

Local Policy Development: Ensuring Your Transportation Service is Open and Accessible to All

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Meet Your Presenters

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Outline

- ADA regulations
- Why local policy is important
- Steps for development
- Areas for policy
- Follow-up considerations
- Good examples from other communities

ADA Requirements

- ADA is a civil rights law that prohibits discrimination on the basis of disability
- ADA sets forth minimum requirements for what constitutes nondiscrimination

Difference Between ADA Requirements and Local Policy

- ADA does say what a transportation provider must do to make their service available to and usable by customers with disabilities
- It does not say how to do this
- Policies set forth the expectations for both customers and personnel about how this nondiscrimination requirement will be met on a day-to-day basis

Three Policy Categories

1. A statement of compliance with the ADA
2. Instructions to customers on how to use the system - more of a ride guide than a policy
3. Detailed policy that outlines expected actions for both customers and personnel

Notification of Policies

- Regardless of type, policy information must be provided to passengers when it impacts the level of service they will receive.
- An example is providing information on appeals procedure to customers who are determined ineligible for paratransit.

Best Practices

- A systematic approach should be used to develop policies that involves all the stakeholders
- Policies should be made available to the public and to personnel
- Modifications to policies may need to be considered on a case-by-case basis to avoid discrimination on the basis of disability
- It is important to update policies as issues arise

How to Get Riders Involved

- Use advisory boards
- Seek input from disability service agencies
- Contact customers with disabilities at large
- Hold focus groups open to the public

Seven Steps for Policy Development

Step 1: Determine Cause of the Problem

- Define the challenge
- Collect information
- Establish facts
- Draw valid conclusions
- Generate solutions
- Select and implement an approach
- Evaluate success and refine the approach

Step 2: Develop a Draft of the Policy

- Use feedback gathered in Step 1
- Use feedback gathered from everyone policy would affect
- Review ADA regulations pertaining to policy area

Step 3: Review the Policy

- Review draft – use legal counsel if necessary
- Solicit input from affected parties
- Present draft to appropriate committees

Step 4: Final Revisions

- Compile all feedback gather in Step 3
- Revise draft to create final version

Step 5: Inform Customers of New Policy

- Crucial step – people can only follow a policy if they are aware of it
- Create informational materials (e.g. flyers, PSAs, give operators talking points, etc.)
- Provide information in alternate formats

Step 6: Implement Policy

- Train staff on new policy
- If policy requires new/modified equipment, follow procurement process
- Create timeline for implementation
- Follow timeline and monitor progress until service is fully adapted to the policy

Step 7: Follow-up and Evaluation

- Follow-up with affected parties
- Ensure policy is addressing original cause of concern
- If necessary, amend policy to ensure effort is complete

Areas for Policy Development

- Securement
- Reduced Fare Programs
- Stop Announcements
- Origin/Destination
- Eligibility Determination Process

Reasonable Modification Requirement

§ 35.130 General prohibitions against discrimination.

(b)(7) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Examples

- Transit agency policy states operator cannot assist with fare
 - Reasonable modification is to make exception for rider with a disability or waive the fare
- Administrating medication or providing a breathing treatment as a fundamental alteration to service

On-going Policy Considerations

- Customer feedback monitoring program
- Ensure feedback is collected regularly and tracked consistently
- If patterns emerge they will be noticed
- Trends can then be addressed by amending the policy

Do's and Don'ts

- Do:
 - Solicit input from disability community
 - Obtain feedback from all affected parties
 - Consider making regular updates to policies
- Don't
 - Forget to advertise policy in a variety of formats
 - Neglect to form an implementation timeline

Accessible
Community
Transportation
In Our Nation

Local Policy Development

Lane Transit District

Ron Kilcoyne, General Manager



About Lane Transit District

- Provide fixed route, hub and spoke system to metro area, plus complimentary ADA paratransit
- 35 routes in fixed route service
- 82 buses in peak-fleet
- Coordinated and integrated brokerage services county-wide
 - ADA paratransit
 - Non-emergency Medical/Medicaid Transportation
 - Several other contracted programs



The Need for Policy Development

- May reflect changes in the law, or interpretation of the law
- Organization may find policies are outdated, no longer apply, or satisfy original goal
- Local culture, needs, and political climate may change
- Often are created when a problem arises and corrective action is needed

Sample Policy Issues

- Rear-facing passive securement
- Personal Care Attendant fare
- 6:1 vehicle ramps
- Seniors ride free pass (Honored Rider)
- Veterans' transportation funding

General Process

- Opportunity arises through practice or request which must/may be addressed
- Director investigates and checks out available options
 - ✓ Check federal and state regulations
 - ✓ Research industry practices and applicability
 - ✓ Talk to staff, bus operators, etc.
 - ✓ Talk with riders, general public
 - ✓ Discuss with LTD Accessible Transportation Advisory Committee and other stakeholders
 - ✓ Evaluate pros, cons, cost/benefit, potential unintended consequences
 - ✓ Develop recommendation for Board of Directors

Process, continued

- Communicate the proposed policy or policy change broadly and targeted
- Bring staff recommendation to Board of Directors, including advisory recommendations (offer to have advisory committee chair participate)
- Public input opportunity
- Policy is considered and voted on by Board
- If passed, policy is implemented
 - ✓ Staff are informed/trained
 - ✓ Communicate back to stakeholders (Accessible Transportation Committee, etc.)
 - ✓ Communicate the policy broadly via media, website, Riders' Digest, bus posters, etc.
 - ✓ Provide training opportunities to public if applicable
 - ✓ Routine checks to make sure policy is working and effective

Issues

- Transition method – stakeholders should be involved with implementation design, communication, etc.
- Consistent application
- Change is always difficult
 - May affect someone's ability to use public transit
 - May create individual financial or other hardship

We highly recommend ...

- Establish and nurture proactive and inclusive relationships with a broad network (Accessible Transportation Committee, Alternative Work Concepts, Senior & Disabled Services, Independent Living Alliance, Veteran's programs, etc.)
- Build a reputation of doing what's right, not what's easy.
- Go to the public, don't make them come to you.
- Better to do a thorough job of inclusion before a decision is made, than to make a bad decision.
- Borrow - No need to reinvent the wheel – our industry is collaborative and non-proprietary

Resources

- Establish an advisory committee for your organization. Ensure it is diverse, representative, engaged, and outspoken.
- Associations or local agencies that provide similar services
- Other transit agencies
- National organizations, such as Easter Seals Project Action, Transportation Research Board, etc.
- State Departments of Transportation
- Federal Transit Administration (FTA)
- Search online

Associations and Local Agencies

- Independent Living associations, City, County, Human Rights Commission, local Veteran's office, mental health agencies, disability training agencies, etc.
- Often your best option
- They understand people and culture in your geographical area; or people who do what you do
- People who you know and have formed collaborative relationships

On-Line Searches & Websites

Searching on-line can provide a wealth of information

Easter Seals Project Action:

- projectaction.org

Transportation Research Board:

- trb.org

American Public Transportation Association:

- apta.com

Community Transportation Association:

- ctaa.org

Additional Resources

- Transit Cooperative Research Program (TCRP) Report 150: Communication with Vulnerable Populations: A Transportation and Emergency Management Toolkit
- TCRP Synthesis 94: Innovative Rural Transit Services
- TCRP Synthesis 89: Public Participation Strategies for Transit

Additional Resources cont'd

- TCRP Synthesis 88: Strollers, Carts, and Other Large Items on Buses and Trains
- TCRP Synthesis 68: Methods of Rider Communication
- Marin Access Paratransit Rider's Guide (California)
- See resource guide on examples of service animal policies

Questions?

Thank you!

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