

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
6	10/25/10	Open	Action	10/18/10

Subject: Amending the Americans with Disabilities Act (ADA) Paratransit Eligibility Certification Provisions in the ADA Paratransit Plan

## ISSUE

Whether to amend the Americans with Disabilities Act (ADA) Paratransit Eligibility Certification Provisions in the ADA Paratransit Plan.

## RECOMMENDED ACTION

Adopt Resolution No. 10-10-\_\_\_\_, Amending the Americans with Disabilities Act (ADA) Paratransit Eligibility Certification Provisions in the ADA Paratransit Plan.

## FISCAL IMPACT

None

## DISCUSSION

The RT Board of Directors adopted an ADA Paratransit Plan in July 2009. The Plan established that ADA service will be defined as service to people meeting ADA disability requirements. The ADA requires that complementary paratransit service will be provided to individuals unable to independently use regular fixed-route bus and light-rail service due to a disability. At the time of the plan adoption, RT also provided paratransit eligibility to anyone age 75 or older; this service category is known as “Age” eligibility. If a trip met the ADA requirements for geography and span of service (service within ¾ mile of an RT stop or station and during the days and hours that RT service is in operation and known as Type I service), the plan states that RT will *either* fund service to Age-eligible individuals *or* support the collaborative funding of this service through state and local Consolidated Transportation Service Agency (CTSA) funding sources claimed by Paratransit, Inc. RT is currently responsible for all paratransit eligibility certification activities, as established in the ADA Paratransit Plan and RT’s Collaborative Agreement with Paratransit, Inc.

When averaging RT’s funding support over time for Type I service to Age-eligible individuals, historically RT has funded approximately half of the Age Type I service. Paratransit, Inc. as the CTSA for the urbanized portion of Sacramento County receives funding through Measure A and Transportation Development Act programs for senior and disabled transportation service; these funding sources support additional Age service, other transportation services to seniors and persons with disabilities, and coordination of human service agency transportation. In Fiscal Year 2010-2011 (FY11), the Board adopted an amendment to the Collaborative Agreement with Paratransit, Inc. that anticipated the majority of the projected service demand from currently Age-eligible individuals would become ADA trip demand by the end of the fiscal year as Age-eligible individuals become ADA-eligible. This assumption is based on the fact that RT has initiated a campaign to strongly encourage current Age-eligible individuals to apply for ADA paratransit

Approved:

Presented:

FINAL 10/20/10  
General Manager/CEO

Director, Accessible Services & Customer Advocacy  
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eligibility in order to ensure continued access to the complementary paratransit services provided by RT. RT's FY11 paratransit budget and service plan provides funding support for approximately 47% of the 34,000 trips projected to be provided to current Age-eligible individuals, which is comparable to the level of funding provided to Paratransit, Inc. in prior fiscal years for Type I Age-eligible service. The service plan also assumes that approximately 75% of current Age-eligible individuals will be ADA eligible by the end of the fiscal year. This transition will allow RT to focus limited resources on complementary paratransit services required under the ADA. The region's local resources specifically designated for senior and disabled transportation services provided by the CTSA will remain available to fund non-ADA services.

All current Age-eligible riders will have been provided the opportunity to complete the ADA paratransit eligibility certification process by the end of February 2011. RT has entered into a contract with a third party ADA certification company, ADARide. The certification process provided through ADARide is convenient, user-friendly, and accessible for current Age-eligible seniors by phone or via the internet. Applicants may become certified by calling a bi-lingual toll-free number or by using the ADARide website. RT has advised Paratransit, Inc. that it is open to negotiating the monthly payment scheduled for projected Age trips transitioning to ADA paratransit trips in light of this recently established expedited re-certification process. Staff expects that this contractual issue will be negotiated as a part of the on-going SACOG facilitated discussions with Paratransit, Inc.

After the declaration of the RT fiscal emergency last spring, discussion ensued with the RT Mobility Advisory Council (MAC) related to the adopted ADA paratransit plan, which exceeds ADA paratransit requirements with respect to eligibility requirements. MAC concurred with the Board and staff recommendation that resources must be focused on services required under the ADA. MAC's discussion on this matter is documented in the attached letter from the Council Chair, Jan Zolin. On August 5, 2010, MAC took action to recommend an amendment to the ADA Paratransit Plan in order to eliminate Age eligibility and RT's direct funding of Age service. The amendment identifies that RT continues to support the funding of this service through state and local CTSA funding sources designated for senior and disabled transportation within the Type I service area, and that the age-based eligibility program for any individuals age 75 or older who do not meet the ADA paratransit eligibility criteria will be transitioned to the CTSA.

As endorsed by the RT Mobility Advisory Council, staff recommends the adoption of the amendment to the ADA Paratransit Plan. The amended ADA Paratransit Plan is attached as Exhibit 1 to the Resolution.

**JAN ZOLIN, CHAIR  
MOBILITY ADVISORY COUNCIL  
9108 Shady Hollow Way  
Fair Oaks, California 95628  
(916) 987-1629**

October 1, 2010

Steve Miller, Chair  
Regional Transit Board of Directors  
PO Box 2110  
Sacramento CA 95812-2110

Re: ADA Paratransit Plan Amendment (Paratransit Eligibility Certification)

The Mobility Advisory Council (MAC) voted at its August 5, 2010 meeting, to recommend that the RT Board of Directors adopt an amendment to the ADA Paratransit Plan. The need for a Plan amendment was first presented to MAC in April 2010, at which time an Ad Hoc Committee was created to work with RT staff on the issues related to ADA complementary paratransit service, including the ADA paratransit eligibility portion of the ADA Paratransit Plan. Staff of Paratransit, Inc. was also invited to participate on the Committee.

The Ad Hoc committee, chaired by Mauro Lara, discussed the need to contain costs associated with ADA complementary paratransit service, and concurred that in order to focus resources on services required under the ADA, the Age-based paratransit eligibility program, which allows anyone aged 75 or older to use paratransit services based only on age, must be eliminated. The Council supported the staff recommended approach, which would encourage all qualified persons currently riding under the Age-based eligibility program, to become certified under the ADA eligibility program.

Over the course of two meetings, the Ad Hoc Committee discussed RT ADA complementary paratransit service demand, budget, and policy issues. The Committee was advised of RT's Fiscal Year 2010-2011 ADA complementary paratransit budget approach, which assumed that most Age-eligible passengers would become ADA paratransit eligible. The Committee and staff discussed the issue of ADA paratransit certification for currently Age-eligible riders, and the ADA certification approach for that group of individuals. Staff shared its goal to implement an expedited user-friendly certification approach for this group of paratransit riders. The Committee was further advised of the importance of an approach that would not cause undue stress or concern for seniors in need of ADA paratransit services. Staff assured the Committee of its commitment to such a process and kept the Committee and Council informed as the process was developed. After consideration of the concerns identified above, the Council supports this change to the paratransit certification approach.

Although the current ADA Paratransit Plan established that Age-based eligibility is not ADA paratransit, it does state that RT will maintain an Age-based eligibility program, as well as fund or support the collaborative funding of Age Type I paratransit service. As approved by the Board of Directors, the Council understands that RT will continue supporting a portion of the service to Age-eligible individuals in FY 2010-2011, but that funding will be phased out as seniors are certified under the ADA paratransit program.

The ADA Paratransit Plan amendment will clarify that RT will not fund Age-based paratransit service in the future. The amendment will also eliminate the Age-based eligibility program at RT. The Council understands that the Age-based eligibility program will be transitioned to the Consolidated Transportation Service Agency, currently Paratransit, Inc.

At its October 7, 2010 meeting the Council received a presentation from the ADA paratransit certification company, ADARide, which RT has selected for the re-certification of Age-eligible riders. The Council is pleased that this process will allow Age-eligible riders to call a toll free number or visit a website in order to complete the application process.

We would like to thank the staff who provided timely updates to the MAC on ADA paratransit service issues. They have actively sought our input on the key policy issues. The Council looks forward to providing input in the future on additional ADA paratransit service policy issues.

Thank you for your consideration.

Sincerely,

Jan Zolin, Chair  
Mobility Advisory Council

c/enc: RT Board of Directors'  
RT Mobility Advisory Council  
Michael R. Wiley, GM/CEO  
Laura F. Ham, Director, Accessible Services & Customer Advocacy

RESOLUTION NO. 10-10-\_\_\_\_\_

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

October 25, 2010

**AMENDING THE AMERICANS WITH DISABILITIES ACT (ADA) PARATRANSIT ELIGIBILITY CERTIFICATION PROVISIONS IN THE ADA PARATRANSIT PLAN**

WHEREAS, RT must address a current fiscal emergency and focus limited resources on complementary paratransit services required under the Americans with Disabilities Act (ADA).

WHEREAS, RT has previously established a paratransit certification process that exceeds ADA paratransit requirements, and is solely based on a person's chronological age of seventy-five or older.

WHEREAS, RT is unable to continue to fund service that exceeds the ADA requirement to provide complementary paratransit service to persons who are unable to independently use RT's regular fixed-route bus and light-rail system due to a disability.

WHEREAS, individuals currently eligible for paratransit services under the Age-based program will be given the opportunity to apply for ADA paratransit eligibility.

WHEREAS, the local Consolidated Transportation Service Agency (CTSA), receives funding for senior and disabled transportation services that exceed ADA complementary paratransit service requirements.

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the ADA Paratransit Plan is hereby amended to eliminate RT's Age-based paratransit eligibility program and funding for Age-based paratransit services attached as Exhibit A, and to transition responsibility for those programs to the CTSA.

\_\_\_\_\_  
STEVE MILLER, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary

## Eligibility

ADA Requirement	Adopted ADA Plan	Current Practice
<p><u>Basic requirement</u> Unable independently to use fixed-route transit due to a disability</p> <p><u>Companions and attendants</u> Must be allowed to ride with the eligible person.</p> <p><u>Conditional eligibility</u> Eligibility may be only for specific trips.</p> <p><u>Application process</u> Must strictly limit service to those who are eligible.</p>	<p><u>ADA Eligibility</u> Eligibility conforms to ADA requirements.</p> <p><u>Age Eligibility</u> Service is also provided to anyone age 75 or older.</p>	<p><u>ADA Eligibility</u></p> <ul style="list-style-type: none"> <li>• Eight-page application</li> <li>• Optional professional verification</li> <li>• Some interviews</li> <li>• Honor system for conditional eligibility</li> </ul> <p><u>Age Eligibility</u></p> <ul style="list-style-type: none"> <li>• Abbreviated application</li> </ul>

<b>Revised ADA Paratransit Policy</b>
<ul style="list-style-type: none"> <li>• ADA service will be defined as service to people meeting ADA disability requirements.</li> <li>• Enforce conditional eligibility with clearer, simpler rules.</li> <li>• Transition Age-based eligibility program to the CTSA.</li> <li>• Require professional verification.</li> </ul>

The basic definition of who is ADA paratransit eligible is the same as currently used. RT has conducted a public process to update the methods used for receiving and reviewing applications for ADA paratransit eligibility as discussed in the chapter on Issues and Trends. RT also plans to implement trip-by-trip review of conditional eligibility. In order to do this, RT plans to work cooperatively with RT's paratransit service provider and the community to establish simplified conditions of eligibility and workable, clear-cut procedures that paratransit staff can apply with an appropriate level of effort and that customers can understand as reasonable and fair.

The revised policy regarding ADA eligibility clarifies that service for age-eligible individuals is not considered ADA paratransit. Due to fiscal constraints, RT is no longer able to fund non-ADA programs; therefore, by the end of fiscal year 2010-2011, RT will provide all individuals who are currently using paratransit service under the Age-based eligibility program an opportunity to become re-certified under the ADA paratransit eligibility criteria. Individuals determined ineligible for ADA paratransit service will be referred to the CTSA (Paratransit, Inc.) for Age-based certification. RT supports the funding of this service through state and local CTSA funding sources designated for senior and disabled transportation, within the Type I service area.