Minutes

Transportation Disadvantaged Local Coordinating Board

July 10, 2013

Volusia County Mobility Management Center
950 Big Tree Road, South Daytona, FL 32119

Members Present:	Representing:
Jean Cerullo	Citizens Advocate
Diane Poitras	Florida Dept. of Transportation
DeWeece Ogden	Health Care Administration
Peter Cerullo	Mass Transit
Dr. E. Douglas Beach	Elder Affairs
Chip Kent	Public Education Community
Patricia Antol	Elderly Citizens
Mary Ellen Ottman	Citizens Advocate, System User
Steve Jack	Private for Profit
Clay LaRoche	Dept. of Children and Families
Judy Ryan	Medical Community

Members Absent:	Representing:
Joshua Wagner, Chairman (excused)	Volusia TPO
Rick Fraser	Workforce Development Board
Barbara Goldstein (excused)	Handicapped Citizens
Mike White (excused)	Veterans Services Group
Marilu Klopp (excused)	Vocational Rehabilitation Services
Lynn Sinnott	Early Child Care
Patricia James	Association of Community Action

Others Present:	Representing:
Pamela Blankenship, Recording Secretary	TPO Staff
Carole M. Hinkley	TPO Staff
Steve Sherrer	General Manager, Votran
Heather Blanck	Votran Staff
Rickey Mack	Votran Staff
Liz Suchsland	Votran Staff
Robert Craig	TD Commission Staff
Sandi Baker	Adaptive Technology Solutions
Julie Shaw	dSIL
Lisa Sanders	MTM
Elizabeth Alicia Lendian	Citizen
William Mista	SafeNet

I. Call to Order / Roll Call / Determination of Quorum

Vice-chairperson Ottman called the meeting to order at 11:02 a.m.

Ms. Hinkley informed the members Chairman Wagner will not be present as he is attending the funeral of former Daytona Beach Mayor Bud Asher, a longtime friend of the family.

Ms. Blankenship proceeded to call the roll and a quorum was determined.

II. Pledge of Allegiance

III. Public Comment / Participation

Lisa Sanders, program director for Medical Transportation Management (MTM), reminded the members that she will be holding an open house at Votran this afternoon beginning at 2:00 pm.

Robert Craig, TD Commission staff, stated that he was in town to attend the TDLCB meeting as well as help MTM make a smooth transition from the previous Medicaid non-emergency transportation provider.

Also introduced were: Steve Sherrer, Votran General Manager and Rickey Mack, Votran's new Customer Service Manager

Dr. Beach asked Lisa Sanders if the event this afternoon was a workshop or an open house.

Ms. Sanders replied that it is an open house.

Julie Shaw, CEO of Disability Solutions for Independent Living (dSIL) reminded the members that the chairman specifically requested the issue she had brought up last month be placed on this meeting agenda. She added she had met with the chairman and pointed out the federal regulations pertaining to the subject matter and was assured that there would be plenty of time to discuss the issue. She further asked if she should speak now or later.

Vice-Chair Ottman mentioned that there will be a presentation later in the meeting that may address or answer some of Ms. Shaw's concerns.

Ms. Shaw indicated that the presentation will be an overview and not specific to the details of the regulations related to response times. Ms. Shaw added she would like to pass out materials to the attendees that she had prepared for today's meeting.

Ms. Hinkley stated at the last meeting there were questions concerning several issues brought up by several members and that she had attempted to come up with an agenda item that could fairly encompass all of them. She added starting with an overview would provide a common starting point for all members to understand what is provided in non-emergency transportation in Volusia County

currently and then take it from there to look at the issues individually and discuss possible solutions if any are available.

Ms. Sandy Baker with Adaptive Technology Solutions introduced herself and informed the members that she has already discussed her concerns with Steve Sherrer, Votran's General Manager.

IV. Committee Reports

Vice-Chairperson Ottman provided the summary for both the Quality Assurance Committee (QAC) and the Grievance Committee (GC). She mentioned the QAC reviewed the TDLCB Bylaws and the GC reviewed the Grievance procedures. No changes were recommended for either document.

V. Action Items

A. Review and Approval of the May 8, 2013 Meeting Minutes

A motion was made by Pat Antol to approve the May 8, 2013 meeting minutes. The motion was seconded by Peter Cerullo and passed unanimously.

B. Review and Approval of the Community Transportation Coordinator's (CTC's) Monthly Paratransit Report

Ms. Blanck covered the CTC reports for April and May 2013. She went over the Votran summary of transportation disadvantaged boardings and pointed out that fixed route buses board around 2,000 wheelchair passengers per month. Their numbers are slightly down from the previous year mostly due to stormy weather and heavy rainfalls. She added that May 2013 had 9.04 inches of rain while the normal for May is 3.13 inches. Ms. Blanck stated that overall boardings for fixed route (including wheelchairs) had increased by about 3% in April and about 7% in May 2013. Year to date actual boardings for May 2013 was 171,749 as opposed to 163,973 in May 2012 indicating an increase of 4.7%. Year to date budgeted boardings were also provided.

Jean Cerullo moved to approve the CTC Monthly Paratransit Reports. The motion was seconded by Chip Kent and carried unanimously.

C. Annual Review and Approval of the Grievance Procedures of the Volusia TPO's TDLCB

Ms. Hinkley indicated that a copy of the grievance procedures is provided in the agenda packet and reminded the members that these have to be reviewed on an annual basis. She indicated that pursuant to the Quality Assurance Committee's review there were no recommended changes.

Pat Antol moved to approve the Grievance Procedures of the Volusia TPO's Transportation Disadvantaged Local Coordinating Board. The motion was seconded by Steve Jack and carried unanimously.

D. Annual Review and Approval of the Bylaws of the Volusia TPO's TDLCB

Ms. Hinkley corrected her previous statement to say that the Grievance Committee reviews the grievance procedures not the Quality Assurance Committee. She then indicated that a copy of the bylaws is provided in the agenda packet and reminded the members that these also have to be reviewed on an annual basis. Pursuant to the Quality Assurance Committee's review there were no recommended changes to the bylaws.

DeWeese Ogden made a motion to approve the TDLCB Bylaws. The motion was seconded by Chip Kent and carried unanimously.

Ms. Hinkley informed the members that the Volusia TPO will be changing its name to the River to Sea TPO as soon as reapportionment is completed. She added that an article concerning this future name change recently appeared in the Daytona Beach News-Journal.

VI. Discussion Items and Presentations

A. Overview of Paratransit Services in the Volusia County Service Area

Ms. Blanck mentioned that at the last meeting there were questions raised on Votran's "will call" and hospital discharges and how reservations are handled adding she also met with Elizabeth Suchsland, Votran's Assistant General Manager for Operations and Maintenance.

Votran staff proceeded with the PowerPoint presentation and provided a handout of same to the members.

Ms. Suchsland spoke about the eligibility process, reservations for Votran Gold Service and about "will call" trips adding these are occasional situations occurring when a passenger has a scheduled pick-up and is not ready. These trips are switched to "will call" status and it is expected that the passenger at some point will contact Votran to let them know they are ready for pick-up. When the ready call is received the dispatcher determines availability of vehicles near the pick-up location and dispatches the nearest available vehicle. The goal is to pick-up and drop off the passenger within two hours from being notified as ready for pick-up. Sometimes taxis are used but only if Votran cannot get there within the two hours. Taxis are not part of the normal vehicle resource availabilities. If the passenger requires an accessible vehicle Votran will allocate resources from an accessible vehicle and move an ambulatory person to a taxi to free up the time on an accessible vehicle to meet the goal of picking up a person and dropping them off within two hours. Votran uses taxis to enhance its on-demand services provided under the Votran Gold program. There are no accessible taxis vendor services in Volusia County that have responded to Votran's request. Ms. Suchsland stated however there is a new vendor that has started service in DeLand who has notified Votran they are registered as a taxi and have accessible vehicles. Votran is in the process of seeing if it can negotiate an agreement. She added that since they are located in DeLand, this would possibly be a DeLand service and stated that she didn't want to raise expectations so early in the process. Ms. Suchsland continued her presentation and stated that Votran does not schedule

same day trips and provides non-emergency transportation service that must be scheduled in advance. Concerning hospital discharges, she clarified that eligible Votran customers who are discharged from the hospital are served as long as they can be boarded with other passengers.

Ms. Suchsland touched briefly on service during hurricanes or other emergencies and informed members that Votran provides transportation to shelters and under these conditions Votran's bus stops become evacuation collection points. She added no fares are charged during an evacuation or return and Votran buses pick up passengers with special needs for transportation to special needs shelters.

Mr. Cerullo wanted to know the obligation of the rider using the Gold service to call in rather than take it for granted the provider or operator will automatically put them on "will call" if they are not ready.

Ms. Suchsland replied "will call" status means that Votran needs to be notified when the passenger is ready for pick-up. Someone has to notify Votran whether it is the passenger or even the medical provider. Vehicles can't be dispatched to meet the two hour goal until Votran is notified that the person is ready.

Mr. Cerullo asked if after notifying Votran the passenger is ready and then is offered and accepts a ride home from someone, would that be classified as a "no show".

Ms. Blanck replied yes, it is a "no show" since that person has notified Votran they are ready and expecting a return trip.

Ms. Antol asked if that person notifies Votran they are accepting a ride home from someone else would that still be considered a "no show".

Ms. Blanck replied it would then be considered a same day cancellation.

Julie Shaw congratulated Votran on creating a solution to "no-shows" which is a step above paratransit requirements. She added Votran makes great efforts and has an excellent staff. Ms. Shaw explained how she became aware of "will call" through an employee who worked late hours. The ride was scheduled for 5:00pm but because of the workload would have to stay until 11:00pm and would notify Votran he is not ready and be placed on "will call". When ready for pick-up a taxi would arrive. Ms. Shaw stated she was surprised to see a taxi and found it unusual for paratransit services. She then commented the issue is response time and there is no data in this committee's reports on performance response time and added this committee under the TD Commission is required to monitor the aspects of the paratransit program. The only way one can look at response time is to get response time reports and have them compared from ambulatory to people who need accessible vehicles. In 28 CFR Title II of the Americans with Disabilities Act (ADA) concerning the provision methods of administration the entities whether they are called a broker, subcontractor or an enhanced service if they stand in the shoes of Votran they too have full compliance requirements. Using the words "status" or "enhancement" in paratransit is misleading because anything that happens in a paratransit

program is paratransit services. She mentioned another issue with "will call" is taxi drivers used in the program are not trained, they talk to other people rather than the rider with disabilities, and they touch them inappropriately without asking. Those are the kinds of things she has noticed.

Ms. Shaw stated she had made a public records request and did not feel the response qualified as a public record response based on state statute. Ms. Shaw then referred to question #6, answer #6 of the public records request response concerning the number of taxis used for paratransit services over the last six months. She added the response received from Votran indicated they did not possess private company fleet information. The issue is that Votran is subcontracting with providers and is not monitoring the response time criterion of paratransit. Ms. Shaw provided a packet to the Board with "how to" guidelines for municipalities as well as a copy of the regulations relating to the purchase or lease of vehicles. She commented that Votran is responsible for determining vehicle equivalency and also requiring its subcontractors to purchase accessible vehicles including taxis if they are used in the paratransit service.

Ms. Shaw informed the members she gets paid to be an advocate by the federal and state Department of Education and one of the four core services is advocacy and civil rights issues. She added that she is here to offer technical assistance on these issues and not create controversy. What is needed is to verify based on data whether the requirements of ADA are being met.

Dr. Beach asked Ms. Shaw if she wants compliance records and also for the driver of taxis to be trained

Ms. Shaw replied, yes. She added that all she wants is the data to determine if there is equivalency.

Vice-Chair Ottman commented it is the responsibility of the TDLCB to ensure services are provided equitably and wants to help in any way it can.

Ms. Blanck commented on the difficulty of the data. Concerning "will call", she clarified that the dispatcher has a log and logs that the trip cannot be completed at this time, it's a "will call". That time, the time for the "ready for pick-up" and the person's name are logged. The dispatcher then has to go into the information system and match that person's trip up with their name. So to summarize, the only data Votran has on the subject is a piece of paper with the time, a name, the time reported as not ready, and the time when the ready call came in.

Dr. Beach stated based on the information just presented by Ms. Blanck it calls into question whether Votran is compliant or not.

Ms. Biro, paratransit operations/call center supervisor explained when the dispatcher gets a call that someone is not ready and a 'will call" he will un-schedule them off the run and put them on a the list and when the person calls in to say they are ready for pick-up the dispatcher marks down what time they called and searches for a run to put that trip on. When the trip gets put

on the run the dispatcher will update the time to the actual time that the person is being picked up. Votran does not mark trips separately as a "will call" because if a trip is marked as a "will call" in Trapeze, it disappears. So, it is marked the same way as a regular trip and that unscheduled trip then gets scheduled back. There is no list in Trapeze of trips that are "will calls" just a list of trips whose times have changed.

Ms. Blanck added "will call" is an enhancement and there is no compliance issue nor does it represent anything that Votran is bound to complete. However, Votran does have to report on-time performance which appears in the annual operating report and is reviewed by the TD Commission on a regular basis.

Ms. Antol commented what she is hearing is two different things; one is a "will call" program that would be a formal program and the other is what is currently being done in Volusia County and added that it would be super expensive to set up a separate program for "will calls"

Ms. Shaw commented the fact Votran is not tracking the type of vehicle being dispatched for that person is what's resulting in unequal response time. She added she had spoken to a local consumer who uses a scooter who would be at a meeting with several people with disabilities and the meeting is running late so everyone calls and gets placed on "will call". Then, when the meeting is over everybody calls again to get picked up. Those who are ambulatory get picked up but the person who needs an accessible vehicle told her that she had waited for over three hours before being picked up. Ms. Shaw asked Votran how they can declare 90% performance on response time if Votran is not tracking it in the whole system.

Dr. Beach commented that his understanding is Votran folds this data into the regular numbers and does not check off what is or is not a "will call" so Votran has 90% compliance with the total trips that are provided.

Ms. Blanck replied, yes

Ms. Suchsland clarified the goal is never to have a "will call" which is a negative disruption to the system. Under regulations, technically, if a person schedules a trip and is supposed to be picked up at 3:00pm and that person is not ready it becomes a "no-show" and that person is on their own. This is not Votran's approach and Votran will make every effort to complete that person's trip. Concerning comparable response time with "will calls" for ambulatory customers and wheelchair customers Ms. Suchsland commented currently that data is not being tracked and she will take a look at how that is being handled and report back at the next meeting on possible ways to start tracking that data.

Ms. Shaw stated that she wanted to re-submit her public records request at this time. She also inquired how does Votran gets to the 90% for rides provided by the subcontractors.

Ms. Suchsland replied Votran receives the subcontractors' manifests and logs in their pick up and drop off times.

Ms. Shaw further requested that the number of no-shows clarify how many of them are "will calls"

Dr. Beach wanted to know how the training for taxi drivers was being tracked.

Ms. Suchsland replied this information can be pulled and brought back to the members.

Ms. Ogden asked if the person who waited over three hours for her pick up ever made a formal complaint to Votran.

Ms. Shaw indicated, no because she didn't know she could.

Vice-Chairperson Ottman commented response time for ambulatory versus non ambulatory depends on several factors such as: where people live, where trips are scheduled and who is picked up first. She added from her experience she has been at meetings where scheduled pick-ups for non-ambulatory persons occurred before she got picked up.

Mr. Robert Craig, TD Commission staff, inquired if TD riders fall into the "will call"

Ms. Blanck replied yes, it is a countywide service.

Mr. Craig commented that it's a wonderful thing that Votran has this "will call" enhancement to the service, however, once Votran agrees to do a trip whether it is a "will call" trip that was called in 5 minute ago or a trip that was scheduled 2 or 3 days ago the same standards should apply and he believes Votran has all of the resources to do that. The accessible taxi company will probably be Key and Votran may want to consider looking for someone who is not located in Volusia County yet, but could provide that service there. He added that Ms. Shaw would be a good resource for working together on this.

Mr. Jack wanted to know how other Community Transportation Coordinators (CTCs) track their "will calls"

Mr. Craig responded many of the other CTCs are not governmental and more scrutiny is placed on those that are. Some of the other CTCs keep track and some have policies that indicate if one "no-shows" they are on their own. He suggested Votran may want to work with Trapeze to see if the system can be modified so that the "will calls" can be accounted for.

Ms. Antol pointed out in this instance 10% is what is not in compliance. Earlier in the meeting it was noted there is only one accessible taxi company in Volusia County and it is located on the west side of the County. She added last year there was an attempt at getting people to locate in Volusia County on both sides with accessible vehicles because there is a great need and all agree with that. But she felt Votran was being slammed for something they are going above and beyond right now to provide and doesn't want Votran to stop the service because of reports. She mentioned she was concerned about the person who waited 3 hours and upset that situation did not come back through normal channels and that is not acceptable. She

added one should keep in mind that Votran does approximately 30,000 trips per month and 1 in 30,000 is not a bad rate.

Mr. Craig didn't want everyone to take his comments to mean anything other than everyone is doing a great job. His concern is that when too many people fall through the cracks some of those folks are not going to file a complaint they'll just file a lawsuit. The goal is to serve the people that you have been tasked to serve. Once you agree to provide the transportation the clock starts ticking.

Dr. Beach indicated that as Ms. Antol pointed out one way to solve the problem would be to simply show it as a "no show" then there would be 100% compliance. He suggested Votran work with Ms. Shaw on this and come back with a recommendation.

B. Annual Member Training and Orientation

Dr. Beach inquired if it would be possible to table this item to the next meeting.

Ms. Hinkley replied that it is alright as long as it is within the year.

Dr. Beach made a motion to table the Member Training and Orientation to the next meeting. The motion was seconded by Jean Cerullo and carried unanimously.

VII. Staff Comments

Heather reminded the members Votran is implementing minor adjustments to the Route 60 which will no longer stop inside the Volusia Mall parking lots only along International Speedway. This should facilitate running on time. She also added the routes 3 and 4 are operating more frequently on U.S. #1 and has operated this way for about a month. She should be able to provide more information on these at the next meeting.

Ms. Hinkley went over the information items with the members and went over the process of appointing TDLCB members.

Vice-Chair Ottman requested a motion from the members to forward Ms. Shaw's letter to the Volusia TPO Board for appointment.

Chip Kent made a motion to forward the letter to the Volusia TPO Board for appointment. The motion was seconded by Peter Cerullo and carried unanimously.

VIII. TDLCB Chairman Comments

Vice-Chair Ottman thanked Ms. Shaw for her advocacy and tenaciousness and that hopefully issues can be resolved.

IX. TDLCB Member Comments

Steve Jack thanked Lisa Sanders with MTM for working hard at taking over Medicaid non-emergency transportation for Volusia County. He commented MTM had only gotten about eight working days of notice to start service on July 1 in this County and added it has been quite a task for MTM to educate the community.

X. Press / Citizen Comments

None

XI. Information Items

-TDLCB Membership List
-Letter Requesting TDLCB Alternate Membership (Citizens Advocate)
-Update Concerning Medicaid NET in Volusia County

XII. Adjournment

The meeting was adjourned at 12:28 p.m.

VOLUSIA TRANSPORTATION PLANNING ORGANIZATION

JOSHUA J. WAGNER, CHAIRMAN
TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD (TDLCB)

CERTIFICATE:

The undersigned, duly qualified and acting Recording Secretary of the Volusia TPO certified that the foregoing is a true and correct copy of the minutes of the **July 10, 2013** regular meeting of the Transportation Disadvantaged Local Coordinating Board (TDLCB), approved and duly signed this **11th day** of **September 2013**.

PAMELA C. BLANKENSHIP, RECORDING SECRETARY
VOLUSIA TRANSPORTATION PLANNING ORGANIZATION

VOTRAN FLEX SERVICE REPORT – TDLCB meeting July 10, 2013

Apr-13	FLEX 42	FLEX 43	TOTAL
TOTAL PASS TRIPS	890	881	1,771
TRIP TYPE			
Ambulatory	765	832	1,597
Wheelchair	125	49	174
MILES	2,985	2,670	5,655
HOURS	286	279	565

May-13	FLEX 42	FLEX 43	TOTAL
TOTAL PASS TRIPS	812	873	1,685
TRIP TYPE			
Ambulatory	719	843	1,562
Wheelchair	93	30	123
MILES	2978	2648	5,626
HOURS	289	282	571

TDLCB meeting handouts

Votran Summary of Transportation Disadvantaged Boardings

Meeting of the Volusia TDLCB July 10, 2013

WHEELCHAIR BOARDINGS	April 2013	April 2012	Difference	May 2013	May 2012	Difference
Fixed route	1,855	2,183	-15.0%	1,998	2,347	-14.9%
Paratransit	6,020	5,849	2.9%	6,105	6,181	-1.2%
Flex	174	140	24.3%	123	131	-6.1%
TOTAL	8,049	8,172	-1.5%	8,226	8,659	-5.0%
TOTAL BOARDINGS						
Fixed Route	309,351	301,990	2.4%	328,277	307,616	6.7%
Paratransit	21,736	21,605	0.6%	20,943	22,178	-5.6%
New Smyrna Flex	1,771	1,746	1.4%	1,685	1,538	9.6%
Paratransit and Flex	23,507	23,351	0.7%	22,628	23,716	-4.6%
YTD Paratransit Actual boardings				171,749	163,973	4.7%
YTD Paratransit Budget boardings				182,068	172,151	5.8%
Rainfall Notes:						
May 2013: 9.04 inches						
May 2012: 3.15 inches						
Normal May: 3.13 inches						

Votran
We drive a great bargain

May 21, 2013

Julie M. Shaw
Executive Director
disAbility Solutions for Independent Living, Inc.
119 South Palmetto Avenue, Suite 180
Daytona Beach, Florida 32114

Ms. Shaw,

Thank you for your request for information regarding Votran's paratransit programs and services. Your inquiries, as understood by Votran staff, are recalled and answered as set forth below:

Q1. How many will call status rides have been completed within the last six (6) months?

A1. According to Votran policies and procedures, "will-call" status trips are not scheduled and occur only in situations where a passenger who has scheduled a pick-up time is not yet ready when his/her ride arrives. In such cases, the scheduled pick-up is converted to "will call" status, indicating that the passenger will contact Votran when ready and will be picked up as soon as a vehicle becomes available. Because it is not Votran's policy or procedure to originally schedule trips as "will call," there is no electronic data that we can query to provide the requested information to you. Votran does, however, maintain Paratransit Daily Performance Logs in hard-copy format, which may be reviewed to determine whether a scheduled trip was converted to "will call" status. At your request, Votran can provide you with access to and/or copies of such logs for your review and inspection. If you would like to submit a public records request to make such logs available for review, inspection, and/or copying, please contact either Pamela Renfro or Bernice Wendlund at Volusia County Community Information, 123 West Indiana Avenue, DeLand, FL 32720, telephone number (386) 822-5062. Please note that if you request such public records, statutory fees for copying, producing, and/or reviewing such records for exempt or confidential information may apply.

Q2. For which geographic areas within Volusia County is will call status available?

A2. As noted above, trips are not originally scheduled as "will call;" however, Votran paratransit services are available to eligible individuals throughout the entire county. For additional information regarding our paratransit program, please review our policies regarding our Gold Service at http://www.votran.org/gold.htm.

Q3. How many ambulatory will call status rides and how many "wheelchair" or accessible vehicle will call status rides were completed in the last six (6) months?

A3. Please see A1 above.

Q4. What is the frequency of use by riders or the number of will call status rides per rider/user?

A4. Please see A1 above.

Q5. What "wheelchair" or accessible vehicles are used for "will call" status rides (*i.e.*, please list the number of vehicles that performed "will call" status service by provider identity and the number of wheelchair accessible vehicles that were provided by Votran for such will call status service)?

A5. Please note that the same vehicles that are used for scheduled paratransit service are available for "will call" status service, insofar as any scheduled pick-up may be converted to "will call" status if the passenger scheduling service is not yet ready to travel when his/her scheduled vehicle arrives. Please see A1 above for additional information.

Q6. How many taxis have been used for paratransit services over the last six (6) months?

A6. Votran currently maintains contracts with two (2) taxi providers to supplement its paratransit service operations; however, Votran does not possess information regarding these private companies' fleets. Please note that you may request access to Votran's Paratransit Daily Performance Logs to ascertain the number of times Votran has utilized these taxi providers over the last six (6) months by contacting either Pamela Renfro or Bernice Wendlund at Volusia County Community Information, 123 West Indiana Avenue, DeLand, FL 32720, telephone number (386) 822-5062.

Q7. How many wheelchair accessible taxis have been used for "will call" status service over the last six (6) months?

A7. Votran is not aware of whether any of the taxi vehicles owned or operated by its two (2) contract taxi providers are wheelchair accessible. Also, please see A1 above for further information regarding Votran's "will call" status service.

Q8. How many requests for trips did Votran deny and what was the reason for such denials, if any?

A8. As previously noted, Votran paratransit services are available to eligible individuals throughout the entire county. Furthermore, Votran does not deny any eligible paratransit trip that has been requested in accordance with Votran's policies and procedures, which may be reviewed at http://www.votran.org/gold.htm.

Q9. What are the "will call" status trip return times for (a) wheelchair rides and (b) ambulatory rides occurring over the last six (6) months?

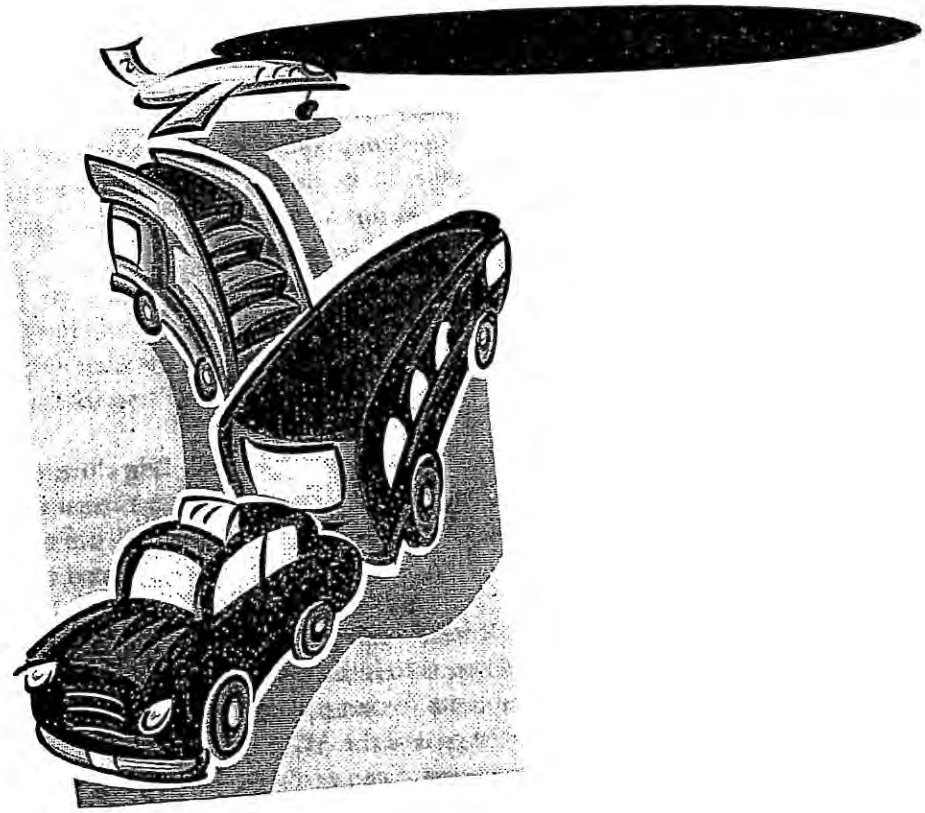
A9. As noted in A1 above, this information may be ascertained only by reviewing all hard-copy Paratransit Daily Performance Logs generated over the last six (6) months. In addition to the review of the logs, this particular piece of information would require a search of the performance trip identifier in the Trapeze schedule system to obtain return times. If you would like to submit a public records request to make such logs available for review, inspection, and/or copying, please contact either Pamela Renfro or Bernice Wendlund at Volusia County Community Information, 123 West Indiana Avenue, DeLand, FL 32720, telephone number (386) 822-5062.

Thank you again for your interest in Votran's paratransit program and services. If you have any further inquiries or requests for information, please direct them to me at 950 Big Tree Road, South Daytona, Florida 32119-8815, telephone number (386) 756-7496, or if you have any requests for public records regarding these or other matters, please contact either Pamela Renfro or Bernice Wendlund at Volusia County Community Information, 123 West Indiana Avenue, DeLand, FL 32720, telephone number (386) 822-5062.

Sincerely,

Heather Blanck

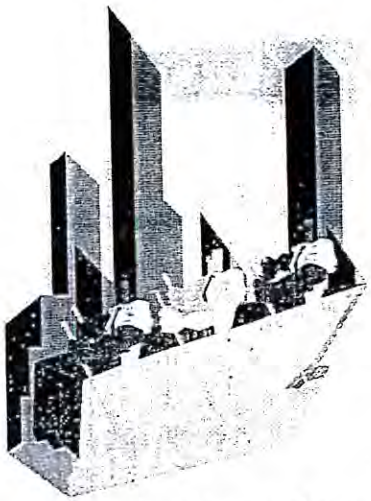
Heather Blanck
Assistant General Manager,
Votran Planning, Marketing, and Customer Service



Everything you ever wanted to know about Paratransit Eligibility...

...and didn't even know who to ask!

Americans with Disabilities Working Group (ADAWG) Governing Board Member
Tracy Rackensperger
Interviews
Julie M. Shaw
Executive ADA Administrator.
April 2003



This article is provided by the ADA Working Group per request of Tracy Rackensperger. It is the duty of the ADA Working Group to provide technical assistance, referrals, recommendations and education on the Americans with Disabilities Act.

Jeb Bush, the Governor of Florida, has a personal commitment to provide equality for people with disabilities and end discrimination throughout the state of Florida.

His vision, as stated in Executive Order 01-161 is "to bring to all of Florida's citizens full access to information resources, services and opportunities to participate in all aspects of community." It is the goal of the ADA Working Group to fulfill that mission and vision and to complete the duties that the Governor has set for the State of Florida.

The ADA Working Group serves as an advisory entity to state government and the Governor on issues that effect people with disabilities. The ADA Working Group has a 15 member gubernatorial appointed board that represents all aspects of the disabled community. The Board was created to serve as the Governor's ear on disability issues. On a quarterly basis, we hold a public meeting and public hearing seeking comments and ideas from anyone on ADA compliance or issues that effect people with disabilities.

Please contact the Clearinghouse on Disability Information, toll free, at 877-232-4968 if you would like any further assistance.

The ADA requires compliance with six service criteria, Violations of the civil rights of the rider occur when the following service criteria are not met:

- **Service Area** - Paratransit must be provided in a corridor at least 3/4 mile on each side of each fixed route corridor.
- **Response Time** - The transit system should schedule trips within one hour of the requested departure time. The Transit provider must be able to accommodate trip requests for the next day.
- **Hours and Days of Service** - The paratransit system must be provided during the same days and hours as fixed route service.
- **Fares** - Fare can't be more than twice the fare paid for the fixed route service. Companions can ride at the same fee (upon space availability issue) and your Personal Care Attendant rides free.
- **Trip Purpose Restrictions** - The transit system can't impose restrictions on what you use the service for. A trip to the doctor and a social activity are to be treated the same.
- **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 list for access to the service: or (3) Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.

Such patterns or practices include, but are not limited to, the following:

- Substantial numbers of significantly untimely pick-ups for initial or return trips
- Substantial number of trip denials or missed trips
- Substantial number of trips with excessive trip lengths

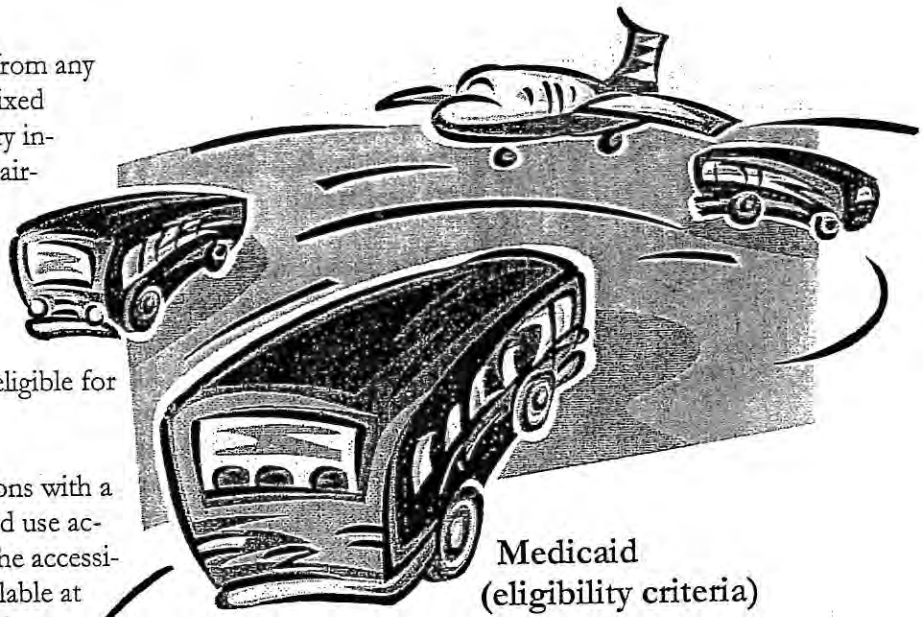
Paratransit eligibility is not simply a matter of whether or not a person has a disability, but instead relates to whether or not an individual can use the transportation entity's fixed route system.

Thus, eligibility is a functional determination of a person's ability to use the fixed route system as it currently exists, and not simply a medical or psychiatric diagnosis. An individual must fit into one of the three ADA paratransit eligibility categories. (§37.123)

What are the three categories of ADA paratransit eligibility?

Category 1: This category includes individuals who are unable, due to a physical or mental impairment, to

board, ride or disembark independently from any readily accessible vehicle on the regular fixed route system. Among others, this category includes persons with mental or visual impairments who, as a result of their disability, cannot navigate the system. This means that, if an individual needs an attendant to board, ride, or disembark from an accessible fixed route vehicle (including navigating the system), the individual is eligible for paratransit.



Category 2: Also eligible are those persons with a physical or mental impairment who could use accessible fixed route transportation, but the accessible fixed route transportation is not available at that time on that route (e.g., the accessible vehicle is down for maintenance, the lift cannot be deployed, etc.). This second eligibility category is the broadest, with respect to persons with mobility impairments, but its impact should be reduced over time as transit systems become more accessible.

Category 3: Any individual with a disability who has a specific impairment-related condition which prevents that person from traveling to a boarding location or from a disembarking location on the system is also eligible. In this case, the impairment must prevent travel to or from a stop; significant inconvenience or difficulty does not form a basis for eligibility under this section. Further, barriers not under control of the public entity providing the fixed route service (such as weather) do not by themselves form a basis for eligibility under this section. The regulation makes the interaction between an impairment-related condition and the environmental barrier (distance, weather, terrain, or architectural barriers) the key to eligibility determinations. This is an individual determination. Depending on the specifics of an individual's impairment-related condition, one person may be able to get from his home to a bus stop under a given set of conditions, while the next-door neighbor may not. (§37.123)

Transportation Disadvantaged (eligibility criteria)

Persons who because of a mental or physical disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to healthcare, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped, or high risk or at risk.

Medicaid (eligibility criteria)

Eligibility is determined through an application process under the Department of Children and Family Services. The eligibility criteria for the variety of Medicaid programs are determined on an individual basis.

1A. How do these programs differ from each other?

All transportation services differ by one or more of the following: service hours, trip purposes, fares, geographic area covered, and application process

Paratransit service applicants apply and schedule rides with the local transit service or subcontracted provider. Paratransit operates during the fixed bus route hours providing transportation with no restrictions on trip purposes. Paratransit covers the parameter of the fixed bus route service area including ¾ of a mile on each side of each fixed route at a minimum.

Transportation Disadvantaged (T.D.) applicants apply with the local, coordinating board, subcontractor or provider. T.D. provides transportation to healthcare, employment, education, shopping, social activities, or other life sustaining activities. [The area covered is the county.] The hours of operation may differ with local providers however some provide 24 hour service.

Medicaid provides transportation for medical appointments only.

1.B. How is each program funded?

ADA paratransit has been funded through federal dollars and the legal obligation exists since 1973 that all

fixed route systems become accessible. Thus, there are no specific federal funds dedicated to paratransit.

Some people will claim ADA paratransit is an unfunded mandate but, Congress exempted the ADA from the unfunded mandate list because paratransit is a civil right.

Transportation Disadvantaged services are funded with state dollars and revenue from some vehicle registrations.

Medicaid is federally and state funded through matching fund formulas.

Eligibility Process

1.C. How is paratransit eligibility determined?

Each municipality that runs a fixed route system is required to provide complementary (complementary does not mean free but equal service for persons with disabilities) paratransit service. A process for determining ADA paratransit eligibility must be established. The goal of this process is to ensure that only people who meet the regulatory criteria, strictly applied, are regarded as eligible. (§37.125)

1.D. Why must an eligibility process be established?

Transit entities are free to provide service to other persons, but the eligibility process should clearly distinguish those persons who are ADA eligible from those who are provided service on other grounds. This is important because only individuals who are actually paratransit eligible have rights to the paratransit services as required by the regulations. (§37.125)

1.E. Are there a great number of extra steps involved in determining eligibility?

The process to determine paratransit eligibility may not impose unreasonable administrative burdens on applicants. (§37.125)

1.F. What is the cost to apply for paratransit eligibility?

A paratransit entity may not charge user fees or application fees to a paratransit applicant. (§37.125)

1.G. What information about the eligibility process must be available?

All information about the eligibility process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility must be made available, and in accessible formats, upon request. A document does not necessarily need to be made available in the format a requester prefers, but it does have to be made available in a format the person can use. (§37.125)

1.H. How long does a transportation entity have to determine an individual's eligibility?

If the transportation entity has not made a determination of eligibility within 21 days, the applicant must be treated as eligible and provided service until a determination of eligibility has been made.

1.I. How must a transportation entity notify a person when he or she is approved for paratransit eligibility?

The public transportation entity must provide documentation to each eligible individual stating that he or she is ADA paratransit eligible. The documentation must include:

- the individual's name
- the name of the transit entity
- the telephone number of the entity's paratransit coordinator
- an expiration date for eligibility
- any conditions or limitations on the individual's eligibility, including the use of a personal care attendant.

The last point refers to the situation in which a person is eligible for some trips but not others, or if the traveler is authorized to have a personal care attendant ride free of charge. For example, the documentation may say that the individual is eligible only when the temperature falls below a certain point, or when the individual is going to a destination not on an accessible bus route, or for non-work trips, etc.

All eligibility determinations must be provided in writ-

ing. In the case of a denial, the reasons must be specified and they must relate to the evidence in the matter; a simple statement by a medical physician that the applicant can use fixed route transit is not sufficient. (§37.125)

1.J. What is a doctor's role in the paratransit eligibility process?

A doctor's note alone does not determine eligibility. The eligibility determination process may include functional criteria related to the eligibility standards (such as inability to use the fixed route system) and, where appropriate, functional evaluation or testing of applicants. While evaluation by a physician or other professional may be used as part of the process, his or her diagnosis does not automatically qualify an individual as paratransit eligible; the determination relies on whether an individual can use the fixed route system in his or her own circumstances. It is primarily a transportation decision, not a medical decision. (§37.125)

1.K. Is periodic recertification of eligibility allowed?

Recertification of ADA paratransit-eligible individuals at reasonable intervals is permissible. For example, reasonable interval for recertification may be between one and three years. Less than one year would probably be too burdensome for consumers; over three years would begin to lose the point of having recertifications. The recertification interval should be stated in the entity's plan. Of course, a user of the service can apply to modify conditions on his or her eligibility at any time. (§37.125) route schedules and information.

1.L. Administrative Appeal Process

Section 37.125(g) of the regulations requires that an administrative appeal process be available to any individuals who are determined to be ineligible for complementary paratransit service. Because the provision of ADA complementary paratransit service is a civil right, the denial of eligibility is a serious matter. A fair and effective appeal process is not only required but is in the interest of all parties. The appeal process must be available not only to individuals who are determined ineligible in all situations, but to persons who are deemed conditionally eligible.

Limiting eligibility is in fact denying eligibility for certain trips.

The appeal process established must comply with the following requirements:

- Individuals must be permitted to request an appeal within 60 days of the initial eligibility decision;
- Individuals must have an opportunity to be heard in person and to present additional information and arguments regarding their disability and ability to use the fixed route service;
- There must be a "separation of function" between those involved in the initial eligibility determination and those selected to hear appeals;
- Applicants must be notified of appeal decisions in writing, or in accessible format if requested, and the notification must state the reasons for the decision if eligibility is still denied.

2. The ADA program by law restricts the service to people located within ¾ of a mile from a fixed bus route. Please explain this ¾ mile restriction and the rationale behind the law.

Complementary paratransit service must be provided to origins and destinations within corridors that have a width of 3/4 of a mile on each side of each fixed route. At the end of each route, the entity must also serve an area that looks like a semicircular "cap" and has a 3/4 mile radius from the end point of the route. (§37.131)

2.A. What about the small gaps that sometimes exist between these corridors?

Because it would not make sense to avoid providing service to such small isolated areas, the rule requires paratransit service there as well. (§37.131)

2.B. What is a paratransit "core area"?

The core service area is the area in which corridors with a width of 3/4 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. (§37.131)

2.C. What about service outside the core service area, such as isolated routes that extend into the suburbs?

As bus routes follow radial arteries into the suburbs outside the core area, there are increasingly wide areas between the corridors which are not small areas completely surrounded by corridors. Service to these areas is <u>not</u> required. However, the paratransit entity may extend the width of one or more of these corridors from 3/4 of a mile to a maximum of 1 1/2 miles on each side of a route if it wishes to do so. (§37.131)

2.D. What about service for paratransit-eligible individuals who live outside the service areas? How do paratransit eligible riders get transportation beyond the paratransit service area?

The rule does not say that an eligible user must live within a corridor in order to be eligible for paratransit. If an individual lives outside the corridor, and can find a way of getting to a pickup point within the corridor, the service must pick him up there. The same holds true at the destination end of the trip. (§37.127)

In Florida, the T.D. program funding is sometimes used to transport ADA paratransit eligible riders beyond the ADA corridor.

3. Under the ADA program, is there a way for a person to alter their plans without 24 hours notice? (e. g. if someone is on a date and it's going well, could the person call and be picked up later than the time previously agreed upon?) How much advance notice can be required for scheduling a trip?

Next day scheduling is required at a minimum. This means, for example, that any caller reaching the reservation service at any time on one day could reserve service for any time during the next service day. A rule requiring 24-hour notice is not allowed, as it would require a person to call by noon on one day in order to receive service by noon the next day. (§37.131)

3.A. When must the reservation service be open for scheduling paratransit trips?

An entity must make its reservation service available during the hours its administrative offices are open. If those offices are open 9 a.m. to 5 p.m., those are the hours during which the reservations service must be open, even if the entity's transit service operates from 6 a.m. to midnight. (§37.131)

3.B. What if someone wishes to schedule a trip when the administrative offices are closed?

On days prior to a service day on which the administrative offices are not open at all (e.g., a Sunday prior to a Monday service day), the reservation service must be opened during the same hours that the administrative offices would usually be open, such as from 9 a.m. to 5 p.m. It should also be noted that a reservation service on any day does not have to be provided directly by a real person. An answering machine or other technology can suffice. (§37.131)

3.C. How far in advance can a paratransit trip be scheduled?

Paratransit entities must permit reservations to be made up to 14 days in advance of the desired trip date. (§37.131)

3.D. Under the ADA program, does the provider have any right to force a person to be picked up earlier than the time the consumer indicated?

No. The provider may arrive at the pick up destination early, but is required to stay for approximately 5 minutes (alters by local policy) after the scheduled time.

3.E. What are the rights of someone who is being threatened to be left and stranded when a provider comes too early, sometimes hours early?

Continual paratransit performance problems are a capacity constraint and a violation of civil rights. Always document the time and amount of time you are kept on hold and keep logs. Then file a grievance to the local supervisor or provider with your logs as documentation.

Request a copy of the grievance policy and procedures. Each grievance should have the following features; time limited response from the public entity, submission of grievance in writing, and a decision by the public entity provided in writing or accessible format. If you are unable to resolve your grievance with the local provider, report it to the municipality who provides fixed route services. If you are not satisfied with the municipalities' response you can access and fill out this complaint form at the Federal Transit Administration Web Page ***http://www.fta.dot.gov***

4. Under the ADA program, when making a reservation, does the provider have the right to alter the requested pick up time?

The paratransit entity may negotiate pickup times with an individual, but can't require an eligible individual to schedule a trip to begin more than one hour before or after the individual's desired departure time. (§37.131)

All negotiated times must be agreeable to the rider.

5. How could a rider address being put on hold for a substantial amount of time while contacting transportation providers? (Many times individuals are kept on hold for a long time while using their cell phone.)

Continual paratransit performance problems are a capacity constraint and a violation of civil rights. Always document the time and amount of time you are kept on hold and keep logs. Then file a grievance to the local supervisor or provider with your logs as documentation. Request a copy of the grievance policy and procedures. Each grievance should have the following features; time limited response from the public entity, submission of grievance in writing, and a decision by the public entity provided in writing or accessible format. If you are unable to resolve your grievance with the local provider, report it to the municipality who provides fixed route services. If you are not satisfied with the municipalities' response you can access and fill out this complaint form at the Federal Transit Administration Web Page ***http://www.fta.dot.gov***

6. Why can't district to district transportation be coordinated? Example, one individual lived in St. Pete and had to attend a meeting in Tampa, and then return to St. Pete. Cost each way: $150.00

Coordination is an issue most transit agencies are dealing with – trying to find ways not only to coordinate with other counties but sometimes even other states. It's a difficult issue – and the federal government has taken steps to provide assistance by creating the Coordinating Council on Access and Mobility (***http://www.fta.dot.gov/CCAM/www/index.html***). There is a helpful coordination Web page at the CTAA (Community Transportation Association of America) as well -- ***http://www.ctaa.org/ntrc/is_coordination.asp***.

7. What is the complementary paratransit service for visitors?

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.

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.

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.

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 in this section. The entity shall accept a certification by such individuals that they are unable to use fixed route transit.

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.

8. How can routine service criteria violations (e.g. reporting false no shows, sending vehicles filled to capacity, etc.) be addressed?

Continual paratransit performance problems are a capacity constraint and a violation of civil rights. Always document the time and amount of time you are kept on hold and keep logs. Then file a grievance to the local supervisor or provider with your logs as documentation. Request a copy of the grievance policy and procedures. Each grievance should have the following features; time limited response from the public entity, submission of grievance in writing, and a decision by the public entity provided in writing or accessible format. If you are unable to resolve your grievance with the local provider, report it to the municipality who provides fixed route services. If you are not satisfied with the municipalities' response you can access and fill out this complaint form at the Federal Transit Administration Web Page ***http://www.fta.dot.gov***

Also many local advocates have effectively decreased service criteria violations by educating and lobbying their local county government and locally elected officials.

9. How long does the provider have to wait before reporting a no show?

Paratransit providers differ in their procedures, the normal wait is between 3-5 minutes and some providers will attempt to contact the consumer before departing.

10. What are the responsibilities of the ADA paratransit consumer?

The ADA clarifies your right to:

- Use any public bus, rail system, subway system, etc.
- Request route and service information in a format you can use.
- Stand on a lift if you cannot use the steps of the bus or train.
- Expect that all lifts and other accessible equipment be kept in good working order.
- Use a common wheelchair or other mobility aid to board a bus or train.
- Have stops, major streets, and intersections called out along the route.
- Ride the bus or train seated in your own mobility aids.
- Have securement devices made available to you.
- Travel without a personal attendant or aide.
- Travel with guide dogs or other service animals that are not disruptive or dangerous to others.
- Travel with any necessary equipment or devices, such as respirators or portable oxygen tanks.
- Allow ample time to get on and off a bus rail car subway system or etc.
- Get on and off a bus or train at any regular stop where a lift can be safely used.
- Receive courteous, respectful assistance.
- File complaints with the transportation provider, or the federal government if necessary.

The ADA also expects you to:

- Use fixed-route transportation, when possible.
- Know if your mobility aid meets the "common wheelchair" requirements (30"wide x 48" long or less and no more than 600 lbs when occupied).
- Arrive at the bus, train, or paratransit stop at the correct time.
- Know how to contact the transportation provider and receive route schedules and information.
- Keep service animals under control.
- Request lap/shoulder belts and securement for your

wheelchair, if desired.

- Signal or ask the driver to stop the bus at the desired designated stop.
- Pay the proper fare which will not exceed double the cost to complete the trip on the fixed route system including transfer fees etc.
- Treat the driver and other passengers with courtesy and respect.
- Know how to file complaints with the transit company, if necessary.

11. How could the major statewide issues of habitual lateness of providers and overall quality of services be addressed locally as well as statewide?

Transportation Disadvantaged Boards hold regular meetings open to the public to address concerns in the community about transportation needs issues and complaints. Advocacy and the T.D. Board Meeting has been very effective in providing better services for those with disabilities and other riders.

The reporting of complaints to the local coordinating board has resulted in penalties being added to provider contracts and payment based on quality performance. Keep a personal log of the above issues and continuously register complaints with the local transit provider. (Refer to Question 8 for Federal Transit Administration Office of Civil Rights Complaint Form).

The Transportation Disadvantaged has an Ombudsman Complaint Hotline at 1-800-983-2435.

12. Where would people go to receive more information about rights and responsibilities as a paratransit consumer?

Easter Seals Project ACTION, funded through a cooperative agreement with the U.S. Department of Transportation, Federal Transportation Administration, promotes cooperation between the transportation industry and the disability community to increase mobility for people with disabilities under the ADA and beyond.

Project ACTION offers various resources, as well as training and technical assistance, in an effort to make the ADA work for everyone, everyday.

Project ACTION publications cover a range of topic areas – all dealing with accessible transportation.

Currently the Project Action Clearinghouse contains about 75 products (including videos, print documents, audio tapes, and multi-media materials) which are available free of charge.

Please be aware that many of the publications are available in PDF and text format on the Project ACTION Web site (***www.projectaction.org***) as well.

For more information,
contact Easter Seals Project ACTION at:
(202) 347-3066; 1-800-659-6428 (Voice)
(202) 347-7385 (TTY)
www.projectaction.org (Web site)
project_action@opa.easter-seals.org (E-Mail)

Easter Seals Project ACTION
ACCESSIBLE COMMUNITY® TRANSPORTATION IN OUR NATION

TAXICAB, LIMOUSINE & PARATRANSIT ASSOCIATION

The Americans with Disabilities Act and You:

Frequently Asked Questions on Taxicab Service

Presented by Easter Seals Project ACTION and the Taxicab, Limousine & Paratransit Association

Taxicabs play a critical role in helping to move America. Last year, taxis safely and efficiently delivered **2 billion** passengers to offices, homes, airports, shopping malls, churches, hotels, stadiums and many other community destinations.

As much as 10 percent of the customer base for taxi service consists of people with a disability affecting mobility, hearing, vision, thinking and other physical and mental processes. In fact, 54 million people in America live with disabilities, and they have the same needs and interests as everybody else. They have jobs, families, classes, meetings, travel plans, and other activities to keep them on the move, and they need transportation, including taxicabs, to help them get where they are going.

The rights of people with disabilities to access transportation are guaranteed under federal law, the landmark Americans with Disabilities Act (ADA). With this document, Easter Seals Project ACTION and the Taxicab, Limousine & Paratransit Association seek to answer several important questions about taxi service for customers with disabilities.

What is the ADA and why are taxicabs affected?

On July 26, 1990, the Americans with Disabilities Act became law, paving the way to accessible public and private transportation for people with a variety of disabilities. The ADA protects the civil rights of people with disabilities and ensures their access to employment, public accommodations (such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers), telecommunications – and public and private transportation.

It is commonly recognized that the law affects public transit systems, such as bus and rail lines. Taxi services must comply with ADA requirements as private companies, primarily engaged in the business of transporting people, that provide demand-responsive transportation.

What is meant by 'demand-responsive transportation'?

With demand-responsive service, the customer takes action to initiate transportation. In the case of using taxi service, the customer must make a telephone call, send an email, fax a request, or make a Web-based reservation to schedule a ride.

In addition, other services that involve calling for a car and a driver, such as limousine or sedan transportation, fall within ADA requirements the same as taxicab services. So too do taxi companies that contract with hotels to provide airport shuttle service.

How does the ADA affect operations?

Under the law, each taxi service shall ensure that personnel are trained to proficiency. Not only does this relate to safe operation of vehicles and equipment, drivers must be able to properly assist and treat customers with disabilities in a respectful and courteous way. As stated in Appendix D to the ADA, training and retraining are just as necessary for the driver of a taxicab, a hotel shuttle, or a tour bus as they are for an operator of a transit bus.

What else does the ADA say about proficiency and training?

Appendix D to the ADA states that every transportation provider who serves people with disabilities must have been trained so that he or she knows how to provide the service in the right way. When it comes to providing service to people with disabilities, ignorance is no excuse for failure. This requirement pertains to taxicab company employees and drivers alike.

An employee or driver who has forgotten what he was told in past training sessions, resulting in a lack of knowledge about what needs to be done to serve people with disabilities, does not meet the standard of being trained to proficiency.

Training must be appropriate to the duties of each employee. A dispatcher must know how to use a TDD[1] and enough about various disabilities to dispatch the appropriate vehicle. A driver must know how to operate lifts and securement devices properly.

The requirements address both technical tasks and interacting with customers. Drivers need to know how to run equipment the right way. Every person who has contact with the public also has to understand the necessity and details of treating people with disabilities courteously and respectfully. This requirement pertains to both company employees and drivers.

One of the best sources of information on how best to train personnel to interact appropriately with individuals with disabilities is the disability community itself. Consequently, the ADA urges public and private transportation providers to consult with disability organizations concerning how to train their personnel. Involving these groups in the process of establishing training programs, in addition to providing useful information, should help to establish or improve long-term working relationships.

Taxi companies and drivers must provide service in a manner that does not discriminate against people with disabilities. Examples of discriminatory service include:

- the company or the driver denying service to individuals with disabilities who can use taxi vehicles
- the company or the driver charging higher fares or fees to passengers with disabilities
- the company or the driver denying a ride to a customer using a service animal. Service animals are discussed in greater detail below.
- the driver refusing to assist with stowing wheelchairs or other mobility devices

Although state, county and local policy varies, such practices may also violate applicable taxi rules, subjecting the operator to a fine or suspension of operating privileges. Customers who are discriminated against also have the right to file a complaint with the U.S. Department of Justice, Civil Rights Division, Disability Rights Section. Customers have both ADA and local recourse.

[1] *A TDD (Telecommunications Display Device), also known as a text telephone or TTY, is a telephone equipped with a keyboard and display to allow people who have hearing and speech disabilities to send and receive typed messages using its keyboard.*

"Can you explain non-discriminatory service in more detail?"

A taxi service and driver cannot deny a ride to an individual because of her disability if she is able to use a taxi. If the person is using a wheelchair or other mobility aid that can be stowed in the cab, and the passenger can transfer from a wheelchair to a vehicle seat, the company and the driver must provide service. Neither the company nor the driver can require the passenger to wait for a lift-equipped van.

Drivers also cannot refuse to assist with stowing a wheelchair in the trunk (since taxi drivers routinely assist passengers without disabilities with stowing luggage). Drivers cannot charge a higher fee or fare for serving a person with a disability, nor charge a higher fee for stowing a wheelchair. (Charging the same fee for stowing a wheelchair as for stowing a suitcase would be proper, however.) It may take a particular driver more time and effort to serve a person with a disability, but that is not justification for discriminatory conduct.

"I am aware that some people with disabilities travel with service animals. What exactly is a 'service animal'?"

Dogs are the most common service animals, but other animals can also be trained to assist customers with disabilities. Service animals are individually trained to assist a customer with a disability and are allowed to ride in the passenger compartment of taxicabs. People with various types of disabilities use service animals.

Certification or identification is not required for the animal. Some, but not all service animals wear identification such as a tag, vest or harness.

"But my company has a 'no pets' policy. Are my drivers required to serve passengers traveling with service animals?"

Yes. A service animal is not a pet. The ADA requires a company to modify "no pets" policies to allow the use of a service animal by a person with a disability. .This does not mean that a company must abandon its "no pets" policy altogether, but simply that an exception must be made to the general rule to accommodate service animals for people with disabilities. A customer is not required to indicate that he or she will be traveling with a service animal when calling to request a ride.

"What other policies does the ADA require me to modify?

Overall, all policies should ensure that people with disabilities have the same opportunity to use the service as do customers without disabilities. Consequently, any reasonable request for modification of policy made by a person with a disability who wants to use your service should be considered.

Let's say that a company has a policy that all luggage be stored in the trunk of the cab. An exception to this policy should be made to accommodate luggage for a passenger using a wheelchair or other mobility aid who needs the trunk space to store their mobility device. In this instance, the luggage could be stored on the floor in the cab or on the seat next to the customer. The customer should not have to choose between traveling with his mobility device and luggage.

What about the amount of fare that can be charged to passengers when taxi companies provide ADA complementary paratransit service to eligible individuals under an agreement with a transit authority?

Fares paid by the passenger for complementary paratransit service are restricted to double the fixed-route bus fare. There is no limit on what the sponsoring agency (e.g., transit authorities) may pay to the taxicab company for providing complementary ADA paratransit service. Companies can't charge the regular taxi fare to the customer, because the mode through which paratransit is provided does not change the fare calculation. If ADA

complementary paratransit is provided via user-side subsidy taxi service rather than publicly operated dial-a-ride van service, the customer's fare can still be only twice the applicable fixed-route fare. The system operates the same for the passenger regardless of whether the paratransit trip is being provided in place of a bus or a rail trip for a customer who cannot use the fixed-route system. For example, if the applicable fixed-route fare is $1.00, then the cost to the customer to utilize taxi service cannot exceed $2.00.

"Are companies required to purchase specially equipped vehicles with lifts and other devices?"

A taxi service is not required to purchase vehicles other than sedan–type automobiles in order to add accessible vehicles to its fleet and it is not required to purchase vehicles other than sedan-type automobiles in order to have a number of accessible vehicles in its fleet. Under the ADA, no private company entity is required to purchase an accessible sedan-type automobile.

"I'm considering purchasing some vans for our fleet. What ADA-related considerations should I keep in mind?"

If a taxi company purchases or leases a new vehicle (other than a sedan-type automobile), such as a van with a seating capacity of fewer than eight persons (including the driver), the acquired vehicle must be accessible, unless the company is already providing "equivalent service" (described below).

According to the ADA's requirements, private companies primarily engaged in the business of transporting people (including taxicab companies) are not required to acquire accessible vehicles when they purchase or lease used vehicles. See Appendix D Section 37.105 of the Regulations for a discussion of this issue.

"What do you mean by accessible? Does this entail special equipment and if so, what?"

Accessible means meeting the requirements for transportation vehicles and service under the ADA.

In terms of size and space, here are some dimensions to keep in mind:

- For vehicles **in excess of 22 feet in length**, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 68 inches.
- For vehicles of **22 feet in length or less**, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 56 inches.

All of the accessibility requirements for vans, including the draft of the updated guidelines for vans, can be found by visiting the United States Access Board's Web site at http://www.access-board.gov/transit/index.htm

Public and private transportation providers need to maintain in working condition the vehicle features that make the vehicles and service accessible to and usable by people with disabilities. These features include, but are not limited to, lifts, ramps, securement devices, signage, and systems to facilitate communication with customers with visual and hearing disabilities. These accessibility features must be repaired promptly when they are damaged or out of order. When they are out of order, companies must take reasonable steps to accommodate customers with disabilities who would otherwise use the features.

"What else should I know about accessibility for customers with disabilities?"

There are things companies need to do to make service accessible, regardless of whether the service is provided in a sedan or a van. Companies probably communicate information to the public about policies, fares, telephone numbers and other kinds of customer service details. Such communications and information must be available in accessible ways (meaning for people with disabilities who communicate and gather information in a way other than

reading print, for example, or listening to a telephone recording) **and** in a format that the individual can actually use. Some examples of accessible formats are Braille, large print, audiotapes, TDD devices, email, and accessible Web sites. These and other formats allow people with disabilities to obtain information about transportation services. Customers are the best source of information about the specific formats that they as individuals can use, so please ask. This requirement to provide accessible information applies to both public and private transportation providers.

What is 'equivalent service'?

A demand-responsive system, when viewed in its entirety, shall be deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most **integrated setting** appropriate to the needs of the individual. An integrated setting enables individuals with disabilities to interact with people without disabilities to the fullest extent possible.

Elements to address in equivalent service:

- Response time
- Fares
- Geographic area of service
- Hours and days of service
- Availability of information
- Reservations capability
- Any constraints on capacity or service availability
- Restrictions priorities based on trip purpose (if the system is demand responsive)

The equivalency requirements do not dictate a particular response time. If the taxi company operates both sedans and vans and gets a sedan to a person without a disability in 30 minutes after a call for service, the system must get an accessible van to a person with a disability in 30 minutes.

"So I have to consider the rules for providing equivalent service when my company purchases a vehicle other than a sedan-type automobile?"

The following question must be asked every time a company purchases or leases a new vehicle other than a sedan-type automobile, such as a van with a seating capacity of fewer than eight persons (including the driver):

> Does the present service meet the equivalent service standard, (not counting the vehicle to be pur-chased) for the next potential customer who needs accessible service?

If the answer is no, a company must acquire an accessible vehicle. If the answer is yes, a company may acquire an accessible or an inaccessible vehicle.

In asking the question, it doesn't matter whether or not requests for accessible service have been received in the past.

Given changes in the mixes of both customers and vehicles, the answer to the question about equivalent service will probably not be the same every time.

Since the ADA motorcoach regulations went into effect in 2000-2002, small fixed-route operators are the only operators who can choose between providing equivalent service to people with disabilities and providing service in an accessible vehicle with 48-hour advance notice.

If a small fixed-route operator chooses not to purchase any new motorcoaches and/or has no accessible motorcoaches in its fleet for service with 48-hour advance notice, the company is required to provide equivalent service.

If a small fixed-route company purchases or leases a new motorcoach after October 2001 for the fixed-route portion of its fleet, the vehicle must be accessible.

Charter/tour companies and large fixed-route companies have different obligations for acquiring accessible vehicles and providing accessible service. Please see Part 37 Subpart H of the ADA transportation regulations for these requirements.

"Can I contract with another company to provide equivalent service?"

The ADA allows contracting with another company to provide equivalent service if the company that is contracted with is actually able to provide the equivalent service.

What kinds of securement equipment must be provided in an accessible vehicle?

ADA regulations require all ADA-compliant vehicles to have a two-part securement system, one to secure the common wheelchair, and a seatbelt and shoulder harness for the customer using a wheelchair. Vehicles over 22 feet in length must have enough securement locations and devices to secure two common wheelchairs, while vehicles 22 feet and under must be able to accommodate at least one common wheelchair.

There must also be enough room inside the vehicle to permit the customer using a mobility aid to reach the securement location. The customer can either wheel themselves into the securement location or ask the driver for assistance.

If the customer asks for assistance in getting to the securement location and/or securing a wheelchair or mobility aid, the driver must provide it.

While securement systems vary from manufacturer to manufacturer, most of today's systems are based on a four-point tie-down – meaning that each of the four corners of the chair are restrained by a belt to a permanently mounted floor bracket. Research continues on improvements for securement systems. When the wheelchair or mobility aid is secured, it should move no more than 2 inches in any direction under normal vehicle operating conditions. All manufacturers provide specific instructions in the form of videotapes, handbooks, brochures, and driver instruction cards. A company should ensure that drivers are always trained to safely use equipment they operate.

What is a 'common wheelchair'?

A "common wheelchair" is a mobility aid belonging to any class of three- or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. A "common wheelchair" does not exceed 30 inches in width and 48 inches in length measured 2 inches above the ground, and does not weigh more than 600 pounds when occupied. Power scooters and any other mobility devices that meet the physical specifications of a common wheelchair must be considered a common wheelchair.

Is side door or rear door entry preferred to board accessible vehicles?

Both options have advantages and disadvantages. Some customers using wheelchairs or other mobility aids may prefer a side door entry, since they can sit closer to the driver and can exit the vehicle onto the sidewalk. The

extended ramp from a side entry vehicle may block the path of travel on the sidewalk for other people, including those who have visual disabilities.

Some drivers may prefer side-entry vehicles when there is sufficient space at the back of the vehicle. Others may prefer a rear-door entry vehicle if they find the boarding and de-boarding process is faster than a side-entry door.

How are customers who use wheelchairs supposed to position themselves once on the vehicle?

The U.S. Access Board's standards for accessible transportation vehicles require that in vehicles over 22 feet in length, at least one securement device or system shall secure the wheelchair or mobility aid facing toward the front of the vehicle. In vehicles 22 feet in length or less, the required securement device may secure the wheelchair or mobility aid either facing toward the front of the vehicle or rearward.

Additional securement devices or systems shall secure the wheelchair or mobility aid facing forward or rearward. Where the wheelchair or mobility aid is secured facing the rear of the vehicle, a padded barrier shall be provided. The padded barrier shall extend from a height of 38 inches from the vehicle floor to a height of 56 inches from the vehicle floor with a width of 18 inches, laterally centered immediately in back of the seated individual. Such barriers need not be solid provided equivalent protection is afforded.

Side-facing securement is not permitted under any circumstances in vehicles less than 22 feet in length, based on results of crash tests and sudden stop conditions under which the wheels of a side-facing wheelchair in contact with the vehicle floor experience a force that they are not intended to support. Three-wheeled scooters have a higher center of gravity and will tend to tip under sideward forces.

Side-facing securement subjects the customer to potentially dangerous force, even in normal situations, let alone a panic stop. The smaller the vehicle, the worse the problem is, since the g-forces are greater for a smaller vehicle. If a 40-foot transit bus slams on its brakes, its own mass keeps it moving, decelerating slower, and transfers less of the force to the securement system and the customer. In contrast, if a small van slams on its brakes, it decelerates much more quickly, and transfers higher force to the wheelchair, securement system, and the customer. As a result, the securement requirements in the ADA are greater for small vehicles.

Can a company require that common wheelchairs be secured to the accessible vehicle?

Yes, provided that a company has established such a policy. The ADA regulations allow public and private transportation providers to establish a policy that requires all riders to have their common wheelchairs secured while aboard a vehicle. Therefore, the driver may decline to provide service to a rider who refuses to allow his common wheelchair to be secured. Alternatively, a company may adopt a policy that allows common wheelchairs to ride unsecured. If the rider wishes his wheelchair to be secured, however, the driver must provide the requested assistance.

"What other kinds of assistance must be provided?"

- ✓ A company's policy must require drivers to assist people with disabilities with the use of securement systems, ramps and lifts, when necessary or upon request. If it is necessary for the driver to leave her seat to provide the required assistance, she should do so.
- ✓ A company's policy and drivers must permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle.
- ✓ Customers using wheelchairs may have a preference for boarding a vehicle facing forward or backing on the lift or ramp. A company's policy and drivers should respect the passenger's preference.

Easter Seals Project ACTION
ACCESSIBLE COMMUNITY TRANSPORTATION IN OUR NATION

Can a company or a driver deny boarding to a rider whose common wheelchair is difficult to secure?

No. If a company has a policy that requires securement, or if a rider asks that the wheelchair be secured, the ADA requires drivers to use their best efforts to secure any mobility device, including a scooter that meets the definition of a common wheelchair.

Drivers cannot refuse to accommodate a common wheelchair or mobility aid because the device cannot be secured to the driver's satisfaction. Given the diversity of common wheelchairs, companies and drivers should ask the owner of the wheelchair as well as the manufacturers of securement devices and wheelchairs, to determine the best means of securement.

Three- or four-wheeled power scooters will be more difficult to secure than wheelchairs, since most wheelchair restraint systems are based on the four-point tie-down system.

If drivers have questions about how to secure a customer's wheelchair, scooter, or mobility aid, they should ask the customer. In most cases, customers will appreciate the desire to secure the mobility aid properly. Everyone wants a ride. In some situations, the driver and the customer will need to work together and do their best to come up with a solution.

Does a person using a wheelchair in an accessible vehicle have to use the lap belt and shoulder harness?

Under the broad non-discrimination provisions in Section 37.5 of the U.S. Department of Transportation's ADA regulations, a company or driver cannot require a person using a wheelchair to use seatbelts and shoulder harnesses unless the company's policy requires the use of these devices by all passengers, including those sitting in vehicle seats. For example, if passengers without disabilities are not required to wear shoulder belts then passengers using mobility devices cannot be required to use them.

A company may establish a policy that requires all riders to use the seatbelt and shoulder harness, if they are provided at all seating locations. In some cases, state law could require a company to adopt such a policy.

"Where can I get more information about accessible taxi services?"

Taxicab, Limousine & Paratransit Association
3849 Farragut Avenue
Kensington, MD 20895
(301) 946-5700
(301) 946-4641 (Fax)
Web site: www.tlpa.org
Email: info@tlpa.org

Easter Seals Project ACTION
1425 K Street, NW Suite 200
Washington, DC 20005.
(800)659-6428 (toll free)
(202)347-3066
(202)737-7914 (Fax)
Web site: www.projectaction.org
Email: projectaction@easterseals.com

Assistance for Easter Seals Project ACTION is derived through a cooperative agreement with the U.S. Department of Transportation, Federal Transit Administration. The Project is administered by Easter Seals, Inc.

August 2007

Subpart I - Public Transportation Other than by Aircraft or Certain Rail Operations
Sec. 12141. Definitions
As used in this subpart:
(1) Demand responsive system. The term "demand responsive system" means any system of providing designated public transportation which is not a fixed route system.
(2) Designated public transportation. The term "designated public transportation" means transportation (other than public school transportation) by bus, rail, or any other conveyance (other than transportation by aircraft or intercity or commuter rail transportation (as defined in section 12161 of this title)) that provides the general public with general or special service (including charter service) on a regular and continuing basis.
(3) Fixed route system. The term "fixed route system" means a system of providing designated public transportation on which a vehicle is operated along a prescribed route according to a fixed schedule.
(4) Operates. The term "operates", as used with respect to a fixed route system or demand responsive system, includes operation of such system by a person under a contractual or other arrangement or relationship with a public entity.
(5) Public school transportation. The term "public school transportation" means transportation by school bus vehicles of schoolchildren, personnel, and equipment to and from a public elementary or secondary school and school-related activities.
(6) Secretary. The term "Secretary" means the Secretary of Transportation.
Sec. 12142. Public entities operating fixed route systems
(a) Purchase and lease of new vehicles. It shall be considered discrimination for purposes of section which operates a fixed route system to purchase or lease a new bus, a new rapid rail vehicle, a new light rail vehicle, or any other new vehicle to be used on such system, if the solicitation for such purchase or lease is made after the 30th day following July 26, 1990, and if such bus, rail vehicle, or other vehicle is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.
(b) Purchase and lease of used vehicles. Subject to subsection (c)(1) of this section, it shall be considered discrimination for purposes of section 12132 of this title and section 794 of title 29 for a public entity which operates a fixed route system to purchase or lease, after the 30th day following July 26, 1990, a used vehicle for use on such system unless such entity makes demonstrated good faith efforts to purchase or lease a used vehicle for use on such system that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.
(c) Remanufactured vehicles
(1) General rule. Except as provided in paragraph (2), it shall be considered discrimination for purposes of section 12132 of this title and section 794 of title 29 for a public entity which operates a fixed route system
-18-
(A) to remanufacture a vehicle for use on such system so as to extend its usable life for 5 years or more, which remanufacture begins (or for which the solicitation is made) after the 30th day following July 26, 1990; or
(B) to purchase or lease for use on such system a remanufactured vehicle which has been remanufactured so as to extend its usable life for 5 years or more, which purchase or lease occurs after such 30th day and during the period in which the usable life is extended; unless, after remanufacture, the vehicle is, to the maximum extent feasible, readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.
(2) Exception for historic vehicles
(A) General rule. If a public entity operates a fixed route system any segment of which is included on the National Register of Historic Places and if making a vehicle of historic character to be used solely on such segment readily accessible to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity only has to make (or to purchase or lease a remanufactured vehicle with) those modifications which are necessary to meet the requirements of paragraph (1) and which do not significantly alter the historic character of such vehicle.

(B) Vehicles of historic character defined by regulations. For purposes of this paragraph and section 12148(a) of this title, a vehicle of historic character shall be defined by the regulations issued by the Secretary to carry out this subsection.
Sec. 12143. Paratransit as a complement to fixed route service
(a) General rule. It shall be considered discrimination for purposes of section 12132 of this title and section 794 of title 29 for a public entity which operates a fixed route system (other than a system which provides solely commuter bus service) to fail to provide with respect to the operations of its fixed route system, in accordance with this section, paratransit and other special transportation services to individuals with disabilities, including individuals who use wheelchairs that are sufficient to provide to such individuals a level of service
(1) which is comparable to the level of designated public transportation services provided to individuals without disabilities using such system; or
(2) in the case of response time, which is comparable, to the extent practicable, to the level of designated public transportation services provided to individuals without disabilities using such system.
(b) Issuance of regulations. Not later than 1 year after July 26, 1990, the Secretary shall issue final regulations to carry out this section.
(c) Required contents of regulations
(1) Eligible recipients of service. The regulations issued under this section shall require each public entity which operates a fixed route system to provide the paratransit and other special transportation services required under this section
(A) (i) to any individual with a disability who is unable, as a result of a physical or mental impairment (including a vision impairment) and without the assistance of another individual (except an 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;

(ii) to 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; and
(iii) to 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;
(B) to one other individual accompanying the individual with the disability; and
(C) to other individuals, in addition to the one individual described in subparagraph (a), accompanying the individual with a disability provided that space for these additional individuals are available on the paratransit vehicle carrying the individual with a disability and that the transportation of such additional individuals will not result in a denial of service to individuals with disabilities.
For purposes of clauses (i) and (ii) of subparagraph (A), boarding or disembarking from a vehicle does not include travel to the boarding location or from the disembarking location.
(2) Service area. The regulations issued under this section shall require the provision of paratransit and special transportation services required under this section in the service area of each public entity which operates a fixed route system, other than any portion of the service area in which the public entity solely provides commuter bus service.
(3) Service criteria. Subject to paragraphs (1) and (2), the regulations issued under this section shall establish minimum service criteria for determining the level of services to be required under this section.
(4) Undue financial burden limitation. The regulations issued under this section shall provide that, if the public entity is able to demonstrate to the satisfaction of the Secretary that the provision of paratransit and other special transportation services otherwise required under this section would impose an undue financial burden on the public entity, the public entity,

notwithstanding any other provision of this section (other than paragraph (5)), shall only be required to provide such services to the extent that providing such services would not impose such a burden.
(5) Additional services. The regulations issued under this section shall establish circumstances under which the Secretary may require a public entity to provide, notwithstanding paragraph (4), paratransit and other special transportation services under this section beyond the level of paratransit and other special transportation services which would otherwise be required under paragraph (4).
(6) Public participation. The regulations issued under this section shall require that each public entity which operates a fixed route system hold a public hearing, provide an opportunity for public comment, and consult with individuals with disabilities in preparing its plan under paragraph (7).
(7) Plans. The regulations issued under this section shall require that each public entity which operates a fixed route system
(A) within 18 months after July 26, 1990, submit to the Secretary, and commence implementation of, a plan for providing paratransit and other special transportation

services which meets the requirements of this section; and
(B) on an annual basis thereafter, submit to the Secretary, and commence implementation of, a plan for providing such services.
(8) Provision of services by others. The regulations issued under this section shall
(A) require that a public entity submitting a plan to the Secretary under this section identify in the plan any person or other public entity which is providing a paratransit or other special transportation service for individuals with disabilities in the service area to which the plan applies; and
(B) provide that the public entity submitting the plan does not have to provide under the plan such service for individuals with disabilities.
(9) Other provisions. The regulations issued under this section shall include such other provisions and requirements as the Secretary determines are necessary to carry out the objectives of this section.
(d) Review of plan
(1) General rule. The Secretary shall review a plan submitted under this section for the purpose of determining whether or not such plan meets the requirements of this section, including the regulations issued under this section.
(2) Disapproval. If the Secretary determines that a plan reviewed under this subsection fails to meet the requirements of this section, the Secretary shall disapprove the plan and notify the public entity which submitted the plan of such disapproval and the reasons therefor.
(3) Modification of disapproved plan. Not later than 90 days after the date of disapproval of a plan under this subsection, the public entity which submitted the plan shall modify the plan to meet the requirements of this section and shall submit to the Secretary, and commence implementation of, such modified plan.
(e) "Discrimination" defined. As used in subsection (a) of this section, the term "discrimination" includes
(1) a failure of a public entity to which the regulations issued under this section apply to submit, or commence implementation of, a plan in accordance with subsections (c)(6) and (c)(7) of this section;
(2) a failure of such entity to submit, or commence implementation of, a modified plan in accordance with subsection (d) (3) of this section;
(3) submission to the Secretary of a modified plan under subsection (d)(3) of this section which does not meet the requirements of this section; or
(4) a failure of such entity to provide paratransit or other special transportation services in accordance with the plan or modified plan the public entity submitted to the Secretary under this section.
(f) Statutory construction. Nothing in this section shall be construed as preventing a public entity
(1) from providing paratransit or other special transportation services at a level which is greater than the level of such services which are required by this section,

(2) from providing paratransit or other special transportation services in addition to those paratransit and special transportation services required by this section, or
(3) from providing such services to individuals in addition to those individuals to whom such services are required to be provided by this section.
Sec. 12144. Public entity operating a demand responsive system
If a public entity operates a demand responsive system, it shall be considered discrimination, for purposes of section 12132 of this title and section 794 of title 29, for such entity to purchase or lease a new vehicle for use on such system, for which a solicitation is made after the 30th day following July 26, 1990, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless such system, when viewed in its entirety, provides a level of service to such individuals equivalent to the level of service such system provides to individuals without disabilities.
Sec. 12145. Temporary relief where lifts are unavailable
(a) Granting. With respect to the purchase of new buses, a public entity may apply for, and the Secretary may temporarily relieve such public entity from the obligation under section 12142(a) or 12144 of this title to purchase new buses that are readily accessible to and usable by individuals with disabilities if such public entity demonstrates to the satisfaction of the Secretary
(1) that the initial solicitation for new buses made by the public entity specified that all new buses were to be lift-equipped and were to be otherwise accessible to and usable by individuals with disabilities;
(2) the unavailability from any qualified manufacturer of hydraulic, electromechanical, or other lifts for such new buses;
(3) that the public entity seeking temporary relief has made good faith efforts to locate a qualified manufacturer to supply the lifts to the manufacturer of such buses in sufficient time to comply with such solicitation; and
(4) that any further delay in purchasing new buses necessary to obtain such lifts would significantly impair transportation services in the community served by the public entity.
(b) Duration and notice to Congress. Any relief granted under subsection (a) of this section shall be limited in duration by a specified date, and the appropriate committees of Congress shall be notified of any such relief granted.
(c) Fraudulent application. If, at any time, the Secretary has reasonable cause to believe that any relief granted under subsection (a) of this section was fraudulently applied for, the Secretary shall
(1) cancel such relief if such relief is still in effect; and
(2) take such other action as the Secretary considers appropriate.
Sec. 12146. New facilities
For purposes of section 12132 of this title and section 794 of title 29, it shall be considered discrimination for a public entity to construct a new facility to be used in the provision of designated public transportation services unless such facility is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.
Sec. 12147. Alterations of existing facilities

(a) General rule. With respect to alterations of an existing facility or part thereof used in the provision of designated public transportation services that affect or could affect the usability of the facility or part thereof, it shall be considered discrimination, for purposes of section 12132 of this title and section 794 of title 29, for a public entity to fail to make such alterations (or to ensure that the alterations are made) in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon the completion of such alterations. Where the public entity is undertaking an alteration that affects or could affect usability of or access to an area of the facility containing a primary function, the entity shall also make the alterations in such a manner that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of such alterations, where such alterations to the path of travel or the bathrooms, telephones, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of

cost and scope (as determined under criteria established by the Attorney General).
(b) Special rule for stations
(1) General rule. For purposes of section 12132 of this title and section 794 of title 29, it shall be considered discrimination for a public entity that provides designated public transportation to fail, in accordance with the provisions of this subsection, to make key stations (as determined under criteria established by the Secretary by regulation) in rapid rail and light rail systems readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.
(2) Rapid rail and light rail key stations
(A) Accessibility. Except as otherwise provided in this paragraph, all key stations (as determined under criteria established by the Secretary by regulation] in rapid rail and light rail systems shall be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no event later than the last day of the 3-year period beginning on July 26, 1990.
(B) Extension for extraordinarily expensive structural changes. The Secretary may extend the 3-year period under subparagraph (A) up to a 30-year period for key stations in a rapid rail or light rail system which stations need extraordinarily expensive structural changes to, or replacement of, existing facilities; except that by the last day of the 20th year following July 26, 1990, at least 2/3 of such key stations must be readily accessible to and usable by individuals with disabilities.
(3) Plans and milestones. The Secretary shall require the appropriate public entity to develop and submit to the Secretary a plan for compliance with this subsection
(A) that reflects consultation with individuals with disabilities affected by such plan and the results of a public hearing and public comments on such plan, and
(B) that establishes milestones for achievement of the requirements of this subsection.
Sec. 12148. Public transportation programs and activities in existing facilities and one car per train rule
(a) Public transportation programs and activities in existing facilities
(1) In general. With respect to existing facilities used in the provision of designated public transportation services, it shall be considered discrimination, for purposes of section 12132 of

this title and section 794 of title 29, for a public entity to fail to operate a designated public transportation program or activity conducted in such facilities so that, when viewed in the entirety, the program or activity is readily accessible to and usable by individuals with disabilities.
(2) Exception. Paragraph (1) shall not require a public entity to make structural changes to existing facilities in order to make such facilities accessible to individuals who use wheelchairs, unless and to the extent required by section 12147(a) of this title (relating to alterations) or section 12147(a) of this title (relating to key stations).
(3) Utilization. Paragraph (1) shall not require a public entity to which paragraph (2) applies, to provide to individuals who use wheelchairs services made available to the general public at such facilities when such individuals could not utilize or benefit from such services provided at such facilities.
(b) One car per train rule
(1) General rule. Subject to paragraph (2), with respect to 2 or more vehicles operated as a train by a light or rapid rail system, for purposes of section 12132 of this title and section 794 of title 29, it shall be considered discrimination for a public entity to fail to have at least 1 vehicle per train that is accessible to individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no event later than the last day of the 5-year period beginning on the effective date of this section.
(2) Historic trains. In order to comply with paragraph (1) with respect to the remanufacture of a vehicle of historic character which is to be used on a segment of a light or rapid rail system which is included on the National Register of Historic Places, if making such vehicle readily accessible to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity which operates such system only has to make (or to purchase or lease a remanufactured vehicle with) those modifications which are necessary

to meet the requirements of section 12142(c)(1) of this title and which do not significantly alter the historic character of such vehicle.

Sec. 12149. Regulations

(a) In general. Not later than 1 year after July 26, 1990, the Secretary of Transportation shall issue regulations, in an accessible format, necessary for carrying out this subpart (other than section 12143 of this title).

(b) Standards. The regulations issued under this section and section 12143 of this title shall include standards applicable to facilities and vehicles covered by this part. The standards shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board in accordance with section 12204 of this title.

Sec. 12150. Interim accessibility requirements

If final regulations have not been issued pursuant to section 12149 of this title, for new construction or alterations for which a valid and appropriate State or local building permit is obtained prior to the issuance of final regulations under such section, and for which the construction or alteration authorized by such permit begins within one year of the receipt of such permit and is completed under the terms of such permit, compliance with the Uniform Federal Accessibility Standards in effect at the time the building permit is issued shall suffice to satisfy the requirement that facilities be readily accessible to and usable by persons with disabilities as required under sections 12146 and 12147 of this title, except that, if such final regulations have not been issued one year after the Architectural and Transportation Barriers Compliance Board has issued the supplemental minimum guidelines required under section 12204(a) of this title, compliance with such supplemental minimum guidelines shall be

necessary to satisfy the requirement that facilities be readily accessible to and usable by persons with disabilities prior to issuance of the final regulations.

Subpart II - Public Transportation by Intercity and Commuter Rail

Sec. 12161. Definitions

As used in this subpart:

(1) Commuter authority. The term "commuter authority" has the meaning given such term in section 24102(4) of title 49.

(2) Commuter rail transportation. The term "commuter rail transportation" has the meaning given the term "commuter rail passenger transportation" in section 24102(5) of title 49.

(3) Intercity rail transportation. The term "intercity rail transportation" means transportation provided by the National Railroad Passenger Corporation.

(4) Rail passenger car. The term "rail passenger car" means, with respect to intercity rail transportation, single-level and bi-level coach cars, single-level and bi-level dining cars, single- level and bi-level sleeping cars, single-level and bi-level lounge cars, and food service cars.

(5) Responsible person. The term "responsible person

Taxi Services

Resources on Accessible Taxi Services

Taxicabs play a critical role in helping to move America, delivering approximately 2 billion passengers a year to their destinations, according to the Taxicab, Limousine & Paratransit Association. As much as 10 percent of the customer base for taxi service consists of people with disabilities. Easter Seals Project ACTION offers the following technical assistance resources and links to additional information for taxi operators and their customers.

The following materials may be ordered free of charge in print or electronic format. The Adobe Acrobat Reader is needed to view PDF files. Download the free Adobe Acrobat Reader.

Taxi Toolkit [Combo - Print w/ CD]

ESPA's Taxi Toolkit is a compilation of training resources to provide taxi drivers and operators with tools for providing good customer service to passengers with disabilities. The kit includes print materials and a CD with downloadable electronic files operators may use for a self-study or group training course. Toolkit contains: a self-study course that includes quizzes and an answer key; a PowerPoint presentation that can be used for group training; Frequently Asked Questions on the ADA; Extreme Taxicab Overhaul Game to supplement training materials; RESPECT customer service poster; and a Taxicab Pocket Guide outlining driver responsibilities for serving passengers with disabilities under ADA.

The Taxicab Pocket Guide

This brochure, designed for taxicab operators, describes how to better serve individuals with disabilities. Included is information on serving customers who have visual disabilities, who are hard of hearing or deaf, who use mobility devices, who use service animals, as well as some general guidelines and tips on communication.

Moving Forward Together: A Workbook for Initiating and Increasing Accessible Taxi Services

This workbook is designed for use by community leaders representing the taxi industry, disability community, transit industry, and local government, and is intended to facilitate discussion and encourage input from multiple perspectives as communities move forward to improve and increase the availability of accessible taxis. The workbook includes nine sections on important issues related to accessible taxi services, including public policy, vehicle design and costs, and contracts and operating agreements. Each section includes a series of discussion points that can be considered by a community and relevant examples of current efforts from communities across the country that have already put much work into improving accessible taxi services, along with contact information so workbook users can learn more about their experiences.

The Americans with Disabilities Act and You: Frequently Asked Questions on Taxicab Service

Jointly presented by ESPA and the Taxicab, Limousine & Paratransit Association, this 8-page guide compiles useful information for easy reference on the Americans with Disabilities Act provisions that apply to taxicab services, including personnel training, service animals, fares, vehicle fleet accessibility, information accessibility, securement equipment, accomodating mobility devices, driver-provided assistance, contracted service, and other provisions.

A Survey on the Use of Taxis in Paratransit

This report highlights the findings of a survey on how taxi operators in the U.S. assist transit systems by providing paratransit service for people with disabilities. The report includes an overview of ADA paratransit taxi programs in the U.S., discusses the pros and cons of taxi-provided paratransit systems, and describes features of the most successful taxi-assisted ADA paratransit programs.

Included are lessons from case studies in five cities: Arlington, Va., Madison, Wis., Daytona Beach, Fla., San Francisco, Calif. and Houston, TX.

The Executive Summary Report is also available for downloading.

Taxicab, Limousine & Paratransit Association (TLPA) - a non-profit trade association of and for the private passenger transportation industry

An increasing number of communities across the U.S. are instituting accessible taxi regulations and programs. Examples include:

Arlington County, Va. - special certificates for accessible vehicles
Cambridge, Mass. - Accessible Cambridge Taxi (ACT)
Chicago, Ill. - requires accessible vehicles
Las Vegas, Nev. - state code requires that percent of a taxi company's fleet be accessible
Long Beach, Calif. - partnership between Long Beach Transit and Long Beach Yellow Cab
Louisville, Ky. - accessible vehicles required by city code
Pittsburgh, Pa. - accessible taxis acquired through the Section 5310 Program leased to Yellow Cab and available for ACCESS paratransit services

Portland, Ore. - TriMet, the public transit operator in the Portland area, contracts with local taxi companies for provision of transportation services to supplement their paratransit system
Raleigh, N.C. - Accessible Raleigh Transportation (ART)
San Francisco, Calif. - special medallions and operating requirements for ramped vans and ADA training required for all drivers

Please note that these links are provided for information only. Linking to a private business does not imply endorsement by Easter Seals Project ACTION.

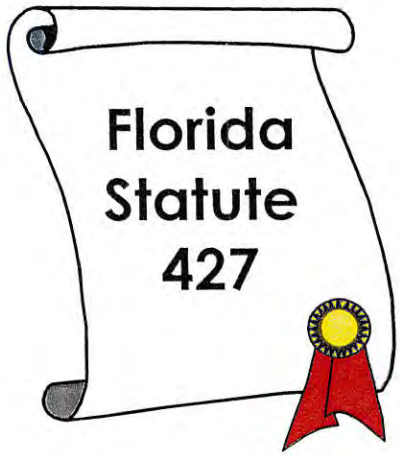
Many of the programs listed above are profiled in Moving Forward Together: A Workbook for Initiating and Increasing Accessible Taxi Services.

VOLUSIA TPO
TRANSPORTATION PLANNING ORGANIZATION
VISION - PLAN - IMPLEMENT

Transportation Disadvantaged Local Coordinating Board (TDLCB)

Board Member Training
July 10, 2013

Transportation Disadvantaged Local Coordinating Board



- **Created by State Statute 427**
- **Rule 41-2 of the F.A.C.**
  - –Created to implement the provisions of Chapter 427
- **Functions as an advisory board to the Volusia TPO**

What is the TPO?

- MPO - Metropolitan Planning Organization Created by Congress in 1974
- Primarily Responsible for prioritizing Federal Highway and Transit funded projects
- Originally created as the Daytona Beach Urbanized Area MPO - January 1977
- Expanded to include the entire county in 1988 and was known as the Volusia County MPO
- Volusia County MPO further expanded, as a result of the 2000 Census, to include the Cities of Flagler Beach and Beverly Beach in Flagler County
- July 1, 2010 official name changed to Volusia Transportation Planning Organization (VTPO)

Organization of Your TPO

- **TPO Board cannot be larger than 19 members**
- **TPO Board can have no less than 33 1/3 percent being County Council Members**
- **Remaining members of TPO Board must be elected officials from affected local governments**

Florida Commission for the Transportation Disadvantaged

Responsibility: To accomplish the coordination of Transportation Services provided to the Transportation Disadvantaged through the Florida Coordinated Transportation System (FCTS) and to administer the Transportation Disadvantaged Trust Fund.

Florida Commission for the
Transportation Disadvantaged

Florida Commission for the Transportation Disadvantaged

- Trust Fund Monies are allocated to each County
  - **Votran receives funding to provide trips that are non-sponsored**
  - **TPO receives funding for staff support to the Board**

Transportation Disadvantaged Local Coordinating Board

What is the purpose of the TDLCB ?

Transportation Disadvantaged Local Coordinating Board

The purpose of the TDLCB is to develop local service needs and to provide information, advice and direction to the Community Transportation Coordinator (CTC) on the coordination of services to be provided to the transportation disadvantaged within their local service area. In general, the TDLCB is considered an advisory body.

Transportation Disadvantaged Local Coordinating Board

What is the structure of the TDLCB ?

Current TDLCB Board Structure

The Local Coordinating Board provides a link to the Florida Commission for the Transportation Disadvantaged.

Members are appointed by the TPO Board and consist of:

- **Representatives from state agencies**
- **Health Care Groups**
- **Advocacy Groups**
- **Elderly Citizens**
- **Disabled Citizens**
- **A Representative from the TPO Board**

VOLUSIA TPO
TRANSPORTATION PLANNING ORGANIZATION
VISION - PLAN - IMPLEMENT

Transportation Disadvantaged Local Coordinating Board

What are the duties of the TDLCB ?

Duties of the TDLCB

- Reviews and approves the Transportation Disadvantaged Service Plan (TDSP) including the Memorandum of Agreement (MOA) as well as the annual updates of the TDSP
- Reviews and make recommendations on funding applications affecting the Transportation Disadvantaged
- Reviews strategies to improve cost effectiveness, efficiency, safety, and types of services.
- Evaluates multi-county or regional transportation opportunities, if applicable

Duties of the TDLCB
(continued)

- Meets at least quarterly and maintains official meeting minutes including an attendance roster
- Reviews, annually, the Community Transportation Coordinator's (Votran) coordination contracts
- Provides, annually, an evaluation of the Community Transportation Coordinator's performance (CTC Evaluation)
- Reviews the Annual Operating Report (AOR) for the CTC
- Appoints a Grievance Committee

Committees of the TDLCB

- **Quality Assurance Committee**
  - Addresses specific issues concerning transportation services
  - Reviews the Bylaws
- **Grievance Committee**
  - Mediates between citizens and Votran to resolve transportation dilemmas
  - Reviews the Grievance Procedures

Overview of Chapter 427

- **Governor appoints 7 voting members (5 Business Rep's, 2 TD system users who have a disability. One out of the 7 members must be at least 65 years of age)**
- **8 non-voting ex officio (DOT, DCF, AWI, DVA, DOEA, AHCA, APD, and a County Manager or Administrator who is appointed by the Governor)**
- **Strict conflict language**

Overview of Chapter 427
(continued)

- **Governor appoints the Chairperson**
- **Vice Chair is elected annually from the membership of the commission**
- **Candidates must meet Level 2 screening standards (435.04 F.S.)**

Overview of Chapter 427
(continued)

Technical Working Groups:

- Private Paratransit Providers (CTD shall appoint)
- CTC's (may appoint)
- Planning Agencies (may appoint)
- Business-related issues (insurance, marketing, economic development, and financial planning (may appoint)
- Forum for Users (direct users of the system, or relatives, guardians and service professionals) (may appoint)

Overview of Chapter 427
(continued)

- **Allocation Methodology for all Transportation Funds:**

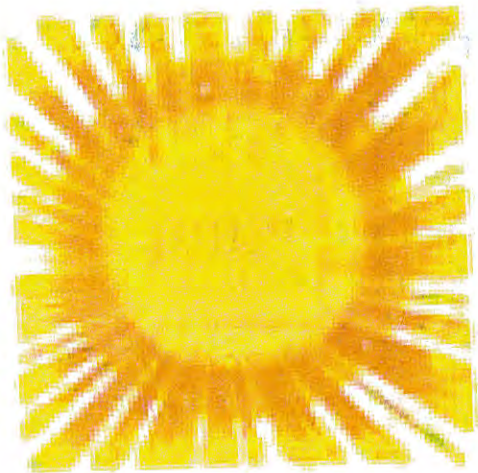
  requires the Commission to develop an allocation methodology or formula that equitably distributes all transportation funds.

Overview of Chapter 427
(continued)

also makes recommendations on what the formula should consider, including actual costs, results of rate and cost comparisons, as well as cost efficiencies of trips when compared to the local cost of providing services to the general public.

VOLUSIA TPO
TRANSPORTATION PLANNING ORGANIZATION
VISION - PLAN - IMPLEMENT

Government in the Sunshine



- Applies to any gathering of two or more LCB members.
- Applies to any issue on which "*foreseeable action*" will be taken.
- Applies to all functions of covered boards and commissions, whether formal or informal.
- Requires reasonable public notice for all meetings.

VOLUSIA TPO
TRANSPORTATION PLANNING ORGANIZATION
VISION - PLAN - IMPLEMENT

Conclusion

Questions and Comments

Select Year: 2012 Go

The 2012 Florida Statutes

Title X
PUBLIC OFFICERS, EMPLOYEES, AND RECORDS

Chapter 112
PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS

View Entire Chapter

112.3143 Voting conflicts.—

(1) As used in this section:

(a) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(b) "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(2) No state public officer is prohibited from voting in an official capacity on any matter. However, any state public officer voting in an official capacity upon any measure which would inure to the officer's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

(5) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

History.–s. 6, ch. 75-208; s. 2, ch. 84-318; s. 1, ch. 84-357; s. 2, ch. 86-148; s. 5, ch. 91-85; s. 3, ch. 94-277; s. 1408, ch. 95-147; s. 43, ch. 99-2.

Copyright © 1995-2013 The Florida Legislature • Privacy Statement • Contact Us

Select Year: 2012 Go

The 2012 Florida Statutes

Title XXX SOCIAL WELFARE | Chapter 427 SPECIAL TRANSPORTATION AND COMMUNICATIONS SERVICES | View Entire Chapter

427.012 The Commission for the Transportation Disadvantaged.—There is created the Commission for the Transportation Disadvantaged in the Department of Transportation.

(1) The commission shall consist of seven members, all of whom shall be appointed by the Governor, in accordance with the requirements of s. 20.052.

(a) Five of the members must have significant experience in the operation of a business, and it is the intent of the Legislature that, when making an appointment, the Governor select persons who reflect the broad diversity of the business community in this state, as well as the racial, ethnic, geographical, and gender diversity of the population of this state.

(b) Two of the members must have a disability and use the transportation disadvantaged system.

(c) Each member shall represent the needs of the transportation disadvantaged throughout the state. A member may not subordinate the needs of the transportation disadvantaged in general in order to favor the needs of others residing in a specific location in the state.

(d) Each member shall be appointed to a term of 4 years. A member may be reappointed for one additional 4-year term.

(e) Each member must be a resident of the state and a registered voter.

(f) At any given time, at least one member must be at least 65 years of age.

(g) The Secretary of Transportation, the Secretary of Children and Family Services, the executive director of the Department of Economic Opportunity, the executive director of the Department of Veterans' Affairs, the Secretary of Elderly Affairs, the Secretary of Health Care Administration, the director of the Agency for Persons with Disabilities, and a county manager or administrator who is appointed by the Governor, or a senior management level representative of each, shall serve as ex officio, nonvoting advisors to the commission.

(h) A member may not, within the 5 years immediately before his or her appointment, or during his or her term on the commission, have or have had a financial relationship with, or represent or have represented as a lobbyist as defined in s. 11.045, the following:

1. A transportation operator;
2. A community transportation coordinator;
3. A metropolitan planning organization;
4. A designated official planning agency;
5. A purchaser agency;
6. A local coordinating board;
7. A broker of transportation; or
8. A provider of transportation services.

(2) The chairperson shall be appointed by the Governor, and the vice chairperson of the commission shall be elected annually from the membership of the commission.

(3) Members of the commission shall serve without compensation but shall be allowed per diem and travel expenses, as provided in s. 112.061.

(4) The commission shall meet at least quarterly, or more frequently at the call of the chairperson. Four members of the commission constitute a quorum, and a majority vote of the members present is necessary for any action taken by the commission.

(5) The Governor may remove any member of the commission for cause.

(6) Each candidate for appointment to the commission must, before accepting the appointment, undergo background screening under s. 435.04 by filing with the Department of Transportation a complete set of fingerprints taken by an authorized law enforcement agency. The fingerprints must be submitted to the Department of Law Enforcement for state processing, and that department shall submit the fingerprints to the Federal Bureau of Investigation for federal processing. The Department of Transportation shall screen the background results and inform the commission of any candidate who does not meet level 2 screening standards. A candidate who has not met level 2 screening standards may not be appointed to the commission. The cost of the background screening may be borne by the Department of Transportation or the candidate.

(7) The commission shall appoint an executive director who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such personnel as may be necessary to perform adequately the functions of the commission within budgetary limitations. Employees of the commission are exempt from the Career Service System.

(8) The commission shall appoint a technical working group that includes representatives of private paratransit providers. The technical working group shall advise the commission on issues of importance to the state, including information, advice, and direction regarding the coordination of services for the transportation disadvantaged. The commission may appoint other technical working groups whose members may include representatives of community transportation coordinators; metropolitan planning organizations; regional planning councils; experts in insurance, marketing, economic development, or financial planning; and persons who use transportation for the transportation disadvantaged, or their relatives, parents, guardians, or service professionals who tend to their needs.

(9) The commission is assigned to the office of the secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control, supervision, and direction of the department.

(10) The commission shall develop a budget pursuant to chapter 216. The budget is not subject to change by the department staff after it has been approved by the commission, but it shall be transmitted to the Governor, as head of the department, along with the budget of the department.

History.—ss. 2, 8, 9, ch. 79-180; s. 5, ch. 80-414; s. 73, ch. 81-167; s. 76, ch. 83-55; ss. 2, 3, ch. 84-56; ss. 2, 14, ch. 89-376; s. 29, ch. 91-282; s. 5, ch. 91-429; s. 83, ch. 92-152; s. 64, ch. 94-237; s. 10, ch. 96-387; s. 204, ch. 99-8; s. 118, ch. 99-385; s. 9, ch. 2005-255; s. 1, ch. 2006-61; s. 3, ch. 2008-203; s. 342, ch. 2011-142; s. 59, ch. 2012-5.

Copyright © 1995-2013 The Florida Legislature • Privacy Statement • Contact Us

Select Year: 2012 Go

The 2012 Florida Statutes

Title XXX SOCIAL WELFARE | Chapter 427 SPECIAL TRANSPORTATION AND COMMUNICATIONS SERVICES | View Entire Chapter

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination is to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(1) Compile all available information on the transportation operations for and needs of the transportation disadvantaged in the state.

(2) Establish statewide objectives for providing transportation services for the transportation disadvantaged.

(3) Develop policies and procedures for the coordination of local government, federal, and state funding for the transportation disadvantaged.

(4) Identify barriers prohibiting the coordination and accessibility of transportation services to the transportation disadvantaged and aggressively pursue the elimination of these barriers.

(5) Serve as a clearinghouse for information about transportation disadvantaged services, training, funding sources, innovations, and coordination efforts.

(6) Assist communities in developing transportation systems designed to serve the transportation disadvantaged.

(7) Unless otherwise provided by state or federal law, ensure that all procedures, guidelines, and directives issued by purchasing agencies are conducive to the coordination of transportation services.

(8)(a) Ensure that purchasing agencies purchase all trips within the coordinated system, unless they have fulfilled the requirements of s. 427.0135(3) and use a more cost-effective alternative provider that meets comparable quality and standards.

(b) Unless the purchasing agency has negotiated with the commission pursuant to the requirements of s. 427.0135(3), provide, by rule, criteria and procedures for purchasing agencies to use if they wish to use an alternative provider. Agencies must demonstrate that the proposed alternative provider can provide a trip of comparable quality and standards for the clients at a lower cost than that provided within the coordinated system, or that the coordinated system cannot accommodate the agency's clients.

(9) Unless the purchasing agency has negotiated with the commission pursuant to the requirements of s. 427.0135(3), develop by rule standards for community transportation coordinators and any transportation operator or coordination contractor from whom service is purchased or arranged by the community transportation coordinator covering coordination, operation, safety, insurance, eligibility for

service, costs, and utilization of transportation disadvantaged services. These standards and rules must include, but are not limited to:

(a) Minimum performance standards for the delivery of services. These standards must be included in coordinator contracts and transportation operator contracts with clear penalties for repeated or continuing violations.

(b) Minimum liability insurance requirements for all transportation services purchased, provided, or coordinated for the transportation disadvantaged through the community transportation coordinator.

(10) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of ss. 427.011-427.017.

(11) Approve the appointment of all community transportation coordinators.

(12) Have the authority to apply for and accept funds, grants, gifts, and services from the Federal Government, state government, local governments, or private funding sources. Applications by the commission for local government funds shall be coordinated through the appropriate coordinating board. Funds acquired or accepted under this subsection shall be administered by the commission and shall be used to carry out the commission's responsibilities.

(13) Make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1 of each year.

(14) Consolidate, for each state agency, the amounts of each agency's actual expenditures, together with the actual expenditures of each local government and directly federally funded agency and the amounts collected by each official planning agency.

(15) Prepare a statewide 5-year transportation disadvantaged plan which addresses the transportation problems and needs of the transportation disadvantaged, which is fully coordinated with local transit plans, compatible with local government comprehensive plans, and which ensures that the most cost-effective and efficient method of providing transportation to the disadvantaged is programmed for development.

(16) Review and approve memorandums of agreement for the provision of coordinated transportation services.

(17) Review, monitor, and coordinate all transportation disadvantaged local government, state, and federal fund requests and plans for conformance with commission policy, without delaying the application process. Such funds shall be available only to those entities participating in an approved coordinated transportation system or entities which have received a commission-approved waiver to obtain all or part of their transportation through another means. This process shall identify procedures for coordinating with the state's intergovernmental coordination and review procedures and s. 216.212 (1) and any other appropriate grant review process.

(18) Develop an interagency uniform contracting and billing and accounting system that shall be used by all community transportation coordinators and their transportation operators.

(19) Develop and maintain a transportation disadvantaged manual.

(20) Design and develop transportation disadvantaged training programs.

(21) Coordinate all transportation disadvantaged programs with appropriate state, local, and federal agencies and public transit agencies to ensure compatibility with existing transportation systems.

(22) Designate the official planning agency in areas outside of the purview of a metropolitan planning organization.

(23) Develop need-based criteria that must be used by all community transportation coordinators to prioritize the delivery of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

(24) Establish a review procedure to compare the rates proposed by alternate transportation operators with the rates charged by a community transportation coordinator to determine which rate is more cost-effective.

(25) Conduct a cost-comparison study of single-coordinator, multicoordinator, and brokered community transportation coordinator networks to ensure that the most cost-effective and efficient method of providing transportation to the transportation disadvantaged is programmed for development.

(26) Develop a quality assurance and management review program to monitor, based upon approved commission standards, services contracted for by an agency, and those provided by a community transportation operator pursuant to s. 427.0155.

(27) Ensure that local community transportation coordinators work cooperatively with regional workforce boards established in chapter 445 to provide assistance in the development of innovative transportation services for participants in the welfare transition program.

(28) In consultation with the Agency for Health Care Administration and the Department of Transportation, develop an allocation methodology that equitably distributes all transportation funds under the control of the commission to compensate counties, community transportation coordinators, and other entities providing transportation disadvantaged services. The methodology shall separately account for Medicaid beneficiaries. The methodology shall consider such factors as the actual costs of each transportation disadvantaged trip based on prior-year information, efficiencies that a provider might adopt to reduce costs, results of the rate and cost comparisons conducted under subsections (24) and (25), as well as cost efficiencies of trips when compared to the local cost of transporting the general public. This subsection does not supersede the authority of the Agency for Health Care Administration to distribute Medicaid funds.

(29) Incur expenses for the purchase of advertisements, marketing services, and promotional items.

History.—ss. 3, 9, ch. 79-180; s. 6, ch. 80-414; s. 274, ch. 81-259; ss. 1, 3, ch. 84-56; ss. 3, 14, ch. 89-376; s. 5, ch. 91-429; s. 84, ch. 92-152; s. 65, ch. 94-237; s. 17, ch. 98-57; s. 113, ch. 98-200; s. 119, ch. 99-385; s. 102, ch. 2000-165; s. 25, ch. 2000-266; s. 2, ch. 2006-61; s. 4, ch. 2008-203.

Copyright © 1995-2013 The Florida Legislature • Privacy Statement • Contact Us

Select Year: 2012 Go

The 2012 Florida Statutes

Title XXX SOCIAL WELFARE | Chapter 427 SPECIAL TRANSPORTATION AND COMMUNICATIONS SERVICES | View Entire Chapter

427.015 Function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged.—

(1) In developing the transportation improvement program, each metropolitan planning organization or designated official planning agency in this state shall include a realistic estimate of the cost and revenue that will be derived from transportation disadvantaged services in its area. The transportation improvement program shall also identify transportation improvements that will be advanced with such funds during the program period. Funds required by this subsection to be included in the transportation improvement program shall only be included after consultation with all affected agencies and shall only be expended if such funds are included in the transportation improvement program.

(2) Each metropolitan planning organization or designated official planning agency shall recommend to the commission a single community transportation coordinator. However, a purchasing agency may not serve as the community transportation coordinator in any designated service area. The coordinator may provide all or a portion of needed transportation services for the transportation disadvantaged but shall be responsible for the provision of those coordinated services. Based on approved commission evaluation criteria, the coordinator shall subcontract or broker those services that are more cost-effectively and efficiently provided by subcontracting or brokering. The performance of the coordinator shall be evaluated based on the commission's approved evaluation criteria by the coordinating board at least annually. A copy of the evaluation shall be submitted to the metropolitan planning organization or the designated official planning agency, and the commission. The recommendation or termination of any community transportation coordinator shall be subject to approval by the commission.

(3) Each metropolitan planning organization or designated official planning agency shall request each local government in its jurisdiction to provide the actual expenditures of all local and direct federal funds to be expended for transportation for the disadvantaged. The metropolitan planning organization or designated official planning agency shall consolidate this information into a single report and forward it, by September 15, to the commission.

History.—ss. 6, 9, ch. 79-180; ss. 1, 3, ch. 84-56; ss. 5, 14, ch. 89-376; s. 5, ch. 91-429; s. 67, ch. 94-237; s. 27, ch. 2000-266; s. 6, ch. 2008-203.

Copyright © 1995-2013 The Florida Legislature • Privacy Statement • Contact Us

Select Year: 2012 Go

The 2012 Florida Statutes

Title XXX SOCIAL WELFARE | Chapter 427 SPECIAL TRANSPORTATION AND COMMUNICATIONS SERVICES | View Entire Chapter

427.0157 Coordinating boards; powers and duties.—The purpose of each coordinating board is to develop local service needs and to provide information, advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall:

(1) Review and approve the coordinated community transportation disadvantaged service plan, including the memorandum of agreement, prior to submittal to the commission;

(2) Evaluate services provided in meeting the approved plan;

(3) In cooperation with the community transportation coordinator, review and provide recommendations to the commission on funding applications affecting the transportation disadvantaged;

(4) Assist the community transportation coordinator in establishing eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

(5) Review the coordination strategies of service provision to the transportation disadvantaged in the designated service area; and

(6) Evaluate multicounty or regional transportation opportunities.

(7) Work cooperatively with regional workforce boards established in chapter 445 to provide assistance in the development of innovative transportation services for participants in the welfare transition program.

History.—ss. 7, 14, ch. 89-376; s. 5, ch. 91-429; s. 86, ch. 92-152; s. 19, ch. 98-57; s. 104, ch. 2000-165; s. 8, ch. 2008-203.

Copyright © 1995-2013 The Florida Legislature • Privacy Statement • Contact Us

Select Year: 2012 Go

The 2012 Florida Statutes

Title XXX
SOCIAL WELFARE

Chapter 427
SPECIAL TRANSPORTATION AND COMMUNICATIONS SERVICES

View Entire Chapter

1427.0159 Transportation Disadvantaged Trust Fund.—

(1) There is established in the State Treasury the Transportation Disadvantaged Trust Fund to be administered by the Commission for the Transportation Disadvantaged. All fees collected for the transportation disadvantaged program under s. 320.03(9) shall be deposited in the trust fund.

(2) Funds deposited in the trust fund shall be appropriated by the Legislature to the commission and shall be used to carry out the responsibilities of the commission and to fund the administrative expenses of the commission.

(3) Funds deposited in the trust fund may be used by the commission to subsidize a portion of a transportation disadvantaged person's transportation costs which is not sponsored by an agency, only if a cash or in-kind match is required. Funds for nonsponsored transportation disadvantaged services shall be distributed based upon the need of the recipient and according to criteria developed by the Commission for the Transportation Disadvantaged.

(4) A purchasing agency may deposit funds into the Transportation Disadvantaged Trust Fund for the commission to implement, manage, and administer the purchasing agency's transportation disadvantaged funds, as defined in s. 427.011(10).

History.—ss. 9, 14, ch. 89-376; s. 5, ch. 91-429; s. 87, ch. 92-152; s. 69, ch. 94-237; s. 21, ch. 2000-257; s. 61, ch. 2001-62; s. 10, ch. 2008-203.

[1]Note.—Section 22, ch. 2000-257, provides that "[n]otwithstanding any other law to the contrary the requirements of sections 206.46(3) and 206.606(2), Florida Statutes, shall not apply to any funding, programs, or other provisions contained in this act."

Copyright © 1995-2013 The Florida Legislature • Privacy Statement • Contact Us

Florida Commission for the Transportation Disadvantaged

Commissioner Contact Information

Chairman David Darm
Executive Office of the Governor

Vice Chairman
Mike Willingham
Sebring Airport Authority

Commissioner
Michael Horan
Ajax Paving Industries, Inc.

Commissioner
Marion Hart

Commissioner
Dane Grey
Elite Parking Services of America, Inc.

Commissioner
Bryan Vaughan
Agency for Persons with Disabilities

Photo Not Available

Commissioner
Charlotte Temple
The Arc Jacksonville

Mailing Address:605 Suwannee Street, MS-49 Tallahassee, Florida 32399 Physical Address:
2740 Centerview Drive, Suite 1A Tallahassee, Florida 32301
Phone:(850)410-5700 Fax:(850)410-5752 TD Helpline:1-800-983-2435

University of Florida | Conference Department

Email this

Register Online

CONTENTS

Welcome
General Information
Preliminary Agenda
Hotel Information
Vendors & Sponsors
Exhibitors and Sponsors

REGISTRATION & LOGISTICS:
Andy Campbell
tel: (352) 294-0847
fax: (352) 392-5437

MEETING CONTENT:
Coordinator
Jack Mozley
tel: (631) 656-9294

Florida Commission for the Transportation Disadvantaged

21st Annual Best Practices and Training Workshop

Aug. 6-7, 2013
Daytona Beach, FL

Welcome

The Florida Commission for the Transportation Disadvantaged invites you to the 21st Annual Best Practices and Training Workshop!! This will be an incredible opportunity for you to learn about the latest in transportation management practices, technology and equipment to better assist you with your transportation services. This event will provide you an opportunity to exchange ideas with your peers and gain an increased perspective on how to most effectively manage the economic and service challenges that come with this industry. Conference attendees will participate in sessions devoted to new technologies, better business practices and review meaningful ways to market their services.

We strongly encourage the participation of State and Local Policy Makers, Metropolitan, County and Regional Planning Staff, Paratransit Systems and Fixed Route Transportation Systems as well as Vendors from transportation, technology and service providers to TD.

This year's workshop with be held at the Daytona Beach Ocean Center. We look forward to seeing you in Daytona Beach, August 6-7, 2013.

Sincerely,

Steve Holmes, Executive Director

Contact Information:

Program Content

Robert Craig
robert.craig@dot.state.fl.us
Phone: 850.410.5713
Fax: 850.410.5752

John Irvine
john.irvine@dot.state.fl.us
Phone: 850.410.5712
Fax: 850.410.5752

Sheri Powers
sheri.powers@dot.state.fl.us
Phone: 850.410.5710
Fax: 850.410.5752

Conference Registration (UF Division of Continuing Education-Conferences)

registration@dce.ufl.edu
Phone: 352.392.1701

Vendor Information

Jack Mozley, CMP
Meeting Planner

jmoz@earthlink.net
Phone: 631.656.9294

Copyright © 2013, Division of Continuing Education, University of Florida

2046 NE Waldo Rd., Ste. 1101
Gainesville FL 32609
tel: (352) 392-1701
fax: (352) 392-5437
conferences@dce.ufl.edu

UF UNIVERSITY of FLORIDA

AP-SRV-WEB-CL1

2012 ANNUAL PERFORMANCE REPORT

Florida Commission for the

Transportation Disadvantaged

January 1, 2013

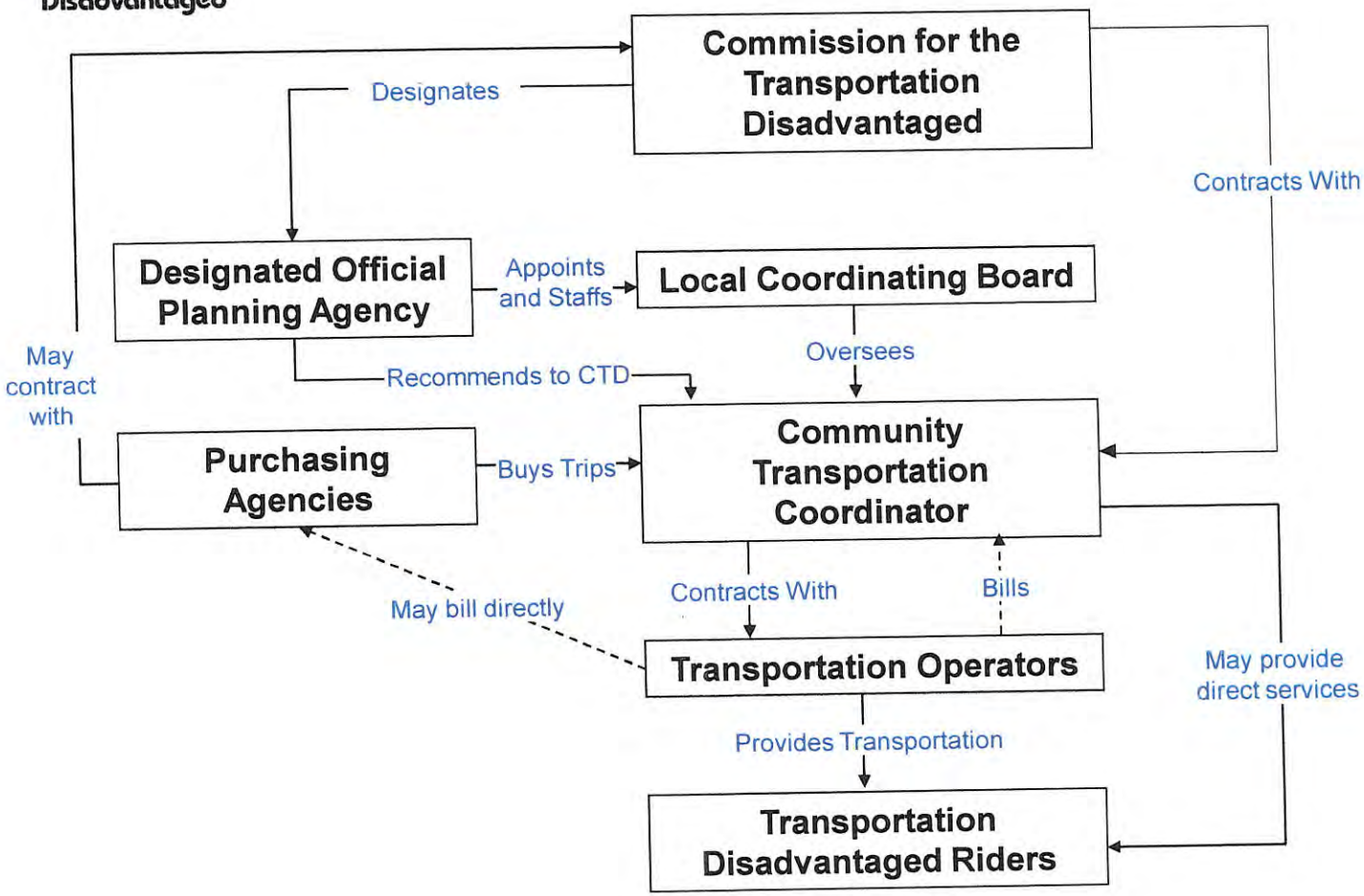
Commission for the Transportation Disadvantaged

Mission:

To ensure the coordination of transportation services that enhance access to employment, health care, education, and other life-sustaining activities for older adults, persons with disabilities, people with low incomes and at risk children who are dependent upon others for transportation.

Florida Commission for the Transportation Disadvantaged

Coordinated Transportation System Organization



County: Volusia
CTC: County of Volusia d/b/a VOTRAN
Contact: Carole M. Hinkley
950 Big Tree Road
South Daytona, FL 32119
386-756-7496
Email: cmhinkley@volusiatpo.org

Demographics	Number	Percentage
Total County Population / Percent of State Total	495,400	2.62%
Potential TD Population / Percent of CountyTotal	259,721	52.43%
UDPHC / Percent of TD Passengers Served	28,163	10.84%

Florida Commission for the Transportation Disadvantaged

Trips By Type of Service	2010	2011	2012
Fixed Route (FR)	479,545	446,350	454,590
Deviated FR	0	0	0
Ambulatory	183,708	186,253	246,411
Non-Ambulatory	121,738	125,109	79,233
Stretcher	0	0	0
School Board	0	0	0
TOTAL TRIPS	784,991	757,712	780,234

Passenger Trips By Trip Purpose			
Medical	173,124	158,807	172,294
Employment	63,620	62,666	71,422
Ed/Train/DayCare	198,286	165,038	161,704
Nutritional	14,063	14,855	12,363
Life-Sustaining/Other	335,898	356,346	362,451
TOTAL TRIPS	784,991	757,712	780,234

Passenger Trips By Funding Source			
CTD	33,238	32,917	35,414
AHCA	0	0	0
APD	2,621	2,211	2,196
DOEA	21,027	15,662	12,886
DOE	174,661	142,704	139,484
Other	553,444	564,218	590,254
TOTAL TRIPS	784,991	757,712	780,234

Vehicle Data	2010	2011	2012
Vehicle Miles	2,530,843	2,507,966	2,802,889
Revenue Miles	2,242,289	2,276,335	2,484,515
Roadcalls	171	189	188
Accidents	2	4	3
Vehicles	100	98	106
Driver Hours	180,091	188,495	203,544

Financial and General Data			
Expenses	$5,882,263	$6,633,073	$6,427,499
Revenues	$5,890,655	$6,659,236	$6,446,076
Commendations	195	197	132
Complaints	208	153	217
Passenger No-Shows	4,554	4,770	5,186
Unmet Trip Requests	0	0	0

Performance Measures			
Accidents per 100,000 Miles	0.08	0.16	0.11
Miles between Roadcalls	14,800	13,270	14,909
Avg. Trips per Driver Hour	1.70	1.65	1.60
Avg. Trips per Para Pass.	47.50	47.98	49.72
Cost per Trip	7.49	8.75	8.24
Cost per Paratransit Trip	19.22	21.30	19.74
Cost per Driver Hour	32.60	35.18	31.57
Cost per Total Mile	2.32	2.64	2.29