimum clear passage width of 48 inches (1,219 millimeters) is recommended by the Access Board’s guidelines for the public right-of-way. An accessible route from public transportation stops to the route for the general public; A maximum cross slope of 1:50; Stable, firm and slip-resistant ground and floor surfaces; and Grating spaces that are no greater than 9 1/2 inches (13 millimeters) wide in one direction.

Distance from Home or Office to the Bus Stop

Research conducted by the [Texas A&M Transit Institute](#) recognizes that bus passengers need efficient ways to reach the bus stop from their residences. The Institute recommends having transit agencies involved early in the development approval process to reduce walking times and improve direct access to and from the bus stop. Sidewalk placement that is coordinated with land use and bus stop locations is critical to encouraging the use of transit.”⁵⁶

Paratransit Rider Survey respondents were asked the degree to which they agree or disagree with the difficulty using fixed-route bus service because of the distance from their home or office to the bus stop. The results are shown in figure 23.

Figure 23: Distance from Home or Office to the Bus Stop



“I would use the fixed-route more often if it were closer to my home.”

-Nueces County survey respondent who identifies as an individual with a mobility impairment that uses a wheelchair and is currently receiving chemotherapy.

“I may be encouraged to use the fixed route service if there was a bus stop near my home. Also, the availability of sidewalks and accessible cross walks would provide a better opportunity to use the fixed route system.”

-Taylor County survey respondent who identifies as being blind or visually impaired and uses a walker or cane for stability and support.

“More routes, [I] live in an urban area with the nearest route 2.5 miles away.”

-McLennan County survey respondent who identifies as being blind or visually impaired.

⁵⁶ Texas Transportation Institute. (1996). [Guidelines for the Location and Design of Bus Stops](#). *TCRP Report 19*. Retrieved November 20, 2014

Primary Modes of Transit

Primary Modes of Transit

Transportation enables us to work, choose where to live, pursue an education, access health care, shop, and participate in recreational activities. For the transportation disadvantaged—people who are impaired by age or disabilities that prevent them from operating a vehicle, or those with income constraints, access to public transportation ensures they have the opportunity to participate in public life.

The 2008-2012 American Community Survey 5-year Estimates, has the total population of Texans age 65 years and over at 2,635,390.⁵⁷ The population projections of the Office of the State Demographer⁵⁸ and the Texas State Data Center⁵⁹ suggest the population of those over 65 years of age, will more than triple in size from 2010 to 2050, exceeding 7.8 million.⁶⁰ This is important to note, because as people grow older, they often become less willing or able to drive, making it necessary to depend on alternative methods of transportation.⁶¹ To add to this need, there is an estimated 2,751,110 Texans age 18 and over with a disability that may potentially restrict their ability to drive.⁶²

To explore mobility needs, *Paratransit Rider Survey* respondents were asked to identify their primary mode(s) of transportation for everyday travel to work, the grocery store, the doctor, etc. The data highlights the difference between those with and without a disability and the means by which they accomplish these routine tasks.

⁵⁷ U.S. Census Bureau. (2014, December 1). 2008-2012 American Community Survey 5-Year Estimates, Texas [PDF].

⁵⁸ The Office of the State Demographer was created in 2001, during the 77th legislative session. The office disseminates demographic and socioeconomic data to the public, informs the Texas Legislature of the impact of the demographic and socioeconomic changes on the demand of state services, and provides population projections and estimates for the state, counties and municipalities.

⁵⁹ The Texas State Data Center was initiated in 1980 to establish a state level liaison to the U.S. Bureau of the Census for better dissemination of Texas census data. The Center also disseminates population estimates and projections for Texas, as well as other information from the federal government, state government, and other sources

⁶⁰ Potter, L., Hoque, N., Office of the State Demographer, & Texas State Data Center. (2013). Texas Population Projections, 2010 to 2050. Retrieved December 1, 2014

⁶¹ Bailey, L. (2004). Aging Americans: Stranded Without Options. Retrieved December 1, 2014

⁶² U.S. Census Bureau. (2014, December 1). 2013 American Community Survey 1-Year Estimates, Texas [PDF].

Three Common Modes of Transportation for Texans with Disabilities

Among respondents with a disability, three modes of transportation emerged as the means to accomplish everyday tasks. Our survey results show a large dependence on family and friends to fulfill travel needs. This dependency is concerning, primarily because it shows that for some, there is a lack of independence in their ability to travel to and fro without relying on a family member or friend. The survey's findings also show that many respondents with a disability drive their own personal vehicle, or use paratransit to get around.

A family or friend is cited as a source of transportation by:

- 23% of respondents with a disability for work trips
- 48.8% of respondents with a disability for grocery shopping and household errands
- 47.8% of respondents with a disability for medical trips, and
- 51.3% of respondents with a disability for trips related to recreational activities

Personal vehicle use is cited by:

- 30.4% of respondents with a disability for work trips
- 35.8% of respondents with a disability for grocery shopping and household errands
- 33.6% of respondents with a disability for medical trips, and
- 32.2% of respondents with a disability for trips related to recreational activities

Paratransit use is cited by:

- 15.6% of respondents with a disability for work trips
- 12.4% of respondents with a disability for grocery shopping and household errands
- 20.6% of respondents with a disability for medical trips, and
- 14.1% of respondents with a disability for trips related to recreational activities

The Committee's study found that Texans with disabilities feel limited by the lack of transportation options available to them. Some people who are ready, willing, and able to work cannot do so because of a lack of transportation. Other respondents cannot shop, attend medical appointments, or enjoy recreational activities at their leisure for the same reason. Of those who desire more trips, a substantial portion of them indicate that transportation is a limiting factor, ranging from:

- 46% for work trips
- 56% for grocery shopping and household errands
- 49% for medical trips, and
- 57% for trips related to recreational activities

Three Common Modes of Transportation for Texans without Disabilities

Among respondents without a disability, three modes of transportation emerged as the means to accomplish everyday tasks. By and large, personal vehicle use overshadowed other means of transportation. The survey results show people without a disability also ride with a family member or friend, or use public transportation.

Personal vehicle use is cited by:

- 87% of respondents without a disability for work trips
- 89.5% of respondents without a disability for grocery shopping and household errands
- 88.1% of respondents without a disability for medical trips, and
- 87.5% of respondents without a disability for trips related to recreational activities

A family or friend is cited as a source of transportation by:

- 6.2% of respondents without a disability for work trips
- 7.3% of respondents without a disability for grocery shopping and household errands
- 10.8% of respondents without a disability for medical trips, and
- 10.3% of respondents without a disability for trips related to recreational activities

Public transit use is cited by:

- 5.7% of respondents without a disability for work trips
- 2.6% of respondents without a disability for grocery shopping and household errands
- 3.2% of respondents without a disability for medical trips, and
- 6.5% of respondents without a disability for trips related to recreational activities

The data found that some Texans without a disability feel limited by the lack of transportation options available to them. Some people who are ready, willing, and able to work cannot do so because of a lack of transportation. Other respondents cannot shop, attend medical appointments, or enjoy recreational activities at their leisure for the same reason. Among respondents without a disability, transportation is a limiting factor, ranging from:

- 31.6% for work trips
- 23.4% for grocery shopping and household errands
- 22% for medical trips, and
- 24.9% for trips related to recreational activities

Primary Mode of Transit for Work Related Travel

Thirty percent of survey respondents with a disability indicated they drive their own personal vehicle to commute to work. Twenty-three percent travel to work via a family member or friend, and 15 percent use paratransit (see fig. 24). Forty-six percent of survey respondents with a disability indicated that transportation is a limiting factor to being employed (see fig. 25).

Figure 24: Primary Mode of Transit for Work Related Travel

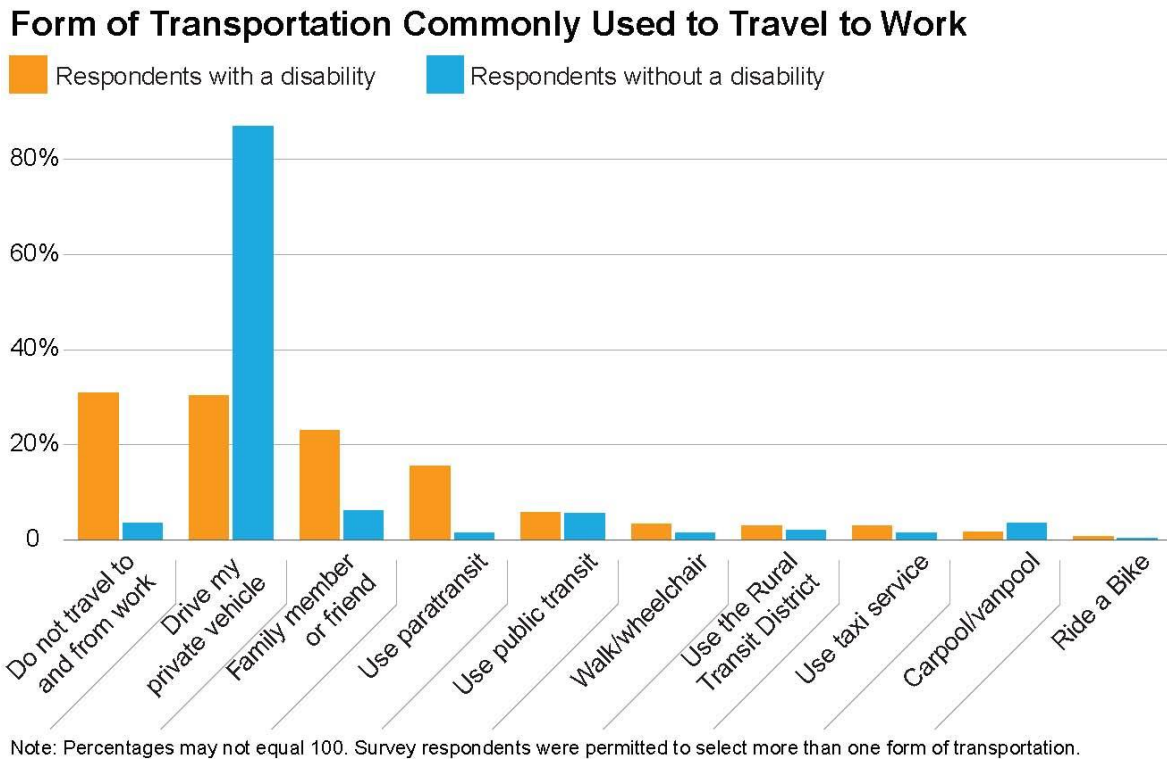
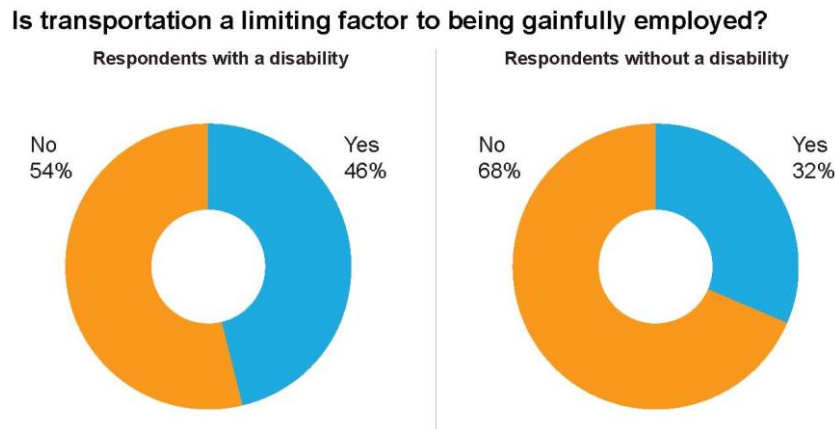


Figure 25: Does Access to Transportation Affect Employability?



Primary Mode of Transit for Grocery Shopping and Household Errands

To manage grocery shopping and taking care of household errands, 35 percent of those with a disability drive their private vehicle, 48 percent say a family member or a friend takes them to the store, and 12.4 percent use paratransit (see fig. 26). Fifty-six percent of survey respondents with a disability indicated that transportation is a limiting factor in their ability to go grocery shopping or perform household errands (see fig. 27).

Figure 26: Grocery Shopping and Household Errands

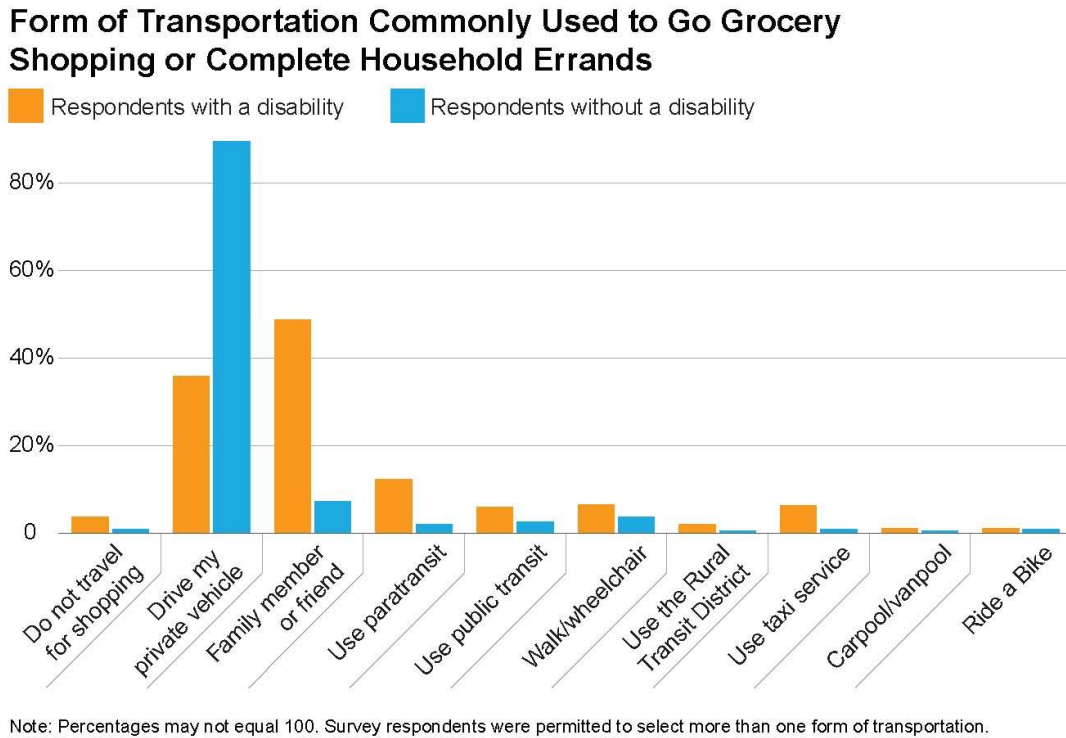
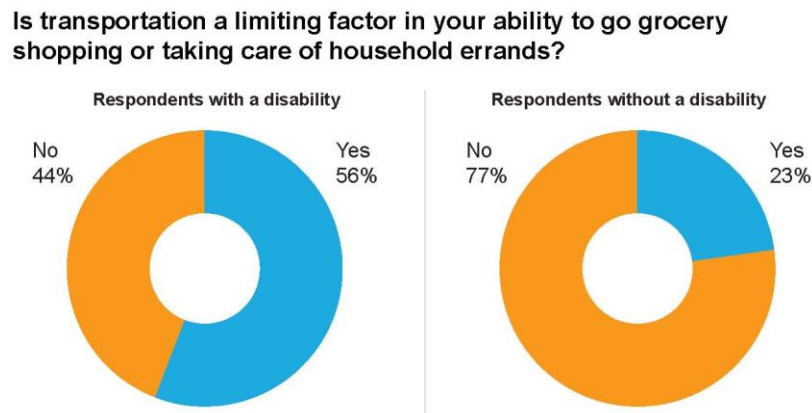


Figure 27: Does Access to Transportation Affect One’s Ability to go Grocery Shopping or Take Care of Household Errands?



Primary Mode of Transit for Medical Appointments

To attend medical appointments, people with disabilities indicated three common modes of transit. Forty-seven percent said that a family member or friend drives them to medical appointments. While 33 percent said they drive themselves, and 20 percent indicated they use paratransit to get to the doctor (see fig. 28). Respondents with a disability were almost evenly split on whether or not transportation was a limiting factor in their ability to see a doctor (see fig. 29).

Figure 28: Primary Mode of Transit for Medical Appointments

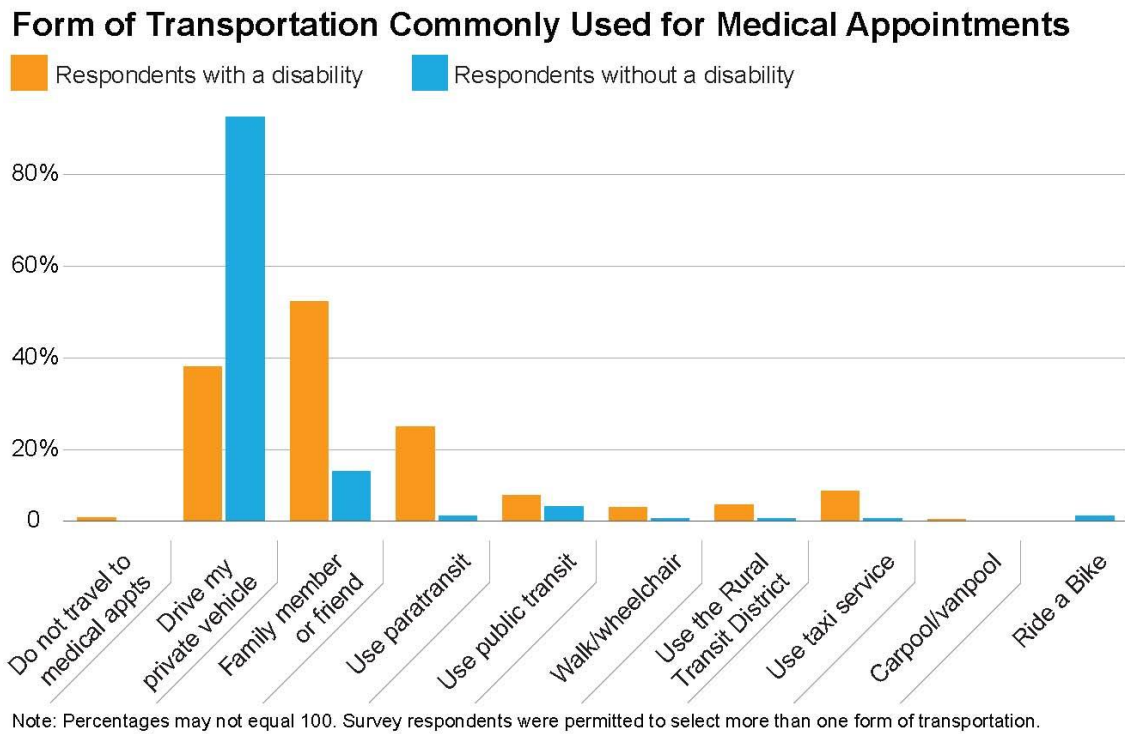
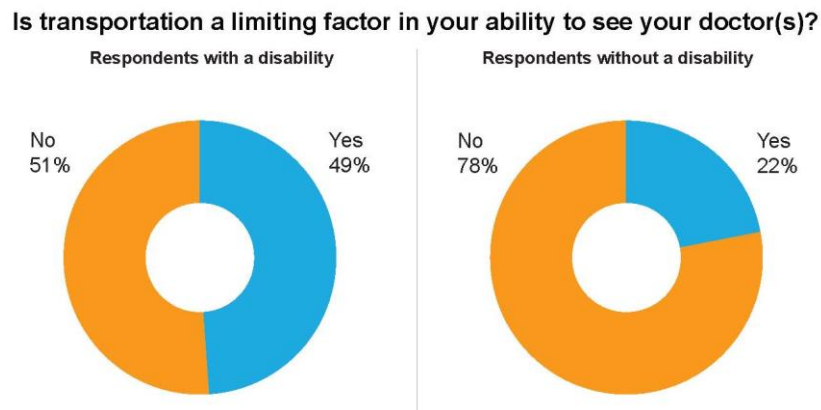


Figure 29: Does Access to Transportation Affect One’s Ability to Visit Their Doctor?



Primary Mode of Transit for Recreation

To participate in a recreational activity such as going to a park, people with disabilities indicated three common modes of transit. Fifty-one percent said that a family member or friend drives them. Thirty-two said they drive themselves, and 14 percent indicated they use paratransit to participate in recreational activities (see fig. 30). Fifty-eight percent of survey respondents with a disability indicated that transportation is a limiting factor in their ability to participate in recreational activities (see fig. 31).

Figure 30: Primary Mode of Transit for Recreation

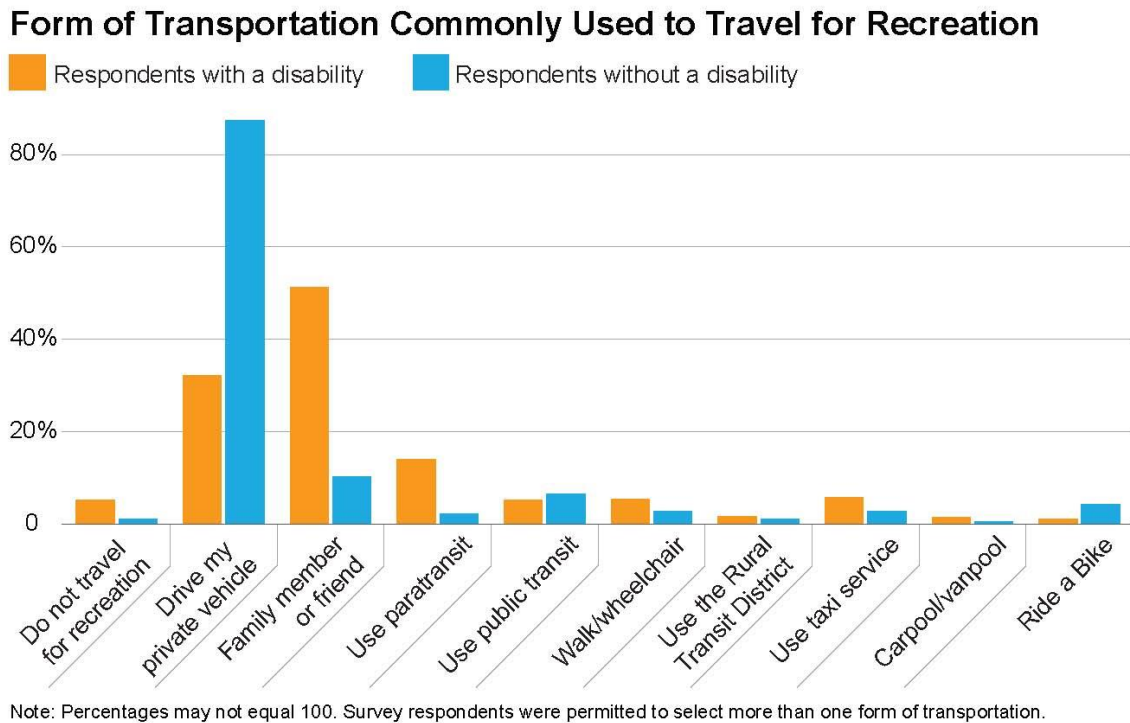
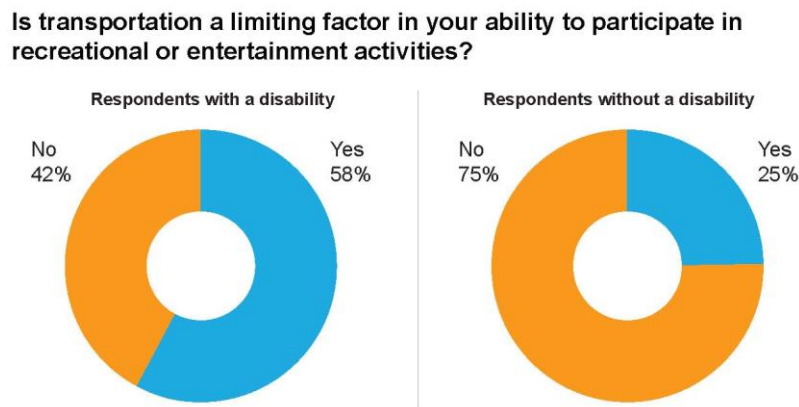


Figure 31: Does Access to Transportation Affect One’s Ability to Participate in Recreational or Entertainment Activities?



Closing Remarks

Closing Remarks

Most activity that Texans engage in outside the home – working, socializing, attending medical appointments – relies on access to transportation of some kind. And many factors, from sidewalk design to the distance to the bus stop, affects access to transportation. We live in a State that is as geographically diverse as its population and the ability to move about our environment is considered a basic need.

The transportation provisions of the ADA took critical steps toward the inclusion of people with disabilities by integrating them into existing transportation systems by requiring all fixed-route services and facilities be accessible. Paratransit systems are also required, but only as a “safety net” for individuals whose disabilities prevent them from using accessible fixed-route services. The eligibility criteria of the U.S. Department of Transportation’s ADA regulations specifies the circumstances under which individuals with disabilities may use paratransit services. These stringent eligibility requirements ensure that paratransit is available for individuals with disabilities for whom it is appropriate.

After an extensive review of relevant laws, regulations, and policies; funding; and historical and contextual background of the provision of paratransit services, a survey of both paratransit riders and providers, and a public hearing, it is the recommendation of the Committee that there is no need to expand the 21 day visitor provision, nor is it feasible to standardize the eligibility process for certification of paratransit services in the state of Texas.

Nonetheless, there remains critical opportunities to improve access to transportation for all Texans. More efforts must be made to ensure that Texans have access to accessible, affordable and reliable transportation. The Texas Governor’s Committee on People with Disabilities envisions a State where people with disabilities have the opportunity to enjoy full and equal access to lives of independence, productivity and self-determination. The Committee offers six recommendations that we believe are win-win solutions to transportation challenges facing our state and our citizens.

Recommendations

Recommendations

Recommendation 1:

Conduct a comprehensive study on the transportation needs of people with disabilities specifically examining how the provision of accessible, affordable and reliable transportation or the lack thereof affects other areas of independent living such as access to housing, healthcare, education, recreation, employment, voting and other activities of daily living.

Transportation of all types is part of a complex, adaptive and interconnected system. A functional transportation system that is accessible, affordable and reliable enhances access to vital services such as housing, healthcare, education, recreation, employment, voting and other activities of daily living. A one-size-fits-all structural organization is not optimal for transportation because transportation is a complex and adaptive system. Transportation is *complex* because it is a diverse dynamic network of interconnected interactions and agencies and it is *adaptive* in that individual and collective behavior can change the system. A comprehensive study is needed in light of our States' future demographics and critical infrastructure needs.

Recommendation 2:

Develop an educational campaign to increase awareness of paratransit services for individuals who want, or need, to travel outside of their local service area.

The data generated from both the *Paratransit Rider Survey* and the *Paratransit Provider Survey* shows that only a small number of paratransit riders, 49 of those surveyed, travel outside of their local service area and use paratransit while visiting another city or town. Some respondents completing the survey by phone acknowledged that they were not aware that they *could* use paratransit in another city or town. There is a strong belief that an educational awareness campaign highlighting the rights of paratransit riders to avail themselves of visitor services would be a benefit.

The transit authorities' joint position paper (see Appendix: C) expresses support for an educational campaign, stating:

The MTAs... are supportive of a coordinated visitor Paratransit education and awareness initiative to ensure that our customers are fully educated and aware of available visitor Paratransit services in Texas and across the nation per ADA guidelines and eligibility. This information will be distributed in a variety of ways, including through agency websites, e-mails, customer brochures, ongoing Paratransit customer service communication and feedback through customer advisory committees and public meetings and through partner human service agencies in the state.

Recommendation 3:

Within the Texas Department of Transportation:

Support the creation of a Statewide Paratransit Advisory Committee

The formation of a Statewide Paratransit Advisory Committee would enable stakeholders to communicate with one another and have a forum to jointly resolve policy and operational issues. The Committee should be composed of consumers of paratransit services, human service representatives whose clients use paratransit service, representatives of private, public, and nonprofit providers, and others whose interests are consistent with the purpose of the Committee.

The on-going role of the Statewide Paratransit Advisory Committee will be to:

- Foster, organize, and guide coordination efforts in the state of Texas.
- Provide feedback to state, regional, and county agencies and organizations that fund/purchase community transportation services.
- Advocate for paratransit service which is accessible, affordable, safe, reliable, and responsive to changing needs and is consistent with the spirit, letter and intent of the ADA.
- Develop detailed recommendations for reform and introduce efficiencies in the provision of community and demand-response transportation services.

Support the creation of a Paratransit Ombudsman

Texas could benefit from a Paratransit Ombudsman who is charged with providing impartial assistance for the informal resolution of concerns and conflicts that are related to paratransit in Texas. In all interactions, an ombudsman acts with impartiality. They would not serve as an advocate for any person in a dispute with an organization, nor for the organization; rather, advocate for due process and procedural fairness and works to facilitate a solution that is acceptable to all parties.

Support the creation of an accessible Statewide Paratransit Rider Database

A complaint among paratransit riders who travel outside of their service area is transit agencies asking them to complete an application to receive paratransit services. Visitors who can show they are eligible with a paratransit ID from their local service provider should not be asked to complete an application for services until they meet or exceed 21 days of service as a visitor. The creation of a statewide database of paratransit users would provide transit providers access to an individual's paratransit eligibility information. Access to the database can cut down or eliminate "red-tape" when a paratransit user visits an area outside of their local service provider.

Support the creation of an accessible one-stop-shop website that contains comprehensive information about transit agencies in Texas

The provision of transportation information throughout the state has the potential to benefit both Texans and visitors to our great state. At the core of this site is a searchable directory of transit providers in Texas, with contact information, and links to more information. In addition, issue specific pages to help paratransit riders understand their rights as guaranteed by the ADA. The ultimate goal is to explain what transportation resources are available in Texas so everyone can make reasoned and informed choices.

Additionally, the transit authorities' joint position paper (see Appendix: C) expresses support for a one-stop-shop website, stating, "As was testified at the July 24 public hearing, the MTAs are supportive of the concept of a statewide accessible website with links to Paratransit service providers in the state. This will provide a convenient, one-stop information resource for citizens seeking information about Paratransit services and availability in Texas."

Recommendation 4:

Examine current funding to ensure adequate resources for an accessible, affordable and reliable transportation system and related programs that serve all Texans

Currently, the Texas Department of Transportation in cooperation with public transit agencies and local officials throughout the state of Texas, annually identify public transportation needs statewide and release their findings as required by [Sec. 456.008 of the Texas Transportation Code](#).⁶³ Consideration should be given to ensure that all of Texas has the funding needed to provide transportation to all Texans that depend these services to get to work, school, the doctor, or be an active member of their local community. Rural communities face even greater barriers to accessible transportation. A significant lack of funding to rural communities means that public transit in general, let alone accessible transportation, is often in very short supply. Transit agencies in rural and small-urban areas are not recipients of locally generated tax revenue like their large metropolitan counterparts. They depend on federal and state funds to meet the transportation needs of their community.

[...][P]rogress has been made on many fronts and successful practices for providing various modes of transportation have improved somewhat, and can serve as models for other communities. The continued underfunding of public transportation, however, directly limits the mobility of large sections of the disability community who are unable to use a car, and this problem will not be fully addressed without a fundamental shift in funding priorities to support a comprehensive, accessible public transportation system.⁶⁴

⁶³ [Sec. 456.008. Commission Report on Public Transportation Providers.](#)

⁶⁴ National Council on Disability. (2005, June 13). [The Current State of Transportation for People with Disabilities in the United States](#). Retrieved December 22, 2014.

Rural communities face even greater barriers to accessible transportation. A significant lack of funding to rural communities means that public transit in general, let alone accessible transportation, is often in very short supply. Transit agencies in rural and small-urban areas are not recipients of locally generated tax revenue like their large metropolitan counterparts. They depend on federal and state funds to meet the transportation needs of their community.

Recommendation 5:

Encourage local communities and transit operators to work together to improve the critical infrastructure, such as accessible sidewalks and covered bus stops in and around transit locations.

Accessible rights of way enhance mobility. Inaccessible rights of way, for example, lack of sidewalk access, navigating with a wheelchair through grass or dirt to access paratransit services limits mobility. In such cases, the areas between the sidewalk, bus stop, and curb can become worn and decline to muddy areas during inclement weather. As with any pedestrian improvement, there should be strict adherence to the United States Access Board Guidelines and Standards and the Texas Accessibility Standards for mobility clearances, widths, and slopes to improve access for persons with disabilities. Push for the installation of covered bus shelters for protection from the elements and seating while waiting for a bus. Additionally, shelters located in areas with good lighting and visibility from surrounding [areas] enhances the safety of the stop.

Recommendation 6:

Support the principles of “Livable Communities” in the long-range regional planning and development of communities in Texas, including emphasizing accessible transportation options and “Complete Streets.”

The Texas Department of Transportation should consider the needs of motorists, public transportation vehicles, users of public transportation, bicyclists, and pedestrians of all ages and abilities in all transportation planning, design, construction, reconstruction, retrofitting, operations, and maintenance in an effort to address the following issues which emerged as a source of difficulty among *Paratransit Rider Survey* respondents when using public transportation:

- Crossing wide or busy roads to use the service
- Making transfers between routes or among vehicles*
- Lack of large covered shelters at bus stops*
- Perceived lack of safety at local bus stops
- Lack of accessible pathways to fixed-route bus stops
- Distance from home or office to the bus stop*

* *Shared by public transportation users without a disability.*

Thinking now about how to provide safe mobility for all Texans will save communities time and money in the future. To address issues accessing public transportation, the Committee encourages state policy requiring transportation and development plans to adopt the principles of “[Livable Communities](#)“ and “[Complete Streets](#).”

The term “Livable Communities,” as used in this document, refers to communities that are designed to promote civic engagement; active, healthy lifestyles; and a sense of place through safe, sustainable community planning and transportation options. The elements that make a community livable for people with disabilities make it a livable place for all members of the community. Thus, in improving its livability for one particular group of constituents, the community actually accomplishes considerably more. According to the National Council on Disability, a Livable Community for adults with disabilities is defined as one that achieves the following:

- Provides options for affordable, appropriate, accessible housing;
- Ensures accessible, affordable, reliable, safe transportation and accessible parking;
- Adjusts the physical environment for inclusiveness and accessibility;
- Provides work, volunteer, and education opportunities;
- Ensures access to key health and support services;
- Encourages participation in civic, cultural, social, and recreational activities.

Complete Streets

Incomplete streets – those designed with only cars in mind – limit transportation choices by making walking, bicycling, and taking public transportation inconvenient, unattractive, and, too often, dangerous.⁶⁵ In contrast, Complete Streets, are streets for everyone.⁶⁶ Complete Streets make it easy to cross the street, walk to shops, and bicycle to work. They allow buses to run on time and make it safe for people to walk to and from train stations. While there is no singular design prescription for Complete Streets, they may include a combination of the following elements:⁶⁷

- Sidewalks
- Bike lanes (or wide paved shoulders)
- Special bus lanes
- Comfortable and accessible public transportation stops
- Frequent and safe crossing opportunities
- Median islands
- Accessible pedestrian signals
- Curb extensions
- Narrower travel lanes

⁶⁵ National Complete Streets Coalition. [Complete Streets: Policy Basics](#). Technical paper. Washington D.C.: National Complete Streets Coalition, 2011. Accessed November 6, 2014.

⁶⁶ North Central Texas Council of Governments. “[Complete Streets](#).” NCTCOG. Accessed November 6, 2014.

⁶⁷ National Complete Streets Coalition. “[What Are Complete Streets?](#)“ Smart Growth America. Accessed November 07, 2014

- Roundabouts, and more.

Complete Streets policies remove barriers to independent travel by considering the needs of all users at the outset of every transportation project.⁶⁸ Community design is a vitally important determinant of how well Texans with disabilities and older Americans are able to move about their neighborhoods and get to their desired destinations. As Texas' population ages, older citizens who use walkers, wheelchairs or other mobility supports need curb cuts and accessible audible and visual walk lights with sufficient time to cross streets and roads. According to a report from Transportation for America, [Dangerous by Design 2011](#),⁶⁹ Houston, Dallas-Fort Worth, Austin and San Antonio are ranked among the top 25 most dangerous places for pedestrians in the nation. Over the past decade, more than 4,200 Texas pedestrians were killed and more than 500 of those killed were ages 65 and up.⁷⁰ On these grounds, we can argue that Texans need Complete Streets in their communities that are designed to be safe and convenient for travel by automobile, foot, bicycle and transit regardless of age or ability.

⁶⁸ National Complete Streets Coalition. [Complete Streets Help People with Disabilities](#). PDF. Washington D.C.: Smart Growth America, December 4, 2012.

⁶⁹ Ernst, Michelle. [Dangerous By Design 2011](#). Report. Washington D.C.: Transportation for America, 2011.

⁷⁰ Shannon, Kelley. "[Walker, Drivers, Cyclists Need Safe, Complete Streets in Texas - AARP Bulletin](#)." AARP. November 1, 2011.

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- [42 U.S.C. §§ 12101 Findings and purpose](#)
- [49 CFR §37.123 ADA Paratransit Eligibility: Standards](#)
- [49 CFR §37.125 ADA paratransit eligibility: Process](#)
- [49 CFR §37.127 Complementary paratransit service for visitors](#)
- [49 CFR §37.131 Service criteria for complementary paratransit](#)
- [49 CFR §37.137 Paratransit plan development](#)
- [49 CFR §37.139 Plan Contents](#)
- [49 CFR §37.167 Other service requirements](#)
- [49 CFR §37.3 Definitions](#)
- [49 CFR Part 27—Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance](#)
- [49 CFR Part 37 Transportation Services for Individuals with Disabilities \(ADA\)](#)
- [49 CFR Part 38—Americans with Disabilities Act \(ADA\) Accessibility Specifications for Transportation Vehicles](#)
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Appendices

Appendix A: House Bill 1545, 83rd Texas Legislative Session (R)

Appendix B: U. S. Department of Transportation Rules and Regulations for the Provision of Paratransit Service

Appendix C: Metropolitan Transit Authorities (MTAs) of Texas Joint Position Paper on Paratransit Issues

Appendix D: Paratransit Rider Survey

Appendix E: Paratransit Provider Survey

Appendix A: House Bill 1545, 83rd Texas Legislative Session (R)

AN ACT

relating to a study regarding the use of certain public transportation services by persons with disabilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) In this Act, "providers" and "services" have the meanings assigned by Section 461.009, Transportation Code.

(b) The Governor's Committee on People with Disabilities, in coordination with providers located in rural and urban areas of the state, and paratransit advocacy groups, shall conduct a study to determine:

(1) the feasibility of standardizing the process of certifying an individual's eligibility for services in the state; and

(2) whether the current 21-day provision of services by a provider is adequate to meet the needs of visitors with disabilities to locations served by the provider.

(c) Not later than January 1, 2015, the Governor's Committee on People with Disabilities shall submit a report on the findings of the study performed under this section to the governor, lieutenant governor, speaker of the house of representatives, and standing committees of the senate and house of representatives that have jurisdiction over issues related to transportation.

SECTION 2. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 1545 was passed by the House on April 25, 2013, by the following vote: Yeas 136, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1545 on May 22, 2013, by the following vote: Yeas 145, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1545 was passed by the Senate, with amendments, on May 20, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

Appendix B: U. S. Department of Transportation Rules and Regulations for the Provision of Paratransit Service

Part 37--Transportation Services for Individuals with Disabilities

Subpart F_Paratransit as a Complement to Fixed Route Service

Sec. 37.121 Requirement for comparable complementary paratransit service.

(a) 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.

(b) To be deemed comparable to fixed route service, a complementary paratransit system shall meet the requirements of Sec. Sec. 37.123-37.133 of this subpart. The requirement to comply with Sec. 37.131 may be modified in accordance with the provisions of this subpart relating to undue financial burden.

(c) Requirements for complementary paratransit do not apply to commuter bus, commuter rail, or intercity rail systems.

Sec. 37.123 ADA paratransit eligibility: Standards.

(a) Public entities required by Sec. 37.121 of this subpart to provide complementary paratransit service shall provide the service to the ADA paratransit eligible individuals described in paragraph (e) of this section.

(b) 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.

(c) Individuals may be ADA paratransit eligible on the basis of a permanent or temporary disability.

(d) Public entities may provide complementary paratransit service to persons other than ADA paratransit eligible individuals. However, only the cost of service to ADA paratransit eligible individuals may be considered in a public entity's request for an undue financial burden waiver under Sec. Sec. 37.151-37.155 of this part.

(e) The following individuals are ADA paratransit eligible:

- (1) 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 individuals with disabilities.

(2) 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.

(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 Sec. 37.167(g) of this part.

(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.

(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.

(3) 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.

(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.

(f) 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.

Sec. 37.125 ADA paratransit eligibility: Process.

Each public entity required to provide complementary paratransit service by Sec. 37.121 of this part shall establish a process for determining ADA paratransit eligibility.

(a) The process shall strictly limit ADA paratransit eligibility to individuals specified in Sec. 37.123 of this part.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) The entity may require recertification of the eligibility of ADA paratransit eligible individuals at reasonable intervals.

(g) 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.

(h) 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.

(i) 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.

Sec. 37.127 Complementary paratransit service for visitors.

(a) Each public entity required to provide complementary paratransit service under Sec. 37.121 of this part shall make the service available to visitors as provided in this section.

(b) 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.

(c) 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 Sec. 37.125 of this part, in the jurisdiction in which they reside.

(d) 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.

(e) 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.

[56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996]

Sec. 37.129 Types of service.

(a) Except as provided in this section, complementary paratransit service for ADA paratransit eligible persons shall be origin-to-destination service.

(b) Complementary paratransit service for ADA paratransit eligible persons described in Sec. 37.123(e)(2) of this part 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.

(c) Complementary paratransit service for ADA eligible persons described in Sec. 37.123(e)(3) of this part also may be provided by paratransit feeder service to and/or from an accessible fixed route.

Sec. 37.131 Service criteria for complementary paratransit.

The following service criteria apply to complementary paratransit required by Sec. 37.121 of this part.

(a) 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.

(2) Rail.

(i) For rail systems, the service area shall consist of a circle with a radius of $\frac{3}{4}$ 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 $1\frac{1}{2}$ miles as part of its service area, based on local circumstances.

(3) Jurisdictional boundaries. 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.

(b) Response time. 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 Sec. 37.137 (b) and (c).

(c) 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.

(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 Sec. 37.123 (f) of this part, 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).

(d) Trip purpose restrictions. The entity shall not impose restrictions or priorities based on trip purpose.

(e) Hours and days of service. The complementary paratransit service shall be available throughout the same hours and days as the entity's fixed route service.

(f) Capacity constraints. 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.

(g) Additional service. 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 Sec. Sec. 37.151-37.155 of this part.

[56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996; 71 FR 63266, Oct. 30, 2006]

Sec. 37.133 Subscription service.

- (a) This part 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.
- (b) 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.
- (c) Notwithstanding any other provision of this part, the entity may establish waiting lists or other capacity constraints and trip purpose restrictions or priorities for participation in the subscription service only.

Sec. 37.135 Submission of paratransit plan.

- (a) General. Each public entity operating fixed route transportation service, which is required by Sec. 37.121 to provide complementary paratransit service, shall develop a paratransit plan.
- (b) Initial submission. Except as provided in Sec. 37.141 of this part, each entity shall submit its initial plan for compliance with the complementary paratransit service provision by January 26, 1992, to the appropriate location identified in paragraph (f) of this section.
- (c) Annual Updates. Except as provided in this paragraph, each entity shall submit an annual update to its plan on January 26 of each succeeding year.
 - (1) If an entity has met and is continuing to meet all requirements for complementary paratransit in Sec. Sec. 37.121-37.133 of this part, the entity may submit to FTA an annual certification of continued compliance in lieu of a plan update. Entities that have submitted a joint plan under Sec. 37.141 may submit a joint certification under this paragraph. The requirements of Sec. Sec. 37.137 (a) and (b), 37.138 and 37.139 do not apply when a certification is submitted under this paragraph.
 - (2) In the event of any change in circumstances that results in an entity which has submitted a certification of continued compliance falling short of compliance with Sec. Sec. 37.121-37.133, the entity shall immediately notify FTA in writing of the problem. In this case, the entity shall also file a plan update meeting the requirements of Sec. Sec. 37.137-37.139 of this part on the next following January 26 and in each succeeding year until the entity returns to full compliance.
 - (3) An entity that has demonstrated undue financial burden to the FTA shall file a plan update meeting the requirements of Sec. Sec. 37.137-37.139 of this part on each January 26 until full compliance with Sec. Sec. 37.121-37.133 is attained.

(4) If FTA reasonably believes that an entity may not be fully complying with all service criteria, FTA may require the entity to provide an annual update to its plan.

(d) Phase-in of implementation. Each plan shall provide full compliance by no later than January 26, 1997, unless the entity has received a waiver based on undue financial burden. If the date for full compliance specified in the plan is after January 26, 1993, the plan shall include milestones, providing for measured, proportional progress toward full compliance.

(e) Plan implementation. Each entity shall begin implementation of its plan on January 26, 1992.

(f) Submission locations. An entity shall submit its plan to one of the following offices, as appropriate:

(1) The individual state administering agency, if it is--

(i) A section 18 recipient;

(ii) A small urbanized area recipient of section 9 funds administered by the State;

(iii) A participant in a coordinated plan, in which all of the participating entities are eligible to submit their plans to the State; or

(2) The FTA Regional Office (as listed in appendix B to this part) for all other entities required to submit a paratransit plan. This includes an FTA recipient under section 9 of the FT Act; entities submitting a joint plan (unless they meet the requirements of paragraph (f)(1)(iii) of this section), and a public entity not an FT Act recipient.

[56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996; 61 FR 26468, May 28, 1996]

Sec. 37.137 Paratransit plan development.

(a) Survey of existing services. Each submitting entity shall survey the area to be covered by the plan to identify any person or entity (public or private) which provides a paratransit or other special transportation service for ADA paratransit eligible individuals in the service area to which the plan applies.

(b) Public participation. Each submitting entity shall ensure public participation in the development of its paratransit plan, including at least the following:

(1) Outreach. Each submitting entity shall solicit participation in the development of its plan by the widest range of persons anticipated to use its paratransit service. Each entity shall develop contacts, mailing lists and other appropriate means for notification of opportunities to participate in the development of the paratransit plan;

(2) Consultation with individuals with disabilities. Each entity shall contact individuals with disabilities and groups representing them in the community. Consultation shall begin at an early stage in the plan development and should involve persons with disabilities in all phases of plan development. All documents and other information concerning the planning procedure and the provision of service shall be available, upon request, to

members of the public, except where disclosure would be an unwarranted invasion of personal privacy;

(3) Opportunity for public comment. The submitting entity shall make its plan available for review before the plan is finalized. In making the plan available for public review, the entity shall ensure that the plan is available upon request in accessible formats;

(4) Public hearing. The entity shall sponsor at a minimum one public hearing and shall provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements; and

(5) Special requirements. If the entity intends to phase-in its paratransit service over a multi-year period, or request a waiver based on undue financial burden, the public hearing shall afford the opportunity for interested citizens to express their views concerning the phase-in, the request, and which service criteria may be delayed in implementation.

(c) 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.

Sec. 37.139 Plan contents.

Each plan shall contain the following information:

(a) Identification of the entity or entities submitting the plan, specifying for each--

(1) Name and address; and

(2) Contact person for the plan, with telephone number and facsimile telephone number (FAX), if applicable.

(b) A description of the fixed route system as of January 26, 1992 (or subsequent year for annual updates), including--

(1) A description of the service area, route structure, days and hours of service, fare structure, and population served. This includes maps and tables, if appropriate;

(2) The total number of vehicles (bus, van, or rail) operated in fixed route service (including contracted service), and percentage of accessible vehicles and percentage of routes accessible to and usable by persons with disabilities, including persons who use wheelchairs;

(3) Any other information about the fixed route service that is relevant to establishing the basis for comparability of fixed route and paratransit service.

(c) A description of existing paratransit services, including:

- (1) An inventory of service provided by the public entity submitting the plan;
 - (2) An inventory of service provided by other agencies or organizations, which may in whole or in part be used to meet the requirement for complementary paratransit service; and
 - (3) A description of the available paratransit services in paragraphs (c)(2) and (c)(3) of this section as they relate to the service criteria described in Sec. 37.131 of this part of service area, response time, fares, restrictions on trip purpose, hours and days of service, and capacity constraints; and to the requirements of ADA paratransit eligibility.
- (d) A description of the plan to provide comparable paratransit, including:
- (1) An estimate of demand for comparable paratransit service by ADA eligible individuals and a brief description of the demand estimation methodology used;
 - (2) An analysis of differences between the paratransit service currently provided and what is required under this part by the entity(ies) submitting the plan and other entities, as described in paragraph (c) of this section;
 - (3) 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;
 - (4) A description of the planned comparable paratransit service as it relates to each of the service criteria described in Sec. 37.131 of this part--service area, absence of restrictions or priorities based on trip purpose, response time, fares, hours and days of service, and lack of capacity constraints. If the paratransit plan is to be phased in, this paragraph shall be coordinated with the information being provided in paragraphs (d)(5) and (d)(6) of this paragraph;
 - (5) A timetable for implementing comparable paratransit service, with a specific date indicating when the planned service will be completely operational. In no case may full implementation be completed later than January 26, 1997. The plan shall include milestones for implementing phases of the plan, with progress that can be objectively measured yearly;
 - (6) A budget for comparable paratransit service, including capital and operating expenditures over five years.
- (e) A description of the process used to certify individuals with disabilities as ADA paratransit eligible. At a minimum, this must include--
- (1) A description of the application and certification process, including--
 - (i) The availability of information about the process and application materials inaccessible formats;

- (ii) The process for determining eligibility according to the provisions of Sec. Sec. 37.123-37.125 of this part and notifying individuals of the determination made;
 - (iii) The entity's system and timetable for processing applications and allowing presumptive eligibility; and
 - (iv) The documentation given to eligible individuals.
- (2) A description of the administrative appeals process for individuals denied eligibility.
- (3) A policy for visitors, consistent with Sec. 37.127 of this part.
- (f) Description of the public participation process including--
 - (1) Notice given of opportunity for public comment, the date(s) of completed public hearing(s), availability of the plan in accessible formats, outreach efforts, and consultation with persons with disabilities.
 - (2) A summary of significant issues raised during the public comment period, along with a response to significant comments and discussion of how the issues were resolved.
- (g) Efforts to coordinate service with other entities subject to the complementary paratransit requirements of this part which have overlapping or contiguous service areas or jurisdictions.
- (h) The following endorsements or certifications:
 - (1) A resolution adopted by the board of the entity authorizing the plan, as submitted. If more than one entity is submitting the plan there must be an authorizing resolution from each board. If the entity does not function with a board, a statement shall be submitted by the entity's chief executive;
 - (2) In urbanized areas, certification by the Metropolitan Planning Organization (MPO) that it has reviewed the plan and that the plan is in conformance with the transportation plan developed under the Federal Transit/Federal Highway Administration joint planning regulation (49 CFR part 613 and 23 CFR part 450). In a service area which is covered by more than one MPO, each applicable MPO shall certify conformity of the entity's plan. The provisions of this paragraph do not apply to non-FTA recipients;
 - (3) A certification that the survey of existing paratransit service was conducted as required in Sec. 37.137(a) of this part;
 - (4) To the extent service provided by other entities is included in the entity's plan for comparable paratransit service, the entity must certify that:
 - (i) ADA paratransit eligible individuals have access to the service;
 - (ii) The service is provided in the manner represented; and
 - (iii) Efforts will be made to coordinate the provision of paratransit service by other providers.

(i) A request for a waiver based on undue financial burden, if applicable. The waiver request should include information sufficient for FTA to consider the factors in Sec. 37.155 of this part. If a request for an undue financial burden waiver is made, the plan must include a description of additional paratransit services that would be provided to achieve full compliance with the requirement for comparable paratransit in the event the waiver is not granted, and the timetable for the implementation of these additional services.

(j) Annual plan updates.

(1) The annual plan updates submitted January 26, 1993, and annually thereafter, shall include information necessary to update the information requirements of this section. Information submitted annually must include all significant changes and revisions to the timetable for implementation;

(2) If the paratransit service is being phased in over more than one year, the entity must demonstrate that the milestones identified in the current paratransit plans have been achieved. If the milestones have not been achieved, the plan must explain any slippage and what actions are being taken to compensate for the slippage.

(3) The annual plan must describe specifically the means used to comply with the public participation requirements, as described in Sec. 37.137 of this part.



**Metropolitan Transit Authorities (MTAs) of Texas Joint Position Paper
on Paratransit Issues as Provided in
H.B. 1545, 83rd Texas Legislature**

**Interim Study Review by
The Governor's Committee on People with Disabilities**

September 22, 2014

Background

- Passed during the 83rd Legislature in 2013, H.B. 1545 by Rep. Alma Allen and Sen. Rodney Ellis requires the Governor's Committee on People with Disabilities, in coordination with rural and urban providers of certain public transportation services for people with disabilities, and Paratransit advocacy groups, to conduct a study, 1) to determine the feasibility of standardizing the process of certifying an individual's eligibility for associated services in Texas, and 2) whether the current 21-day provision of services by such a provider is adequate to meet the needs of visitors with disabilities to locations served by the provider.
- The bill also required the Governor's Committee on People with Disabilities to submit a report, not later than January 1, 2015, on the study findings to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and legislative standing committees with jurisdiction over transportation-related issues.
- The Americans with Disabilities Act (ADA), signed into federal law by President George H. W. Bush on July 26, 1990, prohibits discrimination against people with disabilities in the areas of employment, public services including transportation, public accommodations including services operated by private entities, and telecommunications. This Federal law sets forth specific requirements for public transportation services, vehicle and facility accessibility and the provision of complementary Paratransit service.
- On July 24, 2014, the Governor's Committee on People with Disabilities conducted a public hearing in Austin on the two interim study issues under review.
- Four Metropolitan Transit Authorities (MTAs) presented testimony at the July 24th public hearing, including Houston METRO, Capital Metro, San Antonio VIA and DART. For purposes of this joint position paper, the four aforementioned MTAs are joined by the

Corpus Christi Regional Transit Authority (The B), Fort Worth Transportation Authority (The T) and Denton County Transportation Authority (DCTA) in this unified position on the interim study issues currently under review.

Paratransit Issues Currently Under Review

1. The Feasibility of Standardizing the Process of Certifying an Individual's Eligibility for Paratransit Services in Texas

- As was testified by the MTAs at the July 24th public hearing, what works in Houston, San Antonio, Dallas or Austin may not necessarily work in other parts of Texas. From the MTA perspective, it is vital that our programs continue to have eligibility criteria for certifications that are at a minimum equal to or greater than our existing standards. Lesser or lower standards would prove problematic due to the high cost of Paratransit services.
- For MTAs that have more stringent eligibility processes, there would be a potential negative fiscal impact if statewide eligibility standards were lessened or reduced.
- The legislative history of the ADA contemplates implementation of a local eligibility certification process by fixed route operators. Therefore, the United States Department of Transportation (U.S. DOT) requires each transit provider (or groups of providers in a region coordinating with one another) to devise and operate a local eligibility process.
- The MTAs have established formal eligibility processes utilizing the best operational practices in the transit industry to ensure that Paratransit service and its available funding is accessible for those citizens who require it. This eligibility determination process limits ADA eligibility strictly to people who meet the ADA criteria.
- Each transit authority develops their eligibility program to fit their local circumstances, taking the following into consideration, for example:
 - The accessibility of fixed route services and infrastructure;
 - Demographics and characteristics of the region;
 - Vehicle types operated; and
 - Climate considerations.
- To illustrate the dramatic impact and cost-effectiveness of in-person assessments, DART currently has 11,500 riders certified to use its Paratransit services. Prior to implementing the existing in-person assessment process, DART had almost 20,000 certified eligible riders. Immediately upon implementing the in-person process in the late 1990's, the number went from almost 20,000 to under 7,000. Today, even with over 10 years of normal growth, it barely exceeds 50% of DART's pre-in person assessment period.

- While the MTAs believe our certification programs are good ones, we would not suggest that our programs and standards be imposed on all other transit agencies in the state. During the Notice of Proposed Rulemaking Process for the ADA, which began on February 28, 1991, and concluded on April 29, 1991, a suggestion was made that there be a centralized eligibility process.
- The U.S. Department of Transportation (USDOT) concluded that a centralized process, even if the resources existed for it (and they don't), would, in their view, be much less desirable than a process at the local level. Not only would it take longer to make decisions, but it would inevitably be less responsive to the details of local circumstances and individual needs. The USDOT agreed that it was not as well situated as people in local areas to know what types of conditions, combined with what sorts of local circumstances, make a given person eligible for a certain set of trips.
- In addition, a common or standardized eligibility process does not guarantee identical outcomes as these transportation decisions involve some level of judgment on the part of transit agency staff based on the "prevented" and "difficult" criterion. [see Appendix] Federal rule-making efforts for the ADA considered uniform rules of certification and concluded they were not feasible nationally. As the federal government determined uniform rules are not feasible nationally, it is the position of the MTAs that they are not deemed feasible or recommended statewide in Texas.

2. Whether the Current 21-day Provision of Services by a Provider is Adequate to Meet the Needs of Visitors with Disabilities to Locations Served by the Provider

- The MTAs believe that the existing 21-day policy is sufficient and does not warrant a change. Additionally, having a different policy than what is recognized nationwide could be confusing to visitors coming in to or from the State of Texas.
- It is important to the MTAs to have assurance that an undue financial burden is not created for local taxpayers, who are paying for Paratransit services within their regions, by subsidizing visitors from other parts of the state for periods longer than 21 days. When an undue financial burden is created, there is an adverse impact on our systems, our service delivery and for our riders who go through our individual eligibility certification processes.
- Paratransit is a highly subsidized service that carries a heavy burden on local taxpayers. As examples, DART Paratransit patrons pay \$3 per trip which is subsidized by DART in the amount of \$38.18. Capital Metro Paratransit patrons pay \$1.50 per trip with a \$40 subsidy.
- If a visiting customer needs transit services for longer than 21 days, then it is the position of the MTAs (as well as the intent of federal regulations) that the customer

should contact the resident transit system and be assessed for certification under its processes. With a 21-day threshold, the MTAs are able to support visitors coming in to the resident system efficiently and effectively, as well as allowing them adequate time to obtain local certification if they know their stay will exceed 21 days.

- Although requests for visitor Paratransit status are infrequent and relatively few in number, in order to facilitate a local eligibility determination the MTAs routinely extend the time period for visitors and do so on an individual, case-by-case basis. This was the testimony of each transit authority at the July 24th public hearing.
- The 21-day standard also provides a control to help prevent the unintended consequence of customers seeking eligibility certification from a transit system that utilizes less than the minimum standards or only has an informal certification process, and then using that certification to access the services of MTAs that have formal assessment and certification screening processes, including in-person or phone interviews, providing medical documentation, screening based on transit fleet vehicle types or other criteria.
- It becomes an issue of fundamental fairness when visitors and other patrons certified under minimum or lesser standards are provided with Paratransit services when similarly situated local resident taxpayers are not eligible for services pursuant to their home transit authority's certification requirements.
- If Paratransit riders certified by their local agency wish to visit another area of the state and utilize the resident transit system for a period longer than 21 days, then it is the position of the MTAs that the customer should contact the resident transit system and be assessed for certification under its processes.

Summary & Recommendations

- The MTAs of Texas have had numerous opportunities to interact with agencies across the country, subject matter experts, governmental agencies and advocacy groups regarding Paratransit services. Some of organizations we have interacted with are South West Transit Association (SWTA), Community Transportation Association of America (CTAA), American Public Transportation Association (APTA), Easter Seals and Project ACTION, and the National Transit Institute (NTI). A point of fact is the two issues currently under review have never been raised in any of these settings as issues of concern related to service access.
- As was testified at the July 24 public hearing, the MTAs are supportive of the concept of a statewide accessible website with links to Paratransit service providers in the state. This will provide a convenient, one-stop information resource for citizens seeking information about Paratransit services and availability in Texas.

- The MTAs also are supportive of a coordinated visitor Paratransit education and awareness initiative to ensure that our customers are fully educated and aware of available visitor Paratransit services in Texas and across the nation per ADA guidelines and eligibility. This information will be distributed in a variety of ways, including through agency websites, e-mails, customer brochures, ongoing Paratransit customer service communication and feedback through customer advisory committees and public meetings and through partner human service agencies in the state.
- The MTAs are committed to ensuring that visitor Paratransit certification remains simplified and easy for customers to submit required information either by e-mail, phone call or fax to the “home” transit authority and responding within 2 to 3 hours on weekdays to customers. We also are supportive and seeking ways to expand the use of technology through accessible websites and smart phone apps to complement web-based tools, for example, to submit forms for visitor Paratransit and Paratransit services with one call/one click web-based access to transportation services.
- The MTAs will continue to seek ways to assist our customers in accessing our systems and doing so with technology-based tools to allow an easy, seamless experience that minimizes the amount of time necessary to access our services by our customers and customers coming from other areas of the state and nation. We remain committed to serving all of our customers equally whether they reside within our service areas or are visiting from other places.
- Transit agencies throughout the country must meet federal requirements derived from the ADA. These include standard ADA Paratransit criteria and a framework (information, response time, appeals, etc.) for eligibility determination. Within that framework, it is essential that individual Texas transit systems maintain the freedom to design and administer a process which reflects local conditions and resources. A uniform process is not recommended for Texas, and, based on the testimony received from the MTAs and from the members of the public at the July 24th public hearing, there does not appear to be significant problems with the existing 21-day visitor Paratransit standard.
- Thank you for the opportunity to share the joint position of the MTAs on these important issues. We stand ready to continue working together with the Governor’s Committee for People with Disabilities in this interim study and during the legislative process beginning in January 2015.

Appendix

Peer Review Study (2014) – York Regional Transit

- In a study conducted on behalf of York Regional Transit (Toronto, Ontario) by Parsons Brinckerhoff in February 2014, titled “Peer Best Practice Review of Para-Transit Service Providers in North America,” the following was stated regarding eligibility assessments:

“Given the large variance in eligibility assessment methods that were uncovered from the peer survey, there is likely not one that is optimal for every agency to use and difficult to define a best practice. Rather, different assessment methods are appropriate for different agencies.”

ADA Regulations

- ADA regulations are codified by the U.S. Department of Transportation in:
 - 49 CFR Part 37--Transportation Services for Individuals with Disabilities – http://ecfr.gpoaccess.gov/cgi/t/text/textidx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr37_main_02.tpl
 - 49 CFR Part 38--Accessibility Specifications for Transportation Vehicles – http://ecfr.gpoaccess.gov/cgi/t/text/textidx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr38_main_02.tpl
 - Recipients of federal funding are also subject to the requirements of Section 504, codified in 49 CFR Part 27--Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefitting from Federal Financial Assistance – http://ecfr.gpoaccess.gov/cgi/t/text/textidx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr27_main_02.tpl
 - Links to each of the above regulations and more can be found on the Federal Transit Administration website at <http://www.fta.dot.gov/civilrights/12325.html>.

ADA Paratransit Eligibility

The ADA defines a very narrow population of persons entitled to Paratransit service who are functionally unable to use fixed-route service due to their disability combined with accessibility barriers that impede their access to a bus stop they could otherwise use.

The ADA defines three categories of eligible individuals for ADA Paratransit service, as codified in 49 CFR 37.123:

(1) 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 individuals with disabilities.

(2) 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.

(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 this part.

(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.

(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.

(3) 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.

(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.

(f) 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.

“Prevented” and “Difficult” Criterion

Appendix D or the U.S. DOT ADA regulations addresses the “prevented” and “difficult” criterion utilized in eligibility determinations:

- *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. This has come to be called the “reasonable person” test. Travel is “prevented” if a reasonable person with the disability would be deterred from making the trip.*

Sources:

United States Access Board, Guidelines and Standards, 2011; website: <http://www.access-board.gov/prowac>

United States Department of Justice, ADA Best Practices Tool Kit for State and Local Governments, Chapter 6; website: <http://www.ada.gov/pcatoolkit/chap6toolkit.htm>

Appendix D: Paratransit Rider Survey

Purpose of the Survey

A growing number of older people and people with disabilities in Texas and the United States need some type of transportation support or service. The Texas Governor's Committee on People with Disabilities (GCPD) is seeking feedback on the transportation habits and needs of people who use paratransit services in Texas.

GCPD wants to learn more about Texans who use paratransit, what works for them, the problems they face, and what improvements will make accessing the fixed-route system easier. What we learn will help public and private providers and shape policy recommendations.

Please help us by taking 10-15 minutes to complete this survey. Your feedback is very important to us.

If you need additional assistance, please call or email GCPD at:

Phone: 512-463-5739

Email: GCPD@governor.state.tx.us

Please mail completed surveys to the following address:

Texas Governor's Committee on People with Disabilities
P.O. Box 12428
Austin, TX 78711

Personal Information

Kindly note, if you are participating in this survey on behalf of a person with a disability, please answer the questions as though you are that person.

1. Are you a Texas resident?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

2. I am a Texan with one or more of the following (check all that apply):

<input type="checkbox"/>	Who is blind or visually impaired
<input type="checkbox"/>	Who is deaf or hard of hearing
<input type="checkbox"/>	With a mobility impairment
<input type="checkbox"/>	With a cognitive impairment
<input type="checkbox"/>	With a physical impairment (ex: missing or amputated limbs)
<input type="checkbox"/>	With a learning disability
<input type="checkbox"/>	With autism
<input type="checkbox"/>	With an autoimmune disorder
<input type="checkbox"/>	With a mental illness
<input type="checkbox"/>	With special dietary needs
<input type="checkbox"/>	With chemical sensitivity disorder
<input type="checkbox"/>	Who has a personal care attendant
<input type="checkbox"/>	Who depends on Meals on Wheels or similar program
<input type="checkbox"/>	Who depends on in home care
<input type="checkbox"/>	Who is dependent on a portable oxygen tank
<input type="checkbox"/>	Who needs dialysis
<input type="checkbox"/>	Who is currently receiving chemotherapy
<input type="checkbox"/>	Who depends on a service animal
<input type="checkbox"/>	Who receives Medicaid
<input type="checkbox"/>	Who receives Medicare

	Who receives Social Security Income
	With a speech or language disorder (ex: stuttering, aphasia, dysarthria, etc.)
	Veteran with a disability
	Who uses a wheelchair
	Who uses a walker or cane for stability and support
	I do not have a disability
	Other (please specify)

3. Which category below includes your age?

	19 or younger
	20-29
	30-39
	40-49
	50-59
	60-69
	70+

4. What is the highest level of school you have completed or the highest degree you have received?

	Less than high school completion
	High school degree or equivalent (ex: GED)
	I have completed a state approved professional training program (ex: Nursing Assistant, Veterinary Assistant, HVAC Technician)
	Currently enrolled in college, working toward a degree
	Associate degree
	Bachelor degree
	Graduate degree

5. Which of the following categories best describes your employment status?

	Employed, working 1-39 hours per week (part-time)
	Employed, working 40 or more hours per week
	Not employed, looking for work
	Not employed, NOT looking for work
	I am a student
	I am a stay-at-home parent or caregiver
	Retired
	Not able to work
	Other (please specify)

6. Do you currently drive?

	Yes
	No

7. What County do you currently live in?

--

8. Please tell us more about where you live by completing the following statement:

“I live...”

	In a rural area with more than an hour commute to grocery, pharmacy or medical care.
	Near a city or town with less than an hour commute to grocery, pharmacy or medical care.
	Within city limits or urban area with easy access to grocery, pharmacy or medical care.
	Within city limits or urban area and DO NOT have easy access to grocery, pharmacy or medical care.

Transportation

Texas has 8 large transit providers and 32 small-urban transit providers. These large and small-urban transit providers have fixed-route bus systems. As a result, they are required to provide paratransit services.

If you do not live in an area that has a large or small-urban transit provider then you may have transportation services through a rural-transit district.

9. Do you use paratransit service?

	Yes, I use paratransit service provided by a large transit agency
	Yes, I use paratransit service provided by a small-urban transit agency
	Yes, I use paratransit service provided by a rural transit district
	I do not use paratransit

Large Metropolitan Transit Providers In Texas



Small-Urban Transit Providers in Texas



10. Who is your local transit provider?

Paratransit Eligibility

11. Which option represents your current paratransit eligibility status?

	Unconditional eligibility (All trips)
	Conditional eligibility (Some trips)
	Temporary eligibility
	Not sure
	I do not use paratransit

12. How often do you use paratransit?

	1-6 times a week
	7-10 times a week
	More than 10 times a week

13. What is the most frequent type of paratransit trip you make?

	Commuting to/from work
	To/From the grocery store or taking care of household errands
	To/From visiting friends or relatives
	To/from a medical appointment
	To/from recreational or entertainment activities

14. If you are eligible for paratransit service, the Americans with Disabilities Act (ADA) requires the transit agency to provide an identification card to each eligible individual stating that he or she is “Paratransit Eligible.”

Upon eligibility for paratransit services, were you issued a “Proof of Eligibility” identification card?

	Yes
	No

Traveling

Individuals who use paratransit services and would like to travel outside of their service area are guaranteed 21 days of service as a visitor by every paratransit provider in the state of Texas.

The ADA STATES:

A public entity shall make the service to a visitor 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.

<p>You live in Corpus Christi and will be traveling to Houston for a business trip. You expect to be in Houston for two days.</p>	<p>On Tuesday, July 8, 2014 you call Houston Metro to request paratransit service as a visitor for Monday, July 14th and Tuesday, July 15th.</p>	<p>Texas requires paratransit providers to make a determination within two business days.</p>	<p>Houston Metro was able to certify you the next day. You are set to have paratransit service while you are visiting Houston for your business trip.</p>
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If this was your first trip to Houston, then you have an additional 19 days to visit the Houston area and use the paratransit service as a visitor. If you travel to Houston extensively, and surpass the 21 days of visitor service you are guaranteed by the ADA, then you can apply for eligibility certification from Houston Metro.



15. Have you traveled outside of your local service area and used paratransit service in another city or town?

	Yes
	No

**If your answer is NO, you can jump ahead to question # 24*

16. Has your paratransit identification card been accepted by other service providers when you have traveled outside of your local service area or jurisdiction in the state of Texas?

	Yes
	No

- 17. If your identification card was not accepted by other paratransit service providers outside of your local service area, what were the procedures or requirements you had to meet to determine eligibility in the city, county, or region of Texas you were traveling to? (Select all that apply)**

	Provide proof of disability
	Provide a letter from a doctor
	Provide proof of residency

- 18. When traveling outside your local service area, how long is your typical visit?**

	1-3 days
	4-7 days
	1-2 weeks
	2-3 weeks

- 19. The ADA guarantees eligible patrons 21 days of service in other cities or towns that provide paratransit. Is the 21-day paratransit visitor limit something that is of great concern to you?**

	Yes
	No
	Not Sure

- 20. Think about your frequency of travel outside your service area. Do you typically meet or exceed 21 days of paratransit service the ADA guarantees eligible visitors?**

	Always
	Most of the time
	About half the time
	Once in awhile
	Never

21. Think about your frequency of travel outside your service area. Is 21 days of services by a paratransit provider adequate for your needs?

	Yes
	No
	Not Sure

22. Think about your frequency of travel outside your service area. If you travel extensively and surpass the 21 days of paratransit service the ADA guarantees eligible visitors. How likely are you to apply for eligibility certification from that city or town's transit provider so you can continue making trips to that location?

	Not Likely
	Undecided
	Likely

If you are not likely to pursue certification, please tell us why.

23. Overall, are you satisfied with your experience using paratransit while visiting cities, counties, or regions in the state of Texas that are outside of your local service area?

	Very Dissatisfied
	Dissatisfied
	Undecided
	Satisfied
	Very Satisfied

Fixed-Route Service

Your response to the following questions will provide insight to what, if any, improvements need to be made to enable more Texans to use public transportation.

24. Is there a fixed-route bus system where you live?

	Yes
	No

**If your answer is NO, you can jump ahead to question #37*

25. I have difficulty using, or do not use, the fixed-route bus service because of a lack of knowledge about the availability of accessible fixed-route services.

	Strongly Disagree
	Disagree
	Undecided
	Agree
	Strongly Agree

26. I have difficulty using, or do not use, the fixed-route bus service because of the need to cross wide or busy roads to use the service.

	Strongly Disagree
	Disagree
	Undecided
	Agree
	Strongly Agree

27. I have difficulty using, or do not use, the fixed-route bus service because the bus stops are not announced.

	Strongly Disagree
	Disagree
	Undecided
	Agree

Strongly Agree

28. I have difficulty using, or do not use, the fixed-route bus service because of the need to make transfers between routes or among vehicles.

	Strongly Disagree
	Disagree
	Undecided
	Agree
	Strongly Agree

29. I have difficulty using, or do not use, the fixed-route bus service because of inadequate or lack of available seating at the bus stops.

	Strongly Disagree
	Disagree
	Undecided
	Agree
	Strongly Agree

30. I have difficulty using, or do not use, the fixed-route bus service because of the lack of large covered shelters at bus stops.

	Strongly Disagree
	Disagree
	Undecided
	Agree
	Strongly Agree

31. I have difficulty using, or do not use, the fixed-route bus service because of the perceived lack of safety at local bus stops (ex: location, design, or maintenance of bus stop, or setback of the stop from the street edge, etc).

	Strongly Disagree
	Disagree
	Undecided
	Agree
	Strongly Agree

32. I have difficulty using, or do not use, the fixed-route bus service because of the lack of reliable and timely bus schedules.

	Strongly Disagree
	Disagree
	Undecided
	Agree
	Strongly Agree

33. I have difficulty using, or do not use, the fixed-route bus service because of the lack of routes to places I need/want to go such as: the local community center, large shopping centers, or entertainment districts in my city or town, etc.

	Strongly Disagree
	Disagree
	Undecided
	Agree
	Strongly Agree

34. I have difficulty using, or do not use, the fixed-route bus service because of the lack of accessible pathways to fixed route bus stops (ex: curbs, sidewalks in impassable condition).

	Strongly Disagree
	Disagree
	Undecided
	Agree
	Strongly Agree

35. I have difficulty using, or do not use, the fixed-route bus service because of the distance from my home or office to the bus stop.

	Strongly Disagree
	Disagree
	Undecided
	Agree
	Strongly Agree

36. What would encourage you to use fixed-route transportation?

--

Travel To and From Work

37. Please indicate the form of transportation you commonly use to perform the following activity:

“When I travel to work, I most often...”

	Ride a Bike
	Use public transit (ex. fixed-route bus or metro rail)
	Use transit service provided by the Rural Transit District that serves my area
	Walk or roll in my wheelchair
	Drive my private vehicle
	Use paratransit
	Call a taxi service
	Ride in a carpool or vanpool
	A family member or friend, transports me to my desired location in their private vehicle
	This question is not applicable because I do not travel to and from work
	Other (please specify)

38. How often do you travel to work?

	Daily
	Weekly
	Monthly
	Yearly
	Never

39. Is transportation a limiting factor to being gainfully employed?

	Yes
	No

40. If you currently do not use public transit to get to work, why? (Check all that apply)

	No direct service/ Takes too long
	No bus stop near home
	Lack of route scheduling information
	Service not frequent enough
	No bus stop near work
	Need car at work
	Need car before or after work
	No Park-N-Ride lots available
	Dangerous street crossing
	Other (please specify)

Grocery Shopping and Household Errands

- 41. Please indicate the form of transportation you commonly use to perform the following activity:**

“When I want to go grocery shopping or complete household errands, I most often...”

	Ride a Bike
	Use public transit (ex. fixed-route bus or metro rail)
	Use transit service provided by the Rural Transit District that serves my area
	Walk or roll in my wheelchair
	Drive my private vehicle
	Use paratransit
	Call a taxi service
	Ride in a carpool or vanpool
	A family member or friend, transports me to my desired location in their private vehicle
	This question is not applicable because I do not go shopping or take care of household errands
	Other (please specify)

- 42. How often do you leave home to go grocery shopping or take care of household errands?**

	Daily
	Weekly
	Monthly
	Yearly
	Never

43. Is transportation a limiting factor in your ability to go grocery shopping or taking care of household errands?

	Yes
	No

Visiting Friends or Relatives

44. Please indicate the form of transportation you commonly use to perform the following activity:

“When I want to visit friends or relatives, I most often...”

	Ride a Bike
	Use public transit (ex. fixed-route bus or metro rail)
	Use transit service provided by the Rural Transit District that serves my area
	Walk or roll in my wheelchair
	Drive my private vehicle
	Use paratransit
	Call a taxi service
	Ride in a carpool or vanpool
	A family member or friend, transports me to my desired location in their private vehicle
	This question is not applicable because I do not visit friends or relatives
	Other (please specify)

45. How often do you leave home to visit friends or relatives?

	Daily
	Weekly
	Monthly
	Yearly
	Never

46. Is transportation a limiting factor in your ability to visit friends or relatives?

	Yes
	No

Medical Appointments

47. Please indicate the form of transportation you commonly use to perform the following activity:

“When I need to attend a medical appointment, I most often...”

	Ride a Bike
	Use public transit (ex. fixed-route bus or metro rail)
	Use transit service provided by the Rural Transit District that serves my area
	Walk or roll in my wheelchair
	Drive my private vehicle
	Use paratransit
	Call a taxi service
	Ride in a carpool or vanpool
	A family member or friend, transports me to my desired location in their private vehicle
	This question is not applicable because I do not attend medical appointments
	Other (please specify)

48. How often do you travel to medical appointments?

	Daily
	Weekly
	Monthly
	Yearly
	Never

49. Is transportation a limiting factor in your ability to see your doctor(s)?

	Yes
	No

Recreational or Entertainment Activities

50. Please indicate the form of transportation you commonly use to perform the following activity:

“When I want to participate in recreational or entertainment activities such as going to the local park, going to the movie theater, or out to eat at a restaurant, I most often...”

	Ride a Bike
	Use public transit (ex. fixed-route bus or metro rail)
	Use transit service provided by the Rural Transit District that serves my area
	Walk or roll in my wheelchair
	Drive my private vehicle
	Use paratransit
	Call a taxi service
	Ride in a carpool or vanpool
	A family member or friend, transports me to my desired location in their private vehicle
	This question is not applicable because I do not participate in recreational activities
	Other (please specify)

51. How often do you travel to participate in recreational or entertainment activities?

	Daily
	Weekly
	Monthly
	Yearly
	Never

52. Is transportation a limiting factor in your ability to participate in recreational or entertainment activities?

	Yes
	No

Frequent Travel Destination

53. Approximately how many miles do you live from your most frequent travel destination (e.g. work, grocery, pharmacy, friend, etc.)?

	Less than 1 mile
	1-5 miles
	6-10 miles
	11-20 miles
	More than 20 miles

Feedback

54. If there was only **one thing** that could be done to make **fixed-route service** better for Texans with disabilities what would it be?

55. If there was only **one thing** that could be done to make **paratransit service** better for Texans with disabilities what would it be?

Thank you for taking this survey. Please mail completed surveys to the following address:

Texas Governor's Committee on People with Disabilities
P.O. Box 12428
Austin, TX 78711

Appendix E: Paratransit Provider Survey

Thank you for taking the time to complete this survey by the Texas Governor's Committee on People with Disabilities. Your feedback is important to us.

This survey is for paratransit providers. It should only take about 15 minutes of your time. Please feel free to confer with other knowledgeable individuals or review records in order to answer any of the questions in the survey. Your answers will help shape policy recommendations related to paratransit services in Texas.

1. Did your agency provide paratransit service in FY 2013?

	Yes
	No

2. Please characterize the service area in which the paratransit service was provided.

	Large Metro Area
	Small-Urban Area
	Rural Transit District

3. Please select the base model of paratransit service your transit agency provided in FY 2013?

	Door-to-Door
	Curb-to-Curb
	Other (please specify)

4. What was the total number of individuals registered with your agency for paratransit services in FY 2013?

Paratransit Visitors

§37.127 Complementary paratransit service for visitors: A public entity shall make the service to a visitor 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.

5. What was the total number of paratransit visitors your agency serviced in FY 2013?

6. Based upon the actual number of paratransit visitors your agency serviced in FY 2013, what is your response to the idea of increasing the number of days a visitor can receive paratransit service to more than 21 days?

	Strongly Opposed
	Opposed
	Undecided
	In favor of
	Strongly in favor of

7. If you believe increasing the number of days a paratransit visitor can receive service would be helpful, how many days do you think would benefit travelers with disabilities?

ADA Paratransit Rider Eligibility Process

§37.125 ADA paratransit eligibility: Each public entity required to provide complementary paratransit service shall establish a process for determining ADA paratransit eligibility.

8. Who primarily determines an applicant's eligibility for paratransit services? (Select all that apply)

	Your transit agency
	Contractor
	Other (please specify)

**9. Did your agency's eligibility procedure include any of the following during FY 2013?
Yes or No**

	Written application for paratransit service
	Verification of diagnosed disability from medical provider
	In-person discussion of rider's travel needs
	In-person mobility assessment/functional assessment
	Cognitive assessment
	Determining conditional eligibility for ADA paratransit
	Determining trip-by-trip eligibility
	Other eligibility procedures (please specify)

ADA Paratransit Rider Eligibility Process

§37.125 ADA paratransit eligibility: The entity may require recertification of the eligibility of ADA paratransit eligible individuals at reasonable intervals.

10. Does your agency require paratransit riders to be re-certified?

	Yes
	No

11. How often does each type of paratransit rider's eligibility typically get re-certified?

Fully eligible paratransit riders:	Every year	Every 2 years	Every 3 years	Every 4 years	Every 5 years +
Conditionally eligible paratransit riders:	Every year	Every 2 years	Every 3 years	Every 4 years	Every 5 years +

12. Some individuals have life-long, permanent disabilities. Has your agency explored any conditions in which an individual would be exempt from the re-certification requirement?

	Yes
	No

<p>Comment:</p>

Paratransit Operations

**13. Does your transit agency provide the following services to your paratransit customers?
Yes or No**

	Servicing more than the 3/4 mile from bus or rail ADA-required minimum service area
	Providing service outside the hours and days matching fixed route operations
	Providing same day reservation services, regardless of circumstance
	Operating ADA paratransit services on days when fixed route is not operating
	Provide service to people who don't meet ADA paratransit eligibility rules
	Travel training on riding existing fixed route services
	Travel training on riding paratransit services
	Charging less than the ADA maximum allowable fare per-trip for ADA paratransit services
	Subscription service

14. Has your agency applied any of the following policies or programs for ADA paratransit services to make improvements in either costs or paratransit service? Yes or No

	Travel training
	More rigorous eligibility certification process
	Coordination of transportation services with human service providers
	Coordination with neighboring transit jurisdictions for ADA paratransit service
	Online ADA paratransit trip reservations
	Accessibility improvements to existing fixed route service
	Re-aligning ADA paratransit service areas to better match ADA requirements
	Re-aligning ADA paratransit service hours to better match ADA requirements
	Use of commercial taxis for regular ADA paratransit service
	Use of commercial taxis for overflow ADA paratransit service

15. Are there any additional policies, programs or steps your agency has taken to improve ADA paratransit service in either costs or service? Please briefly describe these below.

Statewide Paratransit Identification Card

§37.125 ADA paratransit eligibility: 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.

Disability advocates have been championing the idea of a universal paratransit identification card with the idea that it will allow them to travel seamlessly from state to state without requiring patrons to be held up by paperwork or other roadblocks to service.

In February 2012, The Association of University Centers on Disabilities Council on Community Advocacy (AUCD COCA) solicited input from the public on the feasibility or need for a national universal identification card. As a result of their outreach efforts, The AUCD COCA Ad Hoc Committee on ADA Paratransit Universal Identification Card submitted the following suggestion to the Department of Transportation for their FY 2014-2018 DOT Strategic Plan:

“DOT should explore and determine the feasibility of the creation and implementation of a national exchangeable ADA Universal Identification Card, so that people with disabilities who are ADA paratransit eligible and who, on occasion, travel outside of their service area to another county, region, or state as a visitor, can fulfill their travel needs nationwide as a visitor without barriers.”

16. What do you think about the idea of creating and implementing a statewide universal paratransit identification card for the state of Texas?

	Strongly Opposed
	Opposed
	Undecided
	In favor of
	Strongly in favor of

Comment:

Statewide Database

§37.127 Complementary paratransit service for visitors: *A public entity shall make the service to a visitor 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*

A common complaint among paratransit riders who travel outside of their service area is transit agencies asking them to complete an application to receive paratransit services.

Visitors who can show they are eligible with a paratransit id from their local service provider should not be asked to complete an application for services until they meet or exceed 21 days of service as a visitor.

The creation of a statewide database of paratransit users would provide transit providers access to an individual's paratransit eligibility information. Access to the database can cut down or eliminate “red-tape” when a paratransit user visits an area outside of their local service provider.

17. To facilitate ease of travel for paratransit visitors, Texas should develop a statewide database of paratransit customers that any Texas transit authority could access. Transit providers would be able to locate: a person's name, ID number, transit authority through which person was approved, special considerations concerning disability and travel needs.

	Strongly Opposed
	Opposed
	Undecided
	In favor of
	Strongly in favor of

Comment:

Statewide Paratransit Advisory Committee

The formation of a Statewide Paratransit Advisory Committee would enable stakeholders to communicate with one another and have a forum to jointly resolve policy and operational issues. The Committee should be composed of consumers of paratransit services, human service representatives whose clients use paratransit service, representatives of private, public, and nonprofit providers, and others whose interests are consistent with the purpose of the Committee.

The on-going role of the Statewide Paratransit Advisory Committee will be to:

- Foster, organize, and guide coordination efforts in the state of Texas.
- Provide feedback to state, regional, and county agencies and organizations that fund/purchase community transportation services.
- Advocate for paratransit service which is safe, reliable, and responsive to changing needs and is consistent with the spirit, letter and intent of the ADA.

The state of Massachusetts has established a statewide advisory council called the Statewide Coordinating Council on Community Transportation (SCCCT). To read more about this council [visit the Massachusetts Department of Transportation website](#).

18. Texas should develop a Statewide Paratransit Advisory Committee.

	Strongly Opposed
	Opposed
	Undecided
	In favor of
	Strongly in favor of

Comment:

Ombudsman

In all interactions, an ombudsman acts with impartiality. She/he does not serve as an advocate for any person in a dispute with an organization, nor for the organization; rather, she/he advocates for due process and procedural fairness and works to facilitate a solution that is acceptable to all parties.

19. Texas needs a paratransit ombudsman who is charged with providing impartial assistance for the informal resolution of concerns and conflicts that are related to paratransit in Texas.

	Strongly Opposed
	Opposed
	Undecided
	In favor of
	Strongly in favor of

Comment:

Feedback

20. In your opinion, what are the most important needs related to paratransit in Texas?

21. Do you have any other comments, questions, or concerns?

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