

# TRANSPORTATION COMMITTEE 11/17/25

## LIST OF BOARD PACKET DOCUMENTS

1. Transportation Committee Agenda for 11/17/25.
2. Transportation Committee Draft Minutes for 9/8/25.
3. Responses from County of Hawaii regarding public transit programs.
4. United States Department of Transportation Final Rule – Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchairs – Delayed Enforcement [[2025-18980](#)]
5. City and County of Honolulu Bill 54 (2025) CD1 - – Relating to Public Transit.
6. City and County of Honolulu Auditor – Report on Skyline (rail) Operations.
7. Responses from the City and County of Honolulu – Restroom at Skyline Stations.
8. Federal Transit Administration ADA Complementary Paratransit Specialized Review of The City and County of Honolulu (2025).
9. County of Kauai Press Release - Open Payments on Public Transit.
10. United States Department of Transportation – Request for Comment; Crash Avoidance Warning System Human-Machine Interface Research. [NHTSA-2024-0070](#).
11. United States Department of Transportation – Request for Comment; National Electric Vehicle Infrastructure Formula Program Guidance. [FHWA-2025-0010](#).
12. Department of Justice Press Release – Uber Sued for Denying Rides to Passengers with Service Dogs, Wheelchairs.
13. City and County of Honolulu, Charter Amendment Proposal No. 11 – Require the City to prioritize the expansion, repair, and improvement of sidewalks.



## **DISABILITY AND COMMUNICATION ACCESS BOARD**

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813  
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 204-2466 (VP)

### **NOTICE OF MEETING**

#### **Disability and Communication Access Board**

#### **Standing Committee on Transportation Meeting**

November 17, 2025  
11:00 a.m.

### **AGENDA**

The Disability and Communication Access Board (DCAB) will be meeting remotely using interactive conference technology. The public is welcome to participate as follows.

#### **Public In-Person Meeting Location**

Kamamalu Building  
1010 Richards Street, Room 118  
Honolulu, Hawaii 96813

#### **Participate Virtually via Zoom**

Click on the link below or copy and paste it into your browser window:  
<https://us02web.zoom.us/j/81959854300> and enter Meeting ID: 819 5985 4300.

#### **To join by phone**

Dial 1 669 900 6833 and enter Meeting ID: 819 5985 4300.

One tap mobile: +1-669-900-6833,,,81959854300#

#### **Public Testimony**

**Oral testimony** - Testimony or comments presented by members of the public during Committee meetings shall be limited to three minutes per agenda item. In compliance with the Americans with Disabilities Act, a reasonable amount of additional time shall be afforded to persons with a communication disability to present testimony or comments, if needed. Any person who needs additional time to present testimony or comments is encouraged to contact the DCAB office in advance of the meeting. This rule shall be placed at the beginning of all Committee meeting agendas. Members of the public may present comment or testimony during Committee meetings on each agenda item. Public comment or testimony, if any, shall be presented on each agenda item before the Committee deliberates on the item. After all public comment or testimony is presented, the Committee shall deliberate on the agenda item without further comment or

testimony from the public unless further public comment or testimony is requested by the Committee.

**Written Testimony** - To ensure the public as well as Committee members are able to review testimony prior to the meeting, we request written testimony be submitted 48 hours prior to the scheduled meeting date and time.

- By email to: [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov)
- By U.S. Postal Mail:  
Kirby Shaw, Disability and Communication Access Board, 1010 Richards Street,  
Room 118, Honolulu, HI 96813
- By facsimile to: (808) 586-8129

## **AGENDA**

- I. Call to Order  
Review Remote Meeting Procedures
  - This meeting is being recorded.
  - A quorum of Committee members is required to be visible on screen.
  - Raise hand to speak unless called upon.
  - Identify yourself before speaking.
- II. Roll Call/Introductions
- III. Written Public Testimonies Submitted - Review
- IV. Approval of Meeting Minutes of September 8, 2025
- V. Review of DCAB Legislative Position Statements for Transportation and Mobility Related Bills and Resolutions.
  - **Support** legislation in accordance with the DCAB guiding principles on public transit fixed route bus and paratransit service regulations relating to transportation services that impact people with disabilities, including fare and fare categories for paratransit service and for fixed route service.
  - **Support** legislation for additional seating and transit safety measures for persons with disabilities beyond the minimum requirements of the Americans with Disabilities Act.
  - **Support** updates to state statutes, administrative rules and policies to ensure disability access in air travel and related transportation services.
  - **Support** legislation authorizing the creation of a state level Airport Authority, including the creation of a formal disability committee to advise on programs, services, and policies at Hawaii State Airports.

- **Support** testimony for the State Department of Transportation to create a disability committee to advise on programs, services, and policies at Hawaii State Airports.
- **Monitor** legislation relating to pedestrian safety.
- **Support** legislation to establish a rebate program for the purchase of electric mobility devices as defined in 28 CFR §35.104 and 28 CFR § 36.104 comparable to other programs, such as the one provided for electric bicycles and mopeds.

## VI. Old Business

- A. City and County of Honolulu [Bill 45](#) Relating to the City Transit System. The purpose of this bill is to update requirements pertaining to the City Transit System in order to promote public safety, system security, service quality, and multimodal transit options – Update.
- B. Review of County of Hawaii Paratransit Service responses.
  - (1) Hele-On Shared Ride [Program](#) (East Hawaii).
  - (2) Hele-On Ka Ho’okele Rural Transportation [Program](#).
  - (3) Hele-On Kako’o paratransit [services](#).
- C. Richards Street Bike Lane and Loading Zone – Update.
- D. United States Department of Transportation Final Rule – Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchairs – Delayed Enforcement [[2025-18980](#)] – Update

## VII. Standing Agenda Topics

- A. Public Transit and Paratransit
  - 1. City and County of Honolulu [Bill 54 \(2025\)](#) – Relating to Public Transit.
  - 2. City and County of Honolulu’s low income rate for fixed route and paratransit.
  - 3. City and County of Honolulu’s Taxi Voucher Program.
  - 4. City and County of Honolulu Auditor’s February 2025 [Report on Rail \(Skyline\) Operations](#).
  - 5. Response from the City and County of Honolulu – Bathrooms at Rail (Skyline) Stations.
  - 6. Federal Transit Administration ADA Complementary Paratransit Specialized Review of The City and County of Honolulu (2025).
  - 7. Kauai County Press Release – Open Payments on Public Transit
- B. Streets and Highways
  - 1. United States Department of Transportation – Request for Comment; Crash Avoidance Warning System Human-Machine Interface Research. [NHTSA-2024-0070](#).



2. United States Department of Transportation – Notice and Request for Comment; National Electric Vehicle Infrastructure Formula Program Guidance. [FHWA-2025-0010](#).

3. Department of Justice Press Release – Uber Sued for Denying Rides to Passengers with Service Dogs, Wheelchairs.

C. Pedestrian Mobility and Built Environment

1. City and County of Honolulu Charter Proposal – require the City to prioritize the expansion, repair, and improvement of sidewalks.

D. Air Transportation/Airports - No Updates

1. Request for Department of Transportation to form an advisory committee for travelers with disabilities.

E. Water Transportation and Harbors – No Updates

F. Update from the DCAB Standing Committee on Parking

1. Act 111 ([SB 1008 HD1 CD1](#)) - Relating to Parking. Authorizes the counties to adopt ordinances to enforce the accessible parking spaces reserved for persons with disabilities and electric vehicles.
2. Act 112 ([SB 1009 SD2 HD2 CD1](#)) – Relating to Parking. Establishes a state reserved parking space enforcement fine for the unauthorized use of parking spaces reserved for persons with disabilities or electric vehicles. Deposits fifty percent of all fines into the general fund and fifty percent into the Safe Routes to School Program Special Fund. Specifies that a fine shall not be imposed on a person who parks in a space designated and marked as reserved for electric vehicles if the electric vehicle charging system is visibly inoperable or broken.

VIII. Open Forum: Public comment on issues not on the agenda for consideration on a future Committee agenda.

IX. Next Meeting

IX. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, contact Cindy Omura at (808) 586-8121 or [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled.

Upon request, this notice is available in alternate/accessibile formats.

The agenda and meeting materials for this meeting are available for inspection at the DCAB office located at 1010 Richards Street, Room 118, Honolulu, Hawaii 96813 and on the DCAB website at: <https://health.hawaii.gov/dcab/dcab-agendas-and-minutes/>.



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### DRAFT MINUTES

#### **Standing Committee on Transportation Meeting**

Location: Virtual via Zoom and 1010 Richards Street, Room 118

Date: September 8, 2025

Time: 11:00 a.m.

PRESENT: Violet Horvath, Chairperson; Gerald Ohta, Teri Spinola-Campbell, Charlotte Townsend, Board Members; Elizabeth Delovio, Bryan Mick, Kristine Pagano, Staff

SIGN LANGUAGE

INTERPRETERS: Denise Green and Ku Mei Kern

REAL TIME

CAPTIONERS: April Chandler and Kelly DeCamp

- I. Chairperson Violet Horvath called the meeting to order at 11:13 a.m.
- II. Committee members and staff introduced themselves.
- III. Chairperson Violet Horvath reported no written public testimony was submitted.
- IV. The Committee approved the July 7, 2025 meeting minutes (M/S/P Townsend/Ohta).
- V. Unfinished Business
  - A. City and County of Honolulu [Bill 45](#) Relating to the City Transit System. The purpose of this bill is to update requirements pertaining to the City Transit System in order to promote public safety, system security, service quality, and multimodal transit options – Update.

Staff reported the City and County of Honolulu's Bill 45 (2025) Relating to Public Transit is yet to be scheduled for a second hearing. This bill would allow a rider to be denied transit service if the odor of their belongings interfered with other riders' ability to utilize the transit service. DCAB was concerned this would be arbitrarily enforced by public transit operators and would lead to disability discrimination complaints.
  - B. Review of County of Hawaii Paratransit Service responses.
    - (1) Hele-On Shared Ride [Program](#) (East Hawaii).
    - (2) Hele-On Ka Ho'okele Rural Transportation [Program](#).

The Committee reviewed a map of the Hawaii County paratransit's service area. While the major population centers have coverage, large

areas of the island do not. These non-covered areas also serve as a barrier between the covered areas, for example someone could not use the paratransit system to go from Hilo to Kona. Committee member Teri Spinola-Campbell mentioned there are other programs that are run by agencies other than the County Transportation Department and may provide limited service in those non-covered areas. Staff also highlighted the County's Hele-On Shared Ride Program which services Hilo. A person who is enrolled can schedule a taxi ride with a participating company, and the County will pay the first \$15.80 per trip (equivalent to 4 miles), with the rider responsible to pay the balance of the rate. This program allows for same day rides and hopefully reduces demand on the paratransit system. The Committee also discussed the Hele-On Ka Ho'okele Rural Transportation Service which services areas outside the paratransit service zone but is only available weekdays during business hours. Committee member Charlotte Townsend mentioned that a lot of the programs in Hawaii County use older vehicles where the lifts or ramps do not work. She does not think the island's policymakers grasp how difficult it can be for a person with a mobility disability to get around Hawaii island when different areas are serviced by different programs, versus the more holistic approach on Oahu.

She suggests DCAB send a letter to the various programs in Hawaii County urging them to communicate and coordinate, in an effort to enhance the experience of the program participants.

Committee member Teri Spinola-Campbell advised contacting the Mayor's Committee on People with Disabilities to ask what discussions they have had on this topic.

C. State of Hawaii E-bike and electric moped rebate [program](#).

(1) [House Bill 670 House Draft 1](#)

The Committee reviewed the State of Hawaii's existing e-bike and electric moped rebate program. This is restricted to people who do not own a motor vehicle and are either students or participate in a low income assistance program. The Committee also reviewed House Bill 670 House Draft 1 which would have added "adaptive electric bicycle" as an eligible device for a rebate. Staff suggested that perhaps mobility aid devices could also be added, as purchasing those can present a financial barrier to a person with a disability. If a bill is reintroduced next session, the Legislative Committee can submit testimony asking for that amendment.

D. Richards Street Bike Lane and Loading Zone – Update.

Staff reported that Executive Director Kirby Shaw received the consent of other agencies in the Kamamalu Building to request that the City and County of Honolulu's Department of Transportation Services (DTS) remove the two (2) meter parking spaces fronting the building and turn the entire curb into a loading zone. DTS replied they will analyze the information about the usage rate and revenue collected from the meters before making a decision.

E. United States Department of Transportation Final Rule – Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchairs – Delayed Enforcement [2025-10250](#) – Update

Staff reported that the United States Department of Transportation did not issue a second notice of delayed enforcement for their rule titled “Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchairs.” It is possible the rule will not be vigorously enforced by the current administration, but it is now an enforceable regulation.

VI. Standing Agenda Topics

A. Public Transit and Paratransit

Bryan Mick summarized Bill 54 (2025) which proposes changes to the City and County of Honolulu’s public transit and paratransit fares. While the bill does not amend the low income fare for paratransit, staff had concerns on two (2) proposals to the fares for bus and rail: 1) elimination of the free fare for a personal care attendant (PCA) when they are providing service to a rider with a disability. The current version of the bill leaves intact a fare exemption for a PCA when the rider with the disability has a paratransit identification card. DTS has stated they would like to delete that as well. Staff testified any change to the policy would present a barrier for a person who relies on a PCA, and it should be left in its current form. 2) the new fare table collapses many categories into a new one called “reduced fare.” However, the definition of who falls into that category excludes Medicare card holders. Medicare card holders currently receive a reduced rate. DTS has stated this is an oversight, but the City Council has yet to correct this.

The rest of the agenda was deferred due to time restraints.

VII. The next meeting will be Monday, November 17, 2025, at 11:00 a.m.

VIII. The meeting adjourned at 12:04 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

BRYAN K. MICK

DCAB's Transportation Committee is interested in learning more about the paratransit services available in Hawaii County. I was hoping you could help me find answer to some specific inquiries for the committee.

#### Hele-On Shared Taxi Program

- 1) Are there monthly or annual stats about how many rides were provided overall in this system. If so, are those stats broken down by provider? **Yes, monthly and annual ridership is recorded for National Transit Data base purposes. Stats are also segregated by each provider.** Is there a statistic on how many of the riders requested an accessible vehicle? **No**
- 2) Do the providers supply the County with information on what percentage of their vehicles are accessible? **Yes, each company has at least one ADA Vehicle as required per contract.**
- 3) Do the providers supply the County with information on the average age of their vehicles, especially the accessible vehicles? **Yes, providers submit documentation of each vehicle annually, including additional or replacement vehicles throughout the year.**
- 4) Are there any statistics for how often a rider who requests an accessible vehicle is denied? **No, however, if a provider is unable to provide service, they are required to contact another participating company or the County to accommodate.**

#### Hele-On Ka Ho'okele Program

- 1) Are all of the vehicles used in this program accessible? **No.**
- 2) If a rider wanted to travel into a zone that is within the paratransit service area, would they be required to transfer? Does the operator help arrange the paratransit pick-up if so, or does the caller have to make a separate arraignment with paratransit? **No, vehicle would take the rider to its requested destination unless it is out of the County's service area.**
- 3) Are there any other programs which try and bridge the geographical gap between the areas served by fixed route/paratransit? **Not currently. MTA is planning to establish Micro Transit Services within the next two years.**

#### Hele-On Kako'o paratransit service

- 1) Can you provide more information on the flex program? Is this using fixed route buses or paratransit vehicles? **The Flex program is open to the general public and not exclusive to individuals with disabilities. The ADA accessible fixed route buses will flex up to 1 mile of route and riders are required to make a reservation at least one hour in advance. Flex services are offered on Route 301, 403, 60, 75, and 12.**

Do you folks ever give public presentations on your programs? If so, would you be willing to zoom into a future committee meeting? We meet every other month. **Yes, we would be willing to attend a committee meeting via Zoom.**

approach procedure while below 1,000 feet above the surface.

Moreover, the Class E airspace extending upward from 700 feet above the surface is expanded to a 5-mile radius through all but the northwest portion to better contain arriving IFR aircraft operating below 1,500 feet and departing IFR aircraft until reaching 1,200 feet above the surface. The northeast extension is realigned to the airport's 051° bearing and is expanded to more appropriately contain arriving IFR aircraft below 1,500 feet above the surface while executing the Area Navigation (RNAV) (Global Positioning System [GPS]) RWY 22 approach procedure. The southwest extension is reduced approximately 5 miles to better contain arriving IFR aircraft operating below 1,500 feet above the surface while executing the VOR RWY 4 or RNAV (GPS) RWY 4 approach procedures, departing IFR aircraft while executing the RNAV (GPS) RWY 13 or RNAV (GPS) RWY 33 departure procedures, and IFR aircraft ascending via the RNAV (GPS) RWY 22 missed approach procedure until reaching 1,200 feet above the surface. The northwest portion of the central radius is reduced in size to more appropriately contain IFR aircraft departing RWY 31 until reaching 1,200 feet above the surface.

Furthermore, the Battle Mountain Class E airspace beginning at 1,200 feet above the surface is removed as it is redundant. The Battle Mountain and Rome Class E6 airspace areas provide sufficient containment of transitional operations.

Finally, the administrative portion of the airport's legal description is updated. Reference to the Battle Mountain very high frequency omnidirectional range tactical air navigation (VORTAC) on line three of the Class E5 legal description is no longer needed and is removed. The airspace is now described using only the airport reference point.

#### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is

certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1G, *FAA National Environmental Policy Act Implementing Procedures*, paragraph B-2.5. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11K, *Airspace Designations and Reporting Points*, dated August 4, 2025 and effective September 15, 2025, is amended as follows:

*Paragraph 6002 Airspace Areas Designated as Surface Area*

\* \* \* \* \*

#### ANM NV E2 Battle Mountain, NV [Amended]

Battle Mountain Airport, NV  
(Lat. 40°35'57" N, long. 116°52'28" W)

That airspace extending upward from the surface within a 4.4-mile radius of the airport and within 1.8 miles southeast and 1.9 miles northwest of the 228° bearing extending from the 4.4-mile radius to 4.5 miles southwest of the airport.

\* \* \* \* \*

*Paragraph 6004 Airspace Areas Designated as an Extension to a Class D or Class E Surface Area*

\* \* \* \* \*

#### ANM NV E4 Battle Mountain, NV [Amended]

Battle Mountain Airport, NV  
(Lat. 40°35'57" N, long. 116°52'28" W)

That airspace extending upward from the surface within 2.9 miles southeast and 3.4 miles northwest of the 221° bearing extending from the airport's 4.4-mile radius to 10.4 miles southwest of the airport.

\* \* \* \* \*

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### ANM NV E5 Battle Mountain, NV [Amended]

Battle Mountain Airport, NV  
(Lat. 40°35'57" N, long. 116°52'28" W)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the airport, within 4.9 miles northwest and 1.9 miles southeast of the 051° bearing extending from the 5-mile radius to 11.1 miles northeast of the airport, within 3.5 miles southeast and 3.6 miles northwest of the 221° bearing extending from the 5-mile radius to 11.5 miles southwest of the airport, within 1.8 miles either side of the 319° bearing extending from the 5-mile radius to 6.7 miles northwest of the airport, and within a 5.5-mile radius clockwise from the 319° bearing to the 349° bearing from the airport.

\* \* \* \* \*

Issued in Des Moines, Washington, on September 25, 2025.

**B.G. Chew,**

*Group Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2025–18989 Filed 9–29–25; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 14 CFR Part 382

[Docket No. DOT–OST–2022–0144]

RIN 2105–AF14

### Ensuring Safe Accommodations for Air Travelers With Disabilities Using Wheelchairs

**AGENCY:** Office of the Secretary of Transportation (OST), U.S. Department of Transportation.

**ACTION:** Notification of enforcement discretion.

**SUMMARY:** This document announces that the U.S. Department of Transportation (DOT) is delaying enforcement of certain provisions of the final rule on “Ensuring Safe Accommodations for Air Travelers With Disabilities Using Wheelchairs” (Wheelchair Rule) while it engages in a



new rulemaking that will consider whether to modify those provisions. As described below, this exercise of enforcement discretion applies to provisions of the Wheelchair Rule related to airline liability for mishandled wheelchairs, refresher training frequency, pre-departure notifications, and fare difference reimbursements. This exercise of enforcement discretion is intended to remove the burden of complying with requirements under review by DOT and does not prejudice the outcome of the new rulemaking. This notice does not affect the enforcement of requirements in the Wheelchair Rule beyond the four identified provisions.

**DATES:** As of September 30, 2025, enforcement of 14 CFR 382.125(e), 382.130(a), 382.132, and 382.141(a)(6) contained in the Wheelchair Rule, published on December 17, 2024, at 89 FR 102398, is delayed until December 31, 2026.

**ADDRESSES:** This notification of enforcement discretion, the notice of proposed rulemaking (NPRM), all comments received, the final rule, and all background material may be viewed online at [www.regulations.gov](http://www.regulations.gov) using the docket number listed above. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at [www.federalregister.gov](http://www.federalregister.gov) and the Government Publishing Office's website at [www.GovInfo.gov](http://www.GovInfo.gov).

**FOR FURTHER INFORMATION CONTACT:** Tori Ford, Vinh Nguyen, or Blane Workie, Office of Aviation Consumer Protection, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, 202-366-9342 (phone), 202-366-7152 (fax), [victoria.ford@dot.gov](mailto:victoria.ford@dot.gov), [vinh.nguyen@dot.gov](mailto:vinh.nguyen@dot.gov), or [blane.workie@dot.gov](mailto:blane.workie@dot.gov) (email).

**SUPPLEMENTARY INFORMATION:** On December 17, 2024, DOT issued a final rule on "Ensuring Safe Accommodations for Air Travelers With Disabilities Using Wheelchairs" (Wheelchair Rule). See 89 FR 102398. The final rule, which included certain provisions required by the FAA Reauthorization Act of 2024 (2024 FAA Act), expanded existing airline obligations in 14 CFR part 382 regarding the treatment of air travelers with disabilities. More specifically, the final rule established new requirements in various areas such as training for airline personnel and contractors, assistance to passengers who use wheelchairs in embarking and disembarking from

aircraft and moving within the terminal, and airlines' obligations should wheelchairs or scooters be mishandled. The final rule became effective on January 16, 2025; however, individual requirements in the final rule have varying implementation times, ranging from January 16, 2025 to June 17, 2026 for training requirements.

DOT previously announced that it would exercise its enforcement discretion and not enforce the Wheelchair Rule until March 20, 2025. See 90 FR 9953 (Feb. 20, 2025). DOT subsequently extended its enforcement discretion and announced it would not enforce the Wheelchair Rule until August 1, 2025. See 90 FR 24319 (June 10, 2025). DOT explained that additional time was needed for the officials appointed or designated by the President to review the Wheelchair Rule to ensure that it is consistent with the law, including the requirements of the 2024 FAA Act, and Administration policies, and to consider the issues raised by a lawsuit.

The Department has now initiated a new rulemaking titled "Airline Obligations to Accommodate Air Travelers with Disabilities Using Wheelchairs" (Wheelchair Rule II).<sup>1</sup> The 2025 Spring Unified Agenda identifies four provisions of the Wheelchair Rule that will be among those considered in Wheelchair Rule II: (1) airlines' liability when passengers' wheelchairs or other assistive devices are not timely returned in the condition they were received;<sup>2</sup> (2) frequency of required refresher training of airline employees and contractors;<sup>3</sup> (3) pre-departure notifications to passengers that check wheelchairs or scooters of their right to contact a Complaint Resolution Official and file a claim;<sup>4</sup> and (4) reimbursements of the difference between the fare on a flight a wheelchair or scooter user took, and the fare on a flight that the wheelchair or scooter user would have taken if his or her wheelchair or scooter had been able to fit on the flight.<sup>5</sup>

DOT has announced a target date of August 2026 for issuance of a notice of proposed rulemaking (NPRM) for Wheelchair Rule II.<sup>6</sup> A typical comment

period for an NPRM is 60 days. DOT intends to carefully consider all comments received (including late comments to the extent practicable) before issuing a final rule, if appropriate. As such, DOT believes that the public interest would be best served by DOT exercising its discretion to temporarily pause enforcement of the four provisions identified above until a decision is made on whether to move forward with a final rule. The earliest date that DOT expects to make such determination is December 31, 2026. This notice of enforcement discretion does not affect the enforcement of requirements in the Wheelchair Rule beyond the four identified above.

Issued in Washington, DC, under authority delegated in 49 CFR 1.27(a).

**Gregory D. Cote,**

*Acting General Counsel.*

[FR Doc. 2025-18980 Filed 9-29-25; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 375

[Docket No. RM25-13-000; Order No. 913]

#### Delegation of Authority Regarding Electric Reliability Organization's Delegation Agreement and Rules or Rule Changes Filings

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is issuing this final rule to transfer certain delegated authority from the Director of the Commission's Office of Energy Market Regulation to the Director of the Commission's Office of Electric Reliability, with respect to uncontested Electric Reliability Organization (ERO) or Regional Entity filings pertaining to ERO delegation agreements and ERO or Regional Entity rules or rule changes.

**DATES:** This final rule is effective September 30, 2025.

**FOR FURTHER INFORMATION CONTACT:** Hampden T. Macbeth, Office of General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. (202) 502-8957. [Hampden.Macbeth@ferc.gov](mailto:Hampden.Macbeth@ferc.gov).

#### SUPPLEMENTARY INFORMATION:

Transportation, Airline Obligations to Accommodate Air Travelers with Disabilities Using Wheelchairs (RIN 2105-AF35) at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202504&RIN=2105-AF35>.

<sup>1</sup> Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions, Department of Transportation, Airline Obligations to Accommodate Air Travelers with Disabilities Using Wheelchairs (RIN 2105-AF35) at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202504&RIN=2105-AF35>.

<sup>2</sup> Codified at 14 CFR 382.130(a).

<sup>3</sup> Codified at 14 CFR 382.141(a)(6).

<sup>4</sup> Codified at 14 CFR 382.125(e).

<sup>5</sup> Codified at 14 CFR 382.132.

<sup>6</sup> Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions, Department of

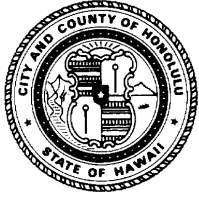
## **SUMMARY OF PROPOSED COMMITTEE DRAFT:**

### **Bill 54 (2025), CD1 RELATING TO PUBLIC TRANSIT.**

**The PROPOSED CD2** makes the following amendments:

- A. In SECTION 2, which amends ROH Section 15B-2.1, amends the bill as follows:
  - 1. Amends subsection (b) by:
    - a. Adding a 'senior citizen (Hawaii residents only)' passenger category to the fare structure table;
    - b. Adding Medicare cardholders to the list of individuals eligible for reduced fares; and
    - c. Clarifying which passengers are eligible for the reduced fare for different rides and passes.
  - 2. Deletes subsection (k), which removes personal care attendants from the exception to paying a fare for the city bus system and the city rail system. (As noted in D-639 (2025), this does not affect free fares for personal care attendants utilizing paratransit travel (TheHandi-Van), which is mandated by federal laws and covered under ROH § 15B-4.5(e).) Re-letters subsequent subsections.
  - 3. Amends now proposed subsection (l) (formerly subsection (n) in the CD1) to provide that the Department of Transportation Services (rather than the Director of Transportation Services) may establish a special single ride fare for transportation to and from the Daniel K. Inouye International Airport.
  - 4. Amends proposed subsection (m), to provide that the Department of Transportation Services (rather than the Director of Transportation Services) may establish a special events single ride fare for certain special events. Clarifies that the special events single ride fare will be cash only and will be sold at \$6.25 for all passenger categories under subsection (b).
- B. Makes miscellaneous technical and nonsubstantive amendments.





**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_  
BILL 54 (2025), CD2  
PROPOSED

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**A BILL FOR AN ORDINANCE**

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RELATING TO PUBLIC TRANSIT.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to simplify, update, and amend certain sections of Chapter 15B, Revised Ordinances of Honolulu 2021 ("Public Transit"), as they pertain to the fare structure for the Multimodal Municipal Transportation System.

SECTION 2. Section 15B-2.1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

**"§ 15B-2.1 Fare structure.**

- (a) For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

**Adult.** Any person over the age of 17 years who does not qualify as a "youth."

**Child.** Any person five years of age or younger who is accompanied by a fare-paying passenger, a city employee, or an employee of the transit management services contractor. If not so accompanied, any person five years of age or younger is a "youth" for the purposes of this section.

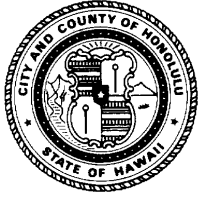
**Individuals with Extremely Low Income.** Any individual who qualifies for a fare plan under § 15B-2.10.

**Medicare Cardholder.** Any person to whom a Medicare card has been issued, pursuant to Title II or Title XVIII of the Social Security Act, 42 USC § 401, et seq. and 42 USC § 1395, et seq.

**Paratransit Eligibility ID Holder.** A person with a card issued under § 15B-4.3.

**Person with a Disability [~~under § 15B-2.2~~].** A person with a temporary or permanent disability qualified for a fare plan under § 15B-2.2.

**Senior Citizen.** A person 65 years of age or older with a programmed city payment card issued in accordance with § 15B-2.3.



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 54 (2025), CD2

**A BILL FOR AN ORDINANCE**

**Service Day.** The hours of operation of the city bus system and city rail system from 12:01 a.m. of one day to 2:59 a.m. the following day.

**Single Ride Fare.** The required payment for a ride on the city bus system or the city rail system.

**Single Ride Fare - Special Event.** The required payment for a ride on the city bus system or the city rail system for a special event as designated by the director.

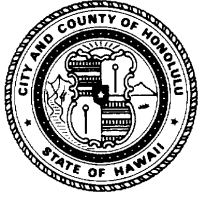
**Student Transit Pass.** A card, including a smart card, ticket, voucher, or similar document, distributed as approved by the department, that entitles a student holding the pass to ride on the city bus and rail system for the duration specified on the pass.

**Youth.** A person six through 17 years of age, subject to the presentation of a valid identification card establishing the age of the person. "Youth" includes high school students 18 and 19 years of age with a valid high school identification card establishing the age of the student and the student's current enrollment, but excludes college, university, and vocational training students if over the age of 17.

- (b) Except as otherwise provided in this article, the following fares apply to every passenger using the city bus system and the city rail system, and every passenger riding the city bus system and the city rail system ~~[shall]~~ must pay the applicable fare set forth in this table:

***[FARE STRUCTURE TABLE***

	<b>Cash</b>	<b><i>Fares Paid Using City Payment Card (CPC) Only</i></b>				<b>Special Event</b>
<b>Passenger Category</b>	<b>Single Ride Fare</b>	<b><i>Single Ride with 2.5-Hour Capped Fare with Free Transfers Between Bus, Rail, and Paratransit Systems</i></b>	<b><i>Daily Pass or Maximum Capped Fare</i></b>	<b><i>Monthly Pass or Maximum Capped Fare</i></b>	<b><i>Annual Pass</i></b>	<b><i>Single Ride Fare – Special Event</i></b>
Adult	\$3	\$3	\$7.50	\$80	\$880	\$6.25
Youth	\$1.50	\$1.50 with programmed CPC	\$3.75 with programmed CPC	\$40 with programmed CPC	\$440 with programmed CPC	\$6.25



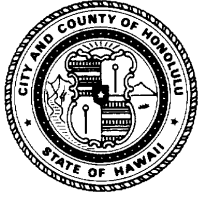
**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
 CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL **54 (2025), CD2**

**A BILL FOR AN ORDINANCE**

	<b>Cash</b>	<b>Fares Paid Using City Payment Card (CPC) Only</b>				<b>Special Event</b>
<b>Passenger Category</b>	<b>Single-Ride Fare</b>	<b>Single Ride with 2.5-Hour Capped Fare with Free Transfers Between Bus, Rail, and Paratransit Systems</b>	<b>Daily Pass or Maximum Capped Fare</b>	<b>Monthly Pass or Maximum Capped Fare</b>	<b>Annual Pass</b>	<b>Single-Ride Fare – Special Event</b>
Child	\$0	\$0	\$0	\$0	\$0	\$0
Senior Citizen (Non-Hawaii Resident)	\$1.25 with valid CPC ID	\$1.25 with programmed CPC	\$3 with programmed CPC	Not applicable	Not applicable	\$6.25
Senior Citizen (Hawaii Resident)	\$1.25 with valid CPC ID	\$1.25 with programmed CPC	\$3 with programmed CPC	\$20 with programmed CPC	\$45 with programmed CPC	\$6.25
Person with a Disability Under § 15B-2.2 (Non-Hawaii Resident)	\$1.25 with valid CPC ID	\$1.25 with programmed CPC	\$3 with programmed CPC	Not applicable	Not applicable	\$6.25
Person with a Disability Under § 15B-2.2 (Hawaii Resident)	\$1.25 with valid CPC ID	\$1.25 with programmed CPC	\$3 with programmed CPC	\$20 with programmed CPC	\$45 with programmed CPC	\$6.25
Medicare Cardholders (Non-Hawaii Resident)	\$1.25 with valid Medicare Card ID	\$1.25 with programmed CPC	\$3 with programmed CPC	Not applicable	Not applicable	\$6.25
Medicare Cardholders (Hawaii Resident)	\$1.25 with valid Medicare Card ID	\$1.25 with programmed CPC	\$3 with programmed CPC	\$20 with programmed CPC	\$45 with programmed CPC	\$6.25
Paratransit Eligibility ID Holders	\$1.25 with valid paratransit ID	\$1.25 with programmed CPC	\$2 with programmed CPC	\$6 with programmed CPC	\$35 with programmed CPC	\$6.25
Personal Care Attendant (PCA)	\$0 when performing PCA service	Not applicable	Not applicable	Not applicable	Not applicable	\$6.25]



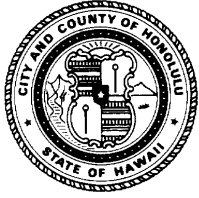
## A BILL FOR AN ORDINANCE

### **FARE STRUCTURE TABLE**

	<u><b>Cash</b></u>	<u><b>Fares Paid Using City Payment Card (CPC) Only</b></u>			
<u><b>Passenger Category</b></u>	<u><b>Single Ride</b></u>	<u><b>2-Hour Pass</b></u>	<u><b>24-Hour Pass</b></u>	<u><b>Monthly Pass</b></u>	<u><b>Annual Pass</b></u>
<u>Fixed Route (TheBus and Skyline)</u>	<u>Cash Fare Only (No Transfer)</u>	<u>Capped Fare or Prepaid Pass</u>	<u>Capped Fare or Prepaid Pass</u>	<u>Capped Fare or Prepaid Pass</u>	<u>Prepaid Pass</u>
	<u>Bus Only</u>	<u>HOLO Card (CPC)</u>	<u>HOLO Card (CPC)</u>	<u>HOLO Card (CPC)</u>	<u>HOLO Card (CPC)</u>
<u>Adult</u>	<u>\$3.25</u>	<u>\$3</u>	<u>\$7.50</u>	<u>\$90</u>	<u>\$990</u>
<u>Youth</u>	<u>\$1.75</u>	<u>\$1.50</u>	<u>\$3.75</u>	<u>\$45</u>	<u>\$495</u>
<u>Senior Citizen (Hawaii Residents Only)</u>	<u>\$1.50</u>	<u>\$1.25</u>	<u>\$3.00</u>	<u>\$20</u>	<u>\$45</u>
<u>Reduced Fare</u>	<u>\$1.75</u>	<u>\$1.50</u>	<u>\$3.75</u>	<u>Hawaii Residents Only \$20</u>	<u>Hawaii Residents Only \$50</u>

The following passengers are eligible for the reduced fare for a single ride, the two-hour pass, and the 24-hour pass: senior citizens who are not Hawaii residents, persons with a disability, paratransit eligibility ID holders, Medicare cardholders, and individuals with extremely low income. The following passengers are eligible for the reduced fare for the monthly pass and the annual pass: persons with a disability, paratransit eligibility ID holders, Medicare cardholders, and individuals with extremely low income; provided that the passenger is a resident of Hawaii.

- (c) The department may establish a program for the use of transit passes issued to individuals upon payment of the designated fare, which may be used for the duration specified on the pass. The passes will be issued at various locations to be selected and advertised by the department. The department, through the department of budget and fiscal services, may enter into contractual arrangements with any parties, private or public, when [such] the arrangements are deemed to be in the public interest for the sale and issuance of transit passes. The council must be informed within 30 days of the city's entering into [any-such] the arrangement.



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

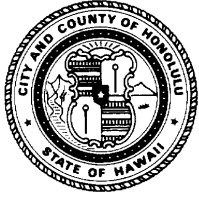
BILL **54 (2025), CD2**

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**A BILL FOR AN ORDINANCE**

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- (d) The department may allow a person to board a city transit system vehicle or enter a designated paid fare area without being charged a fare as part of a promotional offer or package made available by the city.
- (e) In the event of a strike or work stoppage that shuts down any portion of the multimodal municipal transportation system, the department may make fare adjustments as in the judgment of the department are warranted by the particular circumstances.
- (f) The department may establish a program for the issuance of college and university student, faculty, and staff transit passes. ~~[Such]~~ The passes may be issued to students, faculty, and staff by a college or university and will be subject to terms to be agreed upon between the college or university and the department. Students, faculty, and staff to whom the passes are issued ~~[shall]~~ must pay the fare negotiated rather than a fare established under subsection (b).
- (g) The department may establish a program for the issuance of student transit passes in accordance with § 15B-2.13. The passes may be issued to students by a participating State department of education school and will be subject to terms to be agreed upon between the department and the State department of education. The fare for students to whom the transit passes are issued must be paid by the State department of education at the fare negotiated rather than a fare established under subsection (b).
- (h) The department may establish a program for the issuance of free transit passes for city employees.
- (i) A child riding a city transit system vehicle for free may not occupy a seat to the exclusion of another passenger.
- (j) The department may establish a trainer pass program for persons who train persons with disabilities to use the city transit system.
- ~~[(k)]~~ ~~A personal care attendant accompanying a paratransit eligibility ID holder may not pay a fare when performing the service.~~
- ~~(+)]~~(k) The department may establish special reduced term passes for periods of seven days or less at fares provided in this subsection rather than a fare established under subsection (b). Reduced term passes will be valid for riders of all ages. The three-day pass ~~[shall]~~ will be sold at \$20, and the seven-day pass will be



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 54 (2025), CD2

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**A BILL FOR AN ORDINANCE**

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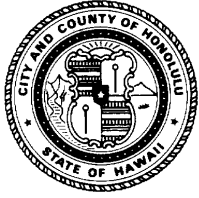
sold at [~~\$35.~~] \$45. The three-day pass will be valid for 72 hours after the initial tap on a fare validator. The seven-day pass will be valid for 168 hours after the initial tap on a fare validator.

- (l) The department may establish a special single ride fare for transportation to and from the Daniel K. Inouye International Airport.
- (m) The department may establish a cash only special events single ride fare for special events such as concerts, athletic games, and other large community events where non-scheduled transit service is provided. The special events single ride fare will be sold at \$6.25 for all passenger categories under subsection (b)."

SECTION 3. Section 15B-2.10, Revised Ordinances of Honolulu 2021, is amended to read as follows:

**"§15B-2.10 Transit fares for individuals with extremely low incomes.**

- (a) Individuals who have received an eligibility letter from the Social Security Administration for benefits under the Supplemental Security Income program are eligible for the reduced transit fare upon the presentation of the Supplemental Security Income eligibility letter to the department.
- (b) Individuals whose household incomes meet the United States Department of Housing and Urban Development guidelines for households with extremely low income within the city for the applicable household size, may also qualify for the reduced transit fare through application to the department of community services. The department of community services shall be responsible for the intake and processing of applications, determination of eligibility, and communication of an applicant's eligibility to the department.
- (c) The director of community services shall determine the eligibility of the individual for the reduced transit fare established under this section upon review and verification of an application to qualify for the fare. The application form must be prescribed and furnished by the director of community services. The director of community services may require proof of age, total household income, and household size, and proof may include but will not be limited to true copies of personal income tax returns, bank statements, or other financial records. The director of community services may require authorization from the household to enable the director of community services to fully verify household income. The



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL **54 (2025), CD2**

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**A BILL FOR AN ORDINANCE**

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director of community services shall determine whether an applicant qualifies for the reduced transit fare within 60 days of receipt of the completed application, and the decision of the director of community services will be final. The determination of eligibility will remain in effect for the period from the date of approval through the ending of the fiscal year on June 30.

- (d) Eligible individuals may receive a city payment card programmed with ~~[fares as follows:~~

- ~~(1) A single ride fare of \$1.25;~~
- ~~(2) A daily maximum capped fare of \$3;~~
- ~~(3) A monthly maximum capped fare of \$20; and~~
- ~~(4) A prepaid fare of \$45.~~

~~The reduced fares specified in this subsection are not applicable for rides on the city paratransit system or for the special events service.]~~ reduced fares as specified in § 15B-2.1. The eligible individual must use the programmed city payment card to pay the reduced fare for rides on the city bus and city rail system; provided that the reduced fare is not applicable when fares for special event services are charged or for rides on the city paratransit system.

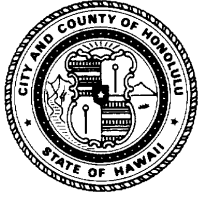
- (e) The department of community services may adopt rules in accordance with HRS Chapter 91 to implement this section.

- ~~[(f) Availability of this program is limited to a city subsidy of \$1,500,000 per fiscal year, unless additional appropriations of general funds or noncity funds are approved.]"~~

SECTION 4. Section 15B-4.5, Revised Ordinances of Honolulu 2021 ("Fare"), is amended by amending subsection (b) to read as follows:

"(b) *Single fare.*

- (1) Any person issued a paratransit eligibility identification card under § 15B-4.3 and any person accompanying the ADA paratransit eligible individual shall pay a fare of ~~[\$2.25]~~ \$2.50 per person per one-way passenger trip either in cash, by coupon, or by city payment card programmed for the



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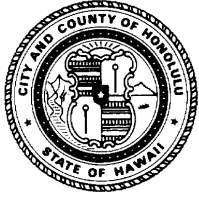
## A BILL FOR AN ORDINANCE

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paratransit fare, except as provided in § 15B-2.6. Revenues from the fare will be deposited into the transportation fund.

- (2) There is established herein a paratransit fare program for individuals with extremely low incomes as follows:
- (A) Individuals who have received an eligibility letter from the Social Security Administration for benefits under the Supplemental Security Income program are eligible for the reduced paratransit fare upon the presentation of the Supplemental Security Income eligibility letter to the department.
  - (B) Individuals whose household incomes meet the United States Department of Housing and Urban Development guidelines for households with extremely low income within the city for the applicable household size, may also qualify for the reduced paratransit fare through application to the department of community services as provided hereinbelow:
    - (i) The department of community services shall be responsible for the intake and processing of applications, determination of eligibility, and communication of an applicant's eligibility to the department;
    - (ii) The application form must be prescribed and furnished by the director of community services;
    - (iii) The director of community services may require proof of age, total household income, and household size, and proof may include but is not limited to true copies of personal income tax returns, bank statements, or other financial records;
    - (iv) The director of community services may require authorization from the household to enable the director to fully verify household income;
    - (v) The director of community services shall determine whether an applicant qualifies for the reduced transit fare within 60 days of receipt of the completed application, and the





**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL **54 (2025), CD2**

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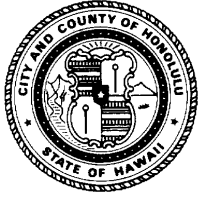
**A BILL FOR AN ORDINANCE**

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decision of the director of community services will be final;  
and

- (vi) The determination of eligibility will remain in effect for the period of one year.
- (C) Eligible individuals [~~shall~~] will receive a city payment card programmed with a paratransit fare cap of \$2 for a one-way trip.
- (D) The department of community services may adopt rules in accordance with HRS Chapter 91 and having the force and effect of law to implement the paratransit fare program established by this subsection.
- (3) Any person to whom a current paratransit eligibility identification card has been issued under § 15B-4.3 [~~shall~~] will pay a single ride fare in accordance with § 15B-2.1 to ride a [~~transit~~] city bus or the city rail system, either by using a programmed city payment card or, for the city bus system, payment may also be made in cash upon display to the bus operator of the paratransit eligibility identification card; except that the single ride fare must not apply when a special event fare is charged under § 15B-2.1."

SECTION 5. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL **54 (2025), CD2**

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**A BILL FOR AN ORDINANCE**

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SECTION 6. This ordinance takes effect on January 1, 2026.

INTRODUCED BY:

Tommy Waters (br)

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\_\_\_\_\_

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DATE OF INTRODUCTION:

\_\_\_\_\_

\_\_\_\_\_

July 22, 2025  
Honolulu, Hawai'i

\_\_\_\_\_  
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
RICK BLANGIARDI, Mayor  
City and County of Honolulu

**Report Title:**

Public Transit; Islandwide Fare Structure; Individuals with Extremely Low Income; Fare Structure Table; Deeply Discounted Fares; Special Reduced Term Fares; Special Single Ride Fares; TheHandi-Van, TheBus, Skyline; HOLO Card or City Payment Card; Paratransit Eligibility Identification Card Fares; Department of Transportation Services ("DTS"); Oahu Transit Services, Inc. ("OTS")

**Description:**

Amends certain provisions of ROH Chapter 15B related to the fare structure for Oahu's Multimodal Municipal Transportation System. Repeals and replaces the Fare Structure Table to, among other things, increase prices charged for certain passenger categories; incentivize the use of the HOLO card over cash fares; establish a combined reduced fare category for the following passengers: Senior Citizens who are not Hawai'i residents, Persons with Disability, Paratransit Eligibility ID Holders, Medicare cardholders, and Individuals with Extremely Low Income (provided that the reduced fare for the monthly pass and the annual pass are only eligible to passengers who are Hawai'i residents). Increases the price of the special reduced term seven-day pass. Authorizes the DTS to establish a special single ride fare for transportation to and from the Daniel K. Inouye International Airport. Authorizes the DTS to establish a cash only special events single ride fare for certain special events. Amends the fare amounts for individuals with extremely low incomes and repeals the appropriation cap on the availability of the program for individuals with extremely low incomes. Increases the one-way passenger trip fare for any person issued a paratransit eligibility identification card and any person accompanying the ADA paratransit eligible individual. Takes effect on January 1, 2026.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



**Office of the City Auditor**



**City and County of  
Honolulu  
State of Hawai`i**

**Report to the Mayor  
and the  
City Council of Honolulu**

# **Audit of the Skyline Operations**

**Report No. 25-02 (Revised)**  
February 2025

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# Chapter 3

## Accessibility and Safety Concerns Surrounding Skyline Stations

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Skyline stations provide accessible rail cars that meet design standards; however, the surrounding areas present significant safety and usability concerns that undermine the accessibility goals of the Americans with Disabilities Act (ADA) and local pedestrian access guidelines. Furthermore, DTS is responsible for the multimodal movement of people and goods on roadways which includes riders getting to and from surrounding areas including bus stops, pickup areas, and crosswalks. Observations conducted at Skyline stations revealed a variety of hazards, including trip hazards, poor sanitation, and insufficient infrastructure for individuals with disabilities. These issues not only pose safety risks but also increase potential liabilities for the city. To ensure equitable and safe transit access, the department should address the gaps in compliance and infrastructure surrounding these stations.

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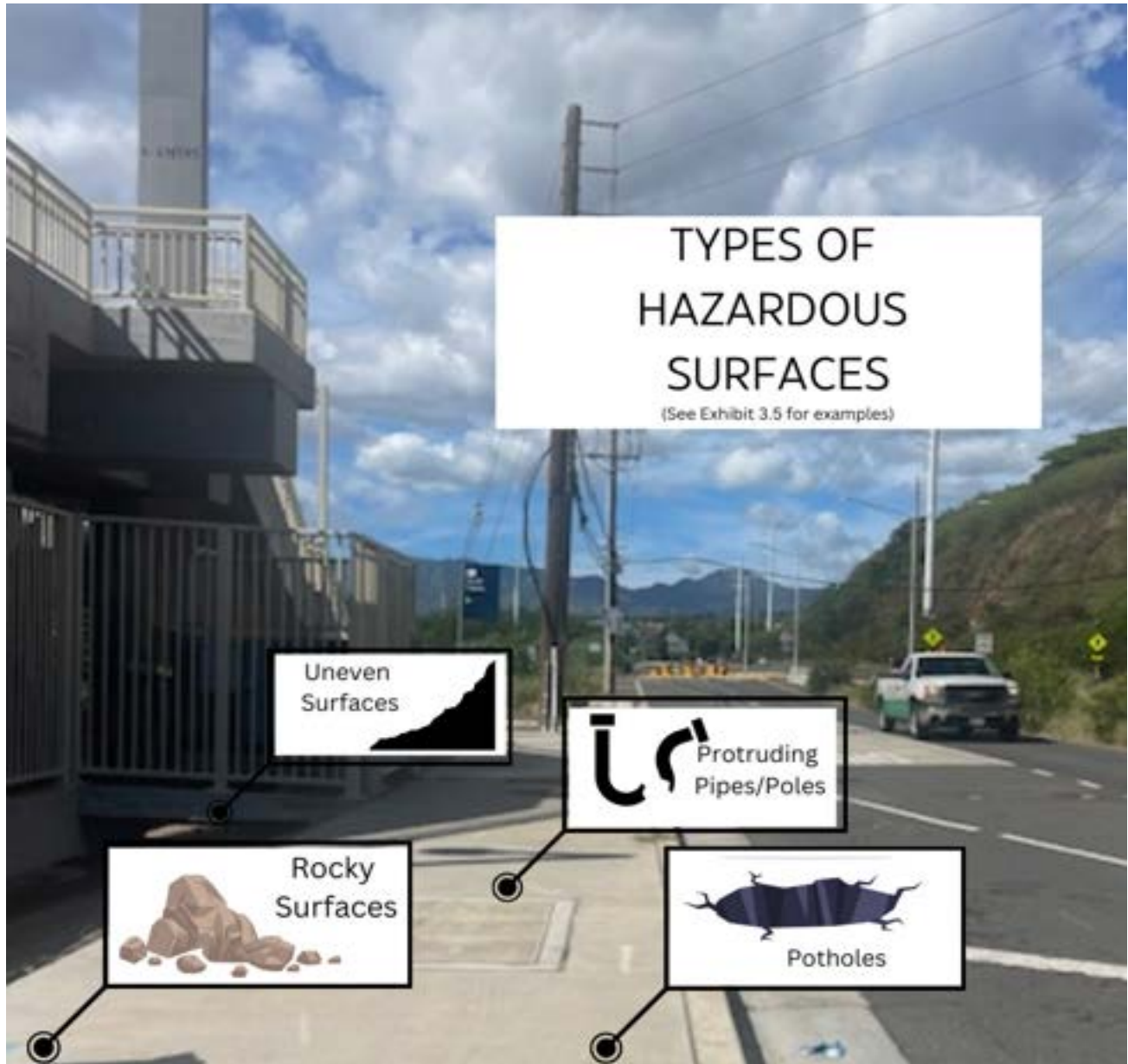
### Accessibility Challenges Around Skyline Stations

The areas surrounding Skyline stations exhibit several physical and sanitary hazards that endanger pedestrians and undermine accessibility. Trip hazards such as potholes, broken pipes, and uneven walkways were observed at five of the nine stations evaluated. These obstructions could potentially violate ADA standards, which mandate smooth, firm, and stable surfaces for individuals with mobility impairments. In addition to structural issues, sanitation concerns were also prevalent.

Skyline stations are required to be accessible to and usable by persons with disabilities. Federal and state laws require the rail stations to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

The Americans with Disabilities Act (ADA) of 1990 (P.L. 101-336) prohibits discrimination against qualified individuals with disabilities in transportation services offered by public entities under Title II of the ADA and private entities under Title III of the ADA. This prohibition applies regardless of whether an entity receives Federal funding and it extends to “fixed-route” and “demand-responsive” transportation service. The ADA sets forth general requirements for transportation providers.

### Exhibit 3.1 Types of Hazardous Surfaces



Sources: Office of the City Auditor and ADA Guidelines

Honolulu rail stations are required to be accessible to and usable by persons with disabilities by the ADAAG.

The table below evaluates each station's compliance with ADA guidelines.

**Exhibit 3.2**  
**ADA Guideline Checklist for Skyline Stations**

	Kualaka'i	Keone'ae	Honouliuli	Hō'ae'ae	Pouhala	Hālaulani	Waiawa	Kalauao	Hālawā
Accessible parking	n/a	✓	✓	✓	n/a	n/a	n/a	n/a	✓
Passenger Loading Zone	✓	✓	✓	✓	✓	✓	✓	✓	✓
Bus Stop	✓	✓	n/a	✓	✓	✓	✓	✓	✓
Entrance	✓	✓	✓	✓	✓	✓	✓	✓	✓
Emergency Exit	✓	✓	✓	✓	✓	✓	✓	✓	✓
Accessible Routes	✓	✓	✓	✓	✓	✓	✓	✓	✓
Elevator	✓	✓	✓	✓	✓	✓	✓	✓	✓
Drinking Fountain	none	none	none	none	none	✓	none	✓	none
Toilet Room	Not allowed access	Not allowed access	No attendant	No attendant	No attendant	Not allowed access	No attendant	No attendant	No attendant
Automated Fare Vending System	✓	✓	✓	✓	✓	✓	✓	✓	✓
Signage	✓	✓	✓	✓	✓	✓	✓	✓	✓
Boarding Platform	✓	✓	✓	✓	✓	✓	✓	✓	✓
Public Address System	✓	✓	✓	✓	✓	✓	✓	✓	✓

Source: ADA and Office of the City Auditor

A detailed table can be found in Appendix C. Although we found that areas immediately surrounding the rail stations are problematic, the Skyline stations generally complied with ADA guidelines. According to DTS management, toilet rooms are available for use if a rider asks the station attendant. However, while conducting fieldwork at three stations, we asked the attendant for access to the toilet room but was told that it was not available. Furthermore, one attendant at a station stated that no restrooms were available for use at any of the Skyline stations. As a result, we were unable to evaluate ADA accessibility for toilet rooms at each station.

In addition, Skyline stations were designed with the following ADA accommodations:

- Concourse level that provides convenient access to boarding platforms and allows safe crossing over the streets below
- Braille signage with tactile raised letters in large-print
- Audio announcements
- Texture changes and tactile platform edges at gate openings
- Directional and informational signage
- Universal symbols and signs with text labels



### Exhibit 3.3

#### ADA Signage and Accommodations at Skyline Stations and Railcars



Emergency pillar at rail platform with braille



Signage at station gates with braille



Priority seat signage for elderly & disabled



Signage at gates with tactile warning strips on ground

Source: Office of the City Auditor

---

**Walking Hazards,  
Graffiti, and  
other Barriers  
Compromise  
Safety and Rider  
Experience**

We found that 5 of 9 rail stations we reviewed featured trip hazards and potholes or graffiti. State guidelines on pedestrian access to transit stations and other federal agencies state that facilities should be free from such barriers. DTS has not addressed mitigating these barriers and has not sufficiently engaged the disabled community to identify public barriers. As a result, public safety is diminished and the city's liability risk is increased.

In addition to ADA requirements, the State of Hawai'i's guidelines on Pedestrian Access to Transit provides a summary of current best practices and design guidelines related to enhancing pedestrian access to transit. As a best practice, facilities within the right-of-way, such as sidewalks and pedestrian push buttons, should comply with the proposed Public Rights-of-Way Guidelines (PROWAG).

During observations, human feces were documented near a bus stop at one station, creating serious public health risks. Furthermore, graffiti was observed at three stations, contributing to an environment that feels unsafe and uninviting for users.

We conducted walkthroughs of all nine Skyline stations currently in operation. During our walkthroughs, we evaluated the surrounding areas (100 yards around the perimeter) of each station for trip hazards, graffiti, and vagrancy. We took photos to document potential violations and took note of any other issues we encountered. Exhibit 3.4 below summarizes our observations.

### Exhibit 3.4

#### Skyline Station Surrounding Area Assessment

	Kualaka`i	Keone'ae	Honouliuli	Hō`ae`ae	Pouhala	Hālaulani	Waiawa	Kalauao	Hālawā
Are walkways surrounding rail station even, free from trip hazards and potholes?	Yes	Yes	Yes	No	No	Yes	No	No	No
Are there vagrants or homeless individuals surrounding rail station?	No	No	No	No	No	No	No	No	No
Is there graffiti surrounding the rail station?	No	No	No	Yes	No	No	No	Yes	Yes

Source: Office of the City Auditor

At 5 of the 9 stations, we observed walkway hazards. The following table of photos documents these observations.

**Exhibit 3.5**

**OCA Observation of Surrounding Areas of Skyline Stations: Walkway Hazards**



Uneven surface levels sidewalk  
(Hō'ae'ae, West Loch)



Broken pipes outside of station  
(Hō'ae'ae, West Loch)



Uneven surface level on sidewalk  
(Pouhala, Waipahu Transit Center)



Uneven surface level on sidewalk & broken pole  
(Pouhala, Waipahu Transit Center)



Pothole and loose gravel on sidewalk outside station  
(Kalauao Station)



Uneven cracked sidewalk (Kalauao Station)

We did not observe any vagrancy or homelessness surrounding the stations on the day of our observation. However, we did observe human feces near one of the bus stops connected to the Skyline station.

**Exhibit 3.6**  
**Feces Near Bus Stop and Skyline Station**



Human Feces on sidewalk under station (Hō'ae'ae, West Loch)  
Source: Office of the City Auditor

Because safety is a top priority for Skyline, the department should address these hazards. The failure to address sidewalk hazards including potholes, broken pipes, and unsanitary conditions could have consequences for the city including legal liability, fines and penalties, and insurance claims. These hazards could violate a combination of ADA regulations, pedestrian safety codes, and right-of-way maintenance standards, all of which are aimed at ensuring the safety, accessibility, and usability of public spaces for everyone. To avoid any potential risks to the city should make improvements to areas around the stations and bus stops.

According to DTS, the department is only responsible for design, maintenance, and amenities for Skyline rail stations. Responsibility for areas surrounding the rail stations are under other city and state jurisdictions. While we acknowledge DTS' direct responsibility over rail stations, nevertheless, the department touts its multi-modal transportation system that requires riders to seamlessly, and safely, transfer between rail stations, bus stops, paratransit locations, and parking structures.

***Lack of stakeholder engagement***

A critical factor contributing to these deficiencies is the lack of ongoing input from the disability and mobility-impaired community. While stakeholders were consulted during Skyline’s planning phase, advocacy groups have not been engaged for over two years. This absence of participation has limited opportunities to identify and address accessibility barriers during the post-design and construction phases. Without consistent stakeholder input, the city risks overlooking key considerations that would ensure the usability and safety of the station environments.

We interviewed representatives from two disability advocacy groups in Honolulu, Citizens for a Fair ADA Ride (CFADAR) and the Hawai’i Disability Rights Center, and found that the city did not include their participation or input for over two years. One group has not been able to participate or give input on behalf of the disability community since 2020. The other group has not been able to participate or give input since the planning phase of Skyline. Input from the disabled mobility-impaired community is important to ensure that public transportation is accessible, safe, and equitable for all users. It not only helps to identify and eliminate barriers, enhances safety, fosters inclusivity, and ensures compliance with legal standards, it also created an opportunity to include innovation and build trust with a key user group. Skyline should uphold a standard to provide transportation services that benefits everyone, regardless of their abilities.

***Disparities between station design and surrounding areas***

While the station interiors include essential ADA features—such as tactile Braille signage, audio announcements, and tactile platform edges—these accommodations are not extended to the surrounding areas. Sidewalks and pathways leading to the stations are often hazardous and non-compliant with ADA guidelines, creating accessibility gaps. This disparity between the accessible station design and unsafe surrounding infrastructure creates obstacles for users, particularly individuals with mobility impairments.

---

**As Constructed,  
the Pearl Highland  
Waiawa Station  
Poses Pedestrian  
Risks**

We interviewed disability advocacy groups to identify any risk areas of accessibility using Skyline. One of the groups we interviewed, CFADAR, partnered with a mobility travel group who took a group of visually impaired individuals to ride Skyline. The group experienced difficulties navigating around the Waiawa Station and documented their experience. The group also identified suggested improvements for the issues encountered, as shown and stated below:







### Exhibit 3.7

#### Photos and Description of Issue Areas around Waiawa Pearl Highlands Station

Issue Areas around Waiawa Station	Description of Experience & Proposed Solution
	<p><i>On the way from the station toward Pearl Highlands Center, the walkway was not clear, even to the tactile warning strip at the ramp; we did have one member of our group fall at this point.</i></p>
	<p><i>There were shopping carts blocking the sidewalk as there was no other location move them to be out of the way.</i></p>
	<p><i>After the ramp, the pedestrian is supposed to locate a left turn to the raised crosswalk; there is no tactile indication to do so; this could easily lead a pedestrian who is blind or low vision to assume they should just continue straight and they would entirely miss the crossing and wind up in an area where pedestrians are not intended to travel.</i></p> <p><i>Tactile direction indicators (e.g. directional tiles) would be helpful here.</i></p>

Issue Areas around Waiawa Station	Description of Experience & Proposed Solution
	<p>Some may use auditory messages at the pole, but an individual who is deaf and/or blind would have no access to the purely auditory information. A combination would be ideal, but the tactile does address both needs.</p> <p>After making the first crossing after the station, pedestrians are expected to discern that a right hand turn is needed and to travel along a painted walkway.</p> <p>A channelized area with boundaries on each side would be helpful.</p>
	<p>This is another perspective showing the first crossing (toward the middle left side of the photo, then the center segment with the white striped area on one side of the pedestrian walking area, then the crossing of the roadway of Kamehameha Highway).</p>
	<p>Just to give a broader perspective at this point, here is a Google Maps screenshot showing the zig-zag path that pedestrians must walk to get to the commercial center immediately across from the station.</p>



Issue Areas around Waiawa Station	Description of Experience & Proposed Solution
 	<p>Once they have reached Kuala Street, they still have two more crossings to make in order to reach the side of the block where Pearl Highlands Center is located.</p> <p>The safest option seems to be a pedestrian bridge, which was reported to be an initial part of the development plan but was removed from the plan, presumably due to costs; hoping that one will be built for greater safety for pedestrians. A permanent tactile map of the walking route would most certainly be helpful for the present time, along with accessible pedestrian signals (with auditory and vibro-tactile information) that include locator tones to aid the pedestrian who is accessing the information with low vision or non-visually.</p>
 	<p>One observed challenge was that those working at the station indicated that those who needed assistance could simply push the information buttons for assistance. These two boxes are very similar to a person who is blind; the emergency box could easily be mistaken for the information box.</p> <p>A document that is prepared with information about the station that could be distributed to consumer groups (e.g. local chapters of American Council of the Blind, National Federation of the Blind, etc.), organizations serving those who are blind and low vision (e.g. Guide Dogs of Hawai'i), and government agencies working with individuals who are blind and low vision (e.g. Ho'opono Services for the Blind, Department of Human Services (DHS) Division of Vocational Rehabilitation (DVR)) would be helpful. The document could explain the features of the station, where to find them, their intended use, etc.</p>

Source: Sensory Travel

On August 2, 2023, the O’ahu Metropolitan Planning Organization Citizens Advisory Committee passed and adopted a resolution urging the Honolulu Authority for Rapid Transportation, the State Department of Transportation, and the City and County of Honolulu Department of Transportation Services to prioritize and expedite the installation of comprehensive pedestrian infrastructure at the Waiawa Pearl Highlands station at Kamehameha Highway, including a fully protected pedestrian crossing, in an effort to:

- Prevent pedestrian fatalities and serious injuries
- Address community concerns for the safety of all, including the blind and/or disabled
- Encourage use of public transit by addressing the needs of pedestrians frequenting the rail station

During our own observation, we observed the following at the Pearl Highland Waiawa Station.

**Exhibit 3.8**  
**OCA Observation of Waiawa Pearl Highlands Station**



Source: Office of the City Auditor

As of March 2024, the city was awarded \$19 million to build the Pearl Highland Waiawa Station Pedestrian Bridge. The project was not listed in Honolulu’s Capital Improvement Program Budget for FY 2025. The city should urgently complete the bridge and walkway improvements to ensure that Skyline riders at the station are safe and to decrease the risks of any pedestrian accidents occurring around the station involving Skyline riders who are going to and from surrounding areas.

According to DTS, regular work performed by DTS includes cleaning and clearing of paths, vegetation, and landscape, and fixing and improving paths including stairways, walkways, and ramps. While Skyline stations generally include design features to accommodate individuals with disabilities, the surrounding areas fall short of providing safe and accessible transit environments. We encourage DTS to ameliorate their routine work and coordinate with the necessary agencies to ensure the safe multimodal movement of people throughout their multimodal network. Addressing these challenges requires a combination of infrastructure improvements, consistent stakeholder engagement, and adherence to compliance standards. Proactive measures will enhance the safety, equity, and usability of the Skyline system, fulfilling the city's commitment to accessible public transit for all.

---

## Recommendations

DTS should:

1. Prioritize repairs to sidewalks, potholes, and pipes, and implement regular maintenance to address hazards and ensure ADA compliance.
2. Reestablish regular consultations with disability advocacy groups to ensure improvements meet mobility needs and enhance transit safety.
3. Periodically evaluate station surroundings for ADA and Hawai'i accessibility guidelines, using metrics to identify and address issues.
4. Expedite construction of the Pearl Highland Waiawa Station pedestrian bridge to eliminate critical accessibility barriers.

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# Chapter 5

## Conclusion and Recommendations

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### Conclusion

In the first six months of operation, Skyline achieved a 99.2 percent reliability rate. Despite this achievement, ridership has fallen short of expectations. Several factors, including limited service area coverage, inadequate operating hours, and insufficient integration with other transportation modes, attributed to a 44 percent decline in ridership from July 2023 to December 2023. Solo drivers have disproportionately shorter travel times than public transportation commuters. In our review of peer transit systems, Skyline's social media campaigns have been less effective. As a result, Skyline missed opportunities for collaboration with local events and businesses. In our survey of 100 Skyline riders, we found that although the system received positive overall feedback, concerns regarding the need for extended operating hours, limited payment options, and insufficient station amenities persists. As the system expands and more stations are brought online, these challenges highlight the need for strategic changes to improve ridership and enhance the system's overall performance.

While Skyline stations meet and exceed ADA guidelines and requirements, surrounding areas present significant concerns for safety and usability. We observed a variety of impediments including trip hazards, poor sanitation, and insufficient infrastructure for disabled individuals. The department's responsibilities are not limited to compliance on railcars and in stations, but also include the seamless multimodal movement of people and goods of surrounding areas including bus stops, pickup areas, and crosswalks. The hazards we identified in this report pose safety risks and increase potential liabilities for the city. Addressing the gaps in compliance and infrastructure is crucial to ensure equitable and safe transit access.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on national origin, including limited English proficiency, in any federally funded program. The department is obligated to ensure equitable access for all individuals, but falls short in providing comprehensive multi-language resources. Unlike TheBus and TheHandi-van, DTS did not include multi-language information on Skyline when changes were made to existing bus routes, which were used significantly by limited English proficiency individuals. As a result of not having multi-language information and resources, barriers to riding Skyline increased and those individuals may have difficulty utilizing Skyline.

---

## Recommendations

DTS should:

1. Offer service amenities similar to other jurisdictions and best practices to increase ridership and public satisfaction.
2. Collaborate with events that can utilize Skyline and the city's multimodal system, and coordinate with those already promoting Skyline to enhance public awareness through shared communication channels.
3. Offer other methods of payment including payments via mobile phone or HOLO card app to address gaps in supply and demand of physical cards and increase rider experience.
4. Expand social media efforts to target core and untapped demographics through tailored campaigns across various platforms to increase engagement.
5. Conduct regular surveys to understand community needs, improve service equity, and demonstrate the value of public input.
6. Develop and implement a system that meaningful access to persons that have Limited English Proficiency on Skyline including but not limited to:
  - Multi-language signage at stations and on trains
  - Multi-language accessibility on Skyline's webpages
  - Multi-language resources for Skyline and intermodal connectivity with TheBus and TheHandi-van
7. Prioritize repairs to sidewalks, potholes, and pipes, and implement regular maintenance to address hazards and ensure ADA compliance.
8. Reestablish regular consultations with disability advocacy groups to ensure improvements meet mobility needs and enhance transit safety.
9. Periodically evaluate station surroundings for ADA and Hawai'i accessibility guidelines, using metrics to identify and address issues.
10. Expedite construction of the Pearl Highland Waiawa Station pedestrian bridge to eliminate critical accessibility barriers.

---

## Management Response

The Department of Transportation (DTS) provided a written response to a draft of this audit report. In their letter, DTS provided general comments in response to the findings and recommendations. We are including the following response to two of the department's comments.

The department disagrees with our methodology that includes ridership from its four fare-free days in July 2023 when calculating ridership, stating that it is fundamentally different and cannot be meaningfully compared with ridership from December 2023. The department does not consider the 44 percent ridership decrease as a credible metric. We acknowledge the four fare-free days and notate it in the report accordingly. However, we maintain the inclusion of the four-fare free days in our ridership review is appropriate because our audit period was from July 2023 to December 2023 and withholding the four fare-free days from our review would not provide a complete and accurate picture. Furthermore, we acknowledge that the fare-free days were effective in increasing community interest and ridership, measures that we recommend the department continue to pursue in order to meet its operational goals.

The department disagrees that the site conditions depicted in the audit's accessibility finding are under DTS control or management. The department explains that they do not have control over all the surrounding areas around Skyline stations, but to the extent possible they strive to comply, meet, and exceed ADA standards and guidelines. While we understand that surrounding area jurisdiction may be in question, we stand by our finding as DTS is responsible for the multimodal movement of people and goods on roadways which includes riders getting to and from key access areas including bus stops, pickup areas, and crosswalks. The department should coordinate with other agencies, including the State, to ensure that Skyline and its stations, including surrounding areas, are fully accessible for all riders.

We also made technical, non-substantive amendments to the report for purposes of accuracy, clarity, and style. A copy of management's full response can be found on page 72.



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February 21, 2025

Troy Shimasaki, Acting City Auditor  
Office of the City Auditor  
1001 Kamokila Boulevard, Suite 216  
Kapolei, Hawaii 96707

Dear Mr. Shimasaki:

SUBJECT: Management Response to the Draft Report Audit of  
the Skyline Operations, Report No. 25-02, February  
2025

On behalf of the Department of Transportation Services (DTS), I would like to thank you for the opportunity to provide departmental comments on the Audit of Skyline Operations, Report 25-02, from February 2025. DTS reviewed this draft, and provide the following general comments in response to the report:

1. Ridership

The report notes on pages 15, 17, 28, and 29 a decrease in ridership of 77 percent when comparing monthly ridership reports from the first month of the study (July 2023) to the last month of the study (December 2023). System opening, commencing with four days of free fares across Honolulu's transit system including Skyline, TheBus, and Handi-Van, was purposefully designed to attract first-time riders and successfully brought 62,789 riders to Skyline. DTS was pleased to welcome all passengers aboard Skyline on these high-ridership days to not only celebrate the opening of our rail system, but also to expose residents to Skyline. As such, we anticipated huge community interest in our opening of Skyline through four fare-free days and the result was as expected.

However, comparing ridership during the four fare-free days in July 2023 with ridership in December 2023 is an "apples to oranges" metric, meaning a comparison between two things that are fundamentally different and cannot be meaningfully compared directly. O'ahu residents continued to experience Skyline for the first time throughout the summer of 2023. DTS, recognizing the scope of your study was only for the first six months of operations between July and December of 2023, notes an 18 percent year-over-year increase in ridership when comparing December of 2023 to December of 2024: 85,460 passengers in December of 2023 compared to 100,924 in December of 2024. This metric is far more indicative of the system's current performance excluding special fare-free service days. Simply put, the 77 percent ridership decrease in the audit is not a credible metric when including the fare-free component designed to stimulate initial public interest in the new Skyline system.

Troy Shimasaki, Acting City Auditor  
 February 21, 2025  
 Page 2

2. Service Span

On page 15 of the report, "limited service hours" is attributed to the report's suggested ridership decline and identifies a "need for extended operating hours." DTS agrees that increasing service span on Skyline will result in increased ridership and DTS has plans to extend service span from 4:00 am to 10:30 pm daily upon the opening of the second Skyline segment to Kalihi in 2025. The current scheduled closing time of Skyline at 7:00 pm daily is based on existing and historical data informed by our TheBus ridership. DTS analyzed data from TheBus parallel operating corridors between Kapolei and Hālawā and determined a significant drop in ridership density following the 7:00 pm hour on all services. Therefore, the current scheduled end time of Skyline at 7:00 pm is a proactive economic decision to utilize transit funding in the most efficient way possible. It is also a fiscally responsible position in the best interest of all taxpayers. After 7:00 pm, the corridor paralleling Skyline is still served by major TheBus Routes 32, 40, 42, 51, and 53; adding extra Skyline service to this existing bus corridor would increase costs extensively with little increase in growing potential ridership.

3. Service Quality

DTS appreciates the recognition of Skyline's 99.2 percent operational performance rating on page 15, and notes that Skyline performed to a higher standard and achieved a higher success rate than any of the eight (8) peer rail systems identified in the audit.

4. Skyline Compared to Industry Peers

In Exhibit 2.5, *National Comparison of Rail Transit System Features* on page 22, DTS notes that Skyline does provide access to key destinations including two University of Hawai'i campuses at West O'ahu and Leeward Community College as well as regional retail destinations such as Pearlridge Center. DTS questions whether the report's inclusion of specific key destinations specifically related to the "airport, Waikīkī, UH Mānoa, and downtown Honolulu" should be included in this report and audit of operations. The available guideway and destinations of the system are functions of planning, policy, construction timelines, and budget rather than tied to DTS operations and oversight of the system. To note, Skyline's second segment will serve key destinations such as Joint Base Pearl Harbor-Hickam and the Daniel K. Inouye International Airport, but this currently planned future segment should not be construed as a fault against DTS' operations: it is simply not constructed and commissioned at this time, and is not available to DTS as part of our current operations and maintenance purview.

5. Marketing and Promotions

On page 26, DTS appreciates the acknowledgment that DTS promoted eight community events with Skyline access to introduce riders to the system. To the extent possible, we will encourage Skyline use for as many events, as appropriate, along the alignment. For some of the events held, we were unable to provide an adequate service span during the audit period to make the system usable for specific events. With our second opening, we will be able to accommodate much later trips beyond the current 7:00 pm closure of Skyline. We welcome the opportunity to meet with the audit team to learn how we can avoid future "missed opportunities to increase ridership and up to \$28,131 in additional revenue."



Troy Shimasaki, Acting City Auditor  
February 21, 2025  
Page 3

#### 6. Social Media

DTS acknowledges our social media presence is smaller than peers documented in this report on page 33. We will strive to increase social media following with promoted content, creative media, and thoughtful and insightful posts. We note that we are a Department of Transportation Services, as part of a City administration. Our rail peers operate their social media as a focused platform specifically for the mode of rail. DTS will investigate the impact of having alternate social media accounts for our transportation modes. Additionally, all of the metropolitan areas are more populated and have older, well-established rail services as their follower base. We anticipate growing our social media presence to a comparable level following our first six months of Skyline operations.

#### 7. Accessibility

DTS provides clarification that we do not have site control over all the "surrounding areas" around Skyline stations, but, to the extent possible, strive to comply, meet, and exceed ADA standards and guidelines on and around all of our transit services. On page 39 in Exhibit 3.1, *Types of Hazardous Surfaces*, DTS notes that the labels on the photos do not, for the most part, depict actual hazards. There are no "rocky surfaces," "protruding pipes/poles," or "potholes" in the pictures as labeled. The "uneven surface" indicated is also not part of the walking path, which appears to be broad, smooth, and accessible. On page 45, in Exhibit 3.5, *OCA Observation of Surrounding Areas of Skyline Stations: Walkway Hazards*, none of the site conditions depicted are under DTS control or management. Many are on State rights-of-way; additionally, the "Uneven cracked sidewalk" is erroneously attributed to Kaiaua Pearlridge Station instead of the Hālawā Aloha Stadium Station.

#### 8. Recommendations

DTS will review all recommendations provided in this report from the Office of the City Auditor and strive towards implementation and improvement of our Skyline operations.

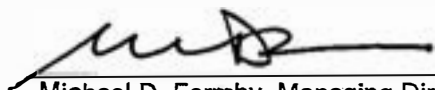
DTS appreciates and respects the City Auditor's collaborative approach throughout this audit process. Mahalo nui for providing your insights and this opportunity to respond to this Report. If you have any questions, please do not hesitate to call me at (808) 768-8303.

Very truly yours,



J. Roger Morton  
Director Designate

APPROVED:



Michael D. Formby, Managing Director Designate  
Office of the Managing Director

DTS appreciates the concerns raised by the Disability and Communication Access Board (DCAB) regarding restroom access and related ADA compliance issues at Skyline stations. We offer the following response to clarify policy, compliance obligations, and steps forward.

### **1. Restroom Access and ADA Compliance**

It is important to note that the ADA does not require transit agencies to provide public restroom facilities at rail stations. Many large commuter rail systems on the US continent — including MBTA (Boston), Caltrain (San Francisco Bay Area), and Metra (Chicago)—do not offer public restrooms. Some other large agencies provide public restrooms only at key rail stations and transfer points.

While Skyline is a relatively short line today, following the opening of Segment 2 on October 16, 2025, we will notify riders of the availability of fully accessible public restrooms located at the Kalihi Transit Center at Middle Street, where facilities are open without the need for staff access. We note that publicly available restrooms are also available at the Airport. We will soon begin construction on the Kalauao Mobility Hub at Pearlridge which will include restrooms with open public access integrated with TheBus and other transportation modes.

At all other Skyline stations, restrooms remain available for urgent or emergency situations. These restrooms are ADA compliant. Access is provided with the assistance of a station attendant or security guard. To avoid misunderstandings, we will work with our contractor to reinstruct staff not to describe these facilities as “not public,” but rather to emphasize their availability in urgent circumstances for riders.

### **2. Access for Individuals Who Are Blind or Low Vision**

The ADA does not require the installation of dedicated restroom call buttons. Each Skyline station is already equipped with information call boxes at entrances, which connect riders to our Skyline Operations Control Center (OCC) for assistance. These devices provide a consistent and uniform means of access and are available to all passengers, including individuals with disabilities.

### **3. Fragrance Sensitivity**

The ADA does not prohibit the use of scented products. However, in recognition of the concerns raised, we will ask our operations contractor to consider the use of fragrance-free

or low-scent cleaning and air-freshening products wherever possible, and to discourage staff from adding personal scented supplies in restrooms. At this time, we are not aware of a documented case where an individual with a disability has filed a complaint specific to Skyline restroom fragrance use. Nevertheless, we agree that prudent management includes reducing potential barriers, and we will continue to monitor this issue.

#### **4. Moving Forward**

Our overall policy remains that restrooms at Skyline stations are available for urgent use by all passengers, including elderly passengers, persons with disabilities, and families traveling with small children. Station have been reminded and instructed that customer service must be a priority and that responses to restroom requests should be courteous and consistent with this policy. Following inauguration of the new service, we will determine whether the Kahauiki Kalihi Transit Center and the Lelepaua HNL Airport station provide sufficient restroom coverage to riders. We are willing to discuss a special situation at the Āhua Lagoon Drive station which will be the temporary transfer point between major bus lines and Skyline. If there is significant demand for restroom accommodation, we will consider the deployment of a restroom attendant at this station. It is not possible to provide a similar accommodation at all stations as this would result in an undue financial or administrative burden when other alternatives were available.

We believe this approach balances ADA compliance, public service, and operational realities. We remain open to further dialogue with DCAB to ensure Skyline remains accessible and inclusive to all riders.

Respectfully,



**Jon Y. Nouchi | Deputy Director, Department of Transportation  
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U.S. Department  
of Transportation

Federal Transit  
Administration

# **The Office of Civil Rights ADA Complementary Paratransit Specialized Review Draft Report**

**City and County of Honolulu,  
Department of Transportation Services  
October 2025**



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## Table of Contents

I. Executive Summary .....	1
II. General Information .....	2
III. Jurisdiction and Authorities .....	4
IV. Purpose and Objectives.....	6
V. Introduction to City and County of Honolulu, Department of Transportation Services .....	8
VI. Scope and Methodology .....	10
VII. Report Format .....	16
VIII. Findings.....	17
1. General Nondiscrimination.....	18
2. Service Refusal Due to Rider Conduct.....	20
3. ADA-Related Complaints .....	22
4. Service Under Contract .....	23
5. Vehicle Maintenance, Acquisition, and Accessibility .....	24
6. Transport of Wheelchair Users .....	28
7. Lift/Ramp and Securement Use.....	30
8. Personnel Training .....	33
9. Service Animals.....	34
10. Personal Care Attendants and Companions .....	35
11. Reasonable Modifications.....	37
12. Accessible Information.....	39
13. Origin-to-Destination Service .....	40
14. Service Area.....	42
15. Hours and Days of Service .....	44
16. Next-Day Service, Reservations, and Negotiating Pickup Times .....	45
17. Fares .....	47
18. Trip Purpose Restrictions.....	48
19. Trip Number Restrictions .....	49
20. Untimely Pickups and Drop-Offs.....	50
21. Trip Denials .....	51
22. Missed Trips .....	52
23. Trip Lengths.....	53
24. Other Capacity Constraints.....	55
25. Planning to Avoid Capacity Constraints .....	57
26. Paratransit Eligibility Standards .....	58
27. Paratransit Eligibility Determination Considerations .....	60
28. Paratransit Eligibility Determination Process.....	62
29. Service for Visitors.....	65
30. No-Show Suspension Policy.....	67
31. Monitoring Contracted Service.....	69
IX. Summary Table of Findings .....	70



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# I. Executive Summary

## Objective and Methodology

This report reviews the Department of Transportation Services of the City and County of Honolulu's (DTS's) complementary paratransit service in the Honolulu, HI area. Its objective is to identify areas where DTS is not meeting its obligations under the Americans with Disabilities Act of 1990 (ADA) to provide paratransit as a complement to its fixed route transit.

This specialized review included three stages:

1. Pre-site visit: compilation and review of information covering relevant regulatory guidance, policies, procedures, and documentation of past specialized review reports and complaints, as well as publicly available information. Pre-site visit preparation also included interviews with paratransit riders and local advocacy organizations of individuals with disabilities.
2. On-site visit: a review team's observations of how DTS handles trip requests, scheduling and dispatching, examinations of eligibility applications and related documents (including appeal documentation), and interviews with DTS and, where relevant, contractor employees.
3. Post-site visit: analysis and reporting using site visit data, and identification of deficiencies found requiring corrective actions.

## Summary of Findings

DTS has the following deficiencies that need to be addressed to bring its program into compliance with 49 CFR Parts 27, 37, and 38.

Review Area	Indicator #	Deficiency Description
General Nondiscrimination	1.3	Inconsistent rider conduct suspension policy deficiency
Service Refusal Due to Rider Conduct	2.1	Service suspension due to conduct deficiency
Vehicle Maintenance, Acquisition, and Accessibility	5.1	49 CFR Part 38 deficiency
Vehicle Maintenance, Acquisition, and Accessibility	5.6	New vehicle accessibility standards deficiency
Transport of Wheelchair Users	6.1	Weight/size limitations on wheelchairs
Paratransit Eligibility	27.1	Eligibility criteria deficiencies
Determination Considerations		

Please see section VIII, *Findings* for a discussion of all six deficiencies found. Unless otherwise stated, DTS must address all deficiencies within 60 days of receipt of this final report.



## II. General Information

This chapter provides basic information concerning this specialized review of CCOH. Information on CCOH, the review team, and the dates of the review are presented below.

<b>Grant Recipient:</b>	City and County of Honolulu, Department of Transportation Services
<b>City/State:</b>	Honolulu, HI
<b>Recipient ID:</b>	1703
<b>Executive Official:</b>	Roger Morton
<b>On-site Liaison:</b>	Eileen Mark
<b>Report Prepared By:</b>	The Collaborative, Inc.
<b>Dates of On-site Visit:</b>	February 10-14, 2025
<b>Review Team Members:</b>	David Chia, Patti Monahan, Amy Bledsoe



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### **III. Jurisdiction and Authorities**

Public entities that operate fixed route transportation services for the general public are required by U.S. Department of Transportation (DOT) regulations implementing the ADA to provide complementary paratransit service for persons who, because of their disability, are unable to independently use the fixed route system. These regulations (49 CFR Parts 27, 37, and 38) also include eligibility requirements and service criteria that must be met. Section 37.135(d) of the regulations required ADA complementary paratransit service to have met these criteria by January 26, 1997.

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the ADA and the DOT regulations implementing the ADA.



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## IV. Purpose and Objectives

This section discusses the purpose and objectives of an ADA complementary paratransit specialized review and the review process.

### Purpose

Pursuant to 49 CFR §§27.19 and 27.123, as part of its oversight efforts, the FTA, through its Office of Civil Rights (TCR), conducts periodic reviews of fixed route transit and ADA complementary paratransit services operated by its recipients. Compliance with all applicable requirements of the ADA (42 USC 12101-12213), including DOT's ADA regulations and the general service provisions of 49 CFR Part 37 Subpart G, is a condition of eligibility for receiving federal financial assistance.

### Objectives

The primary objective of this paratransit specialized review is to identify areas where a public operator of a fixed route transit system that receives FTA funding is not meeting its obligations under the ADA to provide paratransit as a complement to its fixed route transit.

The review team observed dispatch, reservations, and scheduling operations, and analyzed service statistics, service records, and operating documents. To verify the accuracy of the public operator's reported information and evaluate its methodology, the review team also conducted its own independent analysis of sample data and conducted interviews with drivers and staff. In addition, FTA solicited comments from eligible riders and from local disability organizations.

This report summarizes the findings of deficiency identified during this review. Findings of deficiency require corrective action and additional reporting. A lack of findings in a particular review area does not constitute endorsement or approval of an agency's specific policies, procedures, or operations; instead, it simply indicates that no deficiencies in the delivery of service were observed at the time of the review.



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## **V. Introduction to City and County of Honolulu, Department of Transportation Services**

DTS of Honolulu, HI provides public transit services in the Honolulu area, which includes the City of Honolulu and the entire Oahu Island. DTS provides fixed route bus and ADA complementary paratransit service. DTS also provides Skyline rapid rail service consisting of one line and nine stations. The rail system is planned to expand to 19 stations by 2031. About 1,016,508 people live in the DTS service area, which covers about 277 square miles (according to the FY 2023 National Transit Database).

### **Introduction to Paratransit Services and Organizational Structure**

DTS's paratransit service area encompasses the Island of Oahu, which comprises most of the City and County of Honolulu, HI. Service is provided by a fleet of 219 vehicles operated by Oahu Transit Services (OTS) under contract to DTS. At the time of the review, 10,409 eligible passengers (5,501 active users during the month of February 2025), were provided with a total of 995,755 trips in FY 2024 (July 2023-June 2024). OTS is a private nonprofit organization whose sole activity is operating both fixed route bus (TheBus) and paratransit (TheHandi-Van) for DTS. DTS also contracts with MTM, Inc. to conduct eligibility determination for TheHandi-Van. DTS also contracts with five local agencies to provide transportation to their respective clients with disabilities who would otherwise utilize TheHandi-Van to access agency day programs.

TheHandi-Van serves the entire island of Oahu and provides only ADA complementary paratransit service for DTS.



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## VI. Scope and Methodology

The scope of the review and the methodology employed by the review team is designed and implemented to help FTA determine whether a public operator of a fixed-route transit is in compliance with the paratransit requirements under DOT ADA regulations. However, the deficiencies identified, and findings made in this report are by necessity limited to the information available to and the observations made by the review team at the time of the site visit. As highlighted earlier in this report, a lack of findings in a particular review area does not constitute endorsement or approval of an agency's specific policies, procedures or operations; instead, it simply indicates that no deficiencies in the delivery of service were observed at the time of the review.

The scope of the review and the methodology employed by the review team is described in greater detail below.

### Scope

The review focused on whether the DTS ADA paratransit service operates in compliance with the DOT ADA regulatory requirements. Specifically, the review examined DTS's service area, origin-to-destination service, response time, fares, and hours and days of service, as well as its policies, standards and procedures for monitoring service provision, including but not limited to on-time performance, on-board travel time, telephone hold times, and avoiding trip denials and missed trips.

Overall, the ADA complementary paratransit specialized review included, but was not limited to, the following regulatory requirements:

- Nondiscrimination (49 CFR §37.5, Appendix D)
- Reasonable policies for suspending service to eligible riders due to rider conduct (49 CFR §§37.5h, 37.3 Appendix D)
- No-show suspension policies (49 CFR §37.125)
- Complaint resolution (49 CFR §§27.121(b), and 37.17)
- Maintenance of accessible features and other service requirements (e.g., service animals) (49 CFR §§37.161, 37.163, 37.167(e))
- Wheelchairs and lift and securement use (49 CFR §§37.165, 37.3, 38.23)
- Training requirements (49 CFR §37.173)
- Service animals (49 CFR §37.167(d))
- Requirement for comparable complementary paratransit service (49 CFR §37.121)
- Reasonable modifications (49 CFR §§37.169, 27.7)
- Service under contract (49 CFR §37.23) (if applicable) and monitoring subrecipients and contracted service (49 CFR §37.23)
- Types of service (49 CFR §37.129)
- Service criteria for ADA complementary paratransit (49 CFR §§31.133, 37.121, 37.25, 37.129, 37.131, 37.35) including:



DTS, October 2025

- Subscription service
- Origin-to-destination service
- Service area
- Response time
- Fares
- Trip purpose restrictions
- Hours and days of service
- Next-day service, reservations, and negotiating pickup times
- Untimely pickups and drop-offs, missed trips, and trip lengths
- Trip denials and no-show suspension policy
- Capacity constraints and planning to avoid them
- ADA complementary paratransit eligibility standards (e.g., eligibility determination considerations) and determination process (49 CFR §§37.123, 37.125, 37.131, 37.137, 37.167), including:
  - Information is made available in accessible formats upon request
  - A decision is made within 21 days or presumptive eligibility is granted pending a decision
  - There is written notification of all decisions
  - All denials or conditional eligibility determinations are completed in writing with specific reasons for the decision
  - There is an administrative appeals process for denials and conditional eligibility determinations
  - Paratransit plan development
- ADA complementary paratransit service for visitors (49 CFR §37.127)

## Methodology

FTA TCR sent a notification letter to DTS on December 6, 2024 confirming the dates for the review and requesting that information be sent to the review team in advance of the on-site visit (Attachment 1) as well as information to have available on-site.

Prior to the on-site visit, the review team familiarized themselves with the ADA regulations; 49 CFR Parts 27, 37, and 38; the FTA Circular 4710.1; the *contractor's manual* and other TCR supplemental resources; as well as the 2010 ADA complementary paratransit specialized review reports to gain an understanding of the key areas of investigation. The review team also examined the following information:

- DTS's description of how its ADA complementary paratransit service is structured; policies and procedures; DTS's capital and operating budget and expenditure information for ADA complementary paratransit service for the three most recent, including current, fiscal years; and the eligibility process and related documentation
- DTS's service standards or goals for on-time performance, trip denials, missed trips, paratransit trip length, on-time performance, and telephone hold times, which were contained in several documents sent to FTA in response to the December 6, 2024 letter.



- DTS's past triennial review reports, specialized review reports, and corrective action documentation
- ADA complementary paratransit-related complaints received by TCR about DTS
- Public information about DTS and its ADA complementary paratransit service, including its website, news articles, etc.
- Any relevant pre-site visit interviews
- Any additional information TCR had about DTS

As requested by FTA, DTS made additional information available during the visit, including but not limited to:

- Trip data (e.g., service data, including the number of trips requested; copies of completed driver manifests for recent months)
- Eligibility information
- Personnel records
- Vehicle reports and checklists
- Personnel training curricula
- ADA complaints submitted to DTS related to capacity constraints, including late pickups, trip denials, missed trips, trip length, and telephone access; transport of wheelchair users; transit agency employee interactions with riders; service animals
- Procedures riders follow to file disability-related complaints
- DTS's summary of complaints
- A vehicle fleet roster

The on-site review of DTS's ADA complementary paratransit service took place from February 10, 2025, to February 14, 2025. The review began with an opening conference, held at 9 a.m., February 10, 2025, at the DTS offices at 711 Kapiolani Boulevard, Honolulu. The following people attended the meeting:

**List of Attendees**

<b>Last Name</b>	<b>First Name</b>	<b>Organization</b>	<b>Email Address</b>
Morton	Roger	DTS	rogermorton@honolulu.gov
Mark	Eileen	DTS	emark@honolulu.gov
Ishiyama	Scott	DTS	sishiyama@honolulu.gov
Lawas	Karisha	DTS	klawas@honolulu.gov
Uyehara	Sky	DTS	suyehara@honolulu.gov
Nouchi	Jon	DTS	jnouchi@honolulu.gov
Coehlo	Tracie	OTS	tracie.coelhothe@bus.org
Foster	Kapono	OTS	francis.foster@thebus.org
Lemato	Jenny	OTS	jenny.lematoa@thebus.org



DTS, October 2025

Last Name	First Name	Organization	Email Address
Yu	Robert	OTS	robert.yu@thebus.org
DeCaires	Letha	OTS	letha.decaires@thebus.org
Changchien	Amy	FTA Region 9	amy.changchien@dot.gov
Vosqueritchian	Karin	FTA TCR	karin.vosqueritchian@dot.gov
Poling	Marc	FTA Office of Oversight	marc.poling@dot.gov
Gauthier-Phillips	Stephanie	FTA TCR	stephanie.gauthier-phillips@dot.gov
Lewis	Monique	FTA	monique.lewis@dot.gov
Fitzhugh	Eduardo	MTM, Inc.	efitzhugh@mtm-inc.net
Chia	David	The Collaborative, Inc.	dc@thecollaborative.com

Following the opening conference, the review team met with DTS and OTS staff to discuss the information sent in advance as well as the information and material that was available or needed to be provided on-site. The review team also discussed the plan to conduct on-site interviews during the site visit.

For the remainder of the site visit, the review team discussed review areas with DTS and OTS staff and vehicle operators, observed practices, and gathered and analyzed information from DTS and OTS in the relevant review areas to determine the findings included in this report.

- The review team discussed DTS policies and procedures
- The review team discussed the process in place at DTS to record and respond to customer complaints on February 12 and 13
- The review team continued reviewing eligibility files and interviewing MTM staff on February 11 and 12 staff on the eligibility determination process
- The review team conducted observations of the trip reservation, scheduling and dispatching processes on February 10. The review team met with the OTS reservationist(s) and scheduler(s) to discuss procedures used to develop the final driver manifest and began examining completed driver manifests as a part of verification of DTS's on-time performance
- The review team paid particular attention to policies regarding trip reservations and whether DTS (through OTS staff) used any form of trip caps. In addition, the review team researched whether there appeared to be a pattern or practice of denying trip requests. This portion of the review examined the policies and procedures concerning negotiation of requested trip times
- The review team continued observing the reservations on February 11 and dispatching processes and examining on-time performance and on-board travel times on February 11-13. The review team compared on-board paratransit travel times with those on the fixed route transit, with an emphasis on paratransit trips with lengthy travel times. DTS staff were interviewed regarding resources, budgeting, and staffing on February 12 and





13. The OTS scheduler/dispatcher was interviewed on February 12 regarding the scheduling and dispatching processes
- The review team inspected two DTS vehicles that represented the two accessible vehicle types used for TheHandi-Van to determine if they met the ADA requirements for accessibility
  - The review team interviewed eight operators (OTS) on February 13. Team members asked about the operators' training, their passenger assistance procedures, their operational procedures, and the DTS vehicles

The review team also gathered and analyzed the following information:

- Comments from riders and advocates of the disability community through nine telephone interviews conducted prior to the site visit, and through a review of comments and complaints on file at FTA and DTS
- Reservations policies and performance standards
- Service reports prepared by DTS showing the number of trips served and the number of trips denied, late pickups and missed trips for the past three years
- Direct observations of the handling of trips by review team members and interviews with DTS staff about the ability to accommodate trip requests

### **[For Final Report Only]**

[Transit agency abbreviation] was provided with a draft copy of the report for review for factual errors and response on [Date]. A copy of the correspondence received from [Transit agency abbreviation] on [Date received] documenting their response to the draft report, is included as Attachment [X].





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## VII. Report Format

This report includes findings based on evaluation criteria for pre-site visit desk reviews and on-site interviews, records reviews, and field observations. This standardized approach to evaluation and reporting on findings provides guidance to support each recipient being reviewed by the same standards.

This report is composed of different sections that address each ADA complementary paratransit review area. Each section has a title (the review area), governing directives, indicators of compliance, findings, and corrective actions.

Findings Reporting Format for Section VIII. Findings	
Review Area	Section of the regulatory space relevant to the specialized review to be examined to determine whether a recipient is or is not deficient.
Governing Directive(s)	Citations from law, regulation, master agreement, or other policy that identified the basis of the requirement and any deficiencies.
Indicator of Compliance	
Finding	
Corrective Action(s) and Schedule	Action the recipient must take to address and demonstrate it has addressed and implemented each finding of deficiency, and the date by which the recipient must address the corrective action (within 60 days unless stated otherwise).



## VIII. Findings

This chapter details the findings of deficiency for each of the areas pertinent to the regulations found in 49 CFR Parts 27, 37, and 38 outlined in the Scope and Methodology section above. For each area, an overview of the relevant regulations and a discussion of any findings of deficiency in the CCOH Department of Transportation Services' paratransit service is provided below, with corrective actions and a timeframe to correct deficiencies for each of the requirements and sub-requirements where necessary.

Findings are expressed in terms of "a deficiency was found" or "a deficiency was not found." Findings of deficiency denote policies or practices found to be not in compliance with DOT ADA regulations or matters for which FTA requires additional reporting to determine whether an ADA compliance issue exists during the time of this review.

Findings of deficiency require corrective action and will be expressed as a statement concerning the required corrective action to resolve the issue.



## 1. General Nondiscrimination

### Governing Directive(s):

49 CFR §37.5 Nondiscrimination

- (a) No entity shall discriminate against an individual with a disability in connection with the provision of transportation service.
- (d) An entity shall not impose special charges, not authorized by this part, on individuals with disabilities, including individuals who use wheelchairs, for providing services required by this part or otherwise necessary to accommodate them.
- (e) An entity shall not require that an individual with disabilities be accompanied by an attendant.
- (g) An entity shall not refuse to serve an individual with a disability or require anything contrary to this part because its insurance company conditions coverage or rates on the absence of individuals with disabilities or requirements contrary to this part.
- (h) It is not discrimination under this part for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others. However, an entity shall not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons.

### 49 CFR §37.5 Appendix D Nondiscrimination

This provision must also be considered in light of the fact that an entity may refuse service to someone who engages in violent, seriously disruptive, or illegal conduct. If an entity may legitimately refuse service to someone, it may condition service to him on actions that would mitigate the problem. The entity could require an attendant as a condition of providing service if otherwise had the right to refuse.

---

#### 1.1 Indicator of Compliance: Does the recipient refrain from imposing special charges on individuals with disabilities?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---

#### 1.2 Indicator of Compliance: Does the recipient refrain from requiring that individuals with disabilities be accompanied by an attendant?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---

#### 1.3 Indicator of Compliance: Are the recipient's policies regarding rider conduct consistent between fixed route and paratransit?

**Finding:** During this review a deficiency was found with DOT requirements for ADA complementary paratransit.



During the desk review, TheHandi-Van Rider's Guide; the DTS Paratransit Policies and Procedures, Policy Number 12.03, "Service Denial Due to Rider Misconduct"; and online information regarding fixed route use (*How to Ride*) were examined. Policies regarding suspension of service on both paratransit and fixed route bus were discussed with DTS managers during the site visit.

While TheHandi-Van riders may be suspended for misconduct, DTS has no policy for suspending fixed route riders, creating a procedural difference. At the time of the site visit, DTS had drafted a city ordinance allowing for the suspension of fixed route riders, but it was not yet in place.

**Corrective Action and Schedule:** Within 120 days of the issuance of the final report:

The recipient must submit to TCR a policy enabling the suspension of fixed route riders for misconduct and evidence that this policy has been implemented.

---

**1.4 Indicator of Compliance:** Does the recipient refrain from using insurance and liability stipulations as reasons to deny service?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 2. Service Refusal Due to Rider Conduct

### Governing Directive(s):

49 CFR §37.5 Nondiscrimination

(h) It is not discrimination under this part for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others. However, an entity shall not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons.

49 CFR §37.3 Appendix D Definitions

In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

---

**2.1 Indicator of Compliance:** Does the recipient refuse service only in instances where an individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others?

**Finding:** During this review a deficiency was found with DOT requirements for ADA complementary paratransit.

During the desk review, TheHandi-Van Rider's Guide and TheHandi-Van policy 12.03 were examined. Rider suspension policies were discussed with OTS staff during the site visit, and a sample of suspension records were reviewed.

The Rider's Guide includes a list of prohibited behaviors, not all of which necessarily rise to the level of violent, seriously disruptive, or illegal conduct, or represent a direct threat to the health or safety of others (e.g., eating or drinking, playing an audio device, taking up more than one seat, littering). The Rider's Guide states that riders may be suspended for up to 12 months for violation of any Handi-Van rules and regulations, or any other law or rule related to TheHandi-Van. In practice, as noted by staff and evidenced in the sample of suspension records, OTS works with riders to resolve behavior issues whenever possible and suspends riders only for conduct that is violent, seriously disruptive, or illegal, or represents a direct threat to the health or safety of others.

**Corrective Action and Schedule:** Within 60 days of the issuance of the final report:

The recipient must submit to TCR a revised TheHandi Van Rider's Guide that identifies the specific misconduct for which a rider may be suspended, including only behavior that is violent, seriously disruptive, or illegal, or represents a direct threat to the health or safety of others.

---



**2.2 Indicator of Compliance:** Does the recipient (1) communicate the service refusal decision to the rider and inform the rider of due process, and (2) provide the right to contest a service refusal decision, correct the situation, and resume service?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.





### 3. ADA-Related Complaints

#### Governing Directive(s):

49 CFR §37.17 Designation of responsible employee and adoption of complaint procedures

(a) Each public or private entity subject to this part shall designate at least one person to coordinate its efforts to comply with this part.

(b) Adoption of complaint procedures. An entity shall adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part and 49 CFR Parts 27, 38 and 39. The procedures shall meet the following requirements:

(1) The process for filing a complaint...must be sufficiently advertised to the public, such as on the entity's Web site.

(2) The procedures must be accessible to and usable by individuals with disabilities.

(3) The entity must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant and must ensure that it has documented its response.

49 CFR §27.121 Compliance information

(b) Compliance reports. Each recipient shall keep on file for one year all complaints of noncompliance received. A record of all such complaints, which may be in summary form, shall be kept for five years.

---

**3.1 Indicator of Compliance:** Does the recipient (1) designate at least one individual to coordinate ADA compliance, (2) sufficiently advertise to the public how to file an ADA complaint, (3) make the information available in accessible formats, (4) have a method for indicating whether a complaint is ADA-related, (5) provide a prompt response to the complainant, and (6) document the response?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---

**3.2 Indicator of Compliance:** Does the recipient maintain (1) ADA-related complaints for at least one year, and (2) a record of all ADA-related complaints for at least five years?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



DTS, October 2025

## 4. Service Under Contract

### Governing Directive(s):

49 CFR §37.23 Service under contract

- (a) When a public entity enters into a contractual or other arrangement (including, but not limited to, a grant, subgrant, or cooperative agreement) or relationship with a private entity to operate fixed route or demand responsive service, the public entity shall ensure that the private entity meets the requirements of this part that would apply to the public entity if the public entity itself provided the service.
  - (b) A private entity which purchases or leases new, used, or remanufactured vehicles, or remanufactures vehicles, for use, or in contemplation of use, in fixed route or demand responsive service under contract or other arrangement or relationship with a public entity, shall acquire accessible vehicles in all situations in which the public entity itself would be required to do so by this part.
  - (c) A public entity which enters into a contractual or other arrangement (including, but not limited to, a grant, subgrant, or cooperative agreement) or relationship with a private entity to provide fixed route service shall ensure that the percentage of accessible vehicles operated by the public entity in its overall fixed route or demand responsive fleet is not diminished as a result.
  - (d) A private entity that provides fixed route or demand responsive transportation service under contract or other arrangement (including, but not limited to, a grant, subgrant, or cooperative agreement) with another private entity shall be governed, for purposes of the transportation service involved, by the provisions of this part applicable to the other entity.
- 

**4.1 Indicator of Compliance:** Does the recipient have procedures in place to monitor paratransit services provided under contract for compliance?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 5. Vehicle Maintenance, Acquisition, and Accessibility

### Governing Directive(s):

49 CFR §37.161 Maintenance of accessible features: general

- (a) Public and private entities providing transportation services shall maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, elevators, signage and systems to facilitate communications with persons with impaired vision or hearing.
- (b) Accessibility features shall be repaired promptly if they are damaged or out of order. When an accessibility feature is out of order, the entity shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature.
- (c) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

49 CFR §37.167 Other service requirements

- (e) The entity shall ensure that vehicle operators and other personnel make use of accessibility-related equipment or features required by Part 38 of this title.

49 CFR §37.161 Appendix D Maintenance of accessible features: general

The rule points out that temporary obstructions or isolated instances of mechanical failure would not be considered violations of the ADA or this rule. Repairs must be made “promptly.” The rule does not, and probably could not, state a time limit for making particular repairs, given the variety of circumstances involved. However, repairing accessible features must be made a high priority.

Note: see 49 CFR Part 38 for additional requirements for buses and vans and other vehicles.

49 CFR §38.1 Purpose

This part provides minimum guidelines and requirements for accessibility standards in Part 37 of this title for transportation vehicles required to be accessible by the Americans With Disabilities Act (ADA) of 1990 (42 U.S.C. 1201 et seq.).

49 CFR §38.21 General

- (a) New, used or remanufactured buses and vans (except over-the-road buses covered by subpart G of this part), to be considered accessible by regulations in Part 37 of this title shall comply with the applicable provisions of this subpart.
- (b) If portions of the vehicle are modified in a way that affects or could affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible buses be retrofitted with lifts, ramps or other boarding devices.

Note: see 49 CFR Part 38 for additional requirements for buses and vans and other vehicles.

49 CFR §37.77 Purchase or lease of new non-rail vehicles by public entities operating a demand responsive system for the general public.

- (a) Except as provided in this section, a public entity operating a demand responsive system for the general public making a solicitation after August 25, 1990, to purchase or lease a new bus or other new vehicle for use on the system, shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.



DTS, October 2025

- (b) If the system, when viewed in its entirety, provides a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service it provides to individuals without disabilities, it may purchase new vehicles that are not readily accessible to and usable by individuals with disabilities.
- (c) For purposes of this section, a demand responsive system, when viewed in its entirety, shall be deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:
  - (1) Response time;
  - (2) Fares;
  - (3) Geographic area of service;
  - (4) Hours and days of service;
  - (5) Restrictions or priorities based on trip purpose;
  - (6) Availability of information and reservations capability; and
  - (7) Any constraints on capacity or service availability.

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**5.1 Indicator of Compliance:** Does the recipient ensure that accessible vehicles meet the accessibility specifications of 49 CFR Part 38?

**Finding:** During this review a deficiency was found with DOT requirements for ADA complementary paratransit.

The review team conducted inspections of the accessible vehicles used by DTS for Handi-Van service. The review team used a vehicle Accessibility Checklist that includes the requirements set forth in 49 CFR Part 38. The review team inspected one vehicle for each model type in use for paratransit service. The review team found that model year 2024 Ford Transit Van was not compliant with 49 CFR §38.31(c). This specification requires that:

*The vehicle doorways, including doorways in which lifts or ramps are installed, shall have outside light(s) which, when the door is open, provide at least 1 foot-candle of illumination on the street surface for a distance 3 feet (915 mm) perpendicular to the bottom step tread or lift outer edge. Such light(s) shall be shielded to protect the eyes of entering and exiting passengers.*

Neither the front passenger door (TheHandi-Van uses the front passenger seat for Handi-Van riders) nor the second side door had the required lights.

**Corrective Action and Schedule:** Within 60 days of the issuance of the final report.

The recipient must submit to TCR a plan that provides a schedule of retrofitting the 2024 Ford Transit Vans with compliant doorway lights.

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**5.2 Indicator of Compliance:** Does the recipient ensure that there is a sufficient number of accessible vehicles that meet or exceed the requirements of 49 CFR Part 38?



**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**5.3** Indicator of Compliance: Does the recipient ensure that vehicle operators and other personnel make use of accessibility-related equipment or features?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**5.4** Indicator of Compliance: Does the recipient (1) maintain operative condition features that make vehicles readily accessible to and usable by individuals with disabilities, and (2) promptly repair such features if they are damaged or out of order?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**5.5** Indicator of Compliance: Does the recipient have a vehicle acquisition policy in accordance with 49 CFR Section 37 Subparts D and/or E that requires that complementary paratransit vehicles are readily accessible and usable by individuals with disabilities, including wheelchair users, and adhere to the requirements in 49 CFR Part 38?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**5.6** Indicator of Compliance: Does the recipient ensure that the vehicles acquired for complementary paratransit service meet the requirements of 49 CFR Section 37 Subparts D and/or E and 49 CFR Part 38?

**Finding:** During this review a deficiency was found with DOT requirements for ADA complementary paratransit.

DTS and OTS staff indicated that DTS hired an outside contractor to inspect vehicles prior to their acceptance and delivery. However, these inspections did not identify the following non-compliant characteristic of the model year 2024 Ford Transit Van:

*The vehicle doorways, including doorways in which lifts or ramps are installed, shall have outside light(s) which, when the door is open, provide at least 1 foot-candle of illumination on the street surface for a distance 3 feet (915 mm) perpendicular to the bottom step tread or lift outer edge. Such light(s) shall be shielded to protect the eyes of entering and exiting passengers. (49 CFR §38.31(c))*

Neither the front passenger door (TheHandi-Van uses the front passenger seat for Handi-Van riders) nor the second side door had the required lights.





**Corrective Action and Schedule:** Within 60 days of the issuance of the final report:

The recipient must submit to TCR a revised procedure that sets forth how its staff or its contractor will conduct future inspections of vehicles, particularly for their compliance with Part 38. The recipient must also keep records of the verification of compliance of vehicles with respect to Part 38 requirements.

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**5.7 Indicator of Compliance:** If the recipient uses a mixed fleet, does the recipient ensure that accessible vehicles are provided to individuals with disabilities when needed, regardless of whether or not the rider uses a wheelchair?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 6. Transport of Wheelchair Users

### Governing Directive(s):

#### 49 CFR §37.3 Definitions

*Wheelchair* means 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.

#### 49 CFR §37.165 Lift and securement use

(b) Except as provided in this section, individuals using wheelchairs shall be transported in the entity's vehicles or other conveyances.

(1) With respect to wheelchair/occupant combinations that are larger or heavier than those to which the design standards for vehicles and equipment of 49 CFR Part 38 refer, the entity must carry the wheelchair and occupant if the lift and vehicle can accommodate the wheelchair and occupant. The entity may decline to carry a wheelchair/occupant if the combined weight exceeds that of the lift specifications or if carriage of the wheelchair is demonstrated to be inconsistent with legitimate safety requirements.

(2) The entity is not required to permit [riders who use] wheelchairs to ride in places other than designated securement locations in the vehicle, where such locations exist.

#### 49 CFR §37.165 Appendix D Lift and securement use

A lift conforming to Access Board requirements has a platform measuring at least 30" x 48", with a design load of at least 600 pounds (i.e., capable of lifting a wheelchair/occupant combination of up to 600 pounds). Working parts upon which the lift depends for support of the load, such as cables, pulleys, and shafts, must have a safety factor of at least six times the design load; nonworking parts such as the platform, frame, and attachment hardware, which would not be expected to wear, must have a safety factor of at least three times the design load.

If a transportation provider has a vehicle and equipment that meets or exceeds standards based on Access Board guidelines, and the vehicle and equipment can in fact safely accommodate a given wheelchair, then it is not appropriate, under disability nondiscrimination law, for the transportation provider to refuse to transport the device and its user. Transportation providers must carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user and there is space for the wheelchair on the vehicle. However, if in fact a lift or vehicle is unable to accommodate the wheelchair and its user, the transportation provider is not required to carry it.

For example, suppose that a bus or paratransit vehicle lift will safely accommodate an 800-pound wheelchair/passenger combination, but not a combination exceeding 800 pounds (i.e., a design load of 800 lbs.). The lift is one that exceeds the part 38 design standard, which requires lifts to be able to accommodate a 600-pound wheelchair/passenger combination. The transportation provider could limit use of that lift to a combination of 800 pounds or less. Likewise, if a wheelchair or its attachments extends beyond the 30 x 48-inch footprint found in part 38's design standards but fits onto the lift and into the wheelchair securement area of the vehicle, the transportation provider would have to accommodate the wheelchair. However, if such a wheelchair was of a size that would block an aisle and interfere with the safe evacuation of passengers in an emergency, the operator could deny carriage of that wheelchair based on a legitimate safety requirement.



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**6.1 Indicator of Compliance:** Does the recipient refrain from setting weight or size limitations for wheelchairs meeting the definition in 49 CFR §37.3 and Part 38 that understate the actual capacities of its fleet?

**Finding:** During this review a deficiency was found with DOT requirements for ADA complementary paratransit.

TheHandi-Van Rider's Guide, eligibility materials, and eligibility determination letters state that TheHandi-Van may transport, at a minimum, occupied mobility aids weighing up to 600 pounds and measuring 30 inches in width and 48 inches in length, and that riders may not be able to use the service with mobility aids that exceed those standards. In discussions during the site review, DTS provided its vehicle inventory that shows that the lift capacity of approximately 50 percent of the current fleet is 800 pounds; the capacity of the other approximately 50 percent is 1,000 pounds (one vehicle has a lift capacity of 660 pounds). Vehicle inspections conducted during the site visit showed that all lifts and securement areas can accommodate a mobility aid that measures greater than 30 inches by 48 inches.

**Corrective Action and Schedule:** Within 60 days of the issuance of the final report:

The recipient must submit to TCR a revised Rider's Guide and other materials for TheHandi-Van, including eligibility materials and sample eligibility determination letters, that reflect the actual weight and dimensions of wheelchairs that its fleet can accommodate.

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**6.2 Indicator of Compliance:** Does the recipient refrain from placing conditions upon the transportation of wheelchairs that meet the definition in 49 CFR §37.3?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.





## 7. Lift/Ramp and Securement Use

### Governing Directive(s):

49 CFR §37.165 Lift and securement use

(b) Except as provided in this section, individuals using wheelchairs shall be transported in the entity's vehicles or other conveyances.

(1) With respect to wheelchair/occupant combinations that are larger or heavier than those to which the design standards for vehicles and equipment of 49 CFR Part 38 refer, the entity must carry the wheelchair and occupant if the lift and vehicle can accommodate the wheelchair and occupant. The entity may decline to carry a wheelchair/occupant if the combined weight exceeds that of the lift specifications or if carriage of the wheelchair is demonstrated to be inconsistent with legitimate safety requirements.

(2) The entity is not required to permit [riders who use] wheelchairs to ride in places other than designated securement locations in the vehicle, where such locations exist.

(c)(1) For vehicles complying with Part 38 of this title, the entity shall use the securement system to secure wheelchairs as provided in that part.

(2) For other vehicles transporting individuals who use wheelchairs, the entity shall provide and use a securement system to ensure that the wheelchair remains within the securement area.

(3) The entity may require that an individual permit his or her wheelchair to be secured.

(d) The entity may not deny transportation to a wheelchair or its user on the ground that the device cannot be secured or restrained satisfactorily by the vehicle's securement system.

(e) The entity may recommend to a user of a wheelchair that the individual transfer to a vehicle seat. The entity may not require the individual to transfer.

(f) Where necessary or upon request, the entity's personnel shall assist individuals with disabilities with the use of securement systems, ramps and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so.

### 49 CFR §38.23 Mobility aid accessibility

(a) General. All vehicles covered by this subpart shall provide a level-change mechanism or boarding device (e.g., lift or ramp) complying with paragraph (b) or (c) of this section and sufficient clearances to permit a wheelchair or other mobility aid user to reach a securement location. At least two securement locations and devices, complying with paragraph (d) of this section, shall be provided on vehicles in excess of 22 feet in length; at least one securement location and device, complying with paragraph (d) of this section, shall be provided on vehicles 22 feet in length or less.

(b)(11) Boarding direction. The lift shall permit both inboard and outboard facing of wheelchair and mobility aid users.

(d)(7) Seat belt and shoulder harness. For each wheelchair or mobility aid securement device provided, a passenger seat belt and shoulder harness, complying with all applicable provisions of Part 571 of this title, shall also be provided for use by wheelchair or mobility aid users. Such seat belts and shoulder harnesses shall not be used in lieu of a device which secures the wheelchair or mobility aid itself.

(g) The entity shall permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle. Provided, that an entity is not required to permit such individuals to use a lift Model 141 manufactured by EEC, Inc. If the entity chooses not to allow such individuals to use such a lift, it shall clearly notify consumers of this fact by signage on the exterior of the vehicle (adjacent to and of equivalent size with the accessibility symbol).



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**7.1** Indicator of Compliance: Does the recipient permit individuals with disabilities to board facing forward or rearward on the lift/ramp according to the rider's preference?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**7.2** Indicator of Compliance: Does the recipient allow individuals with disabilities to (1) board the vehicle separately from their wheelchair or other mobility aid device when the occupied weight of the device **exceeds** the design load of the vehicle lift or ramp, and (2) when using lifts, board and alight facing inward or outward?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**7.3** Indicator of Compliance: Does the recipient accommodate riders using other mobility devices?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**7.4** Indicator of Compliance: Do the recipient's policies and practices permit individuals with disabilities who do not use wheelchairs (*i.e.*, standees) to use a vehicle's lift or ramp to enter the vehicle?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**7.5** Indicator of Compliance: Does the recipient refrain from requiring individuals who use wheelchairs to wear a body belt or other devices as a condition of using lifts?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**7.6** Indicator of Compliance: Does the recipient (1) designate securement areas for riders using wheelchairs, (2) provide a securement system that ensures the wheelchair remains within the securement area, (3) refrain from refusing riders whose wheelchairs cannot be secured satisfactorily by the securement system, (4) provide a passenger seat belt and shoulder harness for use by wheelchair or mobility aid users, and (5) refrain from using seat belts and shoulder harnesses when the wheelchair is not secured?



**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**7.7 Indicator of Compliance:** Does the recipient refrain from requiring wheelchair users to transfer to a vehicle seat?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**7.8 Indicator of Compliance:** Does the recipient assist individuals with disabilities with the use of securement systems and ramps/lifts where necessary or upon request?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**7.9 Indicator of Compliance:** If the recipient uses a mixed fleet, does the recipient have a procedure for monitoring dispatchers and ensuring that accessible vehicles are dispatched to individuals with disabilities who require them, regardless of whether or not the rider uses a wheelchair?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**7.10 Indicator of Compliance:** If the recipient's state has a mandatory seat belt law, does the recipient have an exemption process, consistent with state law, for individuals with disabilities for whom seat belts or shoulder harnesses pose a documented health hazard?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 8. Personnel Training

### **Governing Directive(s):**

49 CFR §37.173 Training requirements

Each public or private entity which operates a fixed route or demand responsive system shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities.

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**8.1 Indicator of Compliance:** Does the recipient train personnel, as appropriate to their duties, to (1) operate vehicles and equipment safely, (2) secure wheelchairs, (3) accommodate service animals, (4) properly assist individuals with disabilities, and (5) treat individuals with disabilities with respect and courtesy?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**8.2 Indicator of Compliance:** Does the recipient monitor its operations for compliance with ADA requirements to assess the sufficiency of its training?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 9. Service Animals

### **Governing Directive(s):**

49 CFR §37.3 Definitions

Service animal means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

49 CFR §37.167 Other service requirements

(d) The entity shall permit service animals to accompany individuals with disabilities in vehicles and facilities.

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**9.1 Indicator of Compliance:** Does the recipient (1) use the DOT definition of service animal and refrain from limiting service animals to dogs or including breed-specific provisions, and (2) refrain from imposing conditions upon the accommodation of service animals including identification cards or certification, leashes, harnesses, muzzles, or carriers?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 10. Personal Care Attendants and Companions

### Governing Directive(s):

49 CFR §37.123 ADA paratransit eligibility standards

(f) Individuals accompanying an ADA paratransit eligible individual shall be provided service as follows:

- (1) One other individual accompanying the ADA paratransit eligible individual shall be provided service—
  - (i) If the ADA paratransit eligible individual is traveling with a personal care attendant, the entity shall provide service to one other individual in addition to the attendant who is accompanying the eligible individual;
  - (ii) A family member or friend is regarded as a person accompanying the eligible individual, and not as a personal care attendant, unless the family member or friend registered is acting in the capacity of a personal care attendant;
- (2) Additional individuals accompanying the ADA paratransit eligible individual shall be provided service, provided that space is available for them on the paratransit vehicle carrying the ADA paratransit eligible individual and that transportation of the additional individuals will not result in a denial of service to ADA paratransit eligible individuals;
- (3) In order to be considered as ‘accompanying’ the eligible individual for purposes of this paragraph (f), the other individual(s) shall have the same origin and destination as the eligible individual.

49 CFR §37.125 ADA paratransit eligibility process

- (i) In applications for ADA paratransit eligibility, the entity may require the applicant to indicate whether or not he or she travels with a personal care attendant.

49 CFR §37.131 Service criteria for complementary paratransit

(c)(3) A personal care attendant shall not be charged for complementary paratransit service.

49 CFR §37.5 Nondiscrimination

(e) An entity shall not require that an individual with disabilities be accompanied by an attendant.

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**10.1** Indicator of Compliance: Does the recipient (1) have an eligibility process that only records whether or not an eligible individual travels with a PCA (*i.e.*, the process does not include “approval” of the use of a PCA, approve or require a specific PCA, or regulate individuals who may serve as a PCA), (2) allow recipients who indicate that they travel with a PCA to travel with or without a PCA, (3) have an eligibility process that does not require a rider’s PCA to provide assistance with boarding, disembarking, or the travel process, and (4) allow riders using PCAs to be accompanied by different PCAs?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**10.2** Indicator of Compliance: Does the recipient (1) allow at least one companion to accompany an eligible rider, including when the eligible rider is travelling with a PCA, and (2) permit an eligible rider additional companions on a space-available basis?





**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**10.3 Indicator of Compliance:** Does the recipient ensure that (1) companion riders accompanying eligible riders are charged no more than the fare of the eligible riders they are accompanying, and (2) PCAs accompanying eligible riders are not charged a fare on ADA complementary paratransit service?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 11. Reasonable Modifications

### Governing Directive(s):

49 CFR §37.169 Process to be used by public entities providing designated public

transportation service in considering requests for reasonable modification

- (a)(1) A public entity providing designated public transportation, in meeting the reasonable modification requirement of §37.5(i)(3) with respect to its fixed route, demand responsive, and complementary paratransit services, shall respond to requests for reasonable modification to policies and practices consistent with this section.
  - (2) The public entity shall make information about how to contact the public entity to make requests for reasonable modifications readily available to the public through the same means it uses to inform the public about its policies and practices.
  - (3) This process shall be in operation no later than July 13, 2015.
  - (b) The process shall provide a means, accessible to and usable by individuals with disabilities, to request a modification in the entity's policies and practices applicable to its transportation services.
    - (1) Individuals requesting modifications shall describe what they need in order to use the service.
    - (2) Individuals requesting modifications are not required to use the term 'reasonable modification' when making a request.
    - (3) Whenever feasible, requests for modifications shall be made and determined in advance, before the transportation provider is expected to provide the modified service, for example, during the paratransit eligibility process, through customer service inquiries, or through the entity's complaint process.
    - (4) Where a request for modification cannot practicably be made and determined in advance (e.g., because of a condition or barrier at the destination of a paratransit or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel of the entity shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with the entity's management before making a determination to grant or deny the request.
  - (c) Requests for modification of a public entity's policies and practices may be denied only on one or more of the following grounds:
    - (1) Granting the request would fundamentally alter the nature of the entity's services, programs, or activities;
    - (2) Granting the request would create a direct threat to the health or safety of others;
    - (3) Without the requested modification, the individual with a disability is able to fully use the entity's services, programs, or activities for their intended purpose.
    - (d) In determining whether to grant a requested modification, public entities shall be guided by the provisions of Appendix E to this part.
    - (e) In any case in which a public entity denies a request for a reasonable modification, the entity shall take, to the maximum extent possible, any other actions (that would not result in a direct threat or fundamental alteration) to ensure that the individual with a disability receives the services or benefit provided by the entity.
- 49 CFR §27.7 Discrimination prohibited
- (e) Reasonable accommodations. A recipient shall make reasonable accommodations in policies, practices, or procedures when such accommodations are necessary to avoid discrimination on the basis of disability unless the recipient can demonstrate that making the accommodations would fundamentally alter the nature of the service, program, or





activity or result in an undue financial and administrative burden. For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term “reasonable modifications” as set forth in the Americans with Disabilities Act title II regulations at 28 CFR §35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under Title I of the ADA (42 USC 12111-12112) and its implementing regulations at 29 CFR Part 1630.

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**11.1** Indicator of Compliance: Does the recipient 1) make information about how to make requests for reasonable modifications readily available to the public through the same means it uses to inform the public about its policies and practices and 2) not require individuals to use the term “reasonable modification” when making a request?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**11.2** Indicator of Compliance: Does the recipient respond to requests for reasonable modification in advance of the need for modified service (where possible) and at the time of the request?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**11.3** Indicator of Compliance: Does the recipient (1) follow 49 CFR §37.169(c) when denying requests for modifications, and (2) take action to ensure that individuals with disabilities receive the services or benefit provided by the agency in instances where modification requests are denied?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 12. Accessible Information

### Governing Directive(s):

49 CFR §37.125 ADA paratransit eligibility process

(b) All information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility shall be made available in accessible formats, upon request.

49 CFR §37.125 Appendix D ADA paratransit eligibility process

To accommodate them, all documents concerning eligibility must be made available in one or more accessible formats, on request. Accessible formats include computer disks, braille documents, audio cassettes, and large print documents. A document does not necessarily need to be made available in the format a requester prefers, but it does have to be made available in a format the person can use. There is no use giving a computer disk to someone who does not have a computer, for instance, or a braille document to a person who does not read braille.

49 CFR §37.167 Other service requirements

(f) The entity shall make available to individuals with disabilities adequate information concerning transportation services. This obligation includes making adequate communications capacity available, through accessible formats and technology, to enable users to obtain information and schedule service.

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**12.1 Indicator of Compliance:** Does the recipient provide information in alternative formats upon request?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**12.2 Indicator of Compliance:** Does the recipient ensure that published communications and materials (e.g., websites, audio communications) are adequate for individuals with disabilities to use the service?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 13. Origin-to-Destination Service

### Governing Directive(s):

#### 49 CFR §37.3 Definitions

*Origin-to-destination service* means providing service from a passenger's origin to the passenger's destination. A provider may provide ADA complementary paratransit in a curb-to-curb or door-to-door mode. When an ADA paratransit operator chooses curb-to-curb as its primary means of providing service, it must provide assistance to those passengers who need assistance beyond the curb in order to use the service unless such assistance would result in a fundamental alteration or direct threat.

#### 49 CFR §37.121 Requirement for comparable complementary paratransit service

- (a) Except as provided in paragraph (c) of this section, each public entity operating a fixed route system shall provide paratransit or other service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system.
- (b) To be deemed comparable to fixed route service, a complementary paratransit system shall meet the requirements of §37.123-37.133 of this subpart. The requirement to comply with §37.131 may be modified in accordance with the provisions of this subpart relating to undue financial burden.
- (c) Requirements for complementary paratransit do not apply to commuter bus, commuter rail, or intercity rail systems.

#### 49 CFR §37.129 Types of service

- (a) Except as provided in this section, complementary paratransit service for ADA paratransit eligible persons shall be origin-to-destination service.

#### 49 CFR §37.131 Service criteria for complementary paratransit

- (a)(3) Notwithstanding any other provision of this paragraph, an entity is not required to provide paratransit service in an area outside the boundaries of the jurisdiction(s) in which it operates, if the entity does not have legal authority to operate in that area. The entity shall take all practicable steps to provide paratransit service to any part of its service area.

#### 49 CFR §37.25 University transportation systems

- (a) Transportation services operated by private institutions of higher education are subject to the provisions of this part governing private entities not primarily engaged in the business of transporting people.
- (b) Transportation systems operated by public institutions of higher education are subject to the provisions of this part governing public entities. If a public institution of higher education operates a fixed route system, the requirements of this part governing commuter bus service apply to that system.

#### 49 CFR §37 Appendix E Reasonable modification requests

*Private Property:* Paratransit passengers may sometimes seek to be picked up on private property (e.g., in a gated community or parking lot, mobile home community, business or government facility where vehicle access requires authorized passage through a security barrier). Even if the paratransit operator does not generally have a policy of picking up passengers on such private property, the paratransit operator should make every reasonable effort to gain access to such an area (e.g., work with the passenger to get the permission of the property owner to permit access for the paratransit vehicle). The paratransit operator is not required to violate the law or lawful access restrictions to meet the passenger's requests. A public or private entity that unreasonably denies access to a paratransit vehicle may be subject



to a complaint to the U.S. Department of Justice or U.S. Department of Housing and Urban Development for discriminating against services for persons with disabilities.

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**13.1 Indicator of Compliance:** Does the recipient provide origin-to-destination service, either with a base level of service that is door-to-door, or curb-to-curb with door-to-door as needed?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**13.2 Indicator of Compliance:** If the recipient's base level of service is curb-to-curb with door-to-door as needed, does the recipient have a method for assessing whether a rider requires door-to-door service and ensuring that the rider receives door-to-door service as needed?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**13.3 Indicator of Compliance:** If transfers to another vehicle are required, does the recipient ensure that riders are able to travel from any point within its service area to any other point in its service area in a manner comparable to fixed route service?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**13.4 Indicator of Compliance:** Does the recipient make every reasonable effort to gain access to private property when paratransit passengers seek to be picked up on private property?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 14. Service Area

### Governing Directive(s):

49 CFR §37.131 Service criteria for complementary paratransit

The following service criteria apply to complementary paratransit required by §37.121 of this part.

#### (a) Service Area

##### (1) Bus

- (i) The entity shall provide complementary paratransit service to origins and destinations within corridors with a width of three-fourths of a mile on each side of each fixed route. The corridor shall include an area with a three-fourths of a mile radius at the ends of each fixed route.
  - (ii) Within the core service area, the entity also shall provide service to small areas not inside any of the corridors but which are surrounded by corridors.
  - (iii) Outside the core service area, the entity may designate corridors with widths from three-fourths of a mile up to one and one half miles on each side of a fixed route, based on local circumstances.
  - (iv) For purposes of this paragraph, the core service area is that area in which corridors with a width of three-fourths of a mile on each side of each fixed route merge together such that, with few and small exceptions, all origins and destinations within the area would be served.
- ##### (2) Rail
- (i) For rail systems, the service area shall consist of a circle with a radius of three-fourths of a mile around each station.
  - (ii) At end stations and other stations in outlying areas, the entity may designate circles with radii of up to one and one half miles as part of its service area, based on local circumstances.
  - (3) Jurisdictional boundaries. Notwithstanding any other provision of this paragraph, an entity is not required to provide paratransit service in an area outside the boundaries of the jurisdiction(s) in which it operates, if the entity does not have legal authority to operate in that area. The entity shall take all practicable steps to provide paratransit service to any part of its service area.

### 49 CFR §37.3 Definitions

Commuter bus service means fixed route bus service, characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation.

### 49 CFR §37.3 Appendix D Definitions

The definition of “commuter bus service” is important because the ADA does not require complementary paratransit to be provided with respect to commuter bus service operated by public entities. The rationale that may be inferred for the statutory exemption for this kind of service concerns its typical characteristics (e.g., no attempt to comprehensively cover a service area, limited route structure, limited origins and destinations, interface with another mode of transportation, limited purposes of travel).





DTS, October 2025

49 CFR §37.25 University transportation systems

- (a) Transportation services operated by private institutions of higher education are subject to the provisions of [Part 37] governing private entities not primarily engaged in the business of transporting people.
- (b) Transportation systems operated by public institutions of higher education are subject to the provisions of [Part 37] governing public entities. If a public institution of higher education operates a fixed route system, the requirements of [Part 37] governing commuter bus service apply to that system.

49 CFR §37.35 Supplemental service for other transportation modes

- (a) Transportation service provided by bus or other vehicle by an intercity commuter or rail operator, as an extension of or supplement to its rail service, and which connects an intercity rail station and limited other points, is subject to the requirements of this part for fixed route commuter bus service operated by a public entity.
- (b) Dedicated bus service to commuter rail systems, with through ticketing arrangements and which is available only to users of the commuter rail system, is subject to the requirements of this part for fixed route commuter bus service operated by a public entity.

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**14.1** Indicator of Compliance: Does the paratransit service area include (1) points within at least a 3/4-mile radius of fixed bus routes, (2) points within at least a 3/4-mile radius around each rail station, and (3) points within the core service area?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**14.2** Indicator of Compliance: Does the recipient ensure that routes that are not covered by ADA paratransit service meet the requirements of a commuter bus or university service designation, and that rail stations meet the definition of commuter rail?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**14.3** Indicator of Compliance: Does the recipient provide service to and from points located in service areas that extend beyond the recipient's jurisdictional boundaries, unless there is a legal bar?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 15. Hours and Days of Service

### Governing Directive(s):

49 CFR §37.131 Service criteria for complementary paratransit

The following service criteria apply to complementary paratransit required by §37.121 of this part.

(e) Hours and days of service. The complementary paratransit service shall be available throughout the same hours and days as the entity's fixed route service.

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**15.1 Indicator of Compliance:** Does the recipient make paratransit service available during the same hours and days as fixed route service?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 16. Next-Day Service, Reservations, and Negotiating Pickup Times

### Governing Directive(s):

49 CFR §37.131 Service criteria for complementary paratransit

The following service criteria apply to complementary paratransit required by §37.121 of this part.

(b) Response time. The entity shall schedule and provide paratransit service to any ADA paratransit eligible person at any requested time on a particular day in response to a request for service made the previous day. Reservations may be taken by reservation agents or by mechanical means.

(1) The entity shall make reservation service available during at least all normal business hours of the entity's administrative offices, as well as during times, comparable to normal business hours, on a day when the entity's offices are not open before a service day.

(2) The entity may negotiate pickup times with the individual, but the entity shall not require an ADA paratransit eligible individual to schedule a trip to begin more than one hour before or after the individual's desired departure time.

(3) The entity may use real-time scheduling in providing complementary paratransit service.

(4) The entity may permit advance reservations to be made up to 14 days in advance of an ADA paratransit eligible individual's desired trips. When an entity proposes to change its reservations system, it shall comply with the public participation requirements equivalent to those of §37.137 (b) and (c).

### 49 CFR §31.131 Appendix D Response time

Under this provision, an entity must make its reservation service available during the hours its administrative offices are open. If those offices are open 9 to 5, those are the hours during which the reservations service must be open, even if the entity's transit service operated 6 a.m. to midnight. On days prior to a service day on which the administrative offices are not open at all (e.g., a Sunday prior to a Monday service day), the reservation service would also be open 9 to 5. Note that the reservation service on any day does not have to be provided directly by a "real person." An answering machine or other technology can suffice. Any caller reaching the reservation service during the 9 to 5 period, in this example, could reserve service for any time during the next 6 a.m. to 12 midnight service day. This is the difference between "next day scheduling" and a system involving a 24-hour prior reservation requirement, in which a caller would have to reserve a trip at 7 a.m. today if he or she wanted to travel at 7 a.m. tomorrow. The latter approach is not adequate under this rule.

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### 16.1 Indicator of Compliance: Does the recipient provide next-day service?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**16.2 Indicator of Compliance:** Does the recipient accept reservations on all days prior to service days, including weekends and holidays?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.





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**16.3** Indicator of Compliance: Does the recipient accept reservations during regular business hours?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**16.4** Indicator of Compliance: If the recipient uses voicemail to accept trip requests, does the recipient provide the requested trip in the same manner as if the caller had spoken to a reservationist?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**16.5** Indicator of Compliance: Does the recipient (1) schedule trips at the requested time, or (2) if they must negotiate, negotiate scheduling trips within no more than one hour before or after an individual's desired departure time?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**16.6** Indicator of Compliance: Does the recipient refrain from changing the agreed upon pickup time after the reservation is made?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

**16.7** Indicator of Compliance: If the recipient changes the pickup time in a manner that results in a change in the pickup window, does the recipient renegotiate with the rider no later than one day before the scheduled travel day?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 17. Fares

### Governing Directive(s):

49 CFR §37.131 Service criteria for complementary paratransit

The following service criteria apply to complementary paratransit required by §37.121 of this part.

- (c) Fares. The fare for a trip charged to an ADA paratransit eligible user of the complementary paratransit service shall not exceed twice the fare that would be charged to an individual paying full fare (*i.e.*, without regard to discounts) for a trip of similar length, at a similar time of day, on the entity's fixed route system.
  - (1) In calculating the full fare that would be paid by an individual using the fixed route system, the entity may include transfer and premium charges applicable to a trip of similar length, at a similar time of day, on the fixed route system.
  - (2) The fares for individuals accompanying ADA paratransit eligible individuals, who are provided service under §37.123 (f) of this part, shall be the same as for the ADA paratransit eligible individuals they are accompanying.
  - (3) A personal care attendant shall not be charged for complementary paratransit service.
  - (4) The entity may charge a fare higher than otherwise permitted by this paragraph to a social service agency or other organization for agency trips (*i.e.*, trips guaranteed to the organization).

### 49 CFR §37.131 Appendix D Fares

To calculate the proper paratransit fare, the entity would determine the route(s) that an individual would take to get from his or her origin to his or her destination on the fixed route system. At the time of day the person was traveling, what is the fare for that trip on those routes? Applicable charges like transfer fees or premium service charges may be added to the amount, but discounts (*e.g.*, the half-fare discount for off-peak fixed route travel by elderly and handicapped persons) would not be subtracted. The transit provider could charge up to twice the resulting amount for the paratransit trip . . . The system operates the same regardless of whether the paratransit trip is being provided in place of a bus or a rail trip the user cannot make on the fixed route system. Where bus and rail systems are run by the same provider (or where the same bus provider runs parallel local and express buses along the same route), the comparison would be made to the mode on which a typical fixed route user would make the particular trip, based on schedule, length, convenience, avoidance of transfers, etc.

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**17.1 Indicator of Compliance:** Does the recipient ensure that ADA complementary paratransit fares do not exceed twice the fare for a comparable trip on the fixed route system?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**17.2 Indicator of Compliance:** If the recipient has fare free (or reduced) zones, does the recipient ensure that paratransit fares are comparable to fixed route fares in the fare free zone?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 18. Trip Purpose Restrictions

### Governing Directive(s):

49 CFR §37.131 Service criteria for complementary paratransit

The following service criteria apply to complementary paratransit required by §37.121 of this part.

(d) Trip purpose restrictions. The entity shall not impose restrictions or priorities based on trip purpose.

49 CFR §37.133 Subscription service

(c) Notwithstanding any other provision of this part, the entity may establish waiting lists or other capacity constraints and trip purpose restrictions or priorities for participation in the subscription service only.

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**18.1 Indicator of Compliance:** Does the recipient refrain from collecting information on trip purpose other than for subscription service?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**18.2 Indicator of Compliance:** Does the recipient refrain from imposing restrictions or priorities based on the trip purpose (other than for subscription service)?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 19. Trip Number Restrictions

### Governing Directive(s):

49 CFR §37.131 Service criteria for complementary paratransit

(f) Capacity constraints. The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:

- (1) Restrictions on the number of trips an individual will be provided.
- (2) Waiting lists for access to the service.

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**19.1** Indicator of Compliance: Does the recipient refrain from restricting the number of trips an eligible individual will be provided?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 20. Untimely Pickups and Drop-Offs

### Governing Directive(s):

49 CFR §37.131 Service criteria for complementary paratransit

- (f) Capacity constraints. The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:
  - (3) Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.
    - (i) Such patterns or practices include, but are not limited to, the following:
      - (A) Substantial numbers of significantly untimely pickups for initial or return trips;
      - (B) Substantial numbers of trip denials or missed trips;
      - (C) Substantial numbers of trips with excessive trip lengths.
    - (ii) Operational problems attributable to causes beyond the control of the entity (including, but not limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists.

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**20.1** Indicator of Compliance: Does the recipient track scheduled versus actual pickup times and adjust service based on the tracking data as needed?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**20.2** Indicator of Compliance: Does the recipient track scheduled versus actual drop-off times and adjust service based on tracking data as needed?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 21. Trip Denials

### Governing Directive(s):

49 CFR §37.131 Service criteria for complementary paratransit

(f) Capacity constraints. The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:

- (1) Restrictions on the number of trips an individual will be provided;
  - (2) Waiting lists for access to the service;
  - (3) Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.
    - (i) Such patterns or practices include, but are not limited to, the following:
      - (A) Substantial numbers of significantly untimely pickups for initial or return trips;
      - (B) Substantial numbers of trip denials or missed trips;
      - (C) Substantial numbers of trips with excessive trip lengths.
    - (ii) Operational problems attributable to causes beyond the control of the entity (including, but not limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists.
- 

**21.1 Indicator of Compliance:** Does the recipient (1) track rides scheduled outside the hour before-or-after the scheduling window as denials regardless of whether the rider accepts the ride, (2) track as a denial each trip that cannot be taken due to one denial (as in, when one leg of a roundtrip cannot be reserved and the rider declines both trips), and (3) adjust service based on tracking data, as needed?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 22. Missed Trips

### Governing Directive(s):

49 CFR §37.131 Service criteria for complementary paratransit

(f) Capacity constraints. The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:

- (1) Restrictions on the number of trips an individual will be provided;
  - (2) Waiting lists for access to the service;
  - (3) Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.
    - (i) Such patterns or practices include, but are not limited to, the following:
      - (A) Substantial numbers of significantly untimely pickups for initial or return trips;
      - (B) Substantial numbers of trip denials or missed trips;
      - (C) Substantial numbers of trips with excessive trip lengths.
    - (ii) Operational problems attributable to causes beyond the control of the entity (including, but not limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists.
- 

**22.1 Indicator of Compliance:** Does the recipient (1) define and track missed trips where the recipient is at fault, and (2) adjust service based on tracking data, as needed?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.





## 23. Trip Lengths

### Governing Directive(s):

49 CFR §37.131 Service criteria for complementary paratransit

(f) Capacity constraints. The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:

- (1) Restrictions on the number of trips an individual will be provided;
- (2) Waiting lists for access to the service;
- (3) Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.
  - (i) Such patterns or practices include, but are not limited to, the following:
    - (A) Substantial numbers of significantly untimely pickups for initial or return trips;
    - (B) Substantial numbers of trip denials or missed trips;
    - (C) Substantial numbers of trips with excessive trip lengths.
  - (ii) Operational problems attributable to causes beyond the control of the entity (including, but not limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists.

49 CFR Part 37.131 Appendix D Service criteria for complementary paratransit

The third example is substantial numbers of trips with excessive trip lengths. Since paratransit is a shared ride service, paratransit rides between Point A and Point B will usually take longer, and involve more intermediate stops, than a taxi ride between the same two points. However, when the number of intermediate stops and the total trip time for a given passenger grows so large as to make use of the system prohibitively inconvenient, then this provision would be triggered. For example, the IG report referred to above mentioned a situation in which 9 percent of riders had one way trips averaging between two and four hours, with an average of 16 intermediate stops. Such a situation would probably trigger this provision.

49 CFR §37.129 Types of service

- (a) Except as provided in this section, complementary paratransit service for ADA paratransit eligible persons shall be origin-to-destination service.
- (b) Complementary paratransit service for ADA paratransit eligible persons described in §37.123(e)(2) of this part may also be provided by on-call bus service or paratransit feeder service to an accessible fixed route, where such service enables the individual to use the fixed route bus system for his or her trip.
- (c) Complementary paratransit service for ADA eligible persons described in §37.123(e)(3) of this part also may be provided by paratransit feeder service to and/or from an accessible fixed route.

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**23.1 Indicator of Compliance:** Does the recipient define an “excessive trip length” in comparison to the time required to make a similar trip using the fixed route system?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**23.2** Indicator of Compliance: Does the recipient track trip lengths and adjust service based on tracking data, as needed?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**23.3** Indicator of Compliance: Does the recipient operate without a substantial amount of excessively long trips?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**23.4** Indicator of Compliance: If the recipient provides feeder service, does the recipient have a process for determining whether feeder service is an appropriate option for a rider?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 24. Other Capacity Constraints

### Governing Directive(s):

49 CFR §37.131 Service criteria for complementary paratransit

(f) Capacity constraints. The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:

- (1) Restrictions on the number of trips an individual will be provided;
- (2) Waiting lists for access to the service;
- (3) Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.
  - (i) Such patterns or practices include, but are not limited to, the following:
    - (A) Substantial numbers of significantly untimely pickups for initial or return trips;
    - (B) Substantial numbers of trip denials or missed trips;
    - (C) Substantial numbers of trips with excessive trip lengths.
  - (ii) Operational problems attributable to causes beyond the control of the entity (including, but not limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists.

49 CFR §31.133 Subscription service

- (a) [Part 37] does not prohibit the use of subscription service by public entities as part of a complementary paratransit system, subject to the limitations in this section.
- (b) Subscription service may not absorb more than fifty percent of the number of trips available at a given time of day, unless there is non-subscription capacity.
- (c) Notwithstanding any other provision of [Part 37], the entity may establish waiting lists or other capacity constraints and trip purpose restrictions or priorities for participation in the subscription service only.

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**24.1** Indicator of Compliance: Does the recipient make clear the availability of complementary paratransit service and refrain from discouraging individuals from applying for or using complementary paratransit service?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**24.2** Indicator of Compliance: Does the recipient ensure that subscription service does not absorb more than 50 percent of the number of trips available at a given time of day if capacity constraints exist?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**24.3** Indicator of Compliance: Does the recipient refrain from engaging in other activities that may lead to operational patterns or practices that limit and/or discourage the use of complementary paratransit service? (e.g., not advertising the availability of paratransit on the agency's website)?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 25. Planning to Avoid Capacity Constraints

### Governing Directive(s):

49 CFR §37.131 Service criteria for complementary paratransit

(f) Capacity constraints. The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:

- (1) Restrictions on the number of trips an individual will be provided;
  - (2) Waiting lists for access to the service;
  - (3) Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.
    - (i) Such patterns or practices include, but are not limited to, the following:
      - (A) Substantial numbers of significantly untimely pickups for initial or return trips;
      - (B) Substantial numbers of trip denials or missed trips;
      - (C) Substantial numbers of trips with excessive trip lengths.
    - (ii) Operational problems attributable to causes beyond the control of the entity (including, but not limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists.
- 

**25.1 Indicator of Compliance:** Does the recipient plan service, allocate resources, and manage operations in order to meet 100 percent of anticipated demand?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 26. Paratransit Eligibility Standards

### Governing Directive(s):

49 CFR §37.123 ADA paratransit eligibility standards

- (a) Public entities required by §37.121 of this subpart to provide complementary paratransit service shall provide the service to the ADA paratransit eligible individuals described in paragraph (e) of this section.
- (d) Public entities may provide complementary paratransit service to persons other than ADA paratransit eligible individuals. However, only the cost of service to ADA paratransit eligible individuals may be considered in a public entity's request for an undue financial burden waiver under §37.151-37.155 of this part.
- (e) The following individuals are ADA paratransit eligible:
  - (1) Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities [is eligible for ADA paratransit].
  - (2) 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 to 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 on the route [is eligible for ADA paratransit].
  - (i) An individual is eligible under this paragraph with respect to travel on an otherwise accessible route on which the boarding or disembarking location which the individual would use is one at which boarding or disembarking from the vehicle is precluded as provided in §37.167(g) of [Part 37].
  - (ii) An individual using a common wheelchair is eligible under this paragraph if the individual's wheelchair cannot be accommodated on an existing vehicle (*e.g.*, because the vehicle's lift does not meet the standards of Part 38 of this title), even if that vehicle is accessible to other individuals with disabilities and their mobility wheelchairs.
  - (iii) With respect to rail systems, an individual is eligible under this paragraph if the individual could use an accessible rail system, but—
    - (A) There is not yet one accessible car per train on the system; or
    - (B) Key stations have not yet been made accessible
  - (3) Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system [is eligible for ADA paratransit].
  - (i) Only a specific impairment-related condition which prevents the individual from traveling to a boarding location or from a disembarking location is a basis for eligibility under this paragraph. A condition which makes traveling to boarding location or from a disembarking location more difficult for a person with a specific impairment-related condition than for an individual who does not have the condition, but does not prevent the travel, is not a basis for eligibility under this paragraph.
  - (ii) Architectural barriers not under the control of the public entity providing fixed route service and environmental barriers (*e.g.*, distance, terrain, weather) do not, standing alone, form a basis for eligibility under this paragraph. The interaction of such



DTS, October 2025

barriers with an individual's specific impairment-related condition may form a basis for eligibility under this paragraph, if the effect is to prevent the individual from traveling to a boarding location or from a disembarking location.

(f) Individuals accompanying an ADA paratransit eligible individual shall be provided service as follows:

- (1) One other individual accompanying the ADA paratransit eligible individual shall be provided service—
  - (i) If the ADA paratransit eligible individual is traveling with a personal care attendant, the entity shall provide service to one other individual in addition to the attendant who is accompanying the eligible individual;
  - (ii) A family member or friend is regarded as a person accompanying the eligible individual, and not as a personal care attendant, unless the family member or friend registered is acting in the capacity of a personal care attendant;
- (2) Additional individuals accompanying the ADA paratransit eligible individual shall be provided service, provided that space is available for them on the paratransit vehicle carrying the ADA paratransit eligible individual and that transportation of the additional individuals will not result in a denial of service to ADA paratransit eligible individuals;
- (3) In order to be considered as "accompanying" the eligible individual for purposes of this paragraph (f) the other individual(s) shall have the same origin and destination as the eligible individual.

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**26.1 Indicator of Compliance:** Do the recipient's paratransit eligibility standards reflect the three eligibility categories defined in 49 CFR §37.123(e)(1)-(3)?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.





## 27. Paratransit Eligibility Determination Considerations

### Governing Directive(s):

49 CFR §37.123 ADA paratransit eligibility standards

- (b) If an individual meets the eligibility criteria of this section with respect to some trips but not others, the individual shall be ADA paratransit eligible only for those trips for which he or she meets the criteria.
- (c) Individuals may be ADA paratransit eligible on the basis of a permanent or temporary disability.

49 CFR §37.125 ADA paratransit eligibility process

- (a) The process shall strictly limit ADA paratransit eligibility to individuals specified in §37.123 of [Part 37].

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**27.1 Indicator of Compliance:** When making ADA paratransit eligibility determinations, does the recipient consider (1) the applicant's ability to use fixed route independently, (2) the applicant's current functional ability, (3) the applicant's most limiting conditions, (4) the mobility device(s) the applicants say they will use when they travel, (5) eligibility for young children, (6) residence and eligibility determinations?

**Finding:** During this review a deficiency was found with DOT requirements for ADA complementary paratransit.

TheHandi-Van eligibility materials were examined during the desk review, policies were discussed with MTM staff who operate TheHandi-Van Eligibility Center during the site visit, and several eligibility assessments were observed during the site visit.

There is no minimum age for applying for TheHandi-Van eligibility. TheHandi-Van Eligibility Center evaluates each child with a disability together with the parent, caregiver, PCA, or other adult who brings the child in for assessment as a team, DTS (through its eligibility contactor MTM) considers the adult as a mobility aid. Children who qualify for service are granted conditional eligibility, which specifies that they must be accompanied by an adult.

On the fixed route system, DTS sets no minimum age for a child to ride independently of an adult.

**Corrective Action and Schedule:** Within 90 days of the issuance of the final report:

1. The recipient must submit to TCR a revised policy governing unaccompanied children that is consistent for both fixed route and TheHandi-Van services. The recipient must not require paratransit-eligible children to be accompanied by an adult unless children of the same age must be accompanied by an adult on the fixed route system.
  2. The recipient must submit to TCR documentation that it has implemented the revised policies governing travel by unaccompanied children.
-





**27.2** Indicator of Compliance: If the recipient's eligibility process includes conditional eligibility, does the recipient properly apply conditional eligibility by (1) identifying the specific conditions under which each applicant is ADA paratransit eligible, and (2) communicating these conditions to the applicant?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**27.3** Indicator of Compliance: If the recipient's eligibility process includes temporary eligibility, does the recipient inform the applicant of the terms of their eligibility?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 28. Paratransit Eligibility Determination Process

### Governing Directive(s):

49 CFR §37.125 ADA paratransit eligibility process

Each public entity required to provide complementary paratransit service by §37.121 of this part shall establish a process for determining ADA paratransit eligibility...

- (b) All information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility shall be made available in accessible formats, upon request.
- (c) If, by a date 21 days following the submission of a complete application, the entity has not made a determination of eligibility, the applicant shall be treated as eligible and provided service until and unless the entity denies the application.
- (d) The entity's determination concerning eligibility shall be in writing. If the determination is that the individual is ineligible, the determination shall state the reasons for the finding...
- (e) The public entity shall provide documentation to each eligible individual stating that he or she is 'ADA Paratransit Eligible.' The documentation shall include the name of the eligible individual, the name of the transit provider, the telephone number of the entity's paratransit coordinator, an expiration date for eligibility, and any conditions or limitations on the individual's eligibility including the use of a personal care attendant.
- (f) The entity may require recertification of the eligibility of ADA paratransit eligible individuals at reasonable intervals.
- (g) The entity shall establish an administrative appeal process through which individuals who are denied eligibility can obtain review of the denial.
  - (1) The entity may require that an appeal be filed within 60 days of the denial of an individual's application.
  - (2) The 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 the reasons for it.
  - (3) The entity is not required to provide paratransit service to the individual pending the determination on appeal. However, if the entity has not made a decision within 30 days of the completion of the appeal process, the entity shall provide paratransit service from that time until and unless a decision to deny the appeal is issued.

49 CFR §37.125 Appendix D ADA paratransit eligibility process

The process may not impose unreasonable administrative burdens on applicants, and, since it is part of the entity's nondiscrimination obligations, may not involve "user fees" or application fees to the applicant.

49 CFR §37.137 Paratransit plan development

- (c) Ongoing requirement. The entity shall create an ongoing mechanism for the participation of individuals with disabilities in the continued development and assessment of services to persons with disabilities. This includes, but is not limited to, the development of the initial plan, any request for an undue financial burden waiver, and each annual submission.

Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent



DTS, October 2025

standard, the starting point is an individualized assessment that balances the following four factors:

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee;
- (2) the frequency with which LEP individuals come in contact with the program;
- (3) the nature and importance of the program, activity, or service provided by the recipient to people's lives; and
- (4) the resources available to the recipient and costs.

---

**28.1** Indicator of Compliance: Does the recipient refrain from imposing unreasonable burdens on applicants?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**28.2** Indicator of Compliance: Does the recipient's eligibility process exclude inappropriate factors such as income, ability to drive, vehicle ownership, access to other transportation, or the results of travel training?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---

**28.3** Indicator of Compliance: Does the recipient grant presumptive eligibility for applications not processed within 21 days of receipt of a complete application?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---

**28.4** Indicator of Compliance: Does the recipient (1) provide the eligibility determination in writing, and (2) provide the specific reasons for granting less than unconditional eligibility?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

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**28.5** Indicator of Compliance: Does the recipient have a method to monitor the eligibility determination process and ensure that eligibility determinations are correct?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---



**28.6** Indicator of Compliance: Does the recipient (1) have an eligibility appeals process, (2) have a deadline for filing an appeal that is at least 60 days, (3) refrain from requiring the applicant to submit a written appeal prior to the appeal hearing, (4) refrain from requiring the applicant to state the reason for the appeal prior to the appeal hearing, and (5) provide paratransit service within 30 days of completing the appeal process until and unless a decision to deny the appeal is issued?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---

**28.7** Indicator of Compliance: Does the recipient's appeals process provide for (1) an opportunity to have an in-person hearing, (2) separation of functions, (3) a determination within a reasonable timeframe, and (4) written notification of the decision and the reason for the decision?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---

**28.8** Indicator of Compliance: If the recipient requires recertification of the eligibility of ADA paratransit eligible individuals, is the recertification required at reasonable intervals?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## 29. Service for Visitors

### Governing Directive(s):

49 CFR §37.127 Complementary paratransit service for visitors

- (a) Each public entity required to provide complementary paratransit service under §37.121 of this part shall make the service available to visitors as provided in this section.
- (b) For purposes of this section, a visitor is an individual with disabilities who does not reside in the jurisdiction(s) served by the public entity or other entities with which the public entity provides coordinated complementary paratransit service within a region.
- (c) Each public entity shall treat as eligible for its complementary paratransit service all visitors who present documentation that they are ADA paratransit eligible, under the criteria of §37.125 of [Part 37], in the jurisdiction in which they reside.
- (d) With respect to visitors with disabilities who do not present such documentation [documentation of home jurisdiction eligibility], the public entity may require the documentation of the individual's place of residence and, if the individual's disability is not apparent, of his or her disability. The entity shall provide paratransit service to individuals with disabilities who qualify as visitors under paragraph (b) of this section. The entity shall accept a certification by such individuals that they are unable to use fixed route transit.
- (e) A public entity shall make the service to a visitor required by this section available for any combination of 21 days during any 365-day period beginning with the visitor's first use of the service during such 365-day period. In no case shall the public entity require a visitor to apply for or receive eligibility certification from the public entity before receiving the service required by this section.

### 49 CFR §37.127 Appendix D Complementary paratransit service for visitors

This section requires each entity having a complementary paratransit system to provide service to visitors from out of town on the same basis as it is provided to local residents. By "on the same basis," we mean under all the same conditions, service criteria, etc., without distinction. For the period of a visit, the visitor is treated exactly like an eligible local user, without any higher priority being given to either.

---

**29.1 Indicator of Compliance:** Does the recipient provide paratransit service for visitors on the same basis as it is provided to local residents?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---

**29.2 Indicator of Compliance:** Does the recipient (1) accept documentation of eligibility issued by the visitor's home jurisdiction, and (2) accept said documentation of eligibility directly from the visitor?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---



**29.3** Indicator of Compliance: Does the recipient provide service for visitors without eligibility in another jurisdiction based on apparent disabilities or on documentation of disability?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---

**29.4** Indicator of Compliance: Does the recipient provide service for visitors for 21 days within a 365-day period?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.





### 30. No-Show Suspension Policy

#### Governing Directive(s):

49 CFR §37.125 ADA Paratransit eligibility: Process

- (g) The entity shall establish an administrative appeal process through which individuals who are denied eligibility can obtain review of the denial.
  - (1) The entity may require that an appeal be filed within 60 days of the denial of an individual's application.
  - (2) The 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 the reasons for it.
  - (3) The entity is not required to provide paratransit service to the individual pending the determination on appeal. However, if the entity has not made a decision within 30 days of the completion of the appeal process, the entity shall provide paratransit service from that time until and unless a decision to deny the appeal is issued.
- (h) The entity may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA eligible individuals who establish a pattern or practice of missing scheduled trips.
  - (1) Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists.
  - (2) Before suspending service, the entity shall take the following steps:
    - (i) Notify the individual in writing that the entity proposes to suspend service, citing with specificity the basis of the proposed suspension and setting forth the proposed sanction.
    - (ii) Provide the individual an opportunity to be heard and to present information and arguments.
    - (iii) Provide the individual with written notification of the decision and the reasons for it.
  - (3) The appeals process of paragraph (g) of this section is available to an individual on whom sanctions have been imposed under this paragraph. The sanction is stayed pending the outcome of the appeal.
  - (i) In applications for ADA paratransit eligibility, the entity may require the applicant to indicate whether or not he or she travels with a personal care attendant.

---

**30.1 Indicator of Compliance:** If the recipient has a no-show suspension policy, does the recipient ensure that riders are suspended only in response to a pattern or practice of missing scheduled trips?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---

**30.2 Indicator of Compliance:** If the recipient suspends a rider for a pattern or practice of missing scheduled trips, is the suspension for a reasonable amount of time?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.





---

**30.3** Indicator of Compliance: If the recipient's no-show policy includes late cancellations, does the recipient only count late cancellations as no-shows (1) if the trip was cancelled less than one/two hours prior to the pickup time, and (2) if the trip was cancelled due to reasons within the rider's control?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---

**30.4** Indicator of Compliance: Does the recipient refrain from counting no-shows beyond the rider's control towards suspension?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---

**30.5** Indicator of Compliance: Does the recipient (1) notify the rider of the pending suspension in writing and provide the specific basis for it, (2) offer the opportunity for the rider to appeal, and (3) stay the suspension pending the outcome of the appeal?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---

**30.6** Indicator of Compliance: Does the recipient refrain from imposing a financial penalty for no-shows?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA



### 31. Monitoring Contracted Service

#### Governing Directive(s):

49 CFR §37.23 Service under contract

- (a) When a public entity enters into a contractual or other arrangement (including, but not limited to, a grant, subgrant, or cooperative agreement) or relationship with a private entity to operate fixed route or demand responsive service, the public entity shall ensure that the private entity meets the requirements of this part that would apply to the public entity if the public entity itself provided the service.
- (d) A private entity that provides fixed route or demand responsive transportation service under contract or other arrangement (including, but not limited to, a grant, subgrant, or cooperative agreement) with another private entity shall be governed, for purposes of the transportation service involved, by the provisions of this part applicable to the other entity.

---

**31.1** Indicator of Compliance: When entering into a contractual or other arrangement with a private agency to provide paratransit service, does the recipient ensure that the private agency adheres to paratransit service requirements?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.

---

**31.2** Indicator of Compliance: In the event that the private agency purchases or leases new, used, or remanufactured vehicles for use in service, does the recipient ensure that the private agency acquires accessible vehicles in all situations in which the recipient itself would be required to do so?

**Finding:** During this review a deficiency was not found with DOT requirements for ADA complementary paratransit.



## IX. Summary Table of Findings

The table below outlines all findings and the corrective action(s) and due date, if applicable, based on the specialized review by each review area and indicator of compliance.

Indicator Number	No Deficiency Found	Deficiency Found	N/A	Corrective Action	Due Date
1.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
1.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
1.3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The recipient must submit to TCR a policy enabling the suspension of fixed route riders for misconduct and evidence that it has been implemented.	120 days
1.4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
2.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The recipient must submit to TCR a revised TheHandi Van Rider's Guide that identifies the specific misconduct for which a rider may be suspended, including only behavior that is violent, seriously disruptive, or illegal, or represents a direct threat to the health or safety of others.	60 days
2.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		



Indicator Number	No Deficiency Found	Deficiency Found	N/A	Corrective Action	Due Date
4.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The recipient must submit to TCR a plan that provides a schedule of retrofitting the 2024 Ford Transit Vans with compliant doorway lights.	60 days
5.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5.3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5.4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5.6	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The recipient must submit to TCR a revised procedure that sets forth how its staff or its contractor will conduct future inspections of vehicles, particularly for their compliance with Part 38. The recipient must also keep records of the verification of compliance of vehicles with respect to Part 38 requirements.	60 days
5.7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
6.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The recipient must submit to TCR a revised Rider's Guide and other materials for TheHandi-Van, including eligibility materials and sample eligibility determination letters, that reflect the actual weight and dimensions of wheelchairs that its fleet can accommodate.	60 days
6.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		



Indicator Number	No Deficiency Found	Deficiency Found	N/A	Corrective Action	Due Date
7.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7.3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7.4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7.6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7.7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7.8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7.9	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7.10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
8.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		



Indicator Number	No Deficiency Found	Deficiency Found	N/A	Corrective Action	Due Date
8.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
9.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
10.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
10.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
10.3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
11.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
11.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
11.3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
12.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
12.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		



Indicator Number	No Deficiency Found	Deficiency Found	N/A	Corrective Action	Due Date
13.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
13.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
13.3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
13.4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
14.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
14.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
14.3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
15.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
16.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
16.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
16.3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		





Indicator Number	No Deficiency Found	Deficiency Found	N/A	Corrective Action	Due Date
16.4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
16.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
16.6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
16.7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
17.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
17.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
18.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
18.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
19.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
20.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		



Indicator Number	No Deficiency Found	Deficiency Found	N/A	Corrective Action	Due Date
20.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
21.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
22.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
23.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
23.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
23.3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
23.4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
24.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		



Indicator Number	No Deficiency Found	Deficiency Found	N/A	Corrective Action	Due Date
24.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
24.3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
25.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
26.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
27.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. The recipient must submit to TCR a revised policy governing unaccompanied children that is consistent for both fixed route and TheHandi-Van services. The recipient must not require paratransit-eligible children to be accompanied by an adult unless children of the same age must be accompanied by an adult on the fixed route system. 2. The recipient must submit to TCR documentation that it has implemented the revised policies governing travel by unaccompanied children.	90 days
27.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
27.3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
28.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		



Indicator Number	No Deficiency Found	Deficiency Found	N/A	Corrective Action	Due Date
28.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
28.3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
28.4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
28.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
28.6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
28.7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
28.8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
29.1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
29.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
29.3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
29.4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		



Indicator Number	No Deficiency Found	Deficiency Found	N/A	Corrective Action	Due Date
30.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
30.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
30.3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
30.4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
30.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
30.6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
31.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
31.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

# NR 10-06-25 (The Kaua'i Bulletin) has Open Payments with Masahiro

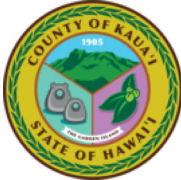
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DEREK S.K. KAWAKAMI, MAYOR  
REIKO MATSUYAMA, MANAGING DIRECTOR

## News Release

For Immediate Release: October 6, 2025



COUNTY OF KAUAI  
TRANSPORTATION AGENCY  
CELIA MAHIKOA - EXECUTIVE  
(808) 246-8110

## The Kauaʻi Bus and Masabi Announce Open Payments with Masabi

LIHUʻE - The Kauaʻi Bus and Masabi announce the launch of Open Payments across the island's transit network. Riders can now pay for trips by tapping a contactless credit or debit card, or a mobile wallet such as Apple Pay or Google Pay, on any Kauaʻi Bus. This provides a simple, cash-free way to ride with the added benefit of automatic daily and monthly fare capping.

This launch follows the successful introduction of mobile ticketing in January 2025 and Account-Based Ticketing (ABT) with the Holomua smartcard in May 2025. Together, these improvements make Kauaʻi Bus a leading example of how agencies can modernize fare collection using a phased approach. With Open Payments now available, riders can choose to pay through the mobile app, smartcard, or contactless bank card while always receiving the best possible fare.

Open Payments also makes public transit easier for Kauaʻi's many visitors. Tourists can simply tap a card or phone to ride. For regular riders, the system reduces reliance on cash, speeds up boarding, and lowers operational costs, helping Kauaʻi Bus provide more efficient and reliable service.

The launch also introduces Account Linking, which allows riders to connect their payment card to a single transit account. This feature enables reduced fares to be applied directly to the payment card and gives riders access to trip history and other account-based benefits.

Fare capping ensures riders always pay the lowest fare. Prices are set at:

- Mainline Single Ride: Adult \$2.00 / Reduced Fare \$1.00
- Shuttle Ride: \$0.50 / Reduced Fare \$0.25
- Day Pass: Adult \$5.00 / Reduced Fare \$2.50
- Monthly Pass: Adult \$50.00 / Reduced Fare \$25.00

"This latest launch makes riding The Kauaʻi Bus easier than ever, whether you are a local commuter or a visitor exploring the island," said Mayor Derek S. K. Kawakami. "With Open Payments, you can simply tap your card or phone and ride with no need for cash, passes, or concern about overpaying. It is a modern, convenient, and fair system designed for everyone. We are proud to have completed this phased rollout with our partners at Masabi."

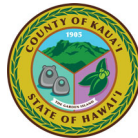
"Kauaʻi Bus has shown the benefits of a phased approach to fare modernization, moving from mobile ticketing to ABT and now to Open Payments in less than a year," said Brian Zang, CEO at Masabi. "This rollout is about more than technology. It is about making public transit more accessible, efficient, and rider-friendly for residents and visitors alike. We are proud to partner with Kauaʻi to deliver a world-class, future-ready system that will continue to grow with new features."

The new system is powered by Masabi's Justride platform, an open, modular, and continually evolving fare payment system used by transit agencies and operators worldwide. Riders can continue to manage their accounts, load funds, and pick up smartcards at the Kauaʻi Bus office, or simply tap their contactless card or mobile wallet to ride.

###

### Media Contact:

If you are a member of the media with an inquiry for the County of Kauaʻi, its departments or representatives, please email the County of Kauaʻi's Communications Team at [CountyPIO@kauai.gov](mailto:CountyPIO@kauai.gov) to ensure a timely response to your request. Mahalo!



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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0070]

#### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; Crash Avoidance Warning System Human-Machine Interface Research

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice and request for comments on a request for approval of a new information collection.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection titled “Crash Avoidance Warning System Human-Machine Interface Research” and its expected burden. This ICR is to request approval to conduct 6 new voluntary information collections as part of a one-time research study of drivers’ interactions with crash avoidance technology with different human-machine interface (HMI) characteristics. This research will inform NHTSA’s vehicle safety efforts and decisions regarding rulemaking activities. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on November 7, 2024. Two comments were received during the comment period: one in full support of the collection, the other acknowledging the exclusion of motorcycles and requesting future studies include non-4-wheeled vehicles. This notice includes a discussion of the comments and responses. No changes to the study nor burden calculations are necessary as a result of the comments.

**DATES:** Comments must be submitted on or before June 16, 2025.

**ADDRESSES:** Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). To find this particular information collection, select “Currently under Review—Open for Public Comment” or use the search function.

**FOR FURTHER INFORMATION CONTACT:** For additional information or access to

background documents, contact Alexandria Rossi-Alvarez, Ph.D., Office of Vehicle Safety Research, Applied Crash Avoidance Research Division NSR–120, Vehicle Research & Test Center, 10820 State Route 347, East Liberty, OH 43319; [a.rossi-alvarez@dot.gov](mailto:a.rossi-alvarez@dot.gov); 937–666–3322.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from OMB before it collects certain information from the public, and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted to OMB.

*Title:* Crash Avoidance Warning System Human-Machine Interface Research.

*OMB Control Number:* New.

*Form Number:* NHTSA Form 2006: Interest Response Form; NHTSA Form 2007: Candidate Screening Questions; NHTSA Form 2008: Appointment Scheduling; NHTSA Form 2009: Participant Informed Consent Form; and NHTSA Form 2010: Post-Drive Questionnaire.

*Type of Request:* New information collection.

*Type of Review Requested:* Regular.

*Length of Approval Requested:* Three years from date of approval.

*Summary of the Collection of Information:* NHTSA is seeking approval for this new ICR to conduct 6 new voluntary information collections as part of a one-time research program examining drivers’ interactions with crash avoidance technology with different HMI characteristics. This research will inform NHTSA’s vehicle safety efforts and decisions regarding rulemaking activities.

Crash avoidance warning systems aid vehicle drivers in avoiding crashes by presenting alerts and warnings to inform drivers of situations in which the system has determined, via sensor information, that a crash is possible or imminent, depending on the situation. These systems communicate the occurrence of such conditions to drivers via sensory modalities, such as visual or auditory signals or vibration of the seat or steering wheel. This research seeks to improve NHTSA’s understanding of how crash avoidance warning system HMI characteristics affect system effectiveness and potential safety impacts.

The objective of this research is to examine driver behavior while using

crash avoidance warning systems and to assess effects of human-machine interface characteristics on drivers’ behavior and driver response in crash-imminent scenarios. The research will involve driver behavior observation while driving on a test track, public roads, or in a simulated environment (*i.e.*, driving simulator). Data collection may also involve stationary laboratory measurements relating to crash avoidance warning signal characteristics, such as stationary laboratory measurements of individuals’ visual angles when gazing at in-vehicle visual signals (*e.g.*, instrument panel symbols) and displays. Test vehicles will be equipped, as needed, with instrumentation for recording driver eye glance behavior, vehicle control inputs (steering wheel, accelerator pedal, and brake pedal inputs), vehicle position and speed, and turn signal status. During dynamic testing, sensors will determine and record the distances between the test vehicle and surrounding vehicles, as appropriate.

*Description of the Need for the Information and Proposed Use of the Information:* As driver assistance technologies advance, they have the potential to dramatically reduce the number of motor vehicle crashes and injuries, as well as the associated economic costs. The safety and effectiveness of the crash avoidance warning systems depend on drivers understanding the capabilities and constraints of the systems, and the meaning of visual and auditory alerts or warnings provided.

Drivers successfully perceiving and understanding crash avoidance warnings is important for crash avoidance system effectiveness and crash mitigation. In particular, drivers must comprehend the situation and respond quickly when a crash avoidance warning system indicates an imminent collision is likely. This research aims to assess the effects of crash avoidance warning system HMI characteristics on driver behavior, on driver response in crash-imminent scenarios, and on crash avoidance success. The research will compare various crash avoidance warning system HMI characteristics and examine participants’ responses to the alerts and/or warnings.

**60-Day Notice:** A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on November 7, 2024 (89 FR 88342). NHTSA received two comments during the public comment period for the 60-day notice. Neither comment challenged the burden calculations.

The National Association of Mutual Insurance Companies (NAMIC) commented, "NAMIC strongly supports this effort by NHTSA. There is no question that the proposed collection of information is necessary for the proper performance of the functions of the agency, and that the information will have practical utility. We believe that the results of the information collection will help NHTSA better understand and ensure vehicle safety." *Response:* NHTSA appreciates the review, consideration, and support of the research. No changes to the collection were necessary as a result of the NAMIC comment.

Zero Motorcycles, Inc. noted that the current information collection does not consider crash avoidance systems on motorcycles or "non-4+ wheeled" vehicles. They stated that motorcycles offer these types of systems and that including them in a future study would be beneficial. *Response:* The scope of the current research effort is focused on light passenger vehicles. NHTSA continues to stay abreast of advancing motorcycle crash avoidance technologies and has other current research projects examining the performance of such technologies.

*Affected Public:* Research participants will be volunteers from the Columbus, OH area who are licensed drivers aged 25–65 years (inclusive), drive at least 11,000 miles annually, are in good health, and do not require assistive devices to safely operate a vehicle and drive continuously for a period of up to 2 hours.

*Estimated Number of Respondents:* Candidate participant recruitment information will be collected in an incremental fashion to permit the determination of which individuals meet the criteria for research participation. All interested candidates (estimate: 250 annually) will complete the Interest Response Form. A subset of individuals (estimate: 125 annually) meeting the criteria for the Interest Response Form will be asked to complete Candidate Screening Questions. Those who complete and are eligible based on the Candidate Screening Questions will be contacted for Appointment Scheduling to be study participants, with a goal of 67 participants annually. These same 67 participants will also complete the Experimental Data Collection and the Post-Drive Questionnaire.

*Frequency:* Once.

This research will be conducted once in phases corresponding to the different crash avoidance warning system types to be examined (i.e., forward, lateral, and rear crash avoidance).

*Estimated Number of Responses:* 643 responses.

*Estimated Annual Burden Hours:* 239 hours.

The annual estimated burden for the information collection is 239 hours. This is the aggregate of the estimated annual burden for 6 information collections that would be part of the one-time study. The 6 information collections include: (1) Interest Response Form to be administered to up to 250 potential research respondents; (2) Candidate Screening Questions to be administered to up to 125 research participants; (3) Appointment Scheduling to be administered to up to 67 research participants; (4) Participant Informed Consent Form to be administered to up to 67 research participants; (5) Experimental Data Collection; and (6) Post-Drive Questionnaire to be administered to up to 67 research participants.

The study will begin with a screening process to identify eligible participants. As stated above, the research team intends to identify 250 eligible participants to account for potential attrition to ensure that the target sample of 67 participants is achieved. Participant recruitment will be accomplished via online, print advertisements, and as needed, mailings to registered Ohio vehicle owners. Individuals interested in participation will respond to the recruitment advertisement by visiting a secure website containing a brief study description. The study description includes a web link that interested candidate participants can follow to begin the screening process. NHTSA estimates that the Interest Response Form takes, on average, 5 minutes to complete. Therefore, NHTSA estimates the annual burden for Interest Response Form to be 21 hours (5 minutes  $\times$  250 respondents).

Individuals whose responses meet participation requirements will be selected to take the Candidate Screening Questions. The research team intends to identify 125 eligible participants to account for potential attrition to ensure that the target sample of 67 participants is achieved. Candidate participants are emailed a link to the electronically presented question set hosted on a secure website. NHTSA estimates that

the Candidate Screening Questions takes, on average, 7 minutes to complete. Therefore, NHTSA estimates the annual burden for Candidate Screening Questions to be 15 hours (7 minutes  $\times$  125 respondents).

Upon review of response data for the Candidate Screening Questions, candidates meeting the criteria will be contacted to schedule the study participation appointment. The research team intends to identify 67 eligible candidates. NHTSA estimates that the Appointment Scheduling takes, on average, 2 minutes to complete. Therefore, NHTSA estimates the annual burden for Appointment Scheduling to be 2 hours (2 minutes  $\times$  67 respondents).

Each respondent will begin with a consenting process, which is completed on-site at the testing facility at the beginning of the study session. This consenting process includes an overview of the study and an explanation of the Informed Consent Form. This consenting process is expected to take 35 minutes. Therefore, NHTSA estimates the total burden for obtaining informed consent to be 39 hours (35 minutes  $\times$  67 respondents).

Following consent, the participant will receive instructions on the study protocol. For driving data collection, the participant will be shown the vehicle, seated in the driver seat, and an eye-tracking system calibration will be performed. Driving will then commence while data are recorded to document vehicle performance and driver behavior. For stationary measurements, the individual would be seated in a stationary vehicle and asked to look at and/or listen to different crash avoidance warnings and provide verbal feedback as appropriate. This Experimental Data Collection will be conducted once and take approximately 130 minutes. Therefore, NHTSA estimates that the total burden for the Experimental Data Collection to be 145 hours (130 minutes  $\times$  67 respondents).

At the end, participants will complete a Post-Drive Questionnaire, estimated to take approximately 15 minutes. The total burden for the Post-Drive Questionnaire is estimated to be 17 hours (15 minutes  $\times$  67 respondents). The total annual burden for the entire study is estimated to be 239 hours.

The estimated annual burden time is summarized in Table 1 below. The number of respondents and time to complete each question set are estimated as provided.

TABLE 1—ANNUAL BURDEN ESTIMATES

Information collection	Annual number of respondents	Frequency of response	Annual responses	Time per response (min)	Annual estimated burden hours (rounded)
Interest Response Form .....	250	1	250	5	21
Candidate Screening Questions .....	125	1	125	7	15
Appointment Scheduling .....	67	1	67	2	2
Participant Informed Consent Form .....	67	1	67	35	39
Experimental Data Collection .....	67	1	67	130	145
Post-Drive Questionnaire .....	67	1	67	15	17
Total Annual Burden .....	.....	.....	643	.....	239

*Estimated Total Annual Burden Cost:* \$0.

There is no cost to respondents for this information collection. The costs associated with travel are minimal and expected to be offset by the compensation that will be provided to the research participants.

*Public Comments Invited:* You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

**Cem Hatipoglu,**

*Associate Administrator, Vehicle Safety Research.*

[FR Doc. 2025–08804 Filed 5–15–25; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

**[Docket Nos. NHTSA–2024–0043, NHTSA–2024–0044, and NHTSA–2024–0063; Notice 1]**

#### Mercedes-Benz AG, Mercedes-Benz USA, LLC, and Daimler Vans USA, LLC, Receipt of Petitions for Decision of Inconsequential Noncompliance

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Receipt of petitions.

**SUMMARY:** Mercedes-Benz AG, Mercedes-Benz USA, LLC, and Daimler Vans USA, LLC (collectively, “Mercedes-Benz”) have determined that certain model year (MY) 2001–2025 Mercedes-Benz and Daimler Vans motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles With a GVWR of 4,536 kilograms (10,000 pounds) or Less*, or FMVSS No. 120, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles With a GVWR of More Than 4,536 kilograms (10,000 pounds)*. Mercedes-Benz USA, LLC, and Daimler Vans, USA, LLC, filed noncompliance reports dated May 25, 2024, and June 24, 2024. Mercedes-Benz subsequently petitioned NHTSA (the “Agency”) on June 14, 2024, and on July 12, 2024, for a decision that the subject noncompliances are inconsequential as they relate to motor vehicle safety. This document announces receipt of Mercedes-Benz's petitions.

**DATES:** Send comments on or before June 16, 2025.

**ADDRESSES:** Interested persons are invited to submit written data, views, and arguments on this petition.

Comments must refer to the docket and notice numbers cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.

- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Follow the online instructions for submitting comments.

- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <https://www.regulations.gov/>, including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

of the Act<sup>72</sup> with respect to the Cboe rules that the Exchange proposes to incorporate by reference in MIA Rule 1805B, subject to the conditions specified in this Order.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>73</sup>

**J. Matthew DeLesDernier,**  
Deputy Secretary.

[FR Doc. 2025–15322 Filed 8–12–25; 8:45 am]

BILLING CODE 8011–01–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA–2025–0653]

#### Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Infrastructure Investment and Jobs Act (IIJA) Competitive Grant Project Information

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 23, 2025. The collection involves soliciting project information for the Infrastructure Investment and Jobs Act (IIJA) Airport Terminal, Tower and Airport Infrastructure Grant Funding Reallocation Programs. The information to be collected will be used to determine projects to be awarded IIJA competitive grants.

**DATES:** Written comments should be submitted by September 12, 2025.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Jesse Carriger, Office of Airport

Planning and Programming, by email at: [ijjaairports@faa.gov](mailto:ijjaairports@faa.gov); phone: (202) 674–2806.

#### SUPPLEMENTARY INFORMATION:

**Public Comments Invited:** You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA’s performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

**OMB Control Number:** 2120–0806.

**Title:** Infrastructure Investment and Jobs Act (IIJA) Competitive Grant Project Information.

**Form Numbers:** 5100–144.

**Type of Review:** Renewal of an information collection.

**Background:** The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 23, 2025 (90 FR 22151). The FAA uses this collection to solicit the information necessary to evaluate and select airport projects for funding under the Infrastructure Investment and Jobs Act (IIJA), signed on November 15, 2021. The IIJA provides about \$1,020,000,000 annually, for five years, to award competitive grants for airport terminal and tower development. Of this amount, about \$1,000,000,000 annually, for five years, is for the Airport Terminal Program; \$20,000,000 annually, for five years, is for an Airport-owned Contract Tower Program. Additionally, the IIJA directs funds that are unobligated at the end of the fourth fiscal year after first made available under the Airport Infrastructure Grant (AIG) program to be converted to a new competitive funding program for the fifth and final fiscal year of availability. Of the amounts converted, the first \$100,000,000 is set aside to augment the IIJA’s Airport-owned Contract Tower Program grant program. Funds exceeding \$100,000,000 are then awarded through the new competitive grant program, called the Airport Infrastructure Grant Funding Reallocation Program (AFR). The information collected is based on grant considerations and priorities outlined in the IIJA. Project consideration areas include increasing terminal capacity and passenger access; replacing aging infrastructure; achieving compliance with the Americans with Disabilities Act (42 U.S.C. 12101, *et seq.*); improving airport access for historically disadvantaged populations; improving

energy efficiency; improving airfield safety through terminal relocation; encouraging actual and potential competition; impact on the National Airspace System; reducing emissions; reducing noise impact to the surrounding community; reducing dependence on the electrical grid; and providing general benefits to the surrounding community. The information FAA is collecting will include general airport information, a project overview, and narratives on project consideration areas as outlined in the IIJA. Airport owners and managers who want to pursue funding and obtain benefits from the IIJA Programs will submit information via FAA Form 5100–144 to compete for grants. Approximately 3,075 airports are eligible to compete for this funding, but, based on previous-year submissions, the FAA expects only a small subset of eligible airports to submit project information through this competitive grant process.

**Respondents:** Approximately 655 airports.

**Frequency:** Annually.

**Estimated Average Burden per**

**Response:** 6 hours.

**Estimated Total Annual Burden:** 3,930 hours for all respondents.

Issued in Washington, DC, on August 11, 2025.

**Jesse Carriger,**

Acting Director, Office of Airport Planning and Programming.

[FR Doc. 2025–15333 Filed 8–12–25; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No.: FHWA–2025–0010]

RIN 2125–ZA30

#### National Electric Vehicle Infrastructure Formula Program Guidance

**AGENCY:** Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

**ACTION:** Notice; Request for comments.

**SUMMARY:** This notice announces the availability of FHWA’s revised National Electric Vehicle Infrastructure (NEVI) Formula Program Interim Final Guidance. This Interim Final Guidance updates the existing NEVI Formula Program Guidance to align with clear and express statutory language in order to streamline and provide flexibility for implementation of the program. This Interim Final Guidance is effective immediately while FHWA seeks

<sup>72</sup> 15 U.S.C. 78s(b).

<sup>73</sup> 17 CFR 200.30–3(a)(12) and 17 CFR 200.30(a)(76).



comment on what further changes may be appropriate.

**DATES:** This Interim Final Guidance document is effective on August 13, 2025. Comments must be received on or before August 27, 2025. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** To ensure that you do not duplicate your docket submissions, please submit comments by only one of the following means:

- **Federal eRulemaking Portal:** [www.regulations.gov](http://www.regulations.gov). This website allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.
- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.
- **Hand Delivery:** U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590 between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The telephone number is (202) 366-9329.
- **Instructions:** You should identify the agency name and the docket number at the beginning of your comments. Late comments will be considered to the extent practicable. Note that all comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gary Jensen, Office of Natural Environment, (202) 763-4330, [gary.jensen@dot.gov](mailto:gary.jensen@dot.gov), or Ms. Dawn Horan, Office of Chief Counsel, (202) 366-9615, [Dawn.m.Horan@dot.gov](mailto:Dawn.m.Horan@dot.gov). Office hours are from 9:00 a.m. to 5:00 p.m., ET, Monday through Friday, except Federal holidays.

#### **SUPPLEMENTARY INFORMATION:**

##### **Electronic Access**

A copy of the Guidance is available for download and public inspection through [www.regulations.gov](http://www.regulations.gov) using the docket number listed above. Electronic retrieval assistance and guidelines are also available at [www.regulations.gov](http://www.regulations.gov). An electronic copy of this document also may be downloaded from the Office of the Federal Register's website at: [www.FederalRegister.gov](http://www.FederalRegister.gov) and the U.S. Government Publishing Office's website at: [www.GovInfo.gov](http://www.GovInfo.gov).

##### **Background**

The Infrastructure Investment and Jobs Act (IIJA), Public Law 117-58,

established the NEVI Formula Program. The Program was authorized under paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of the IIJA.

The Program provides \$5 billion of funding to States to deploy electric vehicle (EV) charging infrastructure and establish an interconnected network to facilitate data collection, access, and reliability. Initially, funding under the Program is directed to infrastructure acquired or installed along designated electric vehicle (EV) Alternative Fuel Corridors (AFCs). When the State determines and the Secretary certifies that AFCs in a State are fully built out, funding may be used for EV charging infrastructure on any public road or in other publicly accessible locations.

Since the passage of the IIJA, FHWA has issued a number of guidance documents to implement the NEVI Formula, including but not limited to:

- December 11, 2024, Build Out Certification—NEVI Formula Program Guidance
- June 11, 2024, NEVI Formula Program Guidance
- February 27, 2024, Method for Submitting Electric Vehicle Charger Data under 23 CFR 680.112
- State EV Deployment Plan Exception Requests
- State Plan/State Plan Update for EV Infrastructure Deployment Template

Consistent with President Trump's commitment to ending unlawful, unnecessary, and onerous requirements, FHWA is reviewing its existing regulations and guidance documents for alignment with law and Administration priorities. This Interim Final Guidance aligns with Executive Order 14154 "Unleashing American Energy," to eliminate previous mandates for EV charging infrastructure and potential burdens. In addition, per the January 29, 2025, memorandum from the Secretary of Transportation on the Implementation of Executive Orders Addressing Energy, Climate Change, Diversity, and Gender, this Guidance rescinds previous guidance and policy that is not required by clear and express statutory language. FHWA believes that this Interim Final Guidance provides flexibility to the States for implementation of the program.

##### **Summary of Changes**

FHWA made several changes to the previously released NEVI guidance document dated June 11, 2024. Changes include, but are not limited to:

- Minimizing the content required in State plans to statutory and regulatory requirements.

- Simplifying the plan approval process.

- Aligning community engagement requirements with regulatory requirements and reducing the consultation requirements to advance projects.

- Providing States with the flexibility to determine the appropriate distance between stations along alternative fuel corridors to allow for reasonable travel.

- Minimizing requirements for States to consider electric grid integration, renewable energy, and alignment with electric distribution interconnection processes, except where required by regulation.

- Encouraging selection of charging locations where the charging station owners are also the site host to accelerate project delivery.

- Eliminating requirements for States to address consumer protections, emergency evacuation plans, environmental siting, resilience and terrain considerations.

- Providing States with more flexibility in determining when their system is built out allowing NEVI funds to be used on public roads statewide.

##### **Request for Comments**

Although the Interim Final Guidance is effective immediately, FHWA invites comments on this Guidance, which is available in the docket for this notice. FHWA will consider substantive comments received on the Interim Final Guidance and will consider whether any further changes are needed based on comments received.

**Authority:** Public Law 117-58, title VIII of division J.

**Gloria M. Shepherd,**

*Executive Director, Federal Highway Administration.*

[FR Doc. 2025-15370 Filed 8-12-25; 8:45 am]

**BILLING CODE 4910-22-P**

#### **DEPARTMENT OF TRANSPORTATION**

##### **National Highway Traffic Safety Administration**

[Docket No. NHTSA-2025-0025]

##### **Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; Investigation-Based Crash Data Studies**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice and request for comments on an extension with

## UBER SUED BY DOJ

Friday, September 12, 2025

The federal government Thursday hauled Uber Technologies Inc. into a federal court in San Francisco, accusing the transportation company of discriminating against riders with disabilities, including by allegedly refusing service to individuals traveling with service animals or using stowable wheelchairs.

The government claims in a new complaint that Uber violates the Americans with Disabilities Act by also charging cleaning fees related to service animals, as well as cancellation fees to riders whose hailed drivers refused to drive them.

Uber has also allegedly refused to modify policies, practices or procedures as necessary despite its drivers refusing "reasonable requests such as letting passengers with mobility impairments sit in the front seat when necessary," the government asserts.

"Despite the importance of its services to people with disabilities, Uber denies people with disabilities full and equal enjoyment of its services in several critical ways," the government argues.

Among the relief the government is seeking is a judgment declaring Uber's alleged actions to be in violation of Title III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability by public accommodations and in commercial facilities.

It also seeks monetary damages to anyone aggrieved by Uber's alleged actions, a civil penalty against the San Francisco-based company and an order for the company to modify its policies and practices.

Uber, the government notes, is the largest ride-hailing company in the United States and one that has partnered with roughly two dozen local governments to provide publicly funded paratransit services for passengers with disabilities.

It says many people with disabilities rely on Uber's services, including for traveling to work, medical appointments and religious services.

Yet Uber "denies service to hundreds, and potentially even thousands, of individuals with disabilities who travel with service animals, who use wheelchairs or other mobility devices, or whose appearance or involuntary behavior because of their disabilities may offend, annoy, or inconvenience drivers," the government contends.

The government says Uber receives thousands of complaints every year, accusing it of disability-based discrimination.

The complaint cites several individuals who are blind or have other disabilities and who rely on guide and service dogs or other assistance.

One San Francisco resident was said in the complaint to typically add 30 minutes to his expected travel time in case he gets denied a ride because of his dog. In one instance described in the complaint, an Uber driver had acknowledged the individual during pickup and looked directly at him and his guide dog. The driver, however, drove away "seconds later," according to the complaint.

In Las Vegas, an Uber driver allegedly rolled her window down when picking up an individual with a neurological condition that substantially limited his gait and speech and said she couldn't take him because she thought something might happen to him during the ride, according to the complaint.

The government says that as the driver began to drive away, the would-be passenger "tried his best to hurry after her, begging her multiple times to stop and not to leave."

"The driver left anyway," the government adds.

Another rider, a 7-year-old amputee in New York, was also denied a ride after a driver claimed he could not fit the child's wheelchair in his SUV, according to the government's suit. It says the child and his mother later saw the driver pick up another group and store a "large double wagon without issue."

The government says Uber is aware of disability-based discrimination throughout its transportation services but has failed to do anything about it.



"Uber does not adequately train its drivers and customer service representatives about their ADA obligations; monitor its drivers to prevent discrimination; or provide meaningful relief to people it has discriminated against," the government asserts.

Uber had launched a voluntary self-identification feature that lets drivers know that a rider will be traveling with a service animal, according to the government's complaint.

"Notwithstanding this measure, Uber has continued to discriminate against riders who use service animals," it says.

Uber had previously agreed to a \$2.2 million settlement in 2022 to resolve the government's claims that wait time fees the company imposed discriminated against disabled passengers who take more time to board a vehicle.

Uber told Law360 Thursday that the company has a "clear zero-tolerance policy for confirmed service denials, and we fundamentally disagree with the [U.S. Department of Justice's] allegations."

A service animal and assistive device policy on its website states that Uber prohibits drivers who use the Uber Drive App from denying service due to a rider's service animal or due to a rider with a disability who can't get into a vehicle on their own and requires assistance with stowing assistive devices. It says riders with service animals are also not required to pay cleaning fees for hair or shedding.

"Riders who use guide dogs or other assistive devices deserve a safe, respectful, and welcoming experience on Uber — full stop," Uber told Law360.

The company also said all of its drivers are required to acknowledge and agree to its service animal policy and all applicable accessibility laws before using the driver app.

It said it also regularly reminds drivers of their obligations.

"When we confirm a violation, we take decisive action, including permanent account deactivation," Uber said, adding that it also has a 24/7 service animal denial hotline.

The government is represented by Craig H. Missakian, Michael A. Keough, Harmeet K. Dhillon, R. Jonas A. Geissler, Kevin J. Kijewski, Jane E. Andersen and Katherine Dutcher of the U.S. Department of Justice.

Counsel information for Uber was not immediately available.

The case is U.S. v. Uber Technologies Inc., case number 3:25-cv-07731, in the U.S. District Court for the Northern District of California.

--Additional reporting by Bonnie Eslinger. Editing by Kristen Becker.

**Proposal Number: 011**

# 2025 Honolulu Charter Amendment Proposal – Public Submission Form

Mahalo for participating in the 2025 Honolulu Charter Commission review process.

This form is intended for community members and organizations to submit proposed amendments to the Honolulu City Charter. You must have a Google account to access this form. Please use the PDF version of this form available on our website and submit your proposal via email to [cclcharter@honolulu.gov](mailto:cclcharter@honolulu.gov)

For more information about the Charter Amendment process, visit:

<http://www.honolulucitycouncil.org/charter-commission>.

## Proposal Submission Period

The Honolulu Charter Commission is accepting Charter amendment proposals from **August 4 to November 7, 2025**. All proposals must be received by **5:00 PM HST on Friday, November 7, 2025** to be considered for inclusion on the 2026 general elections ballot.

We encourage early submissions so the Commission has sufficient time to review and follow up as needed.

If you're unsure whether your issue belongs in the Charter, you're still welcome to submit or reach out with questions. [cclcharter@honolulu.gov](mailto:cclcharter@honolulu.gov) | [\(808\) 768-5197](tel:8087685197)

*Pursuant to Hawai'i Revised Statutes (HRS) Chapter 92 (Public Agency Meetings and Records) and Chapter 92F (Uniform Information Practices Act), all proposals submitted to the Charter Commission are considered public records. Subject to HRS § 92F-13, submissions may be posted online, included in meeting materials, and otherwise made available for public inspection. By submitting this form, you acknowledge that your submission will be publicly accessible.*

## Section 1: About You

**Name of Individual or Organization Submitting Proposal \***

Mike Wallerstein

## Tell Us About Yourself or Your Organization (Optional)

*What is your connection to this issue or to the O'ahu community?*

- ☒ Resident of O'ahu
- ☐ Business owner
- ☐ Nonprofit representative
- ☐ Member of a community group or advocacy organization
- ☐ Other: .....

## Section 2: Your Proposal

### What Issue or Concern Are You Trying to Address? \*

*Please describe the specific challenge, gap, or problem that you believe should be addressed through a Charter amendment.*

I'm a Palolo resident who walks in the neighborhood every day. Main roads have sidewalks but there are lots of streets that don't. I believe every resident should have access to safe and accessible walking routes, especially our keiki (children) and kūpuna (elderly). Many sidewalks across O'ahu are narrow, uneven, or missing altogether. This creates safety risks for children walking to school, kūpuna seeking exercise, and people with disabilities. Without safe and continuous sidewalks, Honolulu residents are discouraged from walking, which increases car dependency and limits access to outdoor spaces.

.....

## What section of the Charter does your proposal relate to (if known)?

*The City Charter can be found through this [link](#).*

The Department of Transportation Services (DTS) is responsible for planning and maintaining the City's transportation system. The Charter already includes a policy for a "pedestrian- and bicycle-friendly city" (Section 6-1706). However, the Charter does not explicitly require the expansion and improvement of sidewalks, leaving this critical aspect of public safety and accessibility under-prioritized.

## Current Charter Language (if relevant):

*Paste an excerpt or describe briefly.*

• Charter Section(s) Affected (if known):  
Article VI, Chapter 17, Section 6-1706 ("Pedestrian and Bicycle Friendly City").

## Proposed Change:

\*

*Describe the change you are proposing.*

Amend Section 6-1706 to add the following:

"The City and County of Honolulu shall prioritize the expansion, repair, and improvement of sidewalks and crosswalks across O'ahu to ensure that children, kūpuna, and residents of all abilities can safely enjoy the outdoors, access essential services, and travel within their communities."

## Rationale and Intended Impact:

\*

*Explain what you hope this amendment will accomplish.*

This amendment ensures that sidewalk and crosswalk improvements are treated as a core city responsibility. It promotes public safety, accessibility for persons with disabilities, and supports healthy, active lifestyles. It also aligns Honolulu with best practices for sustainable, walkable cities, reducing reliance on automobiles and supporting climate goals.

### Charter Alignment Checklist (Optional)

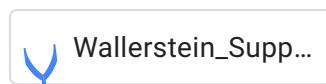
*Check all that apply.*

- ☒ Clarifies or improves accountability or transparency
- ☐ Aligns with legal or constitutional requirements
- ☒ Improves delivery of public services
- ☐ Requires structural or governance-level change
- ☐ Cannot be achieved through ordinary legislation
- ☒ Anticipates a future need
- ☐ Cost savings
- ☒ Other: Aligns with climate goals, equity

### **Section 3: Supporting Materials (Optional)**

**Upload any documents or materials that help support your proposal (Optional):**

*Word doc, PDF, and images are acceptable files.*



### **Section 4: Contact Information**

This will be used only to follow up if needed.

Name

Mike Wallerstein

E-Mail

mike.wallerstein@gmail.com

Phone (optional)

617-378-8457

Zip Code

96816

### **Next Steps & Guidance**

The Charter Commission will review submissions and may invite you to share more about your idea at a public meeting. If you're unsure whether your issue belongs in the Charter review process, you can still submit this form, or contact us with questions. Please check our website regularly for information on community meetings and other updates. Mahalo nui for your submission!

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