
AMERICANS WITH DISABILITIES ACT

Titles II and III of the **Americans with Disabilities Act of 1990** provide that no entity shall discriminate against an individual with a disability in the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and for how equivalent service is provided.

States are required, by federal regulation to submit to the FTA Regional Office an “Assurance of Nondiscrimination on the Basis of Disability” in order to apply and receive federal transit funding. This assurance stipulates that all projects included in the application for funding will comply with the ADA and any other applicable federal regulations that protect persons with disabilities from discrimination. In turn, the State looks to receive the same assurance from each potential grantee as part of the application and contracting process.

Transit Vehicles

In general, transit vehicles purchased with federal funds must be accessible. *This includes vehicles to be used in fixed route, commuter bus and intercity services.* **Demand response services** must also be accessible unless they can demonstrate that the demand response system, when viewed in their entirety, provides a level of service to persons with disabilities, including persons in wheelchairs, that is equivalent to the level of service it provides to persons without disabilities. Before any non-accessible vehicle can be purchased for demand responsive services, using federal funds, grantees must file a *Certification of Equivalent Service* form with CDOT.

There are two other exceptions regarding accessible vehicle procurement using federal funds. Both relate to *private entities*.

- Generally, private entities *primarily engaged* in the provision of transportation services may purchase a non-accessible vehicle when acquiring a vehicle with a

capacity of less than 8 persons, including the driver.

- Private entities *not primarily engaged* in the provision of transportation services may purchase a non-accessible vehicle, with a capacity of less than 16 persons, including the driver.
- Contact the CDOT Transit Unit staff if you need further guidance.

Transit Facilities

All facilities accessible to a person without a disability must be accessible to a person with a disability. This includes bus stops, transit centers and offices with public access. Public entities constructing new facilities or altering existing facilities to be used for the provision of public transportation service must make the facility or alterations readily accessible to and useable by individuals with disabilities. In constructing and altering transit facilities, private entities must comply with the regulations of the Department of Justice implementing Title III of the ADA.

Transit Services

In addition to vehicle and facility accessibility, the provision of transportation services must be done in a way that ensures equivalent service for persons with disabilities as for persons without disabilities. The determination of “equivalent service” includes the following:

Response Time—The amount of time between requests for service and the delivery of service must be the equal for persons with disabilities and person without disabilities. Agencies must have sufficient equipment to ensure compliance with this policy. Sub-contracted accessible service must also meet this requirement.

Fares—A premium fare cannot be charged to persons with disabilities, including those persons requiring a lift for vehicle access.

Geographic Area—All persons served by the agency must be eligible for transportation service within the established geographic coverage area of the transportation service, regardless of disability.

Hours and Days of Service—All passengers, regardless of disability, shall be afforded service during the established hours and days of service.

Restriction on Trip Purpose—No person shall be denied service for trip purposes which are provided to other passengers.

Constraints on Capacity or Service Availability—Vehicle wheelchair carrying capacity may not be constrained by a failure to provide an adequate number of wheelchair positions where demand is evident. Lifts, ramps, and other transfer and securement devices must accommodate all types of mobility devices in common use (specifically including electric wheelchairs and three-wheel scooters).

Availability of Information and Reservation Capability—Grantees must provide information in accessible formats, if requested, including a telecommunications device for the deaf (TDD) or comparable two-way communications system, as well as other accessible information capabilities.

Fixed Route Services

Public entities operating fixed route public transit systems must provide *Complementary ADA Paratransit* service for persons with disabilities who are unable to use the fixed route system. The requirements for *Complementary ADA Paratransit* service are very specific and, according to FTA regulations, each grantee needs to address how it is meeting these requirements in a *Complementary ADA Paratransit Plan*. This *Complementary ADA Paratransit Plan* needs to be approved by CDOT and must address eligibility, service standards and capacity constraints; and explain how each grantee is meeting the requirements listed below.

- **Service Area**—Service must be provided within corridors with a width of $\frac{3}{4}$ of a

mile on each side of fixed routes. Within the core service area, service must be provided to small areas not inside any of the corridors but which are surrounded by such corridors.

- **Response Time**—Service must be scheduled and provided at any requested time on a particular day in response to a request for service made the previous day. Reservations may be made up to fourteen days in advance.
- **Fares**—The fare charged may not exceed twice the fare that would be charged to an individual paying full fare for a trip of a similar length, at a similar time of day, on the fixed route system.
- **Trip Purpose Restrictions**—Restrictions or priorities based on trip purpose may not be imposed.
- **Hours and Days of Service**—The service must be available through the same hours and days as the fixed route service. Reservation capacity—dispatching services must be open during the normal operating hours of the administrative offices.
- **Capacity Constraints** – Service may not be limited by any of the following:
 - Restrictions on the number of trips provided
 - Waiting lists for access to the service
 - Any operational pattern or practice that significantly limits the availability of service (untimely pickups, trip denials, missed trips, excessive trip lengths)

Definitions related to Complementary ADA Paratransit eligibility are provided at the end of this section.

Demand Response Services

Demand response services are characterized by the requirement that riders call in advance to arrange a ride, as opposed to fixed route services where riders go to a fixed bus stop to board vehicles operating on a fixed schedule. Demand response services need to meet the general equivalent service criteria for persons with disabilities of: response

time, fares, service area, days and hours of service, restrictions or priorities based on trip purpose, availability of information and reservation capacity, and constraints on capacity or service availability. These criteria are more general than the specific requirements for *Complementary ADA Paratransit*, required to accompany fixed route systems. The specific requirements for *Complementary ADA Paratransit* service do not apply to public demand response services.

Route deviation and *point deviation* services are defined by the FTA as demand responsive systems. These services, also sometimes referred to as *modified fixed route* services, do not require *Complementary ADA Paratransit* service. They typically require riders to make a telephone call in order to ride the bus. According to FTA guidance, “a system that permits user-initiated deviations from routes or schedules generally fits the definition of demand response service” and therefore is not required to have *Complementary ADA Paratransit*.

To be considered demand responsive, a service must deviate for the general public, not just for persons with disabilities. Such systems must provide information to the public on how to request a deviation and deviations may not be restricted to a particular group.

Commuter Bus Services

Commuter bus services supported with federal funds must have accessible equipment but are not required to provide *Complementary ADA Paratransit* service. According to ADA regulations, *commuter bus* service is “fixed route bus service, characterized by service predominantly in one direction during peak periods, and with limited stops and routes of extended length, usually between the central business district and outlying suburbs.” Commuter bus services “may also include other services, characterized by a limited route structure, limited purposes of travel and a coordinated relationship to another mode of transportation” according to FTA guidance.

Intercity Bus and Regional Bus Services

With respect to acquiring FTA 5311(f) intercity bus funding, services must meet the following criteria:

- Operate with limited stops over fixed routes connecting two or more urban areas not in close proximity;
- Have the capacity for transporting baggage carried by passengers, and
- Make meaningful connections with scheduled intercity bus service to more distant points, *if such service is available*.

Intercity bus services supported by FTA funds must have accessible equipment but are not required to provide *Complementary ADA Paratransit*. Private sector intercity bus services, not supported by federal funding, have a 48-hour window to provide accessible service if coaches on any desired service are not wheelchair accessible.

Regional bus service is not defined by the FTA but would include services that don’t meet the technical definition of intercity bus service but would have similar characteristics. *Regional bus* services, like *intercity bus* services must have accessible equipment if supported by federal funds but are not required to provide *Complementary ADA Paratransit* service.

University Transportation Systems

According to the FTA, *university transportation systems* are designed primarily to meet the needs of students, faculty and staff. Like commuter bus systems, they generally have limited, rather than comprehensive route structures. They serve a limited number of origins and destination, and have limited functions. One of their primary functions is to interface with fringe parking lots and/or city transit systems that carry people in the vicinity of, but not directly to, major campus destinations. *University transportation systems* are also exempt from the *Complementary ADA Paratransit* requirement.

Other Service Considerations

States directly providing service and sub-recipients, both public and private entities, must comply with the following additional ADA service provisions:

- Maintenance of accessible features;
- Procedures to ensure lift availability;
- Lift and securement use;
- Announcements on vehicles of stops on fixed route systems;
- Vehicle identification mechanisms;
- Service animals (see Attachment B);
- Use of accessibility features;
- Public information/communications.
 - Title IV addresses telephone and television access for people with hearing and speech disabilities (TRS) and (TTYs)
 - Interpreters
 - Brochure in language, if not English, of 10 percent of riders
 - Section 508 requires federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public, e.g., websites
- Lift deployment at any designated stop;
- Service to persons using respirators or portable oxygen;
- Adequate time of vehicle boarding or disembarking; and
- Training to proficiency in the use of accessible equipment.

All applicants are strongly encouraged to read more about the ADA regulations at: http://www.adaportal.org/Transportation/Transportation_TOC.html.

The term “disabled” does not refer simply to persons using wheelchairs. Disability refers to physical and mental impairments, including developmentally disabled persons, frail elderly persons, persons with visual impairments, or mental illness.

Employment and the ADA

Title I of the Americans with Disabilities Act (ADA) prohibits discrimination in employment and requires employers to provide reasonable accommodation. If your transit operation is part of a larger organization, talk with the Personnel or Human Resources department to review how the agency complies with the ADA and to go over specifics of transit practices and training to make sure you are in compliance. The ADA applies to all aspects of the employment process including job advertising, interviews, applications, and post-offer medical examinations.

- **Job Advertisements and Applications:** Job applications should be written in clear and understandable language. Position qualifications should be clearly explained. Include a statement indicating that the organization is an “Equal Opportunity Employer.”
- **Interviews:** Employers may not ask disability-related questions or conduct a medical examination until after a conditional job offer has been extended. Questions must be specific to the applicant’s ability to perform a task or job function.
- **Post-Offer Medical Exam:** Once a conditional job offer has been extended and before work starts, employers may ask any disability related questions as long as the questions are asked of all prospective employees in the particular job class.

Reasonable Accommodations

A reasonable accommodation is a modification or adjustment to a job, the work environment or the way things are usually done in order to enable a qualified individual with a disability to enjoy an equal employment opportunity. Examples of reasonable accommodation, include, but are not limited to:

- Purchasing a computer magnification tool for an employee with low vision.
- A special chair or an elevated workstation for a person who is disabled due to a back injury.

- Rearranging the office area, workstations, and employee rest rooms so a person in a wheelchair can gain access.

ADA Paratransit Eligibility

(49 CFR Part 37 Subpart F)

The following individuals are *Complementary ADA Paratransit* eligible:

- ✓ Any individual with a disability who is unable, as the result of a physical or mental impairment, and without the assistance of another individual, to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by the individuals with disabilities.
- ✓ Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance to board, ride, and disembark from any vehicle which is readily accessible and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation the route.

SERVICE ANIMALS

A service animal is any guide dog, signal dog, or other animal individually trained to work

or perform tasks for an individual with a disability. This includes, but is not limited to:

- Guiding individuals with vision impairments
- Alerting individuals with hearing impairments to intruders or sounds
- Providing minimal protection or rescue work
- Pulling a wheelchair
- Fetching dropped items

Under the ADA, your organization is required to allow service animals to accompany persons with disabilities on passenger service vehicles and in your facilities. It is discriminatory to ask for the certification or registry of a service animal.

The Difference Between a Service Animal and a Pet

It can be very difficult to tell the difference between the two. Service animals are not required to have certification papers or to wear a collar or harness, and it is a violation of the ADA to require such. If you are not certain whether an animal is a service animal or a pet, you may ask the person with the disability if the service animal is trained and used to provide an accommodation.

COORDINATED HUMAN SERVICES– TRANSPORTATION PLANNING

FTA Requirements

Beginning in 2006, SAFETEA-LU requires that projects selected for funding under Sections 5310, 5316, and 5317 programs be “derived from a locally developed, coordinated public transit-human services transportation plan.” With the goals of reducing duplicated transportation services and fiscal inefficiency, the plans are to be “developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public.”

In 2006, CDOT Transit Unit staff met with transportation and human service providers throughout the state in each transportation planning region (TPR). These CDOT-sponsored meetings were called “human service-transportation meetings” or “coordination meetings” and were intended to address, or begin to address, local human service-transportation coordination needs and to comply with these FTA requirements.

The result of these meetings were published as part of *The Colorado 2035 Transportation Plan Update*. See www.dot.state.co.us/StateWidePlanning/PlansStudies/2035RegionalPlan.asp to view these plans.) Individual Metropolitan Planning Organizations (MPOs are developing such plans within *urbanized* areas).

The work done in these meetings—one meeting per service area—was generally preliminary and cursory. It should be clear that true coordination will require a local commitment to communicate with a host of public and private interests.

CDOT recognizes that this commitment will take time; nevertheless, the applicant must be able to demonstrate, at a minimum, a good faith effort to participate in these coordinated planning efforts.

The table on the following two pages identifies a number of coordination activities and lists benefits that might be associated with each activity.

Local Coordinating Council Handbook

To assist in the creation and sustainability of local coordinating councils, CDOT and the Colorado Interagency Coordinating Council for Transportation Access and Mobility has prepared a manual, “Handbook for Creating Local Transportation Coordinating Councils in Colorado.” It may be accessed from the Transit Plus website, www.transitplus.biz. Look for the link under Current Projects, Supporting the Success of Local Human Service-Transportation Coordinating Councils.

Coordinated Plan Development

The material below details FTA’s expectations for coordinated human service-transportation planning. It is taken from the FTA Circulars for the JARC and New Freedom programs.

Overview

A coordinated public transit-human services transportation plan (a “coordinated plan”) identifies the transportation needs of individuals with disabilities, older adults, and people with low incomes, it provides strategies for meeting those local needs and prioritizes transportation services for funding and implementation. Local plans may be developed on a local, regional, or statewide level.

Required Elements

Projects selected for funding must be derived from a coordinated plan. At a minimum, the plan must have the following elements, ap-

appropriate with available resources and local complexities.

- An assessment of available services that identifies current providers (public, private, and non-profit);
- An assessment of transportation needs for individuals with disabilities, older adults, and people with low incomes. This can be based on the experiences and perceptions of the planning partners or on more sophisticated data collection efforts, and gaps in service (Note: If a community does not intend to seek funding for a particular

program (Section 5310, JARC, or New Freedom), then the community is not required to include an assessment of the targeted population in its coordinated plan);

- Strategies or activities to address identified gaps and achieve efficiencies in service; and
- Relative priorities for implementation based on resources, time, and feasibility for implementing specific strategies/activities identified.

Examples of Potential Coordination Benefits

Joint Procurement of Vehicles, Insurance, Maintenance, Fuel, Hardware, Software	
Benefits	<ul style="list-style-type: none"> • Less capital outlay per agency. • Fewer overall operational cost per agency through improved economy of scale in purchasing fuel and hardware. • Greater level of service or operations of the transit system within the region if an agency is able to shift funding from maintenance and capital to service house due to a decrease in capital and maintenance costs, an agency may be able to shift funding from maintenance and capital to service hours, thereby increasing the level of service or operations of the transit system within the region.
Shared Vehicle Storage and Maintenance Facilities	
Benefits	<ul style="list-style-type: none"> • Lower maintenance costs, resulting in additional funds available for operations. • Less lost time due to vehicles not starting in cold weather, thereby improving the overall performance of the transit service. • Higher amount of local match and level of FTA funding. Sharing a facility or building a facility together increases the amount of local match, thereby increasing the level of FTA funding to the region. • Less competition for FTA 5309 and 5311 capital funding in the region.
Joint Grant Applications	
Benefits	<ul style="list-style-type: none"> • Less time each agency needs to spend in developing a grant on their own. • Higher potential for increase in local match funds for state and FTA funding. • Better sharing of knowledge and grant writing skills.
Joint Training Programs	
Benefits	<ul style="list-style-type: none"> • Fewer training funds needed in each agency’s budget. • Better opportunity for drivers and staff to learn from each other.
Sharing Expertise	
Benefits	<ul style="list-style-type: none"> • Less need for costly training sessions for drivers and staff, thus less lost production time. • Greater efficiencies of transit’s providers as knowledge is passed on to other staff members and agencies.
Coordinating Council	
Benefits	<ul style="list-style-type: none"> • Greater potential for input from the key transportation agencies in the region. • Greater potential for members to share information and knowledge on a one-on-one basis. • Greater opportunity to identify possible coordination actions.

Initial plans may be less complex in one or more of these elements than a plan developed after the local coordinated planning process is more mature. Addendums to existing plans to include these elements will also be sufficient for FY07.

Plans must be developed in good faith in coordination with appropriate planning partners and with opportunities for public participation.

Local Flexibility

FTA supports communities building on existing assessments, plans, and action items. As all new Federal requirements must be met, however, communities may need to modify their plans or processes as necessary to meet these requirements. FTA encourages communities to consider inclusion of new partners, new outreach strategies, and new activities related to the targeted programs and

Examples of Potential Coordination Benefits, continued

Coalitions	
Benefits	<ul style="list-style-type: none"> ▪ Broader base of support for the improvement of transit services in the region. ▪ Better support for local funding because the coalition is able to speak with the community and region’s decision-makers.
Vehicle Sharing	
Benefits	<ul style="list-style-type: none"> • Less overall local capital outlay. • Better resource management if these funds can be shifted to cover operational costs or to increase the level of service. • Wider range for use of funds; these funds can also be used for capital funding for facilities, equipment, and other capital assets.
Contracts for Service	
Benefits	<ul style="list-style-type: none"> • Higher amount of local match that can be used to pull additional state and federal funding for transit services into the region. • Less duplication of services in the region, thereby creating an economy of scale and improving the overall transit performance level.
Provide Vehicles	
Benefits	<ul style="list-style-type: none"> • Less capital outlay for the agency that obtains the used vehicle. • Less need to retire older vehicles in the fleet. • Higher potential for access to more options. This could allow human service transportation providers to obtain vehicles they would otherwise not be able to purchase because of new vehicle costs due and the level of federal capital funding they are able to receive.
One-Call Center	
Benefits	<ul style="list-style-type: none"> • Fewer administrative costs for the participating agencies. • First step to centralized dispatching. • Better customer service; users only need to call one number in order to obtain all the transit information they need.
Centralized Functions (Reservations, Scheduling, Dispatch)	
Benefits	<ul style="list-style-type: none"> • Less duplication of administrative costs, based on an economy of scale. • Better marketability of the region’s transit service. • Better fleet coordination.
Transportation Broker	
Benefits	<ul style="list-style-type: none"> • Less duplication of administrative costs, based on an economy of scale. • Better marketability of the region’s transit service. • Better fleet coordination.
Consolidated Transportation Program	
Benefits	<ul style="list-style-type: none"> • Less cost per passenger and lower administrative and operational costs with the creation of an economy of scale. • Greater level of local match funding available to obtain federal funding, through contract services provided to other agencies in the region.

populations. Plans will vary based upon the availability of resources and the existence of populations served under these programs. A rural community may develop its plans based on perceived needs emerging from the collaboration of the planning partners, whereas an urbanized community may use existing data sources to conduct a more formal analysis to define service gaps and identify strategies for addressing the gaps.

Tools and Strategies for Developing a Coordinated Plan

States and communities may approach the development of a coordinated plan in different ways. The amount of available time, staff, funding, and other resources should be considered when deciding on specific approaches. The following is a list of potential strategies for consideration.

Community Planning Session. A community may choose to conduct a local planning session with a diverse group of stakeholders in the community. This session would be intended to identify needs based on personal and professional experiences, identify strategies to address the needs, and set priorities based on time, resources, and feasibility for implementation. This process can be done in one meeting or over several sessions with the same group. It is often helpful to identify a facilitator to lead this process. Also, as a means to leverage limited resources and to ensure broad exposure, this could be conducted in cooperation, or coordination, with the applicable metropolitan or statewide planning process.

Self-Assessment Tool. *The Framework for Action: Building the Fully Coordinated Transportation System*, developed by FTA and available at www.unitedwerride.gov, helps stakeholders realize a shared perspective and build a roadmap for moving forward together. The self-assessment tool focuses on a series of core elements that are represented in categories of simple diagnostic questions to help groups and communities assess their progress toward transportation coordination based on standards of excellence. There is also a *Facilitator's Guide* that offers detailed advice on how to choose an existing group or construct an ad hoc

group. In addition, it describes how to develop elements of a plan, such as identifying the needs of targeted populations, assessing gaps and duplications in services, and developing strategies to meet needs and coordinate services.

Focus Groups. A community could choose to conduct a series of focus groups within communities that provides opportunity for greater input from a greater number of representatives, including transportation agencies, human service providers, and passengers. This information can be used to inform the needs analysis in the community. Focus groups also create an opportunity to begin an ongoing dialogue with community representatives on key issues, strategies, and plans for implementation.

Survey. The community may choose to conduct a survey to evaluate the unmet transportation needs within a community and/or available resources. Surveys can be conducted through mail, e-mail, or in-person interviews. Survey design should consider sampling, data collection strategies, analysis, and projected return rates. Surveys should be designed taking accessibility considerations into account, including alternative formats, access to the internet, literacy levels, and limited English proficiency.

Detailed Study and Analysis. A community may decide to conduct a complex analysis using inventories, interviews, GIS mapping, and other types of research strategies. A decision to conduct this type of analysis should take into account the amount of time and funding resources available, and communities should consider leveraging State and MPO resources for these undertakings.

Participation in the Planning Process

SAFETEA-LU requires the coordinated plan to be developed through a process that includes representatives of public, private, and non-profit transportation and human services providers, and the general public. Note that the required participants include not only transportation providers but also providers of human services, and members of the public (e.g., individuals with disabilities, older adults, and individuals with low incomes) who can provide insights into local

transportation needs. It is important that stakeholders be included in the development and implementation of the local coordinated public transit-human services transportation plan. The following possible strategies facilitate appropriate inclusion:

Adequate Outreach to Allow for Participation

Outreach strategies and potential participants will vary from area to area. Potential outreach strategies could include notices or flyers in centers of community activity, newspaper or radio announcements, e-mail lists, Web postings, and invitation letters to other government agencies, transportation providers, human services providers, and advocacy groups. Conveners should note that not all potential participants have access to the Internet and they should not rely exclusively on electronic communications. Allow many ways to participate, including in-person testimony, mail, e-mail, teleconference, and so forth.

Public meetings regarding the plan should be held in a location and time where accessible transportation services can be made available, and adequately advertised to the general public using techniques such as those listed above. Interpreters for individuals with hearing impairments and English as a second language and accessible formats (e.g., large print, Braille, electronic versions) should be provided as required by law.

A key provision of statewide planning under SAFETEA-LU is the requirement for consultation with an expansive list of stakeholders. There is significant overlap between the list of stakeholders identified under those provisions (e.g. private providers of transportation, representatives of transit users, and representatives of the disabled) and the organizations that should be involved in preparation of the coordinated plan.

The projects selected for funding under the Elderly Individuals and Individuals with Disabilities (Section 5310), JARC, and New Freedom programs must be “derived from a locally developed, coordinated public transit-human services transportation plan” that was “developed through a process that in-

cludes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public.”

The requirement for developing the local public transit-human services transportation plan is intended to improve services for people with disabilities, older adults, and individuals with low incomes. Therefore, individuals, groups and organizations representing these target populations should be invited to participate in the coordinated planning process. Consideration should be given to including groups and organizations such as the following in the coordinated planning process if present in the community:

Transportation Partners:

- Area transportation planning agencies, including MPOs, states, and local governments;
- Public transportation providers (including ADA paratransit providers and agencies administering the projects funded under the FTA urbanized and non-urbanized programs);
- Private transportation providers, including private transportation brokers, taxi operators, van pool providers, and intercity bus operators;
- Non-profit transportation providers;
- Past or current organizations funded under the JARC, the Elderly Individuals and Individuals with Disabilities (Section 5310) and/or New Freedom programs; and
- Human service agencies funding, operating, and/or providing access to transportation services.

Passengers and Advocates:

- Existing and potential riders, including both general and targeted population passengers (individuals with disabilities, older adults, and people with low incomes);
- Protection and advocacy organizations;
- Representatives from independent living centers; and
- Advocacy organizations working on behalf of targeted populations.

Human Service Partners

- Agencies that administer health, employment, or other support programs for targeted populations. Examples of such agencies include but are not limited to Departments of Social/Human Services, Employment One-Stop Services; Vocational Rehabilitation, Medicaid, Community Action Programs (CAP), Agency on Aging (AOA); Developmental Disability Council, Community Services Board;
- Non-profit human service provider organizations that serve the targeted populations;
- Job training and placement agencies;
- Housing agencies;
- Health care facilities; and
- Mental health providers.

Other

- Security and emergency management agencies;
- Tribes and tribal representatives;
- Economic development organizations;
- Faith-based and community-based organizations;
- Representatives of the business community (e.g., employers);
- Appropriate local or state officials and elected officials; and
- School districts.

Note: Participation in the planning process will not bar providers (public or private) from bidding to provide services identified in the coordinated plan. This planning process differs from the competitive selection process, and it differs from the development and issuance of an RFP as described in the *Common Grant Rule* (49 CFR part 18).

Levels of Participation

The suggested list of participants above does not limit participation by other groups, nor require participation by every group listed. Communities will have different types of participants depending on population and size of community, geographic location, and

services provided at the local level. It is expected that planning participants will have an active role in the development, adoption, and implementation of the plan.

Participation may remain low even though a good faith effort is made by the lead agency to involve passengers, representatives of public, private, and non-profit transportation and human services providers, and others. The lead agency convening the coordinated planning process should document the efforts they used to solicit involvement.

In addition, federal, state, regional, and local policy makers, providers, and advocates should consistently engage in outreach efforts that enhance the coordinated process, because it is important that all stakeholders identify the opportunities that are available in building a coordinated system. To increase participation at the local levels from human service partners, state DOT offices are encouraged to work with their partner agencies at the state level to provide information to their constituencies about the importance of partnering with human service transportation programs and the opportunities that are available through building a coordinated system.

Adoption of a Plan

Participants should identify the process for adoption of the plan.

Cycle and Duration of the Plan

Communities and states may update the coordinated plan to align with the competitive selection process based on needs identified at the local levels. States, MPOs, designated recipients, and public agencies that administer or operate major modes of transportation should set up a cycle that is conducive to and coordinated with the metropolitan and statewide planning processes, to ensure that selected projects are included in the TIP and STIP, to receive funds in a timely manner.

Role of Transportation Providers that Receive FTA Funding Under the Urbanized and Other Than Urbanized Formula Programs in the Coordinated Planning Process

Recipients of Section 5307 and Section 5311 assistance are the “public transit” in the public transit-human services transportation plan and their participation is assumed and expected. Further, Section 5307(c)(5), requires that, “Each recipient of a grant shall

ensure that the proposed program of projects provides for the coordination of public transportation services...with transportation services assisted from other United States Government sources.” [Editor’s note: this 5307 citation appears to be incorrect.]

In addition, Section 5311(b)(2)(C)(ii) *General Authority, Apportioning Amounts*, requires the Secretary of the U.S. Department of Transportation to determine that a State’s Section 5311 projects “provide the maximum feasible coordination of public transportation service...with transportation service assisted by other Federal sources.”

LOW INCOME ELIGIBILITY AND WELFARE RECIPIENT INFORMATION

The JARC Program’s goal is to improve access to transportation services to employment and employment-related activities for welfare recipients and eligible low-income individuals. FTA provides financial assistance for transportation services planned, designed, and carried out to meet the transportation needs of *welfare recipients* and *eligible low-income individuals* in all areas—urbanized, small urban, and rural.

Welfare

A Welfare Recipient is defined as an individual who has received assistance under a state or tribal program funded under Part A of Title IV of the Social Security Act. For the purposes of the JARC Program, recipient may have received this funding at any time during the three-year period before the date on which the applicant applies for a grant under JARC. In other words, if you are applying for JARC funding, the individuals for whom you intend to provide service must have been a welfare recipient sometime within the last three years.

Low Income

To be considered an “eligible low-income” individual, the individual’s household must be at or below 150 percent of the poverty line (as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 USC 990(2)), including any revision required by that section) for a family of the size involved.

The Department of Health and Human Services issues poverty guidelines every year. Published in the *Federal Register*, the guidelines are a simplification of the poverty thresholds (poverty thresholds are generated by the Census Bureau for statistical purposes) and are used to determine financial eligibility for certain federal programs.

The JARC program defines “eligible low-income” as being within 150 percent of the poverty line. The table below lists the poverty rate and 150 percent of that rate for 2007.

Poverty Guideline and 150 Percent of Guideline by Household Size for 2007

Number of Persons in Family of Household	2007 HHS Poverty Guidelines for 48 Contiguous States/D.C.	150 Percent of 2007 HHS Poverty Guidelines
1	\$ 10,210	\$ 15,315
2	\$ 13,690	\$ 20,535
3	\$ 17,170	\$ 25,755
4	\$ 20,650	\$ 30,975
5	\$ 24,130	\$ 36,195
6	\$ 27,610	\$ 41,415
7	\$ 31,090	\$ 46,635
8	\$ 34,570	\$ 51,855
Number per Person	\$ 3,480	\$ 5,220

CIVIL RIGHTS

The Department, with guidance from the FTA, has developed the following requirements and procedures to ensure no person in the State of Colorado shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity receiving federal assistance under Sections 5303, 5304, 5310, 5311, 5316 and 5317.

All potential grantees shall submit to the Department annually, *with their application/application update*, the following information:

- ✓ A “Nondiscrimination Assurance” as part of the annual FTA Assistance Program Certifications and Assurances submission to the FTA. If awarded funds, a grantee will also be required to execute a Civil Rights Compliance assurance as one of the standard assurances completed through the contract process.
- ✓ A list of any active lawsuits or complaints naming the potential grantee that alleges discrimination on the basis of race, color, sexual preference, or national origin with respect to service or other transit benefits.
- ✓ A current transit program brochure that includes Title VI Statement of Rights, Nondiscrimination, and Complaint Information.

All potential grantees shall submit to the Department the following information *every three years*:

First Time Applicants for Funding

- ✓ A summary of all civil rights compliance review activities conducted during the last three years if the agency has received previous federal funding NOT from FTA. The summary shall include:
 - Purpose or reason for review
 - Name of organization performing the review

- Summary of findings and recommendations of the reviews; and
 - Report on the findings and recommendations of the review
- ✓ A list of all pending applications for financial assistance and all financial assistance currently provided by other federal agencies.

All Other Agencies

- ✓ Verification of Statement of Rights, Nondiscrimination, and Compliant filing information in all program information, to include marketing materials and websites.
- ✓ Documentation of program procedures for investigating and tracking discrimination complaints.
- ✓ Documentation of procedures for how to meet FTA Limited English Proficiency requirements.

CDOT maintains a file of all such reports and requires that the grantee also have records available for review by CDOT or the FTA.

- ✓ In addition, every year, the Department will submit the names and addresses of all proposed grantees to the U.S. Equal Employment Opportunity Commission and the U.S. Commission on Civil Rights regional offices. These two groups are then asked to disclose any complaints filed or actions taken against any of the proposed grantees. If the responses from either of the organizations indicate complaints against a grantee, the Department will contact the grantee and monitor the status of such complaints until they are resolved.

CDOT Civil Rights Compliance

The Department strives to ensure that each applicant is evaluated fairly and is not discriminated on the basis of race, color, or national origin by doing the following:

- ✓ The Department notifies all known transit operators in Colorado of the availability of FTA funds and assists these operators in applying for assistance.
- ✓ The Department elects an Interagency Advisory Committee (IAC) to assist in the evaluation and selection of projects for FTA assistance.

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

States must ensure that they and their sub-recipients comply with the requirements of EEO:

- To not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or handicap,
- To take affirmative action to ensure that applicants are employed and that employees are treated fairly during employment without regard to race, color, creed, national origin, sex, age, or handicap, and,

- To post in conspicuous places and make available to employees and applicants employment notices setting forth an EEO policy.

To ensure grantee compliance with EEO requirements, the Department shall include such requirements in its contracts with grantees and shall monitor compliance during site visits. During the site visits the Department shall, at a minimum, ensure that grantees have an EEO policy statement placed prominently in employment applications and on a poster located where interested parties complete job applications.

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

The Department will ensure that disadvantaged businesses are provided the maximum opportunity to compete for and perform contracts and subcontracts financed in whole or in part with Federal funds. The Department will ensure businesses are not discriminated based on race, color, creed, national origin, age, sex, or handicap in the award and performance of FTA assisted contracts.

Necessary and reasonable steps include:

- Identifying all contracting opportunities, if any, associated with FTA assistance.
- Analyzing DBE availability (known and projected) to provide products or services at either the prime or subrecipients level.
- Establishing contract goals for all FTA assisted contracts based upon the availability analysis.
- Using good faith efforts to achieve contract goals established.
- Using certified DBE firms.

- Maintaining records and reports sufficient for verifying steps taken and participation achieved.

The Department will ensure that all subrecipients (grantees) meet their responsibility to make a reasonable effort to use DBE firms. The Department will: provide information to grantees about the availability of such firms; monitor grantees' contracting activity for DBE compliance; and, report to FTA on grantees that receive FTA funds in excess of threshold amounts.

In an effort to increase DBE participation on 5310 (non-vehicle), 5311, 5316, and 5317 contracting opportunities, the Department will provide subrecipients with one DBE certified list. For many grantees, the only explicit federal requirement is to "make a reasonable effort" to use DBE firms.

Each 5311, 5316, 5317, and 5310 grantee (not receiving vehicles) is required to report contracting activity to the Department semi-annually. The Department will then report this activity to the FTA regional office.

NATIONAL TRANSIT DATABASE (NTD)

NTD Reporting

The National Transit Database (NTD) is the FTA's primary national database for statistics on the transit industry. Recipients of FTA's [Urbanized Area Formula Program](#) (Section 5307) and [Other Than Urbanized Area \(Rural\) Formula Program](#) (Section 5311) are required by statute to submit data to the NTD.

Who Reports

State Departments of Transportation must report NTD rural data. The State Department of Transportation administering the FTA Formula Program for Other Than Urbanized Areas (Section 5311) is responsible for collecting and providing data regarding each Section 5311 *subrecipient* in the State serving the general public.

SAFETEA-LU defines recipients and sub-recipients as follows:

Recipients are a State or Indian Tribe that receives a Section 5311 grant directly from the Federal government.

Subrecipients are a State or local governmental authority, a nonprofit organization, or an operator of public transportation or **intercity bus** service that receives Section 5311 funds indirectly through a recipient.

When to Report

The reporting schedule for the NTD is based on the close of the state's fiscal year. Reports generally must be submitted within 120 days of the close of the state fiscal year, **making Colorado's reporting deadline October 28.**

How to Report

All agencies receiving Section 5311 grant awards must complete an NTD Rural General Public Transit Service Form (RU-20).

The RU-20 Form is in Microsoft Excel format and will be emailed to all Section 5311 grantees; the RU-20 can also be downloaded from the NTD website at the URL <http://www.ntdprogram.gov/ntdprogram/rural.htm>.

All 5311 grantees must complete an RU-20 form and email them to Matt Paswaters, Transit Grants Coordinator, by the deadline (Mattew.paswaters@dot.state.co.us).

Failure to Report

NTD requires transit agencies to submit complete reports according to the due date schedule. [Failure to report](#) results from not submitting a report, submitting a [late report](#) or submitting an [incomplete report](#). A report is considered late if it is not submitted by the due date. A report is incomplete if it does not contain all the required reporting forms and data.

Failure of a transit agency to report results in that agency being ineligible to receive a Section 5311 grants directly or indirectly.

What to Report

Complete one RU-20 Rural General Public Transit Service Form for each rural transit provider.

The NTD Background

Taken from the NTD website at <http://www.ntdprogram.gov/ntdprogram/ntd.htm#operates>.

What is the NTD Program?

The NTD was established by Congress to be the nation's primary source for information and statistics on the transit systems of the United States. Recipients or beneficiaries of grants from the FTA under the [Urbanized](#)

[Area Formula Program](#) (Section 5307) or [Other than Urbanized Area \(Rural\) Formula Program](#) (Section 5311) are required by statute to submit data to the NTD. Each year, NTD performance data are used to apportion over \$5 billion of FTA funds to transit agencies in [urbanized areas](#) (UZAs).

The legislative requirement for the NTD is found in Title 49 U.S.C. 5335(a): SECTION 5335 National transit database.

Funding for Transit Agencies Serving Urbanized Areas under 200,000 Population

NTD data are used in the formula allocation of Federal transit funds for the Urbanized Area Formula Program (Section 5307) and for the Fixed Guideway Modernization Program (Section 5309, in part). The NTD data are also used in the formula allocations of Federal transit funds. With the passage of SAFETEA-LU, NTD data for urbanized areas with populations fewer than 200,000 are also used in the allocation of Federal transit funding.

Overview

The National Transit Database (NTD) is the FTA's national database of statistics for the transit industry. It is comprised of data reported by more than 600 transit agencies across the US, then analyzed and compiled into reports published by FTA and made available to the public on the NTD Program website.

The database includes all modes of public transportation utilized on local and regional routes throughout the country, including private and public buses, heavy and light rail, ferryboats and vanpool service, as well as services for senior citizens and persons with disabilities, and taxi services operated under contract to a public transportation agency.

For a clear and detailed view of the nationwide state of transit a lot of information must be collected. This is the job of the transit reporters, who usually fall into one

of three groups: transit agencies, providers of purchased transportation services, and voluntary reporters. The types of data reported include:

- Operational Characteristics—Vehicle revenue hours and miles, unlinked passenger trips and passenger miles, etc.
- Service Characteristics—Service reliability and safety, etc.
- Capital Revenues and Assets—Sources and uses of capital, fleet size and age, and fixed guideways, etc.
- Financial Operating Statistics—Revenues, Federal, state and local funding, costs, etc.

In recent years, the NTD has grown to include safety, security, and rural transportation data.

The NTD Products

FTA disseminates the data collected each report year. To tailor the data to the needs of the congress, other federal agencies / departments, the reporting agencies and the general public the NTD produces several publications, including:

Transit Profiles—This is a "snapshot" view of a transit agency's data for a given report year. The most important service, financial, operational and modal data presented on a single page, including graphs to show relational data and performance trends from prior years' data. A profile is produced for each transit agency, as well as a national summary profile and an aggregate profile for the top 50 agencies.

Data Tables—The purpose of the data tables is to present data across all transit agencies. There are currently 27 data tables produced, ranging from Operators' Wages to Energy Consumption to Age Distribution of Active Revenue Vehicle Inventory.

National Transit Summaries and Trends—This publication is similar to the data tables, in that it presents "types" of data, but instead of presenting individual agencies' data for the year, it looks at the national summary data, across prior years,

to present trends over the past decade. The trends and summaries examined include:

- Transit in the United States
- Operating Costs and Performance Measures
- Quality of Transit Service
- Reliability
- ADA Compliance
- Funding Transit Operations
- Capital Investment in Transit
- Bus Fleet
- Fixed Guideway Mileage
- Alternative Fuel Usage

In addition, aggregate data by UZA and by form is included.

The publications and reports produced by NTD are posted on the NTD website for download (www.ntdprogram.gov). The NTD website includes prior years' publications as well.

In addition to the publications listed above, NTD produces several other products, including:

- Apportionment dataset (UAF 5307 & FG 5309)

- GPRA performance measures
- ADA compliance data
- Infrastructure data for Conditions and Performance Report
- Manuals: Reporting, Validation, Safety and Security, Rural.

How The Data is Used

Many federal and state government departments and agencies, universities and research centers, and international studies also make use of NTD data. In addition, transit agencies themselves look at performance measures, historical trends, and conduct special analyses utilizing published NTD data.

How the data we collect is used:

- Formulation of National Policy
- Federal: BTS, DOE, EPA, DOL, DOC, FHWA
- State and regional planning and investment
- APTA Data Book
- Special analyses: HOT lanes, fleet age
- Research
- Private sector (vehicle manufacturers and OEMs).

DRUG AND ALCOHOL TESTING (5311 Grantees Only):

FTA requires recipients of Section 5311 funds to establish and implement drug and alcohol misuse testing programs, as specified in Title 49 parts 40 and 655 of the United States Code of Federal Regulations (CFR).

The purpose of these regulations is to establish programs to be implemented by employers that receive financial assistance from the Federal Transit Administration (FTA) and by contractors of those employers; that are designed to help prevent accidents, injuries, and fatalities resulting from the misuse of alcohol and use of prohibited drugs by employees who perform safety-sensitive functions.

Recipients of 5311 dollars are required to annually prepare and maintain a summary of the results of their drug and alcohol testing programs. Each recipient is responsible for submitting this report to FTA's Office of Safety and Security, while CDOT is responsible for ensuring the accuracy and timeliness of the reports themselves.

Drug and Alcohol Policy Requirements Checklist

Designated Contact Person and Board Adoption

- Identity of person, office, branch, and/or position
- Proof of policy adoption by local governing board or other authorized official

Covered Employees

- Operation of a revenue service vehicle, in or out of revenue service
- Operation of a non-revenue vehicle requiring a Commercial Drivers License (CDL)
- Controlling movement or dispatch of a revenue service vehicle (determined by employer)
- Security personnel who carry firearms

- Maintenance of a revenue service vehicle
- Contractor employees that stand in the shoes of transit system employees also have to comply

Prohibited Substances

- Alcohol
- Amphetamines
- Cocaine
- Marijuana
- Opiates
- Phencyclidine

Pre-employment

- Negative test before 1st SS duty, must make up if cancelled
- Not SS for 90-days and out of pool need pre-employment test
- Applicant who failed/refused must show evidence of treatment
- If alcohol test, must follow Part 40 regulations

Reasonable Suspicion

- Trained supervisor
- Physical behavior, performance, contemporaneous observation

Post-Accident

- Fatality
- Medical treatment away from scene, unless driver discounted
- Disabling damage, unless driver discounted
- Drug test within 32 hours
- Alcohol within eight hours

- No test two hours, create note, no test eight hours, update note
- Readily available, or refusal to test
- Readily available stayed for resolution and medical treatment

Return-to-Duty and Follow-Up

- Conducted in accordance with Part 40, subpart O

Random

- Scientifically valid selection method
- Testing is conducted on all days and hours throughout the year
- Unannounced and immediate
- No discretion by management or operations

Prohibited behavior

- Alcohol use four hours prior, on call, while performing SS duty
- Alcohol use eight hours after accident or until PA test

Period of Coverage

- Drug test—anytime on while on duty
- Alcohol test—Just before, during, or immediately after safety-sensitive duty

Testing Methods

- Drug and alcohol tests—detailed discussion in policy now optional
- It is only necessary to reference Part 40, but if referenced, copies must be available for employees

Test Requirement

- All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with Part 655

Test Refusal

- Failure to provide breath or urine sample
- Insufficient volume without valid medical explanation
- Tampering, adulterating, or substituting specimen
- Failing to appear within a reasonable time—*defined by employer*
- Leaving the scene of an accident without just cause prior to submitting to a test
- Leaving collection facility prior to test completion
- Failing to permit an observed or monitored collection when required
- Failing to take a second test when required
- Failing to undergo a medical examination when required
- Failing to cooperate with any part of the testing process
- Failing to sign Step 2 of alcohol test form
- MRO verified adulterated/substituted sample
- Once test is underway, failing to remain at site and provide a specimen
- For pre-employment, NOT refusal: Failure to appear
- For pre-employment, NOT refusal: Failure to remain at site prior to commencement of test
- For pre-employment, NOT refusal: Aborting the collection before the test commences
- No claim that refusal to take a company test is a refusal to DOT test

Consequences

- Positive drug or alcohol (above 0.04) test result or test refusal
- Blood Alcohol Count (BAC) (0.02 to 0.039)
- Dilute negative
- Dilute negative results 2–5 mg/dl

- ❑ Immediate remove employee from safety-sensitive position
- ❑ Refer for assessment by a Substance Abuse Professional
- ❑ Apply transit system disciplinary policy
- ❑ SAP Referral Required
- ❑ All employees/applicants must be given valid contact information for a USDOT-qualified SAP if they test positive.

Additional Employer Provisions Allowed

- ❑ Must be identified
- ❑ The provisions of the Drug Free Workplace Act of 1988 may be incorporated in the policy statement but must be so identified

Compliance Tips

- ❑ Effective date of policy—normally found on cover of policy
- ❑ Policy distribution—Employees should be requested to sign a confirmation of receipt form
- ❑ Make sure future revisions of a substantive nature also receive Board approval
- ❑ Make sure all employees have the most current version of the policy
- ❑ Clearly differentiate between FTA and company authority