

Flint Hills Area Transportation Agency

Americans with Disabilities Act (ADA) Policies and Service Procedures



Effective December 2021

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INTRODUCTION

In the summer of 1990, the Congress of the United States approved, and President Bush enacted, comprehensive civil rights legislation known as the Americans with Disabilities Act. This legislation added persons with physical and/or mental disabilities protections and access for employment, telecommunications, public facilities and facilities open to the public, and transportation. Public transportation providers were targeted as an area to receive federal attention from this legislation. The result was the adoption of Federal Regulations regarding services that must complement traditional fixed route bus service for those persons that cannot access a bus route.

Section 223 of the Americans with Disabilities Act of 1990 (ADA)¹ requires that public entities which operate non-commuter fixed route transportation services also provide complementary paratransit service for individuals unable to use the fixed route system. The guidance issued by the U.S. Department of Transportation², which implement this portion of the law, specify to whom and under what circumstances this service is to be provided. In addition, the regulations require public entities which are subject to the complementary paratransit requirements to develop and administer a process for determining if individuals who request service meet the regulatory criteria for eligibility.

This policy is intended to be a comprehensive guide to eligibility for ADA services offered by Flint Hills Area Transportation Agency. The policy includes information regarding the operation policies and performance standards that Flint Hills Area Transportation Agency will use in providing the complementary paratransit services.

Public input is a critical part of the review and implementation process required in the design of the eligibility determination process. The importance of involving people with disabilities and local disability organizations in the development of all aspects of the eligibility policy and process cannot be overemphasized and will eventually lead to greater understanding and performance of the ADA service to those in need.

Agency Background

The Flint Hills Area Transportation Agency Inc (FHATA Inc.) is a 501c3 private non-profit organization and was formed in 1976. It has a board of directors that meets regularly to provide oversight into the organization's programming.

The Flint Hills Area Transportation Agency Board (FHATA Board) was established by inter-local agreement in 2018. It was established for the purpose of planning, managing and operating public transportation system as the Direct Recipient of Section 5307 Urban Formula Funds for the Manhattan Urbanized Area. The Board is established pursuant K.S.A. 12-901 and meets the definition found at K.S.A 75-117 of a municipality and therefore a governmental body for purposes of Federal Transit Law (defined generally as 49 U.S.C. 4301 et. seg).

FHATA Inc and FHATA Board have a joint operating agreement in place and for the purposes of this policy will be referred to jointly as FHATA.

1 Public Law 101-336, July 26, 1990.

2 49 CFR Parts 27, 37 and 38, "Transportation for Individuals with Disabilities; Final Rule", published in the Federal Register, September 6, 1991. Updated in October 1996.

The FHATA provides demand response service and/or fixed routes services in the following areas:

- Manhattan (including Kansas State University) and Riley County
- Green Valley, St. George and Wamego in Pottawatomie County
- Fort Riley
- Junction City and Geary County

FHATA provides fixed route transit services in the cities of Junction City and Manhattan, Kansas. Because this provision of service is offered by the FHATA, a complementary paratransit plan is required. This document will include the complementary paratransit services for both transit services separately.

GENERAL BUS OPERATOR ASSISTANCE

POLICY: Bus Operators will establish a good rapport with passengers. Always greet your customers and be pleasant; a pleasant beginning makes for a pleasant ending. Be polite and answer customers' questions to the best of your ability. Make sure customers board and alight safely. Due to scheduling demands, Bus Operators must limit their personal assistance to riders.

- ❖ Bus Operators shall NOT at any time exit the vehicle to go into a passenger's home.
- ❖ Bus Operators assist riders with only those activities directly related to boarding or alighting the vehicle.
- ❖ Bus Operators shall not handle a rider's keys, garage door openers, purses or access any home security devices.
- ❖ Bus Operators should not have riders contact numbers or use that information to call the client at any time. Communication should be done through Dispatch only.
- ❖ A rider who is unable to safely board the bus on his/her own will be asked to utilize a Personal Care Attendant (PCA). If issues arise with a rider, Bus Operators will notify the Dispatch Supervisor or Director of Operations.
- ❖ Riders may bring grocery and personal items purchased at stores on the bus, but are limited to what the rider can carry in one trip. Riders should not expect FHATA Bus to transport furniture items, including televisions, gardening items such as potting soil, or any items of weight exceeding 15 pounds. Bus Operators will not load or unload grocery or personal items for riders.

PRIORITY SEATING

POLICY: Designated accessible seating is available near the front of every FHATA vehicle. These areas are marked with the accessible symbol or "Priority Seating".

Customers who do not have a disability are expected to respect the intended purpose of priority seating, which means they shall vacate the seat for a person with a disability or at the request of the bus operator.

- Use of Priority seating is on a first come-first served basis.
- A person with a disability occupying a Priority seat is NOT required to move for another customer with a disability.
- Bus operators will provide assistance by asking riders sitting in the priority seating to move to another seat.
- In the event the rider occupying the seat chooses not to move, the bus operator will NOT enforce the requirement.
- To accommodate a person using a wheelchair or other mobility device, bus operators will ask the person(s) occupying the seat to move to another seat near the front of the vehicle.

RIDER INFORMATION

All printed and electronic website informational materials are made available in accessible formats and technology upon request. For example, large print for persons with low vision or audio for blind persons, as well as accessible electronic formats such as electronic files useable with screen reader technology.

Securement

POLICY: Section 37.3 of the DOT regulations implementing the Americans with Disabilities Act of 1990 (ADA) (49 CFR Parts 27, 37, and 38) defines 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.

- Bus Operators will assist customers on approved wheelchair ramps.
- Bus Operators are not required to assist passengers in wheelchairs up or down stairs.
- Bus Operators will secure all wheelchairs with tie-downs and their passengers with lap and shoulder belts.

Riders using scooter type vehicles may be asked to transfer to regular seating for their safety. However, passengers with scooters cannot be required to transfer, nor is FHATA required to transport any mobility device that exceeds the weight capacity and or dimensional capacities of the lift. The measurement of the lift platform is 34"x48" with a maximum lift capacity of 800 pounds.

Should the Bus Operator encounter difficulty properly securing a wheelchair or other mobility device, pursuant to FTA Circular 4710.1Chapter 2.2.6, FHATA will not refuse to transport the passenger. FHATA staff will request an opportunity to examine the device in order to find a way to secure it in a safe and compliant manner.

Only Bus Operators will operate the lifts provided with vehicles.

Wheelchair Lift Usage

POLICY: Any Rider may request to use the wheelchair lift, its use is **NOT** restricted to Riders who use mobility devices.

Vehicle Accessibility Equipment

When Bus Operators discover that lifts or ramps are not working, § 37.163(c) requires that they report the outages to appropriate staff (e.g., dispatchers) as soon as possible. Based on this information, dispatchers and supervisors can decide the best course of action. In demand responsive services (complementary paratransit and general public service), Bus Operators using vehicles with inoperable lifts may be able to continue to use such vehicles for the remainder of the day as long as any trips for riders needing lift equipped vehicles can be reassigned to another lift-equipped vehicle.

In non-rail fixed route systems, except as discussed below, § 37.163(d) requires transit agencies to remove vehicles with inoperable lifts (and ramps) from service before the beginning of the vehicle's next service day. An optional good practice, if possible, is to remove vehicles sooner (e.g., at the end of the run or driver's shift).

As covered in the regulations and discussed in Appendix D to § 37.163, "[w]hen a lift is discovered to be inoperative, either because of an in-service failure or as the result of a maintenance check, the entity must take the vehicle out of service before the beginning of its next service day . . . and repair the lift before the vehicle is put back into service." When agencies do not have sufficient accessible spare vehicles available, § 37.163(e) permits agencies to return vehicles with inoperable lifts to service for limited periods as follows:

- Vehicles with inoperable lifts may be returned to service for up to three days if there are no available spares and the transit agency's service area has a population of more than 50,000.
- Vehicles with inoperable lifts may be returned to service for up to five days if there are no available spares and the transit agency's service area has a population of 50,000 or less.

Transporting Medical Equipment

Passengers traveling with respirators, portable oxygen and other life support equipment must follow safety procedures that ensure protection of all passengers and transit employees. The portable oxygen tank may not exceed 15 lbs. in total weight, 29 inches in height, and 4 inches in diameter. Bus Operators will inspect any portable oxygen tank. Defective leaking or otherwise unsafe or unfit tanks will not be allowed on the vehicle. Portable oxygen tanks must be turned off when not in use.

Bus Operators will secure oxygen tanks in an upright position using a securement belt or system approved cargo belt. Oxygen tanks may be secured in an unoccupied area away from the side wall of the bus, to an aisle side seat back or other areas designed by management. Passengers who wear or carry portable oxygen tanks must wear the seat belt provided. FHATA personnel may not administer or assist with the administration of any medication. Any passenger requiring assistance while on the vehicle should travel with the assistance of a PCA.

Service Animals

POLICY: For policy purposes, animals are considered either service animals or pets.

A service animal is defined by The Americans with Disabilities Act as any animal individually trained to do work or perform tasks for the benefit of an individual with a disability. If an animal meets this broad definition, it is considered a service animal. In general, service animals will be transported with their owners without restriction or extra cost.

The U.S. DOT definition in Section 37.3 does not include emotional support or “comfort” animals which have not been trained to perform a task for an individual with a disability. A comfort animal provides comfort or emotional support just by being with the individual. As noted in Section 2.6 of the FTA ADA Circular, simply providing comfort is something that an animal does passively. However, a psychiatric support animal that is trained to perform a task for the individual (such as sensing an impending anxiety attack and taking an action to avoid or reduce the attack) would be considered a service animal under the USDOT definition.

Further, service animals must be supervised and the owner/handler must retain full control of the animal at all times. Owners/handlers are responsible for cleanup of any waste or litter caused by the service animal and liable for any damages the animals actually cause.

Bus Operators will follow the following rules in dealing with service animals:

- Do not pet, touch, or feed a service animal
- Do not deliberately startle a service animal or make noises at the animal (whistle, barking, etc.)
- Do not attempt to separate a service animal from its owner/handler
- Avoid initiating conversation about the service animal or the owner/handler’s disability
- If other riders complain about our policy towards service animals, have riders call the Dispatch office.

Pets may be transported with their owners if the pets are secured in an enclosed container, and if they can be fit into the schedule. Pets have the lowest priority for transportation. Pets requiring emergency veterinary assistance will not be transported. An ill service animal is treated as a pet in this respect: such animals are not performing their service function.

ROUTE ORIENTATION ANNOUNCEMENTS

Mandatory Announcements

The PA system on the bus shall be used to communicate effectively with passengers. Federal Transit Administration and ADA regulations requires Bus Operators to announce transfer points and bus stops. Announcements of bus stops on fixed route systems must be made as follows: Bus Operators shall announce all transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location. Bus Operators shall announce all bus stops at major intersections, transfer points, and stops requested by customers. Announcement should be made where fixed routes intersect.

Other Announcements

Bus Operators should use the PA system to communicate with passengers:

- Bus Operators should announce all detours over the PA system to alert passengers to route changes that may not be expected. The information should be announced before Bus Operators take the detour route. Bus Operators should inform passengers if there is another bus route that will get them closer to their destination.
- Bus Operators should announce closed bus stops to passengers so that they may use the bus stop closest to their destination.
- Bus Operators should not use the PA system to ask passengers to refrain from behavior that is disruptive or unsafe. Bus Operators should speak to these individuals personally.

Route Identification to Passengers Waiting at Shared Stops

Where vehicles for more than one route serve the same stop, each Bus Operator will stop and announce their route to passengers waiting at the stop. These stops have been listed for each route and the lists are provided to Bus Operators during training.

PUBLIC PARTICIPATION

This a necessary and integral part of transit's planning process. The public participation process will provide early and continuing involvement; clear, accurate, and timely information; full public access to citizens, public agencies, and segments of the community affected by transportation plans.

The public participation process will actively seek public input through a variety of techniques; which include media relations (newspaper, television, radio etc.), public notices, public informational meetings, appropriate comment periods, surveys, workshops, public hearings, and input from local member governments and their appointed committees. Any modification to the existing complementary paratransit service policies, to include eligibility determination, will consider feedback from the disability community served.

Public Information Dissemination

FHATA is committed to providing information about its services, policies and procedures to the public in accessible formats for persons with disabilities. The following methods are used to provide accessible formats to the public:

- **Website**-The FHATA website—www.flinthillsatabus.com—provides a wealth of information about the FHATA. Housed on the website are important documents and meeting agendas, along with announcements regarding current comment periods and public meetings.
- **Contact**-The FHATA website has a “Contact” tab to allow interested parties to submit comments, questions, or requests to be placed on the FHATA's email notification list.
- **Translation Services**-The website also contains a link to Google Translate and WorldLingo, a free translation tool. This allows for website information and documents to be translated from English into a variety of other languages.

- **The Kansas Relay Center (KRC)**-Is a free service that connects customers who are deaf, hard of hearing or have speech disabilities with others, using either standard telephone equipment or telephone equipment that has been specifically designed for individuals with disabilities. Making a call is simple: dial 7-1-1 or the toll-free number, 1-800-766-3777.
- **Visualization-** Visualization techniques will be used in all core transportation plans, programs and documents as much as possible. Visualization techniques promote improved understanding of the FHATA process and products for those who do not have a background in transportation planning. These techniques will include the use of colors, diagrams, tables, figures, maps and photos that further illustrate the ideas and concepts in transportation plans, projects and programs.

Public information regarding ADA paratransit services will be posted to the FHATA website and any downloadable documents, such as the ADA complementary paratransit application, will be posted in native portable document format (pdf) so that it can be read using readers.

To provide assistance to all users of public information, FHATA lists on their website that materials, including route maps, will provided in any format needed upon request.

MOBILITY MANAGEMENT

Mobility management can be broadly defined as creating and managing mobility options, at both the systemic and system-to-customer levels, to improve the reach, efficiency, and affordability of public transportation services.³

Public transportation is a valuable community resource that can be intimidating for those unfamiliar with the system. FHATA's Mobility Manager provides a certified travel training program that helps the general public, older adults, and persons with disabilities to access ADA accessible transit in the FHATA service area. Travel training provides comprehensive instruction in real-life transit scenarios to familiarize the passenger with local transportation options. Travel training is provided at no charge to the public.

³ (National Center for Mobility Management, 2021)

REASONABLE MODIFICATION

5. Purpose

The Federal Department of Transportation (DOT) has recently revised the rules for the American with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. The revised rules provide for public transit organizations to make reasonable modifications and accommodations to policies, practices, and procedures to avoid discrimination, and to ensure accessibility to individuals with disabilities. <https://www.federalregister.gov/documents/2015/03/13/2015-05646/transportation-for-individuals-with-disabilities-reasonable-modification-of-policies-and-practices>

6. Policy

FHATA is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services and activities. FHATA recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. FHATA will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. FHATA does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. FHATA will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

7. Reasonable Modifications

Individuals with disabilities may request that the Flint Hills Area Transportation Agency Inc. (FHATA) make a reasonable modification in order for that individual to fully use transit services. All requests should be made in advance by filling out and submitting a Reasonable Modification Request form to FHATA. Please see information below to obtain and file a request.

FHATA will accommodate requests provided that:

1. The fundamental nature of the service, program or activity is not altered, or,
2. It does not cause a direct threat to the health or safety of others, or,
3. It does not result in an undue financial and administrative burden, or,
4. The requestor would not be able to fully use the service provided by FHATA without modification.

8. Eligibility Criteria

An individual is eligible to be considered to receive a reasonable modification if that individual has: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or been regarded as having such impairment.

9. Time Frame for Processing Requests and Providing Reasonable Modification

FHATA will process requests for reasonable modification and then provide modifications, where appropriate, in as short a time frame as reasonably possible. FHATA recognizes, however, that the time necessary to process a request will depend on the nature of the modification(s) requested and whether it is necessary to obtain supporting information.

10. Granting a Reasonable Modification Request

As soon as FHATA determines that a reasonable modification will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, FHATA shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

11. Denying a Reasonable Modification Request

As soon as FHATA determines that a request for reasonable modification will be denied, FHATA will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- 1) the specific reasons for the denial;
- 2) any alternative modification that may create the same access to transit services as requested by the individual; and
- 3) the opportunity to file a complaint relative to the FHATA's decision on the request.

12. Complaint Process

FHATA has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the FHATA's website and will be provided to any individual where the FHATA has denied a request for modification. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting a FHATA's Reasonable Modification Complaint Form. FHATA investigates complaints received no more than 30 days after receipt. FHATA will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, FHATA may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to FHATA.

If FHATA is not contacted by the complainant or does not receive the additional information within 30 business days, the FHATA may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After FHATA investigates the complaint, a decision will be rendered in writing to the complainant. FHATA will issue either a Letter of Closure or Letter of Finding.

- a. *Letter of Finding* – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by FHATA to address the complaint.
- b. *Letter of Closure* – This letter will explain why FHATA has determined that the complaint does not merit modification/accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of FHATA, an opportunity to appeal the decision may be pursued provided the complainant files notice of appeal within 21 days of the initial decision of FHATA.

In the event of appeal, the complainant will be granted all due process, including the ability to be present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

13. Designated Employee

FHATA shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Kelly Meis, Operations Manager
Flint Hills Area Transportation Agency
Inc. 5815 Marlatt Avenue
Manhattan, KS 66503
785-565-6805
kmeis@rileycountyks.gov

There are several ways to obtain and submit a Reasonable Modification request form:

- Download the policy and form from our website at: www.flinthillsatabus.com
- Call 785-537-6345 or 1-877-551-6345
- Send an email to kmeis@rileycountyks.gov
- Mail a request
to:
FHATA
5815 Marlatt Avenue
Manhattan, KS 66503

14. Record Retention

FHATA will maintain all records related to reasonable modification requests and denials for at least three (3) years.



REASONABLE MODIFICATION REQUEST FORM

Please complete this form to request a reasonable modification of Flint Hills Area Transportation Agency Inc. services. Submit the completed form to the Reasonable Modification Coordinator via email at: meis@rileycountyks.gov via fax at 785-537-6327 or via mail at 5815 Marlatt Avenue Manhattan, KS 66503

Date: _____ Name: _____

Phone Number: _____ Email Address: _____

Address: _____

Description of Request: _____

Location & Routes Used: _____

Are you able to ride without this modification? : _____

Comments regarding a reasonable modification request can be sent to kmeis@rileycountyks.gov or you may call 785-537-6345 or 1-877-551-6345.

FHATA REASONABLE MODIFICATION PROGRAM COMPLAINT FORM

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
Date that Reasonable modification was Denied (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you should have received the modification request. Describe all persons who were involved. Include the name and contact information of the person(s) (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form. You may also attach other items that you think are relevant.				

Section IV				
Have you previously filed a complaint with this agency?			Yes	No

Signature and date required. Please submit the form in person or via mail/e-mail.

Signature

Date

AMERICANS WITH DISABILITIES ACT (ADA) COMPLAINT POLICY & PROCEDURES

Flint Hills Area Transportation Agency Inc. (FHATA) receives ADA complaints from customers or their representatives regarding fixed-route, general demand response, and ADA complementary paratransit operations, policies, and procedures. The following policy outlines the process for recording, investigating, responding to, and maintaining ADA complaints.

Objectives

The objectives of the complaint procedures are to:

- Provide an opportunity for customers to report any policies, procedures, or actions by FHATA they believe violate the ADA regulations.
- Document and investigate the allegations in a timely and thorough manner.
- Timely respond to customers and provide the outcome of the investigation.

Civil Rights Officer

FHATA's Civil Rights Officer investigates ADA complaints. The Civil Rights Officer is:

Katey Cain
5815 Marlatt Av
Manhattan, KS 66503
785-537-6345/1-877-551-6345
kcain@fhata.org

Complaint Receipt

1. Customer Service Representatives receive the complaint from customers or their representatives via the telephone (785-537-6345 or 1-877-551-6345), e-mail (kcain@fhata.org), mail (5815 Marlatt AV Manhattan, KS 66503) on the FHATA website (www.flinthillsatabus.com), or in person at:

Flint Hills Area Transportation Agency Inc.
5815 Marlatt Av
Manhattan, KS 66503

2. Complaints are taken up to 180 days past the date of the incident. Beyond that time period, complaints will be classified as comments.
3. The complaint is input into a Call Log in the Quality Assurance software by a Customer Service Representative immediately upon receipt of the complaint. In order for a complaint to be investigated, customers or their representatives must provide an address, telephone number, or email address. Those complaints without contact information will be classified as comments.
4. The Civil Rights Officer will review the complaints for completeness and accuracy and call the customer if additional details are needed for the investigation. The Civil Rights Officer will have three (3) calendar days to complete the initial review.

Complaint Investigation and Customer Follow-up

1. Any complaint that alleges discrimination on the basis of disability will be designated as an ADA complaint. The Civil Rights Officer will be responsible for investigating the complaint and following up with the customer.
2. The Civil Rights Officer will be responsible for contacting the appropriate manager/ service contractor(s) to get information needed in order to complete the investigation of the complaint including, but not limited to, any video or audio recordings of the incident.
3. Once the investigation has been completed, the Civil Rights Officer will make a decision regarding the validity of the complaint and what, if any, remedial actions will be taken to address the complainant's concerns.
4. The Civil Rights Officer will notify the complainant in writing of FHATA's decision regarding the complaint typically within seven (7) calendar days after the investigation has been completed.
5. If complainants disagree with the determination by the Civil Rights Officer, they can appeal the decision in writing within thirty (30) days from the date of the determination letter. The appeal letter should state the reason(s) the complainant believes the decision was in error. The appeal letter should be mailed to:

Executive Director
Flint Hills Area Transportation Agency Inc.
5815 Marlatt Av
Manhattan, KS 66503

Complaint Tracking and Record Retention

1. The Civil Rights Officer will be responsible for tracking all ADA complaints for the purpose of establishing trends in allegations of discrimination.
2. The Civil Rights Officer will maintain a summary log of all ADA complaints. In addition, all complaint documents and materials gathered during the investigation are maintained for no less than five (5) years.

ADA COMPLAINT FORM

Title II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. If you have a complaint about the accessibility of the FHATA Inc. transit system or believe you have been discriminated against because of your disability, you can use this form to file a complaint. Please provide the following information in order to assist us in processing your complaint and send it to:

Katey Cain, Civil Rights Officer
5815 Marlatt Av
Manhattan, KS 66503
kcain@fhata.org

1. Complainant's name:		
Address:		
City:	State:	Zip Code:
Daytime telephone: ()		
E-mail address:		
Do you prefer to be contacted via e-mail? <input type="checkbox"/> Yes <input type="checkbox"/> No		
2. Are you filing this complaint on your own behalf? <input type="checkbox"/> Yes If YES, please go to question 6. <input type="checkbox"/> No If NO, please go to question 3.		
3. Please provide your name and address. Name of person filing complaint:		
Address:		
City:	State:	Zip Code:
Daytime telephone: ()		
E-mail address:		
Do you prefer to be contacted via e-mail? <input type="checkbox"/> Yes <input type="checkbox"/> No		
4. What is your relationship to the person for whom you are filing the complaint?		

5. Please confirm that you have obtained the permission of the aggrieved party to file a complaint on their behalf.

Yes, I have permission. No, I do not have permission

6. I believe that the discrimination I experienced was based on (check all that apply)

Accessibility issue Discrimination based on disability Other

7. Date of alleged discrimination (Month, Day, Year):

8. Where did the alleged discrimination take place?

9. Explain as clearly as possible what happened and why you believe that you were discriminated against. Describe all of the persons that were involved. Include the name and contact information of the person(s) who discriminated against you (if known). *Use the back of this form or separate pages if additional space is required.*

10. Please list any and all witnesses' names and phone numbers/contact information. *Use the back of this form or separate pages if additional space is required.*

11. What type of corrective action would you like to see taken?

FIXED ROUTE SERVICE SPECIFIC GUIDELINES AND PROCEDURES.

MANHATTAN FIXED ROUTE SERVICES

General Background/Contact Information

Fixed route services in Manhattan are operated by the FHATA Inc for the FHATA Board. FHATA Board is the Direct Recipient of Section 5307 Urban Formula Funds for the Manhattan Urbanized Area and is located at 5815 Marlatt Avenue, Manhattan, KS 66503. FHATA can be contacted at 785-537-6345 and more information about the system can be found at www.flinthillsatabus.com.

Description of Fixed Route Services

Fixed routes have been available in Manhattan since 2012. The system's route structure was re-analyzed over the course of two years (2016-2017), and additional changes were made in late 2019.

Fixed Route Operational Information

City of Manhattan routes operate Monday through Friday, 12 hours per day, from 7:00 am to 7:00 pm (with some scheduling variation) Saturday, 10 hours per day, from 9:00 a.m. to 7:00 p. m.

All routes are operated with 24 passenger cutaway buses that are lift equipped and have bike racks. Bus stops currently have limited amenities but are planned to have amenities based on the amount of activity at the location (both boarding/alighting and transfer activity). Bus stop locations may include concrete pads, seating, signage, traveler information, shelters, and sidewalk connections to the existing pedestrian network.

The current fare schedule for the fixed routes in Manhattan is as follows:

- Adult: \$1
- Youth (7-17): \$0.50
- Youth (6 and younger): Free
- Seniors (60+) and Disabled: \$0.50 (if qualified)
- Personal Care Attendants: Free
- Unlimited Use 30-Day Pass: \$30*
- Unlimited Use 5-day Pass: \$6*
- Unlimited Use 3-day Pass: \$4*
- Unlimited Use 1-day Pass: \$2*

*Half-fare rates also available for unlimited use passes.

Visitors

ADA paratransit service shall be provided to all ADA eligible visitors. Individuals who are visiting the Manhattan/Ogden area who have been certified "ADA paratransit eligible" by another transit provider are eligible to use FHATA's ADA Paratransit service if they provide documentation of eligibility from the area in which they are residing. This service is available for a total of 21 days

per calendar year. If the individual exceeds 21 days, then that person will be required to submit a FHATA ADA Application.

If an individual claims ADA paratransit eligibility, they are entitled to presumptive eligibility for up to 21 days. If service is required beyond 21 days, ADA eligibility shall be required.

MANHATTAN FIXED ROUTE COMPLEMENTARY PARATRANSIT

Demand for Complementary Paratransit Service

FHATA is required to estimate the total number of citizens within the service area that would be ADA Complementary Paratransit Eligible. The methodology used to determine the approximate number of potential passengers was that described in the *ADA PARATRANSIT HANDBOOK: Implementing the Complementary Paratransit Service Requirements of the Americans with Disabilities Act of 1990*.⁴

National studies indicate that approximately 1.5% of a community's total population is physically unable to board or disembark from an accessible bus or reach a boarding location or destination due to a specific impairment condition. Additionally, 1% cannot use a public transit system due to visual or mental impairments.⁵ These two general categories represent the three specific categories for which ADA Complementary Paratransit Service is directed. Based upon these percentages, it is anticipated that there will be approximately 1,375 persons in Manhattan that will be eligible for the complementary paratransit service.

Service Area

USDOT's guidance on the provision of complementary paratransit service requires that demand response service be provided to origins and destinations within corridors with a width of three-fourths of a mile on each side of each fixed route. Figure 2 shows a map of the service area for complementary paratransit, based on the **three-fourths of a mile** requirement.

Origin to Destination Curb-to-Curb Service and Passenger Assistance

ADA paratransit services will be provided from origin to destination on a curb-to-curb basis. The FHATA Bus Operators will assist ADA paratransit riders with those activities directly related to boarding and alighting from vehicles and in securing their mobility devices. All Bus Operators who operate ADA paratransit services will be proficiently trained in passenger assistance and sensitivity towards persons with disabilities.

Riders will be required to travel to the curb outside of their trip origin in time for their scheduled pick-up window. Riders who require additional assistance in the form of door-to-door service in order to use the paratransit service may request a reasonable modification of this policy by contacting the ADA Coordinator at 785-537-6345. In such cases, the Bus Operator will provide assistance on a door-to-door basis. This ensures that FHATA meets the ADA requirement to provide service on an "origin to destination" basis.

While limited assistance in guiding a passenger from their door to the curb may be provided on a case-by-case base, it is encouraged to prearrange this assistance and indicate this need when

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⁵ Lewis, David, Hickling Corporation, Preliminary Regulatory Impact Analysis of Transportation Accessibility Requirements for the Americans with Disabilities Act, for the U.S. Department of Transportation, April, 1991.

the trip is scheduled. However, if it is not known in advance that such assistance will be necessary, Bus Operators will assist riders with any immediate requests on an as needed basis.

Under no circumstances will staff of FHATA provide weight-bearing assistance, leave a vehicle unattended with passengers on board, enter a rider's home, or take actions that would be clearly unsafe. If more extensive assistance is needed by the individual than FHATA can provide, as provider of public transportation, the individual will be responsible for arranging for personal care assistance. The ADA Coordinator will work with the individual and/or their caregiver/social worker to clarify parameters of the assistance provided by the Bus Operator and formally document this in a letter sent to the individual.

Service Hours

Federal guidance requires that complementary paratransit service be made available during the same service hours that fixed route transit is available in a corridor. For the Manhattan fixed route service, this means service within three-quarters (3/4) mile of the routes shall be available from 7:00am to 7:00pm Monday through Friday and 9:00am to 7:00pm on Saturday.

Response Time

Federal guidance requires that complementary paratransit scheduling must occur during normal business hours and comparable to the service hours of the fixed routes. Also, the entity must be able to schedule rides regularly up to the day before the trip is needed without capacity constraints. Reservations may be taken by reservation agents or by mechanical means. An entity may permit advance reservations up to 14 days in advance. The entity may negotiate pickup and drop-off times with the client, but not more time negotiated one hour before or after the individual's desired time.

The Manhattan fixed route program's complementary paratransit provides a call-in scheduling service. Riders must call-in the day before to schedule their rides. The phone number is (785) 537-6345 or 1-877-551-6345. The complementary paratransit line is available Monday- Saturday 7:00 am – 7:00 pm.

Fares

Federal guidance requires that complementary paratransit fares not exceed twice the fare that would be charged to an individual paying the full fare (i.e. without any discounts) for a trip of similar length, at a similar time of day or on the entity's fixed route system. In calculating the full-fare, the entity may include transfer and premium charges. Guidance allows companions to pay the same fare as the ADA eligible rider, but a personal care attendant can ride free.

The full fare for the Manhattan Complementary Paratransit Service is \$2.

Trip Purpose Restrictions

Federal guidance requires that an entity not impose restrictions or place priority on trip purpose for any eligible rider of complementary paratransit.

The Manhattan fixed route program's complementary paratransit service does not impose restrictions on trip purposes or place priority on certain trip types.

Capacity Constraints

Federal law prohibits any operational pattern or practice that significantly limits the availability of service to complementary paratransit eligible persons. These patterns or practices may include:

- Trip delays at pickup or drop-off
- Trip denials
- Missed trips
- Trips with excessive trip lengths (due to chained trips)

FHATA allocates funding in their budget for complementary paratransit services. To determine if the funding allocated is enough to meet the capacity requirements of the service, FHATA evaluates the scheduling records regularly. This should be conducted by taking a sample of trips out of the CAD/AVL software (the scheduling software) to understand trip length information. Information should also be review about trip denials and missed trips. In reviewing this information, if the items identified above are showing a pattern of consistent capacity challenges, FHATA should allocate more resources to the complementary paratransit program.

The following will be considered performance measures for the determination of an operational pattern or practice of significantly limiting service to paratransit eligible passengers. It should be noted that operational problems beyond the control of FHATA (including but not limited to weather or traffic conditions that effect traffic and/or equipment breakdowns) will not be the basis for determining that such a pattern or practice exists. The performance measures are:

- **Travel Time:** The trip travel time between pick-up and drop-off shall be comparable to fixed-routes, unless the trip generated is located in the far reaches of the county, which take 60 minutes one way to reach. The trip travel time between rural county pick-up and drop-off shall not be more than 120 minutes.
- **Missed Trips:** A missed trip is one in which the vehicle does not arrive at all; or arrives outside the on-time window (more than 15 minutes early or late) and the customer elects not to take the ride. In the latter instance, if the customer decided to still take the trip, it wouldn't count as a missed trip, but would be considered an early or late pick-up.
- **On-time Performance:** All paratransit trips will be on time within 15 minutes of the scheduled pick-up time.
- **Trip Denial:** a paratransit trip request that that cannot be scheduled within one hour before or after the desired departing time, the trip must be tracked as a denial. Even if a rider accepts an offer of a trip that is outside the one-hour window, the trip must be tracked as a denial due to the entity's inability to meet the ADA service criteria.

Coordinated with Other Services

FHATA has a long history of providing service to meet the paratransit needs of its service area. Currently, there are six programs that provide transportation services to the general public, mobility impaired and socially disenfranchised. Some of the systems are operated by non-profit social agencies for specific needs of the agency's clients and are not open directly to the public. The present paratransit services provided in tri county region include the following:

- Flint Hills Area Transportation Agency (FHATA)
- Big Lakes Developmental Services
- Pawnee Mental Health
- Geary County Senior Center
- Pottawatomie County General Public Transportation
- Community HealthCare System

DESCRIPTION OF THE ELIGIBILITY PROCESS FOR THE COMPLEMENTARY PARATRANSIT PLAN

A. ADA Complementary Paratransit Eligibility

For the purposes of determining ADA Complementary Paratransit Eligibility, the definition of *Disability* will be that as included in the Federal Regulations 49 CFR Part 37 as amended.

The following persons will be considered eligible for FHATA paratransit service:

- **Individuals** who, because of a physical or mental disability, are unable to board, ride, or disembark from a vehicle even if they are able to get to the stop and even if the vehicle is accessible.
- **Individuals** who cannot use vehicles without lifts or other accommodations. These persons are eligible for paratransit service if accessible fixed route vehicles are not available on the route on which they need to travel when they need to travel or if the boarding or disembarking location on the fixed route, even with an accessible vehicle, prohibits a passenger from boarding the bus.
- **Individuals** with specific impairment related conditions that cannot travel to a boarding location or from a disembarking location to their final destination. Distance, weather, terrain shall not be considered factors in determining eligibility under these criteria unless they, in combination with the individual's specific impairment-related condition, form the basis for qualification.
- **Individuals** accompanying an ADA paratransit individual as a Personal Care Attendant (PCA). The need for a PCA must be designated at the time of reservation. On paratransit trips the PCA must have the same origin and destination as the eligible passenger.
- **Additional individuals** accompanying the ADA paratransit eligible individual shall be provided service as long as there is space available in the vehicle and the persons have the same origin and destination as the eligible individual.

B. ADA Paratransit Eligibility Certification Process

Certification:

In order to qualify for ADA Complementary Paratransit Service an individual must comply with the FHATA certification process. An explanation of this process and certification application will be available to all persons requesting the information and include forms of media such as Braille, large print, and audiotape. Certification will occur within twenty-one (21) days of receipt of the completed application or the application will be considered as eligible until a decision is made. An individual who is denied certification will receive a written explanation with the specific reason as to why they were denied within the twenty-one days from the receipt of the completed application. That person may then file an appeal under the provisions described below. Application forms are available from FHATA office or on-line at www.flinthillsatabus.com. The applicant will not be charged any "user fees" that cause an unreasonable burden upon the applicant, including doctor's fees and application fees. An ARNP is available at FHATA Offices on a limited basis for no-cost consultation on the application and subsequent signature if verified by the ARNP.

FHATA will provide the individuals certified as eligible with documentation in the form of an identification card FHATA will accept the certification of individuals for ADA paratransit eligibility from other public transit systems throughout the United States of America. Additionally, FHATA will certify individuals even if they do not live within areas of service offered by FHATA. Where a visitor is not certified within the FHATA system, those individuals

will be allowed access to ADA Complementary Paratransit Service until such time as they are certified up to 21 days from the date of the first service. In these instances, FHATA may require documentation of the person's place of residence and disability. Recertification at reasonable intervals may be required by FHATA on a case by case basis. An example of the application is included in the following sections.

Record Retention:

FHATA ADA paratransit certification applications will be kept on file for at least 2 years.

Appeal:

A person may appeal a decision of FHATA not to certify an application. Such appeal must be submitted within thirty (30) days from the date of certification denial. The appeal will be considered by the FHATA Executive Director. The Executive Director shall allow for the presentation of information and arguments relative to the appeal and shall conclude with a written notification of the decision and the reasons for such decision within thirty (30) days of the date of the hearing with specific reason for decision to all parties involved. If no decision is made within the 30 days, provisional ADA Complementary Paratransit service to the individual will be provided until a decision is reached. The Executive Director's decision is final.

Suspension:

FHATA reserves the right to suspend ADA Complementary Paratransit Eligible certified individuals who establish a pattern or practice of missing scheduled trips. Trips missed by the individual for reasons beyond his or her control (i.e. operator error, mechanical failure) shall not be the basis for determining that such a pattern or practice exists.

No-shows

A rider who has a scheduled trip and does not appear at the designated pick-up point and time and does not cancel the trip at least one hour in advance or refuses to take the scheduled trip that arrives within the on-time pickup window.

Cancellations

In order to provide the greatest service to all passengers, cancellation notice should be made no less than **one** hour prior to the scheduled pick-up time.

Cancellations made less than one hour prior to the scheduled pick-up time will be considered a late cancellation. This policy applies to all scheduled trips, including subscription trips.

Pattern of No-shows/Late Cancellations

Any rider who demonstrates a pattern or practice of no-shows or late cancellations will be suspended from service. "A pattern or practice involves intentional, repeated, or regular actions, not isolated, accidental, or singular incident."⁶ A no-show or late cancellation that occurs for any reason beyond the control of the rider, including illness, family emergency, or transit agency error or lateness, will not be considered in violation of the policy.

⁶ Rosemary G Mathias et al., "Practices in No-Show and Late Cancellation Policies for ADA Paratransit: A Synthesis of Transit Practice," TCRP Synthesis 60 6, (2005).

Definition of “Excessive”

No-show/late cancellations are considered excessive when a customer reserves 7 or more trips within any month and no-shows and/or late cancels 20 percent or more of those scheduled trips. At no time can a customer's no-show/late cancellations exceed 7 within one month without causing a violation. This will be considered a pattern or practice of missed trips and the customer will be sent written notification that he/she has violated the No-Show/Late Cancellation Policy and is subject to suspension.

Suspension from Service

Customers incurring excessive no show or late cancellations may be warned and then suspended for a reasonable period. Repeated violations of this policy will result in longer suspension periods each time. The following suspension periods shall apply to violations of this policy that occur within the same rolling 12-month period.

- 1st Violation: Written Warning
- 2nd Violation: 1 Week Period
- 3rd Violation: 2 Week Period
- 4th or Subsequent Violations: 4 Week Period not to exceed 30 continuous days

Excessive Cancellation Policy

Even though a scheduled trip is cancelled the same day at least one hour in advance of the established pick-up window, a pattern or practice of excessive cancellations may often cause service to be unavailable at a time other passengers may desire the service. This often results in more frequent negotiated pick-up times and extended “hold times” when other passengers are trying to schedule or check on a ride.

The policy is as follows: Riders canceling 50% or more of their trips scheduled with a minimum of six (6) cancellations within a ninety (90) day rolling period, may be subject to a 14-day suspension from service.

Suspension Appeal Process

A rider may appeal a suspension through the grievance procedure process. The rider will continue to receive service during the appeal process. A no-show or late cancellation that occurs as the result of circumstances beyond the control of the rider or due to inclement weather will not be considered a violation of the no-show or cancellation policy.

Exceptions:

Riders are not penalized for No-shows that occur due to sudden emergencies which make it impossible for them to cancel. Because only one hour's notice is needed to cancel, it is anticipated that most riders will be able to cancel in a timely fashion. Riders are not penalized for being a No-show if the bus arrived late, that is, after the end of the pick-up window, or if a reservation error was made by the dispatcher. Riders are encouraged to discuss their record with staff if they feel they have been No-showed in error. Disputes regarding this policy will be referred to the FHATA Executive Director through the grievance procedure as outlined in the appeals process above.

Grievance Procedures:

A grievance procedure has been developed to assure passengers have fair and equitable access to FHATA services. In the event of a violation of the policies above, information will be sent outlining the appeals process with a notification letter. Should a customer wish to appeal the violation or suspension, the following procedures should be followed to resolve the conflict:

1. Each passenger is expected to communicate in writing directly to the Executive Director or Director of Operations regarding ride-related actions, occurrences, or attitudes perceived as unfair or inequitable.
2. A passenger who believes he/she has suffered a grievance should communicate the matter with the Executive Director or Director of Operations within five (5) working days of the occurrence of the alleged grievance to arrive at a satisfactory solution.
3. The Executive Director or Director of Operations will have five (5) working days to respond, making every effort to resolve the grievance at this level.
4. If a resolution is not reached, the grievance must be described in writing and submitted to the FHATA Inc Board of Directors within 30 days for their review.

JUNCTION CITY FIXED ROUTE SERVICES

General Background/Contact Information

Fixed route services in Junction City are operated by the FHATA. FHATA is located at 5815 Marlatt Avenue, Manhattan, KS 66503. FHATA is a non-profit organization with a board of directors that meets regularly to provide oversight of the organization's programming. FHATA can be contacted at 785-537-6345 and more information about the system can be found at www.rileycountyks.gov/ATA.

Description of fixed route services

Fixed routes in Junction City began operations in May 2016. The system's route structure was re-analyzed in 2021.

Fixed Route Operational Information

City routes operate Monday through Friday, 12 hours per day, from 7:00am to 7:00pm with one-hour frequency.

All routes are operated with 24 passenger cutaway buses that are lift equipped and have bike racks. Bus stops currently have limited amenities but are planned to have amenities based on the amount of activity at the location (both boarding/alighting and transfer activity). Locations may include concrete pads, seating, signage, traveler information and sidewalk connections to the existing pedestrian network.

The current fare schedule for the fixed routes in Junction City is as follows:

- Adult: \$1
- Youth (7-17): \$0.50
- Youth (6 and younger): Free
- Seniors (60+) and Disabled: \$0.50 (if qualified)
- Personal Care Attendants: Free
- Unlimited Use 30-Day Pass: \$30*
- Unlimited Use 5-day Pass: \$6*
- Unlimited Use 3-day Pass: \$4*
- Unlimited Use 1-day Pass: \$2*

*Half-fare rates also available for unlimited use passes.

Visitors

ADA paratransit service shall be provided to all ADA eligible visitors. Individuals who are visiting the Junction City/Grandview Plaza area who have been certified "ADA paratransit eligible" by another transit provider are eligible to use FHATA's ADA Paratransit service if they provide documentation of eligibility from the area in which they are residing. This service is available for a total of 21 days per calendar year. If the individual exceeds 21 days, then that person will be required to submit a FHATA ADA Application.

If an individual claims ADA paratransit eligibility, they are entitled to presumptive eligibility for up to 21 days. If service is required beyond 21 days, ADA eligibility shall be required.

JUNCTION CITY FIXED ROUTE COMPLEMENTARY PARATRANSIT

Demand for Complementary Paratransit Service

As part of the ADA Paratransit Implementation Plan Update, FHATA is required to estimate the total number of citizens within the service area that would be ADA Complementary Paratransit Eligible. The methodology used to determine the approximate number of potential passengers was that described in the *ADA PARATRANSIT HANDBOOK: Implementing the Complementary Paratransit Service Requirements of the Americans with Disabilities Act of 1990*.⁷

National studies indicate that approximately 1.5% of a community's total population is physically unable to board or disembark from an accessible bus or reach a boarding location or destination due to a specific impairment condition. Additionally, 1% cannot use a public transit system due to visual or mental impairments.⁸ These two general categories represent the three specific categories for which ADA Complementary Paratransit Service is directed. Based upon these percentages, *it is anticipated that there will be approximately 584 persons in Junction City/Grandview Plaza that will be eligible for the complementary paratransit service.*

Service Area

USDOT's guidance on the provision of complementary paratransit service requires that demand response service be provided to origins and destinations within corridors with a width of three-fourths of a mile on each side of each fixed route. Figure 4 shows a map of the service area for complementary paratransit, based on the **three-fourths of a mile** requirement.

Origin to Destination Curb-to-Curb Service and Passenger Assistance

ADA paratransit services will be provided from origin to destination on a curb-to-curb basis. The FHATA Bus Operators will assist ADA paratransit riders with those activities directly related to boarding and alighting from vehicles and in securing their mobility devices. All Bus Operators who operate ADA paratransit services will be proficiently trained in passenger assistance and sensitivity towards persons with disabilities.

Riders will be required to travel to the curb outside of their trip origin in time for their scheduled pick-up window. Riders who require additional assistance in the form of door-to-door service in order to use the paratransit service may request a reasonable modification of this policy by contacting the ADA Coordinator at 785-537-6345. In such cases, the Bus Operator will provide assistance on a door-to-door basis. This ensures that FHATA meets the ADA requirement to provide service on an "origin to destination" basis.

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On-time Performance: All paratransit trips will be on time within 15 minutes of the scheduled pick-up time.

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Coordinated with Other Services

FHATA has a long history of providing service to meet the paratransit needs of its service area. Currently, there are six programs that provide transportation services to the general public, mobility impaired and socially disenfranchised. Some of the systems are operated by non-profit social agencies for specific needs of the agency's clients and are not open directly to the public. The present paratransit services provided in tri county region include the following:

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DESCRIPTION OF THE ELIGIBILITY PROCESS FOR THE COMPLEMENTARY PARATRANSIT PLAN

A. ADA Complementary Paratransit Eligibility

For the purposes of determining ADA Complementary Paratransit Eligibility, the definition of *Disability* will be that as included in the Federal Regulations 49 CFR Part 37 as amended.

The following persons will be considered eligible for FHATA paratransit service:

- **Individuals** who, because of a physical or mental disability, are unable to board, ride, or disembark from a vehicle even if they are able to get to the stop and even if the vehicle is accessible.
- **Individuals** who cannot use vehicles without lifts or other accommodations. These persons are eligible for paratransit service if accessible fixed route vehicles are not available on the route on which they need to travel when they need to travel or if the boarding or disembarking location on the fixed route, even with an accessible vehicle, prohibits a passenger from boarding the bus.
- **Individuals** with specific impairment related conditions that cannot travel to a boarding location or from a disembarking location to their final destination. Distance, weather, terrain shall not be considered factors in determining eligibility under these criteria unless they, in combination with the individual's specific impairment-related condition, form the basis for qualification.
- **Individuals** accompanying an ADA paratransit individual as a Personal Care Attendant (PCA). The need for a PCA must be designated at the time of reservation. On paratransit trips the PCA must have the same origin and destination as the eligible passenger.
- **Additional individuals** accompanying the ADA paratransit eligible individual shall be provided service as long as there is space available in the vehicle and the persons have the same origin and destination as the eligible individual.

B. ADA Paratransit Eligibility Certification Process

Certification:

In order to qualify for ADA Complementary Paratransit Service an individual must comply with the FHATA certification process. An explanation of this process and certification application will be available to all persons requesting the information and include forms of media such as Braille, large print, and audiotape. Certification will occur within twenty-one (21) days of receipt of the completed application or the application will be considered as eligible until a decision is made. An individual who is denied certification will receive a written explanation with the specific reason as to why they were denied within the twenty-one days from the receipt of the completed application. That person may then file an appeal under the provisions described below. Application forms are available from FHATA office or on-line at www.flinthillsatabus.com. The applicant will not be charged any "user fees" that cause an unreasonable burden upon the applicant, including doctor's fees and application

fees. An ARNP is available at FHATA Offices on a limited basis for no-cost consultation on the application and subsequent signature if verified by the ARNP.

FHATA will provide the individuals certified as eligible with documentation in the form of an identification card FHATA will accept the certification of individuals for ADA paratransit eligibility from other public transit systems throughout the United States of America. Additionally, FHATA will certify individuals even if they do not live within areas of service offered by FHATA. Where a visitor is not certified within the FHATA system, those individuals will be allowed access to ADA Complementary Paratransit Service until such time as they are certified up to 21 days from the date of the first service. In these instances, FHATA may require documentation of the person's place of residence and disability. Recertification at reasonable intervals may be required by FHATA on a case by case basis. An example of the application is included in the following sections.

Record Retention:

FHATA ADA paratransit certification applications will be kept on file for at least 2 years.

Appeal:

A person may appeal a decision of FHATA not to certify an application. Such appeal must be submitted within thirty (30) days from the date of certification denial. The appeal will be considered by the FHATA Executive Director. The Executive Director shall allow for the presentation of information and arguments relative to the appeal and shall conclude with a written notification of the decision and the reasons for such decision within thirty (30) days of the date of the hearing with specific reason for decision to all parties involved. If no decision is made within the 30 days, provisional ADA Complementary Paratransit service to the individual will be provided until a decision is reached. The Executive Director's decision is final.

Suspension:

FHATA reserves the right to suspend ADA Complementary Paratransit Eligible certified individuals who establish a pattern or practice of missing scheduled trips. Trips missed by the individual for reasons beyond his or her control (i.e. operator error, mechanical failure) shall not be the basis for determining that such a pattern or practice exists.

No-shows

A rider who has a scheduled trip and does not appear at the designated pick-up point and time and does not cancel the trip at least one hour in advance or refuses to take the scheduled trip that arrives within the on-time pickup window.

Cancellations

In order to provide the greatest service to all passengers, cancellation notice should be made no less than **one** hour prior to the scheduled pick-up time.

Cancellations made less than one hour prior to the scheduled pick-up time will be considered a late cancellation. This policy applies to all scheduled trips, including subscription trips.

Pattern of No-shows/Late Cancellations

Any rider who demonstrates a pattern or practice of no-shows or late cancellations will be suspended from service. "A pattern or practice involves intentional, repeated, or regular

actions, not isolated, accidental, or singular incident.”⁹ A no-show or late cancellation that occurs for any reason beyond the control of the rider, including illness, family emergency, or transit agency error or lateness, will not be considered in violation of the policy.

Definition of “Excessive”

No-show/late cancellations are considered excessive when a customer reserves 7 or more trips within any month and no-shows and/or late cancels 20 percent or more of those scheduled trips. At no time can a customer's no-show/late cancellations exceed 7 within one month without causing a violation. This will be considered a pattern or practice of missed trips and the customer will be sent written notification that he/she has violated the No-Show/Late Cancellation Policy and is subject to suspension.

Suspension from Service

Customers incurring excessive no show or late cancellations may be warned and then suspended for a reasonable period. Repeated violations of this policy will result in longer suspension periods each time. The following suspension periods shall apply to violations of this policy that occur within the same rolling 12-month period.

- 1st Violation: Written Warning
- 2nd Violation: 1 Week Period
- 3rd Violation: 2 Week Period
- 4th or Subsequent Violations: 4 Week Period not to exceed 30 continuous days

Excessive Cancellation Policy

Even though a scheduled trip is cancelled the same day at least one hour in advance of the established pick-up window, a pattern or practice of excessive cancellations may often cause service to be unavailable at a time other passengers may desire the service. This often results in more frequent negotiated pick-up times and extended “hold times” when other passengers are trying to schedule or check on a ride.

The policy is as follows: Riders canceling 50% or more of their trips scheduled with a minimum of six (6) cancellations within a ninety (90) day rolling period, may be subject to a 14-day suspension from service.

Suspension Appeal Process

A rider may appeal a suspension through the grievance procedure process. The rider will continue to receive service during the appeal process. A no-show or late cancellation that occurs as the result of circumstances beyond the control of the rider or due to inclement weather will not be considered a violation of the no-show or cancellation policy.

Exceptions:

Riders are not penalized for No-shows that occur due to sudden emergencies which make it impossible for them to cancel. Because only one hour’s notice is needed to cancel, it is

⁹ Rosemary G Mathias et al., “Practices in No-Show and Late Cancellation Policies for ADA Paratransit: A Synthesis of Transit Practice,” TCRP Synthesis 60 6, (2005).

anticipated that most riders will be able to cancel in a timely fashion. Riders are not penalized for being a No-show if the bus arrived late, that is, after the end of the pick-up window, or if a reservation error was made by the dispatcher. Riders are encouraged to discuss their record with staff if they feel they have been No-showed in error. Disputes regarding this policy will be referred to the FHATA Executive Director through the grievance procedure as outlined in the appeals process above.

Grievance Procedures:

A grievance procedure has been developed to assure passengers have fair and equitable access to FHATA services. In the event of a violation of the policies above, information will be sent outlining the appeals process with a notification letter. Should a customer wish to appeal the violation or suspension, the following procedures should be followed to resolve the conflict:

1. Each passenger is expected to communicate in writing directly to the Executive Director or Director of Operations regarding ride-related actions, occurrences, or attitudes perceived as unfair or inequitable.
2. A passenger who believes he/she has suffered a grievance should communicate the matter with the Executive Director or Director of Operations within five (5) working days of the occurrence of the alleged grievance to arrive at a satisfactory solution.
3. The Executive Director or Director of Operations will have five (5) working days to respond, making every effort to resolve the grievance at this level.
4. If a resolution is not reached, the grievance must be described in writing and submitted to the FHATA Inc Board of Directors within 30 days for their review.

ADA PARATRANSIT ELIGIBILITY APPLICATION PART A

Flint Hills Area Transportation Agency
5815 Marlatt Avenue
MANHATTAN, KS 66503
785-537-6345 FAX: 785-537-6327
Email: fhata@fhata.org
flinthillsatabus.com



ADA PARATRANSIT ELIGIBILITY APPLICATION

PART A

Personal/Contact Information

The Flint Hills aTa Bus provides origin to destination para-transit service to individuals who cannot use Flint Hills aTa Bus Fixed Route services to make their trips. To be eligible for this service, the functional limitations of an individual's disability must prevent regular use of Flint Hills aTa Bus Fixed Route service. Architectural and environmental barriers such as distance, terrain or weather do not, standing alone, form a basis for eligibility. However, consideration may be given to the interaction of environmental conditions (terrain and weather) with the individual's impairment related condition. **Disability alone does not automatically qualify an individual for origin to destination bus service.**

To become eligible for service, applicants along with a qualified professional such as: physician (M.D. or D.O.), registered nurse, physical or occupational therapist, psychiatrist, psychologist, mental health counselor, vocational counselor, rehabilitation specialist, independent living skills trainer, or ophthalmologist must complete and submit PART A and PART B for review within 21 days of the day the applicant first rode the origins to destinations service.

Applicants will also need to complete an Authorization Form for Disclosure of Protected Health Information attached to Part B that will be submitted by the qualified professional.

Please Type or Print in Ink to complete application forms.

REQUIRED

Last Name _____ First Name _____ MI _____
Address _____ Apt. No. _____
City/Town _____ State _____ Zip _____
Home Phone: (____) _____ Work Phone: (____) _____
TTD/TTY (____) _____ Cell Phone (____) _____
DOB ____/____/____ E-Mail address: _____

Please notify the Flint Hills aTa Bus office of any change in address, phone number(s), emergency contact, medical condition or special assistance needs.

Do you need assistance filling out this form?

Yes No

If you answered **YES**, please contact our office. You will be put in contact with our Mobility Manager, who will provide you with further assistance.

Do you require information in an alternative format?

Large Print Electronic Format Other _____

Flint Hills aTa Bus offers free travel training services for anyone who needs assistance learning to use regular fixed route buses and/or planning a trip on the bus. A travel trainer works with you either one-on-one or in a group to teach you how to use the fixed route services.

Are you interested in receiving travel training services to learn how to ride the fixed route service?

Yes No

Emergency Contact Information:

Name _____ Relationship: _____

Home Phone: _____ Cell Phone: _____ Work Phone: _____

If someone is helping you with this application, that person **must** complete the following:

Name _____

Address _____

Home Phone (____) _____

Work Phone (____) _____

Do you have a disability or health condition that prevents you from using fixed route buses?

No, I am applying based **only on my age.** *****Stop Here- Proceed to Page 5***** **You must attach a copy of documentation of your age.** Return this form to the address listed above. In order to qualify based upon age, you must verify that you are at least 60 years of age.

Yes, I am applying to the ADA Paratransit service. **You must complete the entire application.**

REQUIRED

INFORMATION ABOUT YOUR ABILITIES

1. Do you have a disability or health condition that **prevents** you from using the fixed route aTa Bus service? Yes No

a) How does your disability prevent you from independently using the regular fixed routes service? Please be specific (Must be completed)

b) a. Is your disability permanent? Yes No

c) b. If your disability is temporary, how long do you think it will be until you're better? # _____ months

d) Is there a season during the year that your disability/health condition worsens and prevents you from traveling without help? (**Check all that apply**)
 Spring Summer Fall Winter

2. Do you use any of the following mobility aids? **Check all that apply.**

- | | |
|--|--|
| <input type="checkbox"/> Manual Wheelchair | <input type="checkbox"/> Electric Wheelchair |
| <input type="checkbox"/> Powered Scooter | <input type="checkbox"/> Cane |
| <input type="checkbox"/> Walker | <input type="checkbox"/> White Cane |
| <input type="checkbox"/> Service Animal | <input type="checkbox"/> Crutches |
| <input type="checkbox"/> Oxygen | <input type="checkbox"/> Other (please list) _____ |

3. Do changes in weather (like extreme heat, cold, wind, rain, snow and/or ice) combined with your disability or health condition **stop** you from using the aTa Bus fixed-route service? Yes No

If yes, explain completely. Use an additional sheet if necessary.

4. Do you require the assistance of a personal care attendant (PCA) when you travel? (**Riders must provide their own PCA**)

Yes No Sometimes

5. All Flint Hills Area Transportation Agency vehicles have wheelchair lifts (if you are unable to climb stairs, you can stand on the lift). Would you be able to get onto and off of a regular bus

without the help of another person? (The driver operates the lift and helps with the securement system. Lifts have handrails.)

_____ Yes _____ No _____ Sometimes

If you answered **No or sometimes**, explain why:

6. Does your disability or health condition **stop** you from getting to or from an aTa Bus Fixed Route Bus Stop without help from another person, for one of the following reasons? (**Check all that apply.**)

___ Unable (not just difficult) to travel on rough or hilly terrain

___ Extreme sensitivity to certain weather conditions

___ Extreme fatigue due to health condition

___ Unable to cross busy intersections

___ Lack of sidewalks and curb cuts at aTa Bus bus stop

___ Unable to locate aTa Bus bus stop due to a visual impairment

___ Unable to wait outside for ten (10) minutes

___ Unable to travel on ice or snow covered surfaces

___ Unable to identify correct aTa Bus in the daytime when it is light

___ Unable to identify correct aTa Bus in early morning or evening hours when it is dark

___ Other (*please explain*): _____

7. How many blocks is your home to the nearest aTa Bus Fixed Route bus stop? _____
(**A city block is approximately 500 feet long**)

8. Indicate below how far you are able to travel **without** help.

___ Less than 200 hundred feet ___ ¼ mile (3 blocks)

___ ½ mile (6 blocks) ___ ¾ mile (9 blocks) ___ more than ¾ of a mile

9. After arriving at an aTa Bus Fixed Route bus stop, how long can you wait outside (**not sitting**) until an aTa Bus Fixed Route bus arrives?

___ 30 minutes or longer ___ 15 minutes ___ 10 minutes ___ Less than 10 minutes

If you cannot stand while waiting, *explain why*:

10. Are you **able** to perform the following functions without assistance from another person:
(**check all that apply**)

___ Understand and/or process information

___ Ask for or follow written or oral information, such as schedule including TDD, audio or voice?

___ Figure out the correct fare?

___ Follow instructions in an emergency?

___ Recognize your destination while on the aTa Bus Fixed Route bus?

___ Once you get off the aTa Bus can you locate and reach your destination?

___ Cross a busy intersection?

___ Find your way between familiar locations?

___ Signal the bus driver to get off the bus at a familiar aTa Bus bus stop and then get off the bus? *Assume the driver calls out all aTa Bus Fixed Route bus stops.*

___ Grasp coins, passes, and handles?

___ Communicate addresses, destinations, and telephone numbers on request?

___ Deal with unexpected situations or unexpected changes in routine e.g., fixed routes changed due to road construction, regular fixed route bus stop closed?

___ Go up and down steps?

AUTHORIZATION FOR RELEASE OF INFORMATION

I understand that the purpose of completing PART A is the first step to determine if I am eligible for the **aTa Bus ADA Complementary Paratransit Service due to disability** or if I can and should use the aTa Bus Fixed Route bus service.

Furthermore, I agree to have a **qualified professional** conduct an independent professional assessment of my eligibility by completing PART B of the application process. I understand that failure to participate in this assessment will result in a denial of eligibility for the Flint Hills Area Transportation Agency Para-transit service.

I understand that Part A, Part B, and the Authorization Form for Disclosure of Protected Health Information attached to Part B must be submitted to complete the application review. In addition, I authorize the qualified healthcare professional completing Part B on my behalf to release this information to the Flint Hills Area Transportation Agency for their review as well as any supporting or other pertinent information about my health or medical condition to assist Flint Hills Area Transportation Agency staff in determining eligibility for complementary para-transit service. I understand that upon receipt of Part A submitted by me or a representative on my behalf, and Part B by a qualified professional conducting the independent professional assessment will begin the 21 calendar day application review period by the Flint Hills Area Transportation Agency. Furthermore, I understand that the Flint Hills Area Transportation Agency may need to contact me or a representative on my behalf regarding my application as well as possibly the qualified professional completing Part B to obtain more information.

I certify by my signature that I have been truthful in answering all questions in this application, and that the information I have provided is correct. I understand that providing false information could result in denial of service.

Applicant's Signature

Date

If you assisted the applicant to complete this form, sign below:

Signature

Date

ADA PARATRANSIT ELIGIBILITY APPLICATION PART B

Flint Hills Area Transportation Agency
5815 Marlatt Avenue
MANHATTAN, KS 66503
785-537-6345 FAX: 785-537-6327
Email: fhata@fhata.org
flinthillsatabus.com



ADA PARATRANSIT ELIGIBILITY APPLICATION

PART B

Professional Verification

Name of Applicant	P.O. Box/Street Address	City	State	Zip code
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Dear Qualified Professional:

The applicant is currently applying for the Flint Hills **aTa Bus** ADA Complementary Para-transit Service. **aTa Bus** ADA Complementary Para-transit Service is intended for those persons with disabilities that require assisted transportation services and are unable to utilize the **aTa Bus** fixed-route service. The Flint Hills **aTa Bus** ADA Complementary Para-transit Service is where customers call ahead to schedule trips from an origin location to a specific destination.

According to the **Americans with Disabilities Act** definition a person with a disability is unable, as a result of a physical or mental impairment, to board, ride or disembark from an accessible vehicle (wheelchair lift equipped aTa Bus fixed route bus) independently or complete transfers without the assistance of another individual.

and/or

Any person with a disability who has a specific impairment related condition that prevents them from traveling to and from a bus stop on the public bus fixed route system. Architectural and environmental barriers such as distance, terrain or weather do not, standing alone, form a basis for eligibility. However, consideration may be given to the interaction of environmental conditions (terrain and weather) with the individual's impairment related condition.

Is the applicant **able** to use Flint Hills **aTa Bus FIXED ROUTE** service as outlined above? Yes ___ No ___

If you answered **YES**, **STOP HERE**. Please sign, date and mail only this page to Flint Hills aTa Bus, 5815 Marlatt Avenue, Manhattan, KS 66503. **DO NOT complete the rest of the application**

Professional Signature

Date

Printed Name

Certification/Licensure

Phone Number

If you answered **NO** to the above question, **DO NOT SIGN** here. Please complete the rest of this form to help us determine the eligibility of the applicant for aTa Bus ADA Para-Transit Service.

Your input will be particularly important where applicants have claimed a "hidden" or "non-visible" disability (e.g. a cardiac or pulmonary condition, mental illness, or a joint disease, etc.). This verification can also assist in determining the degree of cognitive capability with the goal being to qualify only those applicants who are truly unable to use the aTa Bus fixed route service and need the curb-to-curb aTa Bus ADA Para-Transit service.

1. Have you ever examined/evaluated the applicant? Yes _____ No _____

If yes, was examination/evaluation within the last twelve months? Yes _____ No _____

Length of time in treatment/under your care? _____

2. What is the applicant's specific disability or health condition?

___ Certified Legally Blind

___ Loss or inability to use one or more limbs

___ Severe effects of stroke

___ Paralysis affecting mobility, speech, vision or memory

___ Severe arthritis

___ Autoimmune disorders (e.g., Lupus, Scleroderma, etc.)

___ Severe cardiac and/or respiratory impairment affecting strength and/or endurance

___ Severe emotional disorder (may require an escort)

___ Developmental disability (e.g., mental retardation, cerebral palsy, epilepsy, autism, neurological disorder, etc.)

___ Hearing loss accompanied by an inability to understand speech with/without a hearing aid

___ Other (Please describe the disability or health condition/limitation. Use other side if necessary.)

Date of onset? _____

3. Is the applicant's disability permanent? Yes _____ No _____

If temporary how long? _____

4. Is this applicant's disability seasonal? Yes _____ No _____

If so, which season(s)? _____

5. What, if any, mobility aids does the applicant utilize? **Check all that apply.**

Manual Wheelchair	_____	Electric Wheelchair	_____
Powered Scooter	_____	Cane	_____
Walker	_____	White Cane	_____
Service Animal	_____	Crutches	_____
Oxygen	_____	None	_____

Section 37.3 of the DOT regulations implementing the Americans with Disabilities Act of 1990 (ADA) (49 CFR Parts 27, 37, and 38) defines 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. If you checked Wheelchair and/or Scooter under #5 does the mobility aid meet this definition?

Yes _____ No _____

Drivers are not permitted to push mobility aids (wheelchairs) whose combined weight of passenger and mobility aid exceeds 300 lbs. Will applicant be able to maneuver themselves onto the bus, into a forward facing position and in moving out of and away from the bus on de-boarding or provide a PCA for such movement?

Yes _____ No _____

6. Does the applicant require a Personal Care Attendant (PCA) when traveling on transit vehicles?

Yes _____ No _____ Sometimes _____

If needed, please explain why. _____

7. Which, if any, weather conditions impact the applicant’s disability or health condition preventing him/her from independently getting to and/or from a bus stop?

Heat _____ Cold _____ Humidity _____ Snow _____ Ice _____ Pollution/Allergies _____ Other _____

8. Would rough terrain prevent the applicant from traveling to and/or from a fixed route bus stop?

Yes _____ No _____ Sometimes _____

If “Yes” or “Sometimes”, describe the type of rough terrain that would prevent the applicant from traveling to and from a fixed route bus stop.

9. What abilities apply to the applicant? **Check all that apply**

- ___ Understand and/or process information enabling them to use a fixed route bus service
- ___ Ask for or follow written or oral directions (e.g., schedules, audio tape or voice)
- ___ Figure out the correct fare
- ___ Follow instructions in an emergency
- ___ Recognize his/her destination while on a fixed route bus
- ___ Once he/she gets off the bus at a fixed route bus stop, locate and reach his/her destination

- ___ Cross a busy intersection to get to and/or from a fixed route bus stop
- ___ Find his/her way between familiar locations
- ___ Signal the bus driver to stop at a familiar bus stop
- ___ Get off the bus after signaling the driver to stop at a familiar stop (*the driver calls out all stops*)
- ___ Grasp coins, passes, and handles
- ___ Communicate addresses, destinations, and telephone numbers on request to a fixed route driver
- ___ Handle unexpected situations or changes in routines (e.g., route change, bus stop closed, etc.)
- ___ Go up and down steps unassisted

By signing below you confirm the applicant’s need for origin to destination bus service.

Name and Title: _____

Certificate/Licensure: _____

Office Address: _____

Office Telephone Number: _____

Signature _____ Date: _____

Please forward the signed original to: Flint Hills aTa Bus, 5815 Marlatt Avenue, Manhattan, KS 66503 or you may email to: fhata@fhata.org or fax a copy to 785-537-6327. Thank you for your cooperation.

