

National RTAP ADA Toolkit Update Questions and Answers

June 30, 2020

The National RTAP ADA Toolkit was thoroughly updated in June 2020 with new content, resources, explanations, templates, questions and answers, glossary, and more. The Toolkit is meant to give rural and tribal transit managers an overview of their responsibilities under the Americans with Disabilities Act (ADA) regulations to provide equal service to all passengers. Beth Hamby and Buffy Ellis, KFH Group, and Cara Marcus, National RTAP, provided an overview of the updated toolkit's sections, features, and functionality.

Access the webinar [recording](#) and [PowerPoint](#).

Q: Comment on the integration of On-Demand service with Fixed Route and Complementary Paratransit.

A: Commingled fixed route with ADA complementary paratransit is a type of route deviation service where an agency provides both types of services using the same vehicle. The vehicle is operating on a fixed route for most riders, but deviates from the fixed route to provide ADA complementary paratransit for eligible individuals. ADA complementary paratransit provided through this type of service must still meet all of the paratransit requirements, including service up to 3/4 mile from the fixed route, origin-to-destination service (door-to-door for those individuals who need this level of assistance), no capacity constraints, etc.

The term on-demand is typically referring to service that is in response to same day requests, which can include demand response service operated by the transit agency, taxi companies, and/or transportation network companies like Lyft or Uber. Same-day on-demand service is not a requirement for ADA complementary paratransit, although it can be provided. (ADA complementary paratransit must be provided on a next-day basis, accepting trip reservations until close of business the day before the desired trip.)

Importantly, if a transit agency provides on-demand service, an equivalent level of service must be available to riders with disabilities (including those who use wheelchairs) as to other riders. It would be discriminatory, for example, to require those who use wheelchairs to reserve their rides a day in advance while providing same-day service for other riders, or to charge a higher fare for wheelchair users.

Q: Is a Zinger covered under the current wheelchair definition?

A: The U.S. DOT ADA regulations define a wheelchair as "a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered." (49 CFR Section 37.5)

Although the [Zinger Chair website](#) states that "it is not a medical device or wheelchair," the Zinger Chair has four wheels, is usable indoors, and is designed for and used by individuals with mobility impairments. Thus, it would appear to fall within the U.S. DOT ADA regulatory definition of wheelchair, but this is not a legal opinion. For legal advice and guidance, a transit agency should consult their agency's legal counsel or their Regional FTA ADA Civil Rights Officer.

Q: Please explain next-day service vs. 24-hour service.

A: Next-day service means that riders can request a trip for service the next day, for trips that take place any time that next day. For example, if a passenger wants to make a trip at 8:00 AM on Tuesday, they can call at 3:00 PM on Monday to schedule the trip. They do not have to call 24 hours in advance. The phrase next-day service is used as a short-hand term if trips do not need to be scheduled at least 24 hours in advance.

Demand response service can require 24-hour advanced request (or longer). For ADA complementary paratransit service, trip requests must be accepted until close of business the day before travel. This includes accepting reservations during general weekday business hours on Sundays for Monday service and holidays preceding service days.

Q: In a Cliff Notes elevator pitch, what is the difference between paratransit and demand response?

A: ADA complementary paratransit is required by the ADA for fixed route public transit providers. It functions as a "safety net" origin-to-destination service for individuals with disabilities who are prevented from using fixed route service due to a disability. ADA complementary paratransit must be equivalent to the fixed route service and meet very specific requirements under 49 CFR Part 37 Subpart F, including providing next-day service with no capacity constraints or trip purpose restrictions. It is only required for individuals who are not able to use the fixed route service independently.

Demand response is a term used in the ADA Toolkit, and widely in the industry, to refer to transportation services that require a rider to request a ride, literally service provided in *response* to a *demand*. Demand response service can be provided to the general public, or to a narrower population such as seniors and people with disabilities.

The context in which these terms are used can affect their meaning. In the context of the ADA requirements (and in the ADA Toolkit), the term paratransit specifically refers to ADA complementary paratransit. But historically, the term paratransit, which originated in the 1960s, has been used to include many different types of services that are well beyond the definition of ADA complementary paratransit in 49 CFR Part 37. In the context of the ADA Toolkit, demand response and ADA complementary paratransit services are presented as two different service types, but in many contexts, ADA complementary paratransit is considered to be a type of demand response service. The U.S. ADA regulatory definition of demand responsive system describes it as “any system of transporting individuals... which is not a fixed route system.” Section 7.1 of the FTA ADA Circular states that “demand responsive systems encompass a wide variety of service types, including traditional dial-a-ride service, taxi subsidy service, vanpool service, and route deviation service” and that complementary paratransit service is “also a type of demand responsive system.” And demand response is defined differently in the National Transit Database (NTD) than it is under the U.S. DOT ADA regulations in Part 37. It is difficult to come up with a “one size fits all” elevator pitch for these terms.

Q: Does demand response require eligibility determination like paratransit, or can anyone use it within organizational policies? If so, what guidelines determine eligibility for demand response?

A: U.S. DOT ADA regulations do not require eligibility determination for demand response services. Eligibility policies for demand response services can be determined at the local organization level. Sometimes funding sources will limit eligibility, or require that the service be open to the general public. Locally-determined policies must not be discriminatory (for example, prohibiting individuals with disabilities who travel with a service animal).

Q: Are agencies allowed to use the pictures from the toolkit in their own marketing and manuals?

A: Anyone is able to use photos from the [National RTAP Marketing Toolkit](https://www.nationalrtap.org/Toolkits/Marketing-Toolkit/Marketing-Tools/Photo-Library) for their own marketing materials. No attribution is required. This only applies to our Marketing Toolkit Photo Library at <https://www.nationalrtap.org/Toolkits/Marketing-Toolkit/Marketing-Tools/Photo-Library>, not to photos in any of our other toolkits or elsewhere on our website.

Q: Are there any policies available regarding driver safety when boarding and alighting clients who due to the client's size may pose a safety risk to the health of the operator?

A: One approach described in the toolkit [Accommodating Riders Using Mobility Devices](#) section is to allow a passenger to board and alight separately from their mobility device with the assistance of a personal care attendant (PCA). This approach is based on Example 8 in Appendix E to Part 37 on Reasonable Modification Requests, as well as discussion under Section 2.4.1 of the FTA ADA Circular.

Although a transit agency is prohibited from requiring an individual to travel with a PCA, the U.S.DOT ADA regulations do not require a transit agency to provide a PCA, or to transport an individual who represents a direct threat to the health or safety of others. See Section 2.2.5 of the FTA ADA Circular for discussion of circumstances under which a PCA could be required.

As a best practice, a transit agency could work with the individual, to identify a solution for that individual that would not pose a safety risk to the driver, potentially with support of another organization that could provide the individual with a PCA. And, a transit agency may wish to consult their agency's legal counsel or their Regional FTA ADA Civil Rights Officer for legal advice or guidance about a specific passenger situation.

Q: Is there guidance or definitions for rider No-Show patterns and practice?

A: The toolkit addresses no-shows in the ADA Complementary Paratransit section of toolkit, under [Rider No-Shows](#). This section summarizes the U.S. DOT requirements and FTA recommendations for no-shows found in Section 9.12.2 the FTA ADA Circular. The toolkit section provides links to the circular as well as to the in-depth DREDF topic guide on the subject.

Q: What was the Passenger Assistance and Customer Service called before?

A: It was called Customer Service and Sensitivity.

Q: Are there any new regulations that would change the way we do anything?

A: U.S. DOT issued a final rule on Reasonable Modification of Policies and Practices in March 2015. Since then, there have been no new U.S. DOT or FTA ADA regulations. The FTA ADA Circular (4710.1), which provides guidance on the existing U.S. DOT regulations, was published in October 2015.