

INTRODUCTION

It is the policy of Transylvania County Public Transportation to comply, in full, with the transportation and related provisions of Titles II and III of the Americans with Disabilities Act of 1990. Section 223 of the ADA requires paratransit as a complement to fixed route service. Transylvania County Public Transportation operates a fixed route service. Title 49, Part 37, Subpart F addresses “Paratransit as a Complement to Fixed Route Service” and is used as the basis for developing this ADA Complementary Paratransit Plan.

Service Criteria

ADA complementary paratransit service must be comparable to the fixed route bus service in terms of six service criteria specified in Section 37.131. Under the ADA, paratransit functions as a “safety net” for persons whose disabilities prevent them from using the fixed route system; it is not intended to provide a comprehensive level of mobility that meets all of the travel needs of all persons with disabilities at all times. As such, the service criteria are intended to mirror the level of service provided by the fixed route system. While neither the ADA nor the U.S. DOT implementing regulations prohibit the provision of service to individuals beyond those that meet the eligibility criteria or to provide additional service beyond the minimum requirement, doing so may lead to oversubscription and overuse, and interfere with an agency’s ability to meet the basic service requirements.

The six criteria for ADA complementary paratransit are:

- Hours and days of service – ADA complementary paratransit service must be provided on the same days and during the same hours as the fixed route service for the comparable trip.
- Service area (geographic area of service) – ADA complementary paratransit service must be provided within $\frac{3}{4}$ mile on either side of each fixed route as well as a $\frac{3}{4}$ -mile radius at the end of the fixed route.
- Response time – Transylvania County Public Transportation must schedule and provide paratransit service to any ADA complementary paratransit eligible person at any requested time (on a particular day) in response to a request for service made the previous day (i.e., next-day service). Transylvania County Public Transportation must accept reservations during normal business hours on all days preceding a service day. This includes accepting reservations during general weekday business hours on Sundays for Monday service and holidays preceding service days. Reservations may be taken by staff or by mechanical means, such as voicemail or email.
- Fare – The one-way paratransit fare may be no more than twice the full fixed route fare for a similar trip. A rider’s personal care attendant (PCA) may not be charged a fare. Regardless of whether a PCA accompanies an eligible rider, at least one additional accompanying individual must be permitted to board and can be required to pay the same fare as the rider; additional companions may accompany the ADA-eligible customer on a space-available basis.

- Trip purpose – There may be no restrictions or priorities based on trip purpose. Service must be provided regardless of the nature of the trip.
- Capacity constraints – Transylvania County Public Transportation must plan, budget, and implement their paratransit systems to meet all of the anticipated demand. Transylvania County Public Transportation cannot limit the availability of complementary paratransit to eligible riders through waiting lists, significantly late trips or other specific practices that result in limiting service.

Application

Applications for ADA Complementary Paratransit service may be obtained on the Transylvania County Public Transportation website, www.transylvaniacounty.org/departments/transportation, in person at the Transylvania County Public Transportation office, or by contacting the Transylvania County Public Transportation at (828) 884-3203, option 2 to request an application be mailed. An application must be completed in its entirety to be evaluated for eligibility. Incomplete applications will not be processed. Transylvania County Public Transportation will make reasonable attempts to notify applicants if an application is considered incomplete.

Applicants may provide any information or documentation that will help show they are eligible because they cannot use the fixed route transit system. Be sure to include information on any secondary disabilities you have, such as disorientation, fatigue, or difficulties with balance. You should consider your potential travel throughout the entire year during all seasons, and every stop not just those in your immediate neighborhood or those that you normally use.

Documentation may include any of the following:

- A detailed statement from a disability service provider. This should explain how your disability or its symptoms effects or prevents you from using the transit system
- A detailed statement from a medical professional. Medical or disability related information should explain how your disability or symptoms effect or prevent you from using the transit system.
- A detailed listing of access barrier that prevent you from traveling to the van stop.

Eligibility/Certification/Ineligibility

All information about the process, material necessary to apply for eligibility, and notices and determinations concerning eligibility will be made available in accessible formats upon request. Accessible formats include large print, audiotape, Braille, and computer disk.

Having a disability does not automatically make an individual eligible for paratransit service. Eligibility will be based on the functional ability of applicants to use fixed route transit services. The following individuals are ADA paratransit eligible:

- Unable to travel to or from transit stops within $\frac{3}{4}$ mile of the fixed route; or

- Unable to independently board, ride or exit an accessible fixed-route vehicle; or
- Disabilities (mobility, cognitive and visual) that make it impossible to independently travel to/from the nearest transportation public transit stop using the fixed-route system.

If, by a date 21 days following the submission of a complete application, Transylvania County Public Transportation has not made a determination of eligibility, the applicant shall be treated as eligible and provided service until or unless Transylvania County Public Transportation denies the application.

The determination concerning ADA paratransit eligibility shall be in writing. If the determination is that the individual is ineligible, or if eligibility is limited—such as only conditional or temporary eligibility—the written notification will state the reason(s) for the finding. Transylvania County Public Transportation will provide documentation to each eligible individual stating that he or she is “ADA Paratransit Eligible.”

Types of Eligibility Given to Individuals:

- Unconditional Eligibility – An individual who is unable to use fixed route transit services under any circumstances requires unconditional eligibility, allowing the individual to make all trips using complementary paratransit.
- Conditional Eligibility – An individual may be able to use the fixed route system for some trips. Transit agencies can establish conditional eligibility for those individuals, and would only be obligated to provide complementary paratransit for those trips that the individuals cannot make using fixed route, based on the conditions of the particular trip.
- Temporary Eligibility – Temporary eligibility, for a defined period of time, can be granted to individuals who experience a temporary loss of functional ability that prevents them from using fixed route service.

Individuals denied ADA paratransit eligibility may appeal the decision. A written appeal request must be submitted to Transylvania County Public Transportation within 60 days of the denial of an individual’s application to be considered. The written request only needs to state a desire for an appeal and does not have to contain the reasons for the appeal. The appeal process shall include an opportunity to be heard and to present information and arguments, separation of functions (i.e. a decision by a person not involved with the initial decision to deny eligibility), and written notification of the decision, and reasons for the decision. ADA paratransit service will not be provided pending the determination of an appeal. However, if a decision is not made within 30 days of the appeals hearing, Transylvania County Public Transportation shall provide paratransit service from that time until and unless a decision to deny the appeal is issued.

Trip Scheduling

Transylvania County Public Transportation schedules trips with multiple customers, meaning paratransit customers will be sharing trips with other customers. Transportation staff may ask

paratransit customers to change requested pickup times to accommodate reservation requests. ADA rules allow a negotiated pickup time as the time is within one hour of the requested time. Paratransit customers also have the right to schedule trip within 24 hours of wanting to go somewhere.

Travel involving more than one (1) destination requires the paratransit customer request more than one (1) trip be scheduled. Paratransit customers must schedule each trip destination as a separate trip. A paratransit customer cannot change his/her destination once he/she has boarded the vehicle.

Transylvania County Public Transportation attempts to accommodate trip requests with as direct a travel route as possible. Customers requiring medication or oxygen at regular intervals should be aware that travel time could be lengthy (as much as 90 minutes) depending on travel distances.

Visitors

Any visitors presenting documentation that they are ADA paratransit eligible in their home jurisdiction must be treated by Transylvania County Public Transportation as eligible, and no further documentation may be required before paratransit service is provided.

If a visitor does not have documentation of ADA paratransit eligibility, Transylvania County Public Transportation may require documentation of the individual's place of residence. If the visitor's disability is not apparent, documentation of disability may also be required. But no documentation of disability may be required if the visitor's disability is apparent, such as, for example, a person using a wheelchair, or an individual who is blind or has a vision impairment and travels with a guide dog. Transylvania County Public Transportation must provide paratransit service to the individual.

Transylvania County Public Transportation is not required to provide service to a visitor for more than 21 days per year; that is, per 365-day period from the first day of use. Transylvania County Public Transportation agency may require, in order for the person to continue receiving paratransit service beyond 21 days within the same year, that they apply for eligibility in the same manner as any resident. This is true whether the 21 days are consecutive or parceled out over several shorter visits.

Suspension For A Pattern Of Missing Scheduled Trips, Or No-Shows

Transylvania County Public Transportation may suspend, for a reasonable period of time, the provision of paratransit to riders who establish a pattern or practice of missing scheduled trips (no-shows). Trips missed by a rider for reasons beyond his or her control (including trips missed due to transit agency error or lateness) may not be a basis for determining that a pattern or practice exists.

Before such a suspension, Transylvania County Public Transportation must notify the rider in writing, citing with specificity the reason for the proposed suspension and its length, including the exact no-shows on which the proposed suspension is based on.