

FTA

FEDERAL TRANSIT ADMINISTRATION

FTA ADA Guidance: Improving Compliance and Accessibility

ADA in Focus, Richmond, VA

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May 10, 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 compliances efforts
 - Provides technical assistance to FTA grantees
- ADA Circular as technical assistance



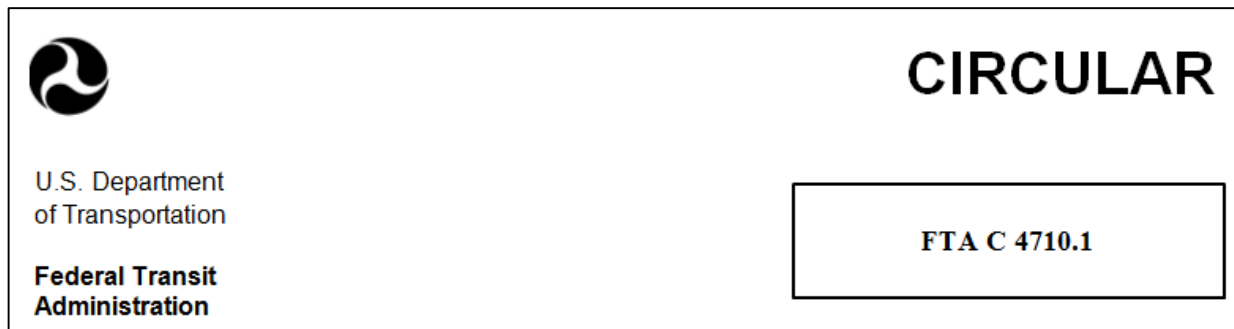
Why an ADA Circular Now?

- Nov. 2010, top-to-bottom review of civil rights
 - Taskforce led by then Acting 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



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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

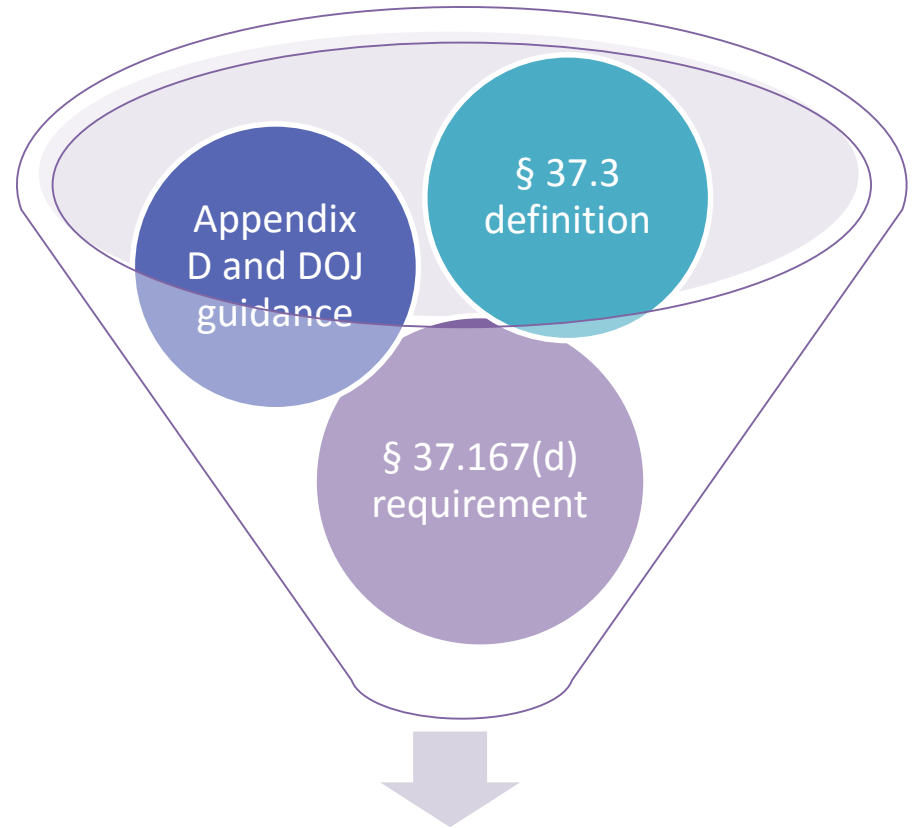
What the ADA Circular Does

- 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



Circular Section 2.6

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 denial letters



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 instead
 - Good practices are optional
- Triennial Review example



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In Focus: Local Complaint Process

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

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.

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

The image shows a screenshot of the Metro website's navigation menu. The header includes the Metro logo and the text "Translate Website | Traducir Sitio (More Info)". Below the header are four main navigation categories: "Go Getting Around", "Grow Projects & Programs", "Know News & Media", and "Metro About & Contact Us". The "Metro About & Contact Us" category is expanded, showing a list of links. The link "Comment/Complaint Form" is circled in yellow.

Go Getting Around	Grow Projects & Programs	Know News & Media	Metro About & Contact Us
Who We Are Agency Overview Board of Directors & Executives Meetings & Agendas	Work For Metro Metro Careers Project Labor Agreement Metro Clean Community Service	Serving You Metro Store Service Councils Service Changes Committees & Subcommittees Civil Rights Policy Ethics ▶ All Departments	How To Reach Us Help & Contacts Customer Centers Comment/Complaint Form Lost & Found Transit Court

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

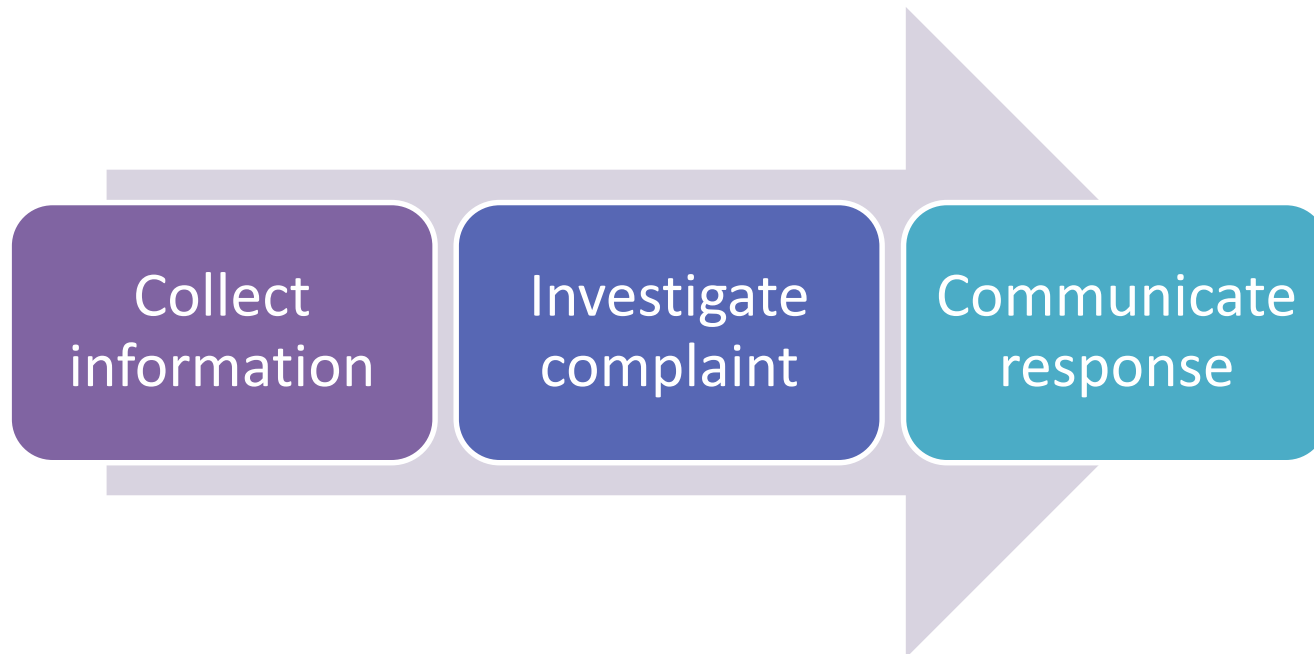
Disability

Not Applicable

Other (specify)

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



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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www.transit.dot.gov
Civil Rights Training Page
Contact Us Tool

