Disability Rights Education and Defense Fund (DREDF)

Comments on the
Federal Transit Administration
Americans with Disabilities Act (ADA) Circular – Amendment 2

Federal Transit Administration
Docket number FTA–2014–0024

Comments due February 11, 2015

~~~~~~~~~~~~~~~~~~

Submitted by:
Marilyn Golden
Senior Policy Analyst
Disability Rights Education and Defense Fund (DREDF)
(510) 549-9339
mgolden@dredf.org

February 8, 2015

The Disability Rights Education & Defense Fund (DREDF) is a leading national law and policy center that advances the civil and human rights of people with disabilities through legal advocacy, training, education, and public policy and legislative development. DREDF is pleased to submit the following comments on the remaining portions ("Amendment 2") of the Federal Transit Administration (FTA) Americans with Disabilities Act (ADA) Circular.

In general, the proposed Circular sections are excellent, and their many provisions and level of detail should be maintained in the final Circular. The Circular will be very valuable by including both (1) statutory and regulatory requirements, and (2) oversight findings and good practices, so that all the information on any one topic is contained in one section.

Yet, at the same time, FTA has also succeeded in thoroughly separating the ADA requirements from the discussion and good practices. Therefore, readers will not be confused about what is required, versus what is subsidiary explanation and recommendations.

While we strongly laud the draft Circular overall, DREDF also has one general and some specific concerns, which are detailed below.

Yet DREDF’s overarching concern is that FTA not change, weaken, or delete the helpful analysis and detail available in these new chapters, as well as the chapters that were previously published in draft form.
Our comments below are divided into four sections:

Section A – General Analysis, Concerns, and Plaudits

Section B – Specific Concerns

Section C – Specific Plaudits

Section D – Suggested minor changes

Note that some of DREDF’s specific concerns come within sections that are otherwise commendable and which, below, we explicitly urge FTA to maintain in the final Circular.

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

Section A – General Analysis, Concerns, and Plaudits

1. General Plaudit #1: FTA has done an excellent job explaining the ADA requirements and discussing good practices—most of which need to remain included in the final Circular (except that we hope FTA will address our specific concerns detailed below). The draft is beautifully organized and has an excellent level of detail. FTA should maintain these draft provisions in the final Circular. These comments will provide examples of particularly valuable sections, though our commendation to FTA applies overall to the proposed Circular.

2. General plaudit #2: FTA has also succeeded in thoroughly separating the ADA requirements from discussion and good practices, so readers will not be confused about what is required, versus what is subsidiary discussion, explanation, recommendations, and examples of good practices. Moreover, the FTA draft recognizes, clearly and frequently, that there are many different ways transit agencies can comply with the ADA.

3. General plaudit #3: Many transit agencies, including but not limited to small agencies, do not have the detailed knowledge included in the Circular, and they need this education. This is the very purpose an FTA Circular should fulfill. FTA should provide as much technical assistance on the ADA as possible in the Circular, just as it has proposed. This applies particularly to the sections providing discussion, explanation, recommendations, and examples of good practices.

   It is also important to point out that if the FTA ADA Circular were to merely rehash the regulatory requirements, what purpose would it serve? FTA now has a rare opportunity to provide extensive technical assistance to grantees through a thorough ADA Circular, as it has proposed. We implore FTA not to throw away this rare opportunity by removing or weakening the clear, extensive information it has proposed to provide grantees.

4. DREDF’s primary concern: FTA must also make an urgent addition: it is critical that, once DOT publishes its final rule about making reasonable modifications
of policies, practices, and procedures (which, according to the DOT Semi-Annual Regulatory Agendas, is expected soon), **FTA must incorporate that new DOT regulation language**, and the DOT guidance about implementation that’s published with it, **into the ADA Circular, before the ADA Circular is released in final form.** If this is not done, transit agencies may, over the long term, be legitimately confused that reasonable modifications are not actually required because no discussion of them appears in the FTA ADA Circular.

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

**Section B – Specific Concerns**

5. **3.2.4 – Common Issues with Station Platforms:** DREDF joins with the Massachusetts Bay Transit Authority (MBTA) to encourage FTA to:

   a. **List, as good practices, providing redundant elevators at new and renovated stations to guarantee access even when one unit is out of service for preventative maintenance or repair.** An additional good practice that FTA should encourage is developing stronger elevator specifications, including 60” by 80” as the minimum cab size to more easily accommodate longer wheelchairs, scooters, baby carriages, and bicycles. Wherever possible, design elevators as pass-through with extensive amounts of glass in doors and walls for security purposes.

   b. **Identify good practices related to platform gaps.** Transit agencies can periodically evaluate track alignments and vertical profiles. This can lead to increased maintenance of tracks within stations. Transit agencies should pay attention to vehicle maintenance related to suspension systems and wheel truing. A coordinated response between vehicles and station infrastructure is critical to successfully addressing gap problems.

   c. **In the section on Station Platform Signage:** Note that station signage is only visible from cars when properly lit, and vehicle windows are clean. Both of these conditions should be addressed robustly by transit agencies.

   d. **In the section on Directions to Accessible Means of Egress:** FTA should also highlight good practices such as:

      - Installing Stryker evacuation chairs in each station as well as on board each trainset.

      - Procuring evacuation carts used by first responders to travel by rail into tunnel environments. These carts permit the transport of stretchers, evacuation chairs, and / or wheeled mobility devices.

      - Establishing mass transit emergency training centers, used to train first responders, agency staff, and others.
6. Chapter 6.1 – Introduction: This paragraph has a footnote stating, “This Circular does not cover intercity rail, also a fixed route service.” DREDF suggests adding clarifying language, so the footnote would read: “This Circular does not cover intercity rail (Amtrak), also a fixed route service, for which the Federal Railroad Administration (FRA) provides oversight.” If FTA wishes to include examples of non-Amtrak service that is also classified as intercity rail, doing so would help the reader understand how the ADA categorizes rail service. Since FTA provides oversight for rapid, light, and commuter rail, and FRA provides oversight for Amtrak, it should be clarified what federal agency oversees intercity rail, including Amtrak as well as other, non-Amtrak intercity rail.

7. 6.5.1 – Stop Announcements – Automated Stop Announcements: This section should make it clearer that, if an automated stop announcement system doesn’t work, the driver must perform the stop announcements. This is mentioned in passing under “Announcing all stops,” but applies to other stop announcement scenarios as well. It applies across the board.

For example, after the sentence, “As with any technology, an automated stop announcement system may not function or not be programmed correctly,” FTA could add, “In these cases, operators must manually announce stops.” After the following bullet list of the causes of problems, FTA could add, “In all these situations, vehicle operators (drivers) must take over for the malfunctioning automated systems and call the stops themselves.”

NOTE: Parallel statements should be included wherever needed in 6.5.2 Route Identification. Such a statement is present when FTA discusses drivers testing announcement systems at the beginning of the day. There may be other places in this section (such as when a driver discovers route identification system malfunctions during his or her route) to address drivers making announcements.

8. 6.6 – Accessible Information About Transportation Services – Accessible Formats: This section is located in the Fixed Route chapter, though it belongs in every chapter, including General Non-Discrimination. At least, every chapter should refer to a comprehensive section addressing Accessible Information.

The first paragraph refers to “text-to-speech technology.” It may also be useful to incorporate the term “screen reader” technology, as well as elsewhere whenever accessible formats are addressed. FTA uses each term by itself. That is, in 6.6, FTA mentions “text-to-speech technology” but not “screen reader” technology. Though in a later section in the draft, FTA refers to screen readers but doesn’t use the term “text-to-speech.” Will readers of the Circular know the two terms mean essentially the same thing, and understand what that meaning is? DREDF recommends introducing the two terms together, wherever accessible formats are discussed, using wording along the lines of "text-to-speech technologies, including screen reader software."

9. 6.7 – Priority Seating and the Securement Area – Additional Considerations: DREDF is concerned that FTA is sending the message that it’s acceptable for a transit agency to
establish a policy that, for example, in a fixed route bus system, riders with disabilities (or riders using wheelchairs) always board last. While it is not required to always board riders with disabilities first, it is a good practice. It is not acceptable to always board riders with disabilities last. In fact, FTA has stated this in writing.

The general prohibition against discriminating against persons with disabilities applies to this situation. Section 37.5(a) of the DOT ADA regulation states:

No entity shall discriminate against an individual with a disability in connection with the provision of transportation service.

Some transit agencies have automatically boarded ambulatory passengers first. In one case, this was a safety precaution in response to injuries that had occurred to non-lift-users when the lift was deployed. But such a policy sometimes causes passengers who use wheelchairs, who may have been at the stop before others, to be left behind at the bus stop because the bus becomes full at that stop.

In fact, FTA has stated in writing that, even though the ADA statute and the DOT ADA regulations do not specifically address this matter, the general provision against discrimination would act to prevent people with disabilities from being treated differently because of disability. So if a transit agency policy's net effect is to deny ridership to some persons with disabilities by always loading lift or ramp users last and, by virtue of that, systematically precluding some from a seat on the bus due to their disabilities, then the policy would violate the ADA and the DOT ADA regulation. [Source of these ideas: Letter of Finding by Cheryl Hershey, then ADA Group Leader, Office of Civil Rights, Federal Transit Administration, June 30, 2000, regarding FTA Complaint No. 98-274, against King County Metro, Seattle, WA, p. 2.]

DREDF joins MBTA in pointing out that pre-boarding ensures wheeled mobility device users are not denied service as a result of overcrowding, as well as allowing for a more efficient boarding and securement process.

10. Table 7-1 - Approaches for Determining Equivalency for Each Service Requirement: The row addressing "The same availability of information and reservations capability" mentions that "If reservations are made online, confirm that the online service is accessible." FTA should add, or reference, information about what it means for online service to be accessible, including the needs of blind people using text-to-speech technologies, including screen reader software.

11. 8.8.1 – Components of an Effective Monitoring Program – Data Collection and Analysis: The first bullet should be reworded to read: "Requested pickup or appointment times" but then delete the phrase "(if applicable)." Appointment times are a key part of ADA paratransit and FTA language should not suggest they may not be applicable. At a minimum, "(as applicable)" sends a better message.

12. 8.8.1 – Components of an Effective Monitoring Program – Additional Data Analysis Topics: On the sub-point entitled "Subscription Trips (When Service Capacity is
Constrained), FTA should add this sentence at the end: “This does not apply if the service has no capacity constraints.”

Also, we request that FTA provide additional information about what this means. Some transit agencies are taking great care to ensure they never exceed 50% of their capacity in subscription trips when they actually don’t need concern themselves, because their service is free of capacity constraints. They are wasting the time invested in this calculation, and even more importantly, they are refraining from undertaking additional subscription service, which has the potential to aid both transit agency and riders.

13. 9.2.2 – Eligible Individuals – Examples of Category 2 Eligibility: At the end of this section, FTA should add a paragraph about how insufficient stop announcements also trigger category 2 eligibility.

14. 9.2.2 – Eligible Individuals – Eligibility Category 3 – Discussion: The last sentence, “Reviewers become the “reasonable people” making such judgments” is OK, though it should be made clear that this does not mean that uneducated staff persons’ judgments about what is “reasonable” in their minds is acceptable as a basis for making ADA eligibility determinations.

15. 9.2.2 – Eligible Individuals – Mobility Devices that Exceed Maximum Size or Weight: This is a good section, though it should be made clearer that any legitimate size and weight limits should be imposed outside the eligibility process; for example, by adding: “Transit agencies should grant eligibility according to the regulatory requirements and, separately from the eligibility process, explain any transit system limitations to applicants whose mobility devices exceed the maximum size and weights.”

16. 9.2.2 – Eligible Individuals – Eligibility for Young Children: This is not as clear as it should be. Suggest that FTA add: “Policies limiting the availability of transit service to children may not be imposed solely on the paratransit system.”

17. 9.3.3. – Sources of Information for Determining Eligibility – Confidentiality: The material in this section is accurate, but it should be added that this does not mean a transit agency may not inform drivers that particular riders need origin-to-destination service, including particular types of assistance, even if this information to drivers explicitly discloses what the individuals’ disabilities are.

18. 9.4.2 – Right to be Heard in Person: FTA encourages transit agencies to provide free transportation to and from appeal hearings. Whether or not it is free, this transportation should be required, if needed by the individual. A parallel can be made to how transit agencies must provide transportation to eligibility interviews, if needed by the individual. If individuals need ADA paratransit service, there is a good possibility they may not be able to go to their own appeal hearings without this assistance.

19. 9.5 – Personal Attendants and Companions – Discussion: FTA makes the point that: “Complementary paratransit riders also have the right to be accompanied by at least one companion. Transit agencies should accommodate additional companions if space is
available” (emphasis added). However, FTA needs to replace this “should” with “must” — the DOT ADA regulation requires that transit agencies accommodate additional companions if space is available.

20. 9.7.2 – Notifying Riders of Proposed Suspensions: This sentence:

Providing this notification after only a few no-shows makes it easier for riders to recall the actual circumstances surrounding the no-shows.

... should encourage transit agencies to notify riders after each no-show is logged. Waiting for even a few to accumulate can make it very difficult for anyone to recall the circumstances of particular days. Remember that many alleged no-shows result from transit agency error, and it is much more difficult for riders to show this, if there is a delay in notifying the rider that a particular circumstance was recorded as a no-show.

21. 12.7 - FTA Complaint Process: The FTA draft states, “Individuals or any specific class of individuals may submit a complaint to FTA—which must be in writing—personally or through a representative.” FTA should provide a means for blind people using text-to-speech technologies, including screen reader software, to file a complaint, without going through a representative, which it is not necessary for sighted people to do.

DREDF recently had reason to refer the FTA ADA complaint form to an individual who depends on this technology, and we realized we are not aware of how such individuals should file a complaint with FTA. A computer-fillable form would be a good option. FTA recommends in the draft Circular that transit agencies accept complaints in a number of ways; the same list is also potentially available for ADA complaints to be submitted to FTA.

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

Section C – Specific Plaudits

22. 2.5 - Monitoring to Ensure Compliance: This is an excellent addition that details specific monitoring steps to be taken by grantees. Too often, a document states what the ADA requires—the outcome—but not how to ensure that outcome occurs. One key step is monitoring, and FTA has very helpfully provided a comprehensive list of what transit agencies should monitor and review.

23. 3.1.1 – Original ADAAG and the DOT Standards for Accessible Transportation Facilities: This is a very good, thorough discussion of what is necessary to provide structural accessibility in buildings and facilities.

24. 3.2 – Common Issues in Applying the DOT Standards: This section provides a good level of detail and picks out important issues to explain.
25. 3.4 – Alteration of Transportation Facilities: This topic is particularly misunderstood, and FTA is to be commended for setting out so clearly the ADA requirements, and a discussion explaining them, when buildings and facilities are altered.

26. 3.5 – Construction or Alteration of Intercity, Commuter, and High-Speed Rail Platforms: This is a good, detailed layout of both the requirements and an explanation of them. Particularly commendable is the clarifying statement that alterations include reconstruction of a platform that replaces its surface, changes its height, or structural changes that affect the platform’s usability.

27. 3.7 – Public Transportation Programs and Activities in Existing Facilities: This is also a good, detailed layout of all requirements and a good discussion of them. DREDF applauds the inclusion of the Rail Station Checklist, Attachment 3-1.

28. 6.4.4 – Required Assistance – Boarding and Alighting Direction (Forward or Backward): The Circular makes the very good point that “For example, power wheelchairs are usually not equipped with rearview mirrors, and some individuals who use them are unable to rotate their heads sufficiently to see behind them.”

29. 6.4.5 – Standees on Lifts/Ramps: The Discussion makes the excellent points that “If riders ask to use lifts or ramps, drivers must honor such requests. They may not ask riders to disclose their disabilities before being allowed to board as standees.”

30. 6.4.6 – Deployment of Lifts/Ramps: The discussion of this requirement is excellent, particularly the points which explain that bus drivers must position buses in order to allow riders to use lifts or ramps; must avoid obstructions (with examples provided); and must provide sufficient clearance and ensure that riders are able to reach the lift or ramp without stepping off a curb. Also good is that, two paragraphs later, FTA points out that the preferred solution when a driver cannot deploy a lift or ramp is to move the bus slightly.

31. 6.5.1 – Stop Announcements – Sufficient Intervals – At the Rider’s Request: It is excellent that FTA points out how, in a rail context, finding a driver of whom a rider can request that an announcement be made is difficult, and FTA is correct that transit agencies should encourage riders to approach any agency employee to request their stop. This should be maintained in the final Circular.

32. 6.5.1 – Stop Announcements – Effective Stop Announcements: Typical of thorough FTA technical assistance in the draft is the point that stop announcements should be made in terms that are familiar, when FTA explains: “For stop announcements at major destination points, agencies should consider using the popular name for a stop (e.g., “Target”) rather than a more general but less familiar name (e.g., “Smith Street Mall”). If the stop at a major destination point is also at an intersection, agencies should announce the intersecting street (consistent with the adopted style) along with the name of the destination.”

33. 6.5.1 – Stop Announcements – Stop Announcement Data Collection: Good examples of discussion by FTA include the helpful point that “Observers should sit in the middle or
toward the rear of the vehicle to confirm that announcements are audible from these locations.”

34. 6.5.2 – Route Identification – Methods of Announcing Routes: It is commendable for FTA to include in the Discussion, these points:

- A good practice for transit agencies using vehicles with external speakers is to test speaker volume and fidelity in settings where announcements typically take place (e.g., transfer centers, commercial districts, and residential areas). Calibrating external speakers to field conditions helps to ensure that riders will be able to clearly hear announcements.

- A good practice is for drivers to test the announcement system at the beginning of the work shift. If the announcement system or the external public address system is not working properly, the driver is responsible for making the announcements unaided by a public address system.

35. 6.8 – Adequate Vehicle Boarding and Disembarking Time: This discussion is very good, making the point that some riders with disabilities need additional time to be safely seated. On rail, this time should be allowed both after boarding (to be safely situated in the vehicle), and after riders disembark, to be clear of vehicle doorways.

36. 7.3 – Acquisition of Vehicles for Demand Responsive Systems: This chapter is very important because this part of the ADA is not well understood.

37. 7.4.2 – Equivalency for Taxi Subsidy Services: This is an excellent section that addresses a common ADA violation in which such services do not provide equivalency for people with disabilities who need accessible vehicles.

38. 7.4.3 – Equivalency for Vanpool Services: This is an excellent section that addresses a type of program that often fails to provide ADA-required access to participation.

39. 7.4.4 - Equivalency Considerations for Route Deviation Services: This is an excellent section that addresses very common problems in which route deviation services often fail to provide equivalent service to people with disabilities. Also excellent are subsequent sections entitled “Discriminatory Practices that Limit the Use of Route Deviation Services” and “Combining Limited Deviation and Demand Responsive Services to Meet Complementary Paratransit Requirements.” Table 7-1 is excellent in providing to transit agencies specific steps to take in order to determine Equivalency.

40. 8.8 – Monitoring to Ensure Compliance: This is an excellent section. All too often, transit agency staff does not have knowledge about what steps they should take to effectively monitor service. It is the proper role of an ADA Circular to provide helpful information on the details of monitoring, particular in ADA paratransit, which is complex by nature and which is often performed by contractors.
41. **8.8.1 – Components of an Effective Monitoring Program – Additional Data Analysis**
   Topics: This is an excellent section which provides transit agencies with helpful tools about how to best collect and analyze data covering a host of key aspects of ADA paratransit service. In particular, DREDF values FTA inclusion of the sub-point entitled “Very Early Pickups and Drop-Offs” which can help indicate on-time performance problems that transit agencies may otherwise not be aware of.

42. **9.2.2 – Eligible Individuals – Current Functional Ability:** This section is particularly good, regarding how applicants must be evaluated based on their current functional ability, and how transit agencies may not require that an individual undergo travel training.

43. **9.2.2 – Eligible Individuals – Examples of Category 1 Eligibility:** This is an excellent section, providing guidance of the many examples of individuals who could be eligible under this category. The last paragraph is especially important, making the distinction between general safety considerations and disability-related safety considerations.

44. **9.2.2 – Eligible Individuals – Other Factors That Can Affect Category 1 Eligibility:** These are excellent examples of considerations that should be taken into account in eligibility determination. They should be included in the Final Circular.

45. **9.2.2 – Eligible Individuals – Bus Stop Accessibility:** This is a very good section, particularly the point about how Category 2 eligibility also applies to a bus stop that individuals cannot use because it is inaccessible. Lack of bus stop access is one of the largest remaining ADA transportation problems across the country, and it is key that individuals who cannot use transit for this reason at least may obtain and retain their ADA paratransit eligibility.

46. **9.2.2 – Eligible Individuals – Accessible Rail Service (last paragraph):** FTA is right to address the platform-to-car interface.

47. **9.2.2 – Eligible Individuals – Eligibility Category 3 – Discussion:** This is a good discussion of the reasonable person test, which should be maintained in the final rule. Also, the list of examples of unreasonable travel expectations is important to provide transit agency staff an idea of what is meant by the FTA eligibility requirements.

48. **9.2.2 – Eligible Individuals – Eligibility Category 3 – Consideration of Architectural Barriers and Environmental Conditions:** This is an excellent discussion of important eligibility factors that are not always well-understood. The same applies to the next section, “Wayfinding Considerations.”

49. **9.2.2 – Eligible Individuals – Important Eligibility Considerations:** This is an excellent section, addressing subsections that should remain in the final Circular, including Most Limiting Conditions, Considering the Appropriate Mobility Device or Devices, etc.

50. **9.2.4 – Types of Eligibility:** This is an important section that will be very helpful to many transit agencies.
51. 9.2.5 – Considerations in Applying Conditional Eligibility: This is an important section, detailing how to specifically word eligibility conditions.

52. 9.3.2 – Types of Eligibility Determination Processes, and 9.3.3. – Sources of Information for Determining Eligibility:

These are other very important sections, the details of which should be maintained in the final Circular. Particularly important is the point under “Considerations for Information Provided by Professionals” that it’s a good practice to seek input from a wide array of professionals. The section provides excellent examples that should be maintained in the final Circular. Also excellent are the points under “Avoiding Unreasonable Burdens on Applicants,” “Process Cannot Impose a Fee,” and “Treatment of Incomplete Applications.”

53. 9.3.4. – Providing Accessible Information and Materials: This section has important details, including a reference to individuals with vision disabilities who use screen readers (FTA may wish to add language such as “text-to-speech technologies, including screen reader software.”) Also very useful is the tip to transit agencies to document during the eligibility process whether individuals need accessible formats.

54. 9.3.5 – Making Timely Determinations: The draft makes the critical point that “Transit agencies can take longer than 21 calendar days to make a decision as long as they permit an applicant to use the complementary paratransit service starting on the 22nd day.” Another important point is that “Transit agencies should schedule any required in-person interviews and/or functional assessments promptly (e.g., within 7–10 calendar days of receipt of an application). FTA considers long wait times an unreasonable administrative burden in violation of § 37.125.”

55. 9.3.6 – Documentation Requirements – Eligible Applicants: The FTA draft Circular makes the important point that:

FTA notes that while § 37.125 specifically calls for the telephone number of the transit agency’s paratransit coordinator, transit agencies may provide any appropriate telephone number for verifying the validity of the rider’s documentation of eligibility. This allows other transit agencies to provide complementary paratransit service to visitors by verifying their eligibility from their “home” agency.

(A third telephone number to provide is for submitting no-show information, such as that a particular no-show was not under the control of the rider. This should be added to 9.7.)

56. 9.3.7 – Recertification: FTA is correct to make the point that individuals have the right to reapply for ADA paratransit eligibility at any time. Under “Simplified Recertification for Certain Riders,” FTA helpfully explains that, for riders whose functional abilities are not likely to change over time, a simplified recertification process can reduce costs and reduce burdens on riders as well.
9.4.1 – Notification of Rights to Appeal and Accepting Appeals: FTA helpfully points out that transit agencies may establish policies for accepting appeal requests for longer than 60 days (though are not required to do so). Further, FTA is right to include the point that in-person appeal hearings should be arranged without unreasonable delays, e.g., within 30 days.

9.4.5 – Selecting Individuals to Hear Appeals – These are good ideas to assist transit agencies to apply good practices in selecting individuals to hear appeals. “Additional Good Appeal Practices” is also a helpful section that should appear in the final Circular.

9.5 – Personal Attendants and Companions – Discussion: FTA includes important points that should be maintained in the final Circular, including that assistance is not always needed during the trip but can be needed, instead, at the destination; that PCAs may be family members or friends; and that PCAs may have disabilities. Footnote 19 is important, distinguishing ADA paratransit attendants from state agency attendant requirements.

9.6.1 - Visitors with Eligibility from Another Transit Agency – Discussion: FTA makes the excellent point that agencies must accept documentation of eligibility directly from the individual, and not require that it be provided by the home transit agency. To allow transit agencies to require this would harken back to before the ADA, when establishing visitor eligibility was generally exceptionally difficult and unwieldy.

9.6.2 – Visitors without Eligibility from Another Transit Agency – Discussion: FTA properly points out that the granting of visitor eligibility should be a fairly simple and quick process that should be able to be completed in a day or two.

9.6.3 – Duration of Visitor Eligibility: FTA properly suggests as a good practice for transit agencies to inquire, when visitors request eligibility, to ask if they expect to use the service for more than 21 days in the next year, and if so, to offer standard application materials.

9.7 – No-show Suspensions: FTA has included many useful elements in this discussion that should be maintained in the final Circular.

9.7.5 – Prohibition Against Financial Penalties: FTA’s explanation of this is excellent, particularly in pointing out that “Transit agencies may not impose financial penalties in their no-show policies, including charging fares for trips scheduled but not taken or requiring payment of a fine in order to regain complementary paratransit service.” Also excellent in this section is that the voluntary fines in lieu of suspensions that FTA has not intervened to prevent, consist of “payments for missed trips,” as opposed to an abstract “fine” with no guideline as to what is charged.

Also commendable is FTA’s section on “Good Practices for Minimizing No-Shows.”
65. 11.2.1 – Modifications to Other Vehicles and Systems: FTA makes an excellent point that such modifications can include removing stanchions that interfere with entry and egress by individuals using wheelchairs or other mobility aids.

66. Chapter 12 – Oversight, Complaints, and Monitoring Methods: This is an excellent chapter that provides details both about the federal government’s oversight, and the oversight transit agencies are expected to perform. All the sections of this important chapter should be maintained in the final Circular.

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

Section D - Suggested minor changes

67. 6.4.1 – Accommodating Riders Who Use Wheelchairs: Under Discussion, line 2, suggest FTA make this change: “Section 37.3 defines a (not “as”) wheelchair as: ...”

68. 6.4.4 – Required Assistance: End of second-to-last paragraph, suggest that FTA add a close-parenthesis, that is, “)”

69. 6.5.2 – Route Identification – Announcements at Stops and Platforms: it appears a word is missing. Suggestion: add “may” in the phrase “may also feature route identification information ...”

70. 7.1 – Demand Responsive Service - Introduction: End of first paragraph: Suggest that FTA add “s” to “system,” so as to read, “... provides the following definitions of demand responsive and fixed route systems:”

71. 7.3.3 – Equivalent Service – Service Characteristics: last bullet point, which begins “Any constraints on capacity ... ,” last full line: suggest substituting “worse” for “lower.”

72. 7.4.2 – Equivalency for Taxi Subsidy Services: Suggest FTA make this edit: “Taxi subsidy programs that transit agencies administer must provide equivalent service to individuals with disabilities—including those who use wheelchairs—who [not “that”] qualify for these services.”

73. 9.2.2 – Eligible Individuals – Eligibility Category 3 – Consideration of Architectural Barriers and Environmental Conditions: Suggest FTA add “that“ as follows: “For individuals with vision disabilities, this may be pathways without detectable edges (e.g., open parking lots), which are not a safe distance from quickly moving traffic, or have hazards that are not detectable (e.g., overhanging structures or guy wires).”

74. 9.2.2 – Eligible Individuals – Important Eligibility Considerations - Considering the Appropriate Mobility Device or Devices: Suggest that FTA add a word, as follows: “They may choose to travel in the community with their manual wheelchair rather than their powered wheelchair for a variety of reasons such as destinations to which they are traveling—or the activities at those destinations—that may be more compatible with use of a manual wheelchair.”
75.  9.3.3. – Sources of Information for Determining Eligibility – Confidentiality: This section includes footnote 16 (page 9-15) where it appears there may have been a link intended to be filled in. It now reads “Link to document.”

76.  12.7 – Complaint Process: suggest that FTA change “in order to compliant future service,” to “in order to have compliant future service,” or even better, “in order for their service to comply in the future.”