

# FTA

FEDERAL TRANSIT ADMINISTRATION

**FTA ADA Guidance:  
Improving Compliance and  
Accessibility**  
*Mid-Atlantic ADA Update 2016,  
Baltimore, MD*

Alana Kuhn  
Equal Opportunity Specialist  
FTA Office of Civil Rights  
September 14, 2016



U.S. Department of Transportation  
Federal Transit Administration

# Agenda

- Background
- Circular overview
- In focus: local complaint process
- Other hot topics
- Questions



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## Background

- FTA enforces the DOT ADA regulations that apply to public transit
- The FTA Office of Civil Rights
  - Enforces those regulations through complaints and compliances efforts
  - Provides technical assistance to FTA grantees
- ADA Circular as technical assistance



## Why an ADA Circular Now?

- Nov. 2010, top-to-bottom review of civil rights
  - Taskforce led by then Deputy Administrator McMillan
  - Analyzed ADA compliance data
    - Triennial Reviews
    - State Management Reviews
    - Specialized Reviews
  - ADA compliance deficiencies were #2 across all grantees (after procurement)
- Taskforce recommended ADA Circular



## About the Circular

- Provides one-stop shopping
- Covers 49 CFR 27, 37, 38, 39, and Facility Standards
- Contains no new requirements
- Helps avoid oversight findings



U.S. Department  
of Transportation

**Federal Transit  
Administration**

**CIRCULAR**

**FTA C 4710.1**

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## The 12 Chapters of the ADA Circular

Chapter	Topic
1	Introduction and Applicability
2	General Requirements
3	Transportation Facilities
4	Vehicle Acquisition and Specifications
5	Equivalent Facilitation
6	Fixed Route Service
7	Demand Responsive Service
8	Complementary Paratransit Service
9	ADA Paratransit Eligibility
10	Passenger Vessels
11	Other Modes
12	Oversight, Complaints, and Monitoring



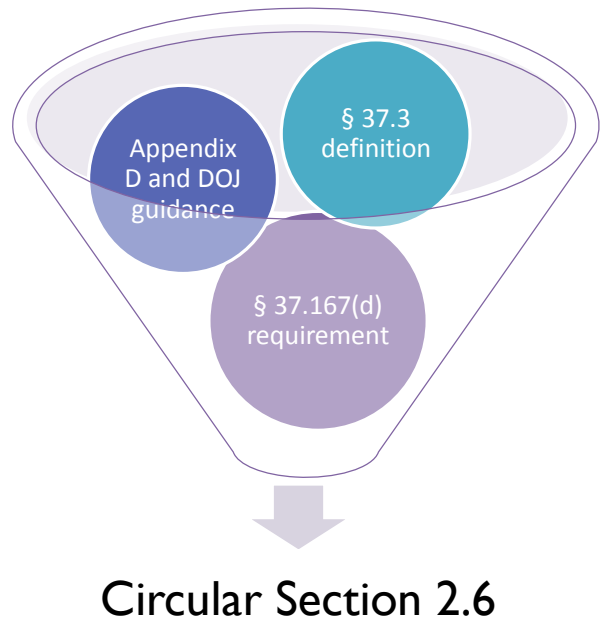
## What the ADA Circular Does

- Reader friendly, plain English explanation of the DOT ADA requirements
- Detailed headings and subheadings for easier navigation
- Pictures, figures, and tables
- Sample forms, letters, and policies



## Reader Friendly Format: Topical Arrangement

- Service animals



## Reader Friendly Format: Tools

- **Checklists**
  - Facilities
  - Bus/Van
  - Stop Announcements/  
Route ID
- **Sample forms**
  - Complaint form
- **Sample policies**
  - Paratransit no-show  
suspensions
- **Sample letters**
  - Paratransit eligibility  
and denial letters



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## How to Use the Circular

- Reference
  - Explain a topic
  - Sample materials and examples
  - More clarity on a hard-to-understand regulation or policy
- Not as cited requirement
  - Cite the regulation
  - Good practices are optional
- Triennial Review example



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## In Focus: Local Complaint Process

- In 2015, revisions to local complaint process requirement
- Agencies required to:
  - Designate an employee to coordinate compliance of Parts 27 & 37
  - Have procedures in place specifically to address complaints alleging ADA violations

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### DEPARTMENT OF TRANSPORTATION

49 CFR Parts 27 and 37

[Docket OST-2006-23985]

RIN 2105-AE15

#### Transportation for Individuals With Disabilities; Reasonable Modification of Policies and Practices

**AGENCY:** Office of the Secretary (OST), U.S. Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** The Department is revising its rules under the Americans with Disabilities Act (ADA) and section 504 of the Rehabilitation Act of 1973, as amended (section 504), specifically to provide that transportation entities are required to make reasonable modifications/accommodations to policies, practices, and procedures to avoid discrimination and ensure that their programs are accessible to individuals with disabilities.

**DATES:** This rule is effective July 13, 2015.

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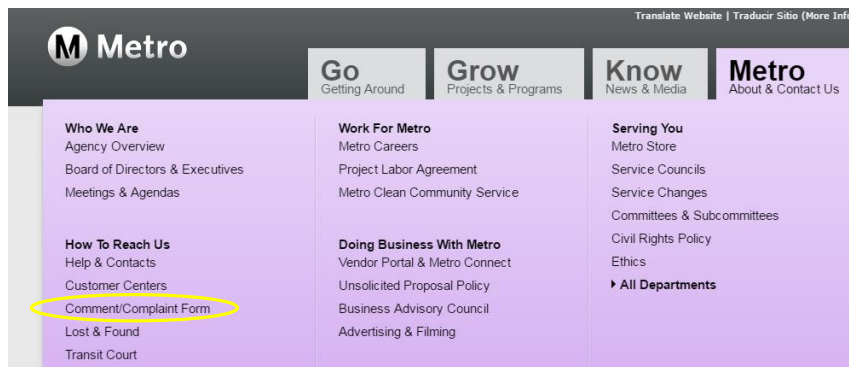
## In Focus: Local Complaint Process

- Agencies must now resolve complaints with appropriate due process standards:
  - Process sufficiently advertised to public
  - Process accessible to and usable by individuals with disabilities
  - Response promptly communicated to complainant



## In Focus: Local Complaint Process

- Complaint process must be sufficiently advertised to the public
  - Agency website
  - Contact information





## In Focus: Local Complaint Process

- Complaint process must be accessible to and usable by individuals with disabilities
  - Accessible formats
  - Accessible websites
  - Alternatives to audio communications



## In Focus: Local Complaint Process

- Agency must promptly communicate response to complainant
  - Local decision as to method
    - Electronic, hardcopy, in-person, telephone
  - Include reasons
- Documentation and recordkeeping



## In Focus: Local Complaint Process

- ADA complaint process can be integrated with other complaint processes
  - Title VI
  - General complaint
- But ADA must be categorized distinctly

I believe that I have been (or someone else has been) discriminated against on the basis of:

Race / Color / National Origin

Disability

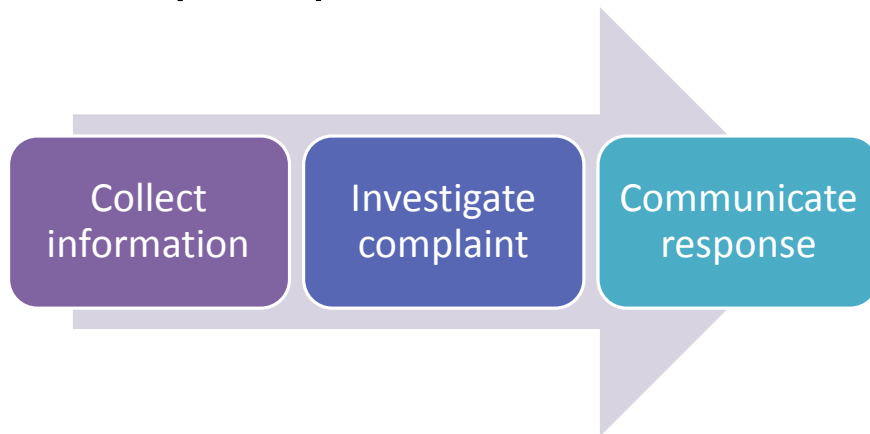
Not Applicable

Other (specify)

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## In Focus: Local Complaint Process

- Distinction between complaints
  - DOT ADA requirements vs. disability-related
- Typical complaint process:



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## Hot Topic: Ch. 2 (General Requirements)

### Crosscutting chapter



- Nondiscrimination
- Wheelchairs and lifts
- Accessible information
- Personnel training

## Hot Topic: Ch. 2 (General Requirements)

- Service denials due to conduct that is:
  - violent, seriously disruptive or illegal
  - a direct threat to others
- Due process
- No permanent bans unless direct threat remains



## Hot Topic: Ch. 2 (General Requirements)

- Reasonable modification of policy
  - Examples
  - Exceptions
  - Local process requirements
- Training staff to proficiency
- Service animals



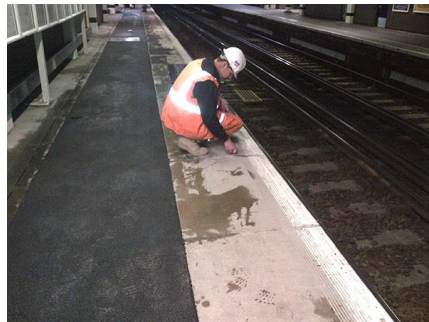


## Hot Topic: Ch. 3 (Transportation Facilities)

- Platform-Vehicle Coordination



- Facility alteration
  - If it affects usability, then it must be made accessible to the maximum extent feasible



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## Hot Topic: Ch. 4 (Vehicle Acquisition)

- Between-car barriers



## Hot Topic: Ch. 6 (Fixed Route Service)

- Alternative transportation
  - When headway more than 30 minutes
- Priority seating and securement areas
- Stop announcements and route identification
  - Sample checklists



## Hot Topic: Ch. 7 (Demand Responsive Service)

- Equivalent service and mixed fleets



- Route deviation service
  - 3 service delivery options



## Hot Topic: Ch. 8 (Complementary Paratransit Service)

- Origin-to-destination
  - Definition added
- Transfers
- Capacity constraints



## Hot Topic: Ch. 9 (ADA Paratransit Eligibility)

- No-Show policies
  - Frequency of no-shows
  - Due Process
  - Length of suspensions



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