

# TRANSPORTATION COMMITTEE 1/23/26

## LIST OF BOARD PACKET DOCUMENTS

1. Transportation Committee Agenda for 1/23/26.
2. Transportation Committee Draft Minutes for 11/17/25.
3. Responses from County of Hawaii regarding public transit programs.
4. Summary of letter sent to DCAB regarding Paratransit issues in the County of Maui.
5. County of Hawaii Press release – Hawaii County Expands Transit Fleet.
6. Federal Transit Administration ADA Complementary Paratransit Specialized Review of The City and County of Honolulu (2025).
7. Civil Beat Article – Oahu Needs Sidewalks. Should the County be Required to Build Them?
8. DCAB Guiding Principles on the Mobility and Safety of Pedestrians with Disabilities.
9. Hawaii News Now article – Rail construction costs accessibility business hundreds of thousands.
10. DCAB letter to Mayor Rick Blangiardi requesting the City and County of Honolulu provide additional accessible spaces at City facilities.



# DISABILITY AND COMMUNICATION ACCESS BOARD

Ka 'Oihana Ho'oka'a'ike no ka Po'e Kīnānā

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

January 23, 2026

1:30 p.m.

The public is welcome to participate as follows:

### **Physical Meeting Location**

Kamamalu Building  
1010 Richards Street, Room 111A and 111B  
Honolulu, HI 96813

### **Participate Virtually via Zoom**

Click on the link below or copy and paste it into your browser window:

<https://us02web.zoom.us/j/89776562845> and enter Meeting ID: 897 7656 2845

### **To join by phone**

Dial 1 669 900 6833 and enter Meeting ID: 897 7656 2845

One tap mobile: +17193594580,,89776562845# US

### **HOW TO TESTIFY:**

**Written testimony** – There is no deadline for submission of testimony, however, to ensure the public as well as Committee members are able to review testimony prior to the meeting, we request written testimony be submitted no later than 9:00 a.m. one business day prior to the scheduled meeting date and time.

- **To Submit by Email:** Email the Standing Committee on Transportation at [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov). Please include TESTIMONY in the subject line.
- **To Submit by U.S. Postal Mail or Hand-Delivery:**

Attention: Standing Committee on Transportation – Testimony  
Disability and Communication Access Board  
1010 Richards Street, Room 118  
Honolulu, Hawaii, 96813

- **To Submit via facsimile:** (808) 586-8129.

**Oral testimony** will be accepted via the remote testimony link or in-person at 1010 Richards Street, Room 111A and 111B, Honolulu, Hawaii, 96813.

Testimony or comments presented by members of the public during the Committee meetings shall be limited to three (3) minutes per agenda item. In compliance with the Americans with Disabilities Act (ADA), 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.

## **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.
- If quorum is not achieved at the beginning of the meeting, the meeting will be cancelled within fifteen (15) minutes after the scheduled start time and update any posted notices or calendar accordingly.
- If a Committee member leaves the meeting permanently at any time, the Committee member shall notify the Chairperson. If this results in a lack of quorum, the meeting will adjourn at that time.
- If a Committee member leaves the meeting temporarily, the Committee member shall notify the Chairperson. If this results in a lack of quorum, the Chair shall call a recess. If the Committee member does not return within ten (10) minutes, the meeting will be adjourned.
- Raise hand to speak unless called upon.
- Identify yourself before speaking however public testifiers may use an alias to maintain anonymity

### **II. Roll Call/Introductions**

### **III. Statement from Public and Written Testimonies Submitted**

### **IV. Approval of Meeting Minutes of November 17, 2025.**

### **V. Old Business**

#### **A. County of Hawaii Paratransit Service – Updates.**

- County of Hawaii Online News Article on “Hawaii County Expands Transit Fleet”

Link to County of Hawaii Online News Article on “Hawaii County Expands Transit Fleet”:

<https://www.hawaiicounty.gov/Home/Components/News/News/4283/720>

(1) Hele-On Shared Ride Program (East Hawaii).

Link to the Hele-On Shared Ride Program.:

<https://www.heleonbus.hawaiicounty.gov/programs/hele-on-shared-ride-taxi-program>

(2) Hele-On Ka Ho’okele Rural Transportation Program.

Link to the Hele-On Ka Ho’okele Rural Transportation Program.:

<https://www.heleonbus.hawaiicounty.gov/programs/hele-on-ka-ho-okele-rural-door-to-door-service>

(3) Hele-On Kako’o Paratransit Services.

Link to the Hele-On Kako’o paratransit.:

<https://www.heleonbus.hawaiicounty.gov/programs/hele-on-kako-o-paratransit-services>

B. City and County of Honolulu Bill 054(25), CD1 – Relating to Public Transit.- Update.

Summary: Amends certain provisions of Revised Ordinance of Honolulu (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; and establishes a combined reduced fare category for the following passengers: Senior Citizens, Persons with a 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 Department of Transportation Services (DTS) to establish a special event single ride fare for certain special events. Authorizes the DTS to establish a special single ride fare for transportation to and from the Daniel K. Inouye International Airport. Amends the fare amounts for individuals with extremely low incomes.

Link to the City and County of Honolulu Bill 054(25), CD1:

<https://hnlldoc.ehawaii.gov/hnlldoc/measure/3424>

VI. Standing Agenda Topics

A. Public Transit and Paratransit

1. City and County of Honolulu's low income rate for fixed route and paratransit.

No update.

2. City and County of Honolulu's Taxi Voucher Program.

No update.

3. Public Concern with Maui Paratransit Service.

Link to the Maui Paratransit Service:

<https://www.mauicounty.gov/607/Maui-Bus-ADA-Paratransit-Program>

4. Review and Discussion of the Federal Transit Administration Americans with Disabilities Act (ADA) Complementary Paratransit Specialized Review of the City and County of Honolulu (2025).

B. Streets and Highways

No update.

C. Pedestrian Mobility and Built Environment

DCAB Guiding Principles on the Mobility and Safety of Pedestrians with Disabilities can be found at the link below:

<https://health.hawaii.gov/dcab/files/2023/04/DCAB-Guiding-principles-on-mobility-and-safety-of-pedestrians-with-disabilities-rev-2.06.25.1.pdf>

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

Link to the Civil Beat Online Article on "Oahu Needs Sidewalks. Should The County Be Required to Build Them?"

<https://www.civilbeat.org/2026/01/oahu-needs-sidewalks-county-required-to-build-them/>

2. Review and Discussion of the concerns with Honolulu's rail construction impact on pedestrian walkways along Dillingham Boulevard.

Link to the Hawaii News Now Online Article on “Rail construction costs accessibility business hundreds of thousands”

<https://www.hawaiinewsnow.com/2025/12/06/rail-construction-costs-accessibility-business-hundreds-thousands/>

D. Air Transportation/Airports

1. DCAB’s request for the Hawaii Department of Transportation to form an advisory committee for travelers with disabilities – Update.

E. Water Transportation and Harbors

No update.

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

VIII. Next Meeting

IX. Adjournment

**HOW TO REQUEST ACCOMMODATION:**

If you need an auxiliary aid/service or other accommodation due to disability, contact Cindy Omura or Scott Castor at (808) 586-8121 or [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov). Requests made as early as possible will allow more time to fulfill your request if possible.

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

**MEETING MATERIALS AND OTHER INFORMATION:**

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

If the remote connection (via Zoom) is lost, the meeting will be recessed for up to thirty (30) minutes to restore communication. If the connection is lost, we will attempt to restart the meeting again with the same link. If the Committee is unable to reconvene the meeting because neither audiovisual communication nor audio communication can be reestablished within thirty (30) minutes, the meeting will be automatically terminated.

If you have trouble entering the meeting, please contact Cindy Omura or Scott Castor at (808) 586-8121.



## DISABILITY AND COMMUNICATION ACCESS BOARD

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### DRAFT MINUTES

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

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

Date: November 17, 2025

Time: 11:00 a.m.

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

PUBLIC

PARTICIPANTS: Anna Lopez Asuncion, Ryan Tamashiro

SIGN LANGUAGE

INTERPRETERS: Jenny Blake and Regina Sapko

- I. Chairperson Violet Horvath called the meeting to order at 11:02 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 September 8, 2025 meeting minutes (M/S/P Spinola-Campbell/Ohta).
- V. Review of DCAB Legislative Position Statements for Transportation and Mobility Related Bills and Resolutions

The Committee reviewed the position statements adopted by the Legislative Committee and did not have any suggested amendments to them.

#### VI. 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.

Staff reported the City and County of Honolulu's Bill 45 (2025) Relating to the City Transit system has 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.
- (3) Hele-On Kako'o paratransit services.

The Committee reviewed responses provided by the Hawaii County's Mass Transit Agency (MTA) about their transit programs. The Committee would like to see the data broken down further, including by month, and asked staff to see if they could find it in the National Transit database. Staff noted that the past several years, bills have been introduced at the Legislature to update the statewide mobility management plan and fund related positions. None of the bills have passed. Perhaps a bill would have an easier time passing if it focused on the counties other than the City and County of Honolulu, which does not have the same gaps in service as Hawaii County. Committee member Charlotte Townsend mentioned she was part of the original group that drafted the mobility management plan, and it was heavily focused on Oahu to the detriment of other counties. The Committee agreed to ask MTA to present at a future meeting next summer.

C. Richards Street Bike Lane and Loading Zone

Staff reported that the City and County of Honolulu removed two (2) metered parking spaces in front of the Kamamalu Building and the entire curb along Richards Street is now a loading zone.

D. United States Department of Transportation Final Rule – Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchairs – Delayed Enforcement.

Staff reported that the United States Department of Justice has announced they will delay enforcement of the new regulations until December 31, 2026, while they pursue rulemaking to amend or repeal the regulations. The Board has authorized staff to submit testimony in opposition to any proposal to repeal something the Board had supported. Committee member Charlotte Townsend mentioned its unconscionable the federal government is viewing this as a cost of business issue and not a civil rights issue.

VII. Standing Agenda Topics

A. Public Transit and Paratransit

City and County of Honolulu Bill 54 (2025) – Relating to Public Transit.

Staff reported that Bill 54 (2025) which proposed changes to the City and County of Honolulu's public transit and paratransit fares has been deferred. Disability advocates were concerned that the bill proposed to eliminate fare waivers for Personal Care Attendants (PCA) on fixed route vehicles. The City and County of Honolulu's Department of Transportation Services (DTS) indicated they were worried about PCA fraud, but did not state how many PCAs ride public transit on an average day or what the estimated rate of fraud is.

#### City and County of Honolulu Auditor's February 2025 Report on Rail (Skyline) Operations.

Staff reported that the audit had a chapter dedicated to accessibility issues around and inside the transit stations. DTS responded to the audit and pointed out they do not control the land around the rail stations. Committee member Charlotte Townsend commented there is some discussion among Skyline riders with disabilities of filing a class action lawsuit relating to this issue. Staff added that the Pearl Highlands station has a ramp which appears to not comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). The most concerning conclusion by the auditor is that the City and County of Honolulu has done very little outreach to the disability community when it comes to the planning and operational design of rail and rail stations.

#### Response from the City and County of Honolulu – Restrooms at Rail (Skyline) Stations.

Staff shared responses from DTS concerning the restroom policy at rail stations and the misconception of DTS staff that the ADA was not applicable to these as they are designated as private employee restrooms. Staff pointed out to DTS that the ADA covers employee restrooms, and as their official policy is to let riders use these employee restrooms upon request, they are considered a government program or activity. DTS confirmed in their response that "Our overall policy remains that restrooms at Skyline stations are available for urgent use by all passengers."

### **B. Street and Highways**

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

Staff noted observations of the federal government to be attempting to roll back protections for people with disabilities in most areas, except for Uber where they are aggressively pursuing them for alleged ADA violations. ADA compliance is an ongoing challenge for ride share companies as they have a higher turnover rate of independent contractors and vehicles than a taxi company which has employees, but it is something they must address.

### **C. Pedestrian Mobility and Built Environment**

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

Staff reported there are several proposals submitted to the City and County of Honolulu Charter Commission that seek to improve or increase the amount of accessible sidewalks island wide. Staff will track which proposals survive the Commission's first round of cuts and submit testimony on any that advance.

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

VIII. The next meeting will be Monday, January 12, 2026, at 11:00 a.m.

IX. The meeting adjourned at 12:01 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

BRYAN K. MICK

**SHARED RIDE TAXI PROGRAM**  
**FISCAL YEAR 2024 - 2025**

	July	August	September	October	November	December	January	February	March	April	May	June	TOTAL
Daniels	2,284	2,622	2,836	3,197	2,681	2,672	2,669	2,539	2,645	2,629	2,571	2,411	31,756
Kwiki	1,609	1,762	1,470	1,611	1,296	1,319	1,565	1,744	1,742	1,760	1,774	1,587	19,239
Marhysa	1,526	1,558	1,464	1,653	1,560	1,470	1,532	1,379	1,444	1,421	1,535	1,339	17,881
<b>TOTAL</b>	5,419	5,942	5,770	6,461	5,537	5,461	5,766	5,662	5,831	5,810	5,880	5,337	68,876

The County of Hawaii Mass Transit Agency is not required to report monthly ridership data to the NTD as a Reduced Reporter. A Reduce Reporter is an urban transit system operating 30 or fewer vehicles in maximum services or for Rural Transit Systems (e.g., State DOT's and Tribal Transit Programs). FTA collects monthly transit service data from Full Urban Reporters only (agencies with over 30 vehicles operated in maximum service or modes operating over fixed guideway). The 2025 Annual NTD report has not been posted, and all demand response services are compiled into an annual total for the report.

## Summary of Handwritten letter Dated December 5, 2025, addressed to DCAB Executive Director

Regarding: Paratransit issues in Maui County

Summary: The writer relays several incidents they have had while trying to utilize the Maui County Paratransit Service, which is run by the Maui Economic Opportunity, Inc. (MEO).

They once requested a 1:00 pm arrival time for a 2:00 pm appointment. They scheduled the ride for 7:00 a.m. they ended up paying for Lyft.

On another day, they asked for an 11:00 am arrival time for a 12:15 pm class. While waiting for the pick up, the app informed the rider, with no phone call or no consent by them, that they had been assigned a new vehicle that would not pick them up until 12:30 pm. They were unable to reach anyone my phone and had to leave a voicemail. The app then changed the pickup time to be 1:00 p.m., with a return ride starting at 1:20 pm. The app reported them as a no show.

This happened again on another day, thought they were able to reach a live person. That person told them “we are short drivers” and they don’t know how to improve things.

They would like help resolving the issue.

## **Hawai'i County Expands Transit Fleet**

Post Date:11/19/2025 4:06 PM

The County of Hawai'i recently held a blessing ceremony for nine new Paratransit vans serving people with disabilities and four all-electric buses.

The Paratransit vehicles include two six-passenger vans and seven eight-passenger vans, each with wheelchair accessibility. With these new vehicles, the County's Mass Transit Agency has 16 vehicles in its Paratransit fleet, helping to increase on-time performance and reliability for users.

"It is quite remarkable that we can more than double the size of our Paratransit fleet," said Mayor Kimo Alameda. "Everyone needs access to transportation, and we are excited to be able to improve services for our disabled residents on these routes."

The Paratransit service is provided up to 1 mile of fixed routes in Hilo, Kona, and Puna.

"We are very pleased to add these new vehicles to our fleet," said Mass Transit Administrator Zachary Bergum. "These new all-electric buses mark an important step toward reducing our emissions, and as Paratransit ridership continues to increase, these vans will ensure that we meet demand for this critical service."

See available Paratransit routes, days and times below:

### **Hilo**

- Within 1 mile of Routes 101, 102, 103, 104
- Monday-Saturday: 6 a.m.-8 p.m.
- Sundays: 9:15 a.m.-6 p.m.

### **Kona**

- Within 1 mile of Routes 201, 202, 203, 204
- Daily: 6 a.m.-10 p.m.

### **Puna**

- Within 1 mile of Routes 40, 401, 402
- Monday-Friday: 5 a.m.-10:30 p.m.
- Saturday-Sunday: 6:30 a.m.-9:30 p.m.

### **About Paratransit**

Paratransit is a shared ride, advance reservation, origin-to-destination transportation service for people with disabilities who are unable to use the fixed route bus. For more information, call 808-204-6467 or

visit: [www.heleonbus.hawaiicounty.gov/programs/hele-on-kako-o-paratransit-services](http://www.heleonbus.hawaiicounty.gov/programs/hele-on-kako-o-paratransit-services).



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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## 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 Determination Considerations	27.1	Eligibility criteria deficiencies

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:



- 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

Last Name	First Name	Organization	Email Address
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
Lemaoto	Jenny	OTS	jenny.lemaota@thebus.org



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
Vosgueritchian	Karin	FTA TCR	karin.vosgueritchian@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 <i>VIII. Findings</i>	
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	Question(s) FTA contractors answered in order to make a determination about a recipient's adherence to the basic requirement. Indicators identified specific issues that led to findings of deficiency.
Finding	Specific discussion on each finding of deficiency, which includes a detailed discussion on the facts collected or observed during the review and a conclusion based on these facts that supports the conclusion of deficiency.
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 it otherwise had the right to refuse.

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### 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.

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### 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.

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### 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.

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**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.

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**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.

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**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.

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**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.

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**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.



## 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.

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### 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.



- (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.
- 

#### 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.

---

#### 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.

---

**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" × 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 × 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).



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.

**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.

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**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.

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**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.

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**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



- 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



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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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### 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.

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### 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.

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**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.

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**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.

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**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.



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**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.

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**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.

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**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.

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**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"/>	<p>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.</p> <p>2. The recipient must submit to TCR documentation that it has implemented the revised policies governing travel by unaccompanied children.</p>	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"/>		

## O'ahu Needs Sidewalks. Should The County Be Required To Build Them?

Two Honolulu charter amendment proposals this year aim to enshrine sidewalk construction as a core local government responsibility.

By [Ben Angarone](#) / January 2, 2026

In 2006, when longtime Sierra Club volunteer Randy Ching proposed amending the Honolulu City Charter to “make Honolulu a pedestrian- and bike-friendly city,” more than 72% of voters approved the amendment.

The city still hasn't hit that mark almost two decades later. More than 25 pedestrians and bicyclists have been killed on O'ahu streets this year alone, on par with the tally from the year voters passed Ching's amendment.

And despite repeated commitments to build sidewalks, the city still lacks about 900 miles of sidewalk along its roads, which it estimated in its 2022 [O'ahu Pedestrian Plan](#) would cost over \$2.6 billion to rectify.

Hanging around politicians as much as he did back then, Ching said, “you become extremely cynical about everything.” So he's not surprised that pedestrians and bicyclists keep dying on the roads in spite of the charter amendment's promise.



Caption: While some parts of 'Ewa Beach boast wide sidewalks, pedestrians are forced to walk along the street in older sections. (Kevin Fujii/Civil Beat/2025)

“I didn't expect anything, to be honest. I really didn't,” he said. “It's like, I knew what I was up against ... I wasn't disappointed.”

Now, as the city proceeds with another once-in-a-decade solicitation for amendments to Honolulu's guiding document, some residents are pushing for stronger language, including proposing to enshrine sidewalk construction as a city responsibility. They hope to protect the most vulnerable users of public thoroughfares.

### Lack Of Sidewalks

Mike Wallerstein is one of those residents.

Wallerstein lives in Pālolo and used to ride his bike to work downtown, about 5 miles away. When his office went remote during the pandemic, he replaced his bike rides with walks around the neighborhood.

"That's when I became aware that — acutely aware that — there were sidewalks in some places and not in others," he said. "And it was dangerous in the places where there weren't sidewalks."

O'ahu residents have been noticing and commenting on this for decades.

"There aren't enough sidewalks," Honolulu Star-Bulletin journalist Cornelius Downes wrote in his first article of a 1964 series on sidewalks. "Some that do exist are in poor condition."

Those problems persist today. Wallerstein's proposal calls for the city to prioritize the expansion, repair and improvement of sidewalks and crosswalks.

Commissioners who will decide which proposals make it to the ballot next year advanced his submission to the next round of discussion, alongside other submissions related to pedestrian and bicyclist safety. The first round was based solely on whether submissions were complete and appropriate for the charter.



Caption: Residents of an 'Ewa Beach neighborhood park their vehicles, recycling and compost bins where sidewalks are usually placed. (Kevin Fujii/Civil Beat/2025)

“Many sidewalks across O’ahu are narrow, uneven, or missing altogether,” Wallerstein says in his proposal submission form. “This creates safety risks for children walking to school, kūpuna seeking exercise, and people with disabilities.”

One example: In February, a 90-year-old woman walking through a Kahuku neighborhood was hit by a car and killed. While the Honolulu Police Department’s report says [she was attempting to cross the street outside a marked crosswalk](#), the neighborhood lacks not just sidewalks but crosswalks, giving residents no safe option.

Meanwhile, the city has been removing dozens of crosswalks from wide and fast roads that officials say are too dangerous for pedestrians to cross. A handful of pedestrians killed in 2025 were hit while in marked crosswalks, and officials hope the removals encourage people to cross in safer spots.

Sometimes, however, those safer crossings are far away, and signage left behind makes it unclear the previous crosswalk has been deleted. That was the case in two collisions along Kapi’olani Boulevard, where the city removed marked crosswalks but left up bright signs that communicated the spots were still safe places to cross.

A woman struck by a car while crossing the boulevard at Pa’ani Street won [an \\$85,000 settlement](#) from the city in October. The next month, the council approved [a \\$300,000 settlement](#) for a different lawsuit — this one filed by a mother whose son was hit at the same location.



Caption: Crosswalk signage still existed along Kapi’olani Boulevard near Pa’ani Street intersection as of 2019, which lawsuits say invited pedestrians to cross without adequate protection against cars. (Cory Lum/Civil Beat/2019)

“Walking is the most accessible exercise that I can think of,” Wallerstein said. “You don’t need anything really but shoes, maybe not even that. And I think everybody should be able to do it, and be able to do it safely, wherever they are.”

### Slow To Fill In The Gaps

Renee Espiau, who leads the city’s Complete Streets program, said sidewalk construction in Honolulu lagged for decades.

Developers were required to include sidewalks in residential subdivisions starting in 1962. But to fill in the gaps in older neighborhoods, the city would step in only after residents agreed to foot half the bill through improvement districts.

Many residents didn’t see the value in paying for sidewalk improvements, especially given the more urban aesthetic sidewalks bring. One oft-cited example occurred in 1928, when about 300 Mānoa residents signed a petition protesting sidewalk construction in their neighborhood. Almost a century later, large areas of Mānoa remain sidewalk-free.

As construction grew more expensive, the prospect of convincing residents to chip in to pay for sidewalks in their neighborhoods became a harder and harder sell. Without that approval, the city couldn’t build sidewalks.

“There was — I don’t know — a few decades of time, where the city really wasn’t building public sidewalks because the improvement districts were just not happening,” Espiau said. “The communities were not approving them.”



Caption: Large areas of verdant Mānoa still lack sidewalks almost a century after residents petitioned the city not to install them. (Ben Angarone/Civil Beat/2022)

That became a major hurdle for city officials who assumed improvement districts were the only legal way for them to build new sidewalks. In the end, they found a workaround. About a decade ago, Espiau said, council members changed that part of the law to give the city more flexibility in building sidewalks.

With the combination of clearer authority, an infusion of federal money from the 2021 Bipartisan Infrastructure Law and clearer direction of which sidewalks to prioritize in the city's 2022 Pedestrian Plan, Espiau said the city has started a sidewalk construction program. It now is working to construct sidewalks in six areas: Kalihi, Wahiawā, Wai'anae, Waipahu, and two areas in Mō'ili'ili.

Improvements will be slow. At a September community meeting in Wahiawā, Espiau told a resident who asked about the timeline that constructing sidewalks along the neighborhood's main drag would take about six or seven years.

"Well that's a shame," the resident said.

### Interim Solutions

How much does a sidewalk cost? Espiau said it depends.

Best case scenario — where there's already an elevated area, along with drainage and curbs and gutters, she said — "it was about a million dollars a mile, about five years ago. Before inflation." Planning and design adds about 50% to the cost.

In most of the island's older communities, she said, the cost is closer to \$7 million to \$10 million a mile.

But not every walkway has to be a sidewalk with drainage and curbs and gutters. While the city can't construct substandard sidewalks or bike lanes, it can restrict where cars are allowed to go, informally giving pedestrians places to walk.

Because of limited physical space, Queen Street in Kaka'ako still lacks sidewalks even after the city and state partnered to repave it last summer. Its newly painted bike lanes, however, can double as pedestrian walkways, Espiau said.

"It's not great," she said, "but it's certainly better than it was."

In other areas of the island, the city has installed vertical posts to block off a section of road for pedestrians. In Hale'iwa, the city is working to place curbs along the street to separate pedestrians from cars.



Caption: Pedestrians walk along Kamehameha Highway in Hale'iwa. (Cory Lum/Civil Beat/2022)

As in previous iterations of sidewalk proposals around O'ahu, some residents expressed concerns about aesthetics. But neighborhood board chair Kathleen Pahinui said the project generally has strong community support.

"It's horrible walking through Hale'iwa," she said. "It's not safe. People are almost walking in the street in certain parts." Pahinui said she avoids walking through Hale'iwa down Kamehameha Highway for that reason.

Espiau said the walkway design is nearly final and the project should go to bid in 2026.

"It's not necessarily a forever fix," she said. "But it is going to get people out of the dirt, and out of the mud, and give pedestrians some dignity."



## DISABILITY AND COMMUNICATION ACCESS BOARD

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1010 Richards Street, Room 118 • Honolulu, Hawaii 96813  
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

### DCAB GUIDING PRINCIPLES ON THE MOBILITY AND SAFETY OF PEDESTRIANS WITH DISABILITIES

These guiding principles are to assist DCAB in preparing testimony or offering comments on Federal, State, and county government proposed laws, rules, policies, and procedures. DCAB shall advocate for and promote these principles whenever appropriate.

- 1) Prioritize the safety of pedestrians over the travel times of vehicles.
- 2) Utilize technology to assist with enforcement.
- 3) Utilize the best design guidelines of accessibility, not only the Americans with Disabilities Act Accessibility Guidelines (ADAAG), but also the proposed Public Right of Way Accessibility Guidelines (PROWAG). Incorporate the principles of Universal Design. Implement best practices from other jurisdictions around the world.
- 4) Follow the principles contained in Complete Streets and Vision Zero. Complete Streets is a design focused policy which optimizes streets for all modes of transportation including vehicles, pedestrians, bicyclists, and others. Vision Zero is a set of principles, programs, and policies that aim to reduce pedestrian deaths due to vehicles to zero.
- 5) Increase public outreach and education on pedestrian safety issues and ensure these outreach and education issues are delivered in an accessible format.
- 6) Prioritize the construction or modification of infrastructure to ensure pedestrian safety and accessibility.
- 7) Support regulations that new vehicles are designed to prevent pedestrian collisions or to minimize their impact, including the use of technology such as pedestrian automatic emergency braking.
- 8) Prioritize the safety and security of pedestrians with disabilities during their interactions with others using personal transportation devices such as bikes, e-bikes, scooters, e-scooters, and Segways. This includes but is not limited to the planning and design of transportation systems, the passing of statutes and ordinances, and the enforcement of regulations and laws.
- 9) When accessible routes are changed or removed, such as mid-block crosswalks, ensure that any feature (curb cuts, tactile floor mats, etc.) used to indicate the presence of the accessible route are also altered or removed.

- 10) Ensure that any new modes of transportation do not encroach on the accessibility of existing infrastructure, such as sidewalks, curb ramps, entrances to buildings or sites, or parking meters.
- 11) Proactively ensure pedestrian routes are maintained free of obstacles.
- 12) Adopt zoning and development standards that encourage and promote mixed-use development and pedestrian connections such as sidewalks, accessible crosswalks, etc.
- 13) Recognize that traffic speed is an important element of pedestrian safety. Speed limits should be set and enforced with an emphasis on pedestrian safety, including enhanced penalties for speeding in areas which have designated pedestrian routes.
- 14) Ensure maximum visibility and audibility at pedestrian crossings. Technology installed at pedestrian crossings such as push activated lights utilize technology should provide maximum accessibility for pedestrians with disabilities and others.
- 15) Any task force, committee, working group, etc. which will be discussing pedestrian safety should include members with mobility related disabilities and disabilities that impact wayfinding and navigation.

Adopted by the Board at its General Meeting on July 18, 2019.

Revised by the Board at its General Meeting on February 6, 2025.

## [Rail construction costs accessibility business hundreds of thousands](#)

By Daryl Huff

Published: Dec. 5, 2025 at 5:57 PM HST

HONOLULU (HawaiiNewsNow) - The state's only provider of accessible vehicles for disabled people says rail construction is costing them hundreds of thousands of dollars.

The latest setback came last week when contractors destroyed the sidewalk that people in wheelchairs needed to access Soderholm Bus and Mobility's vehicle display space on Dillingham Boulevard.

The rail authority says the sidewalk is restored daily for use by pedestrians and wheelchairs.

Gus Soderholm showed how the trench that used to be the sidewalk in front of his family business covered with steel plates and wooden planks linked by loose asphalt.

"This is the standard. This is their standard," Soderholm said, pointing to loose asphalt from the makeshift walkway.

The company retrofits minivans for accessibility and is the exclusive distributor of small transit vehicles and Handi-Vans.

Construction has rendered their lot risky for even experienced drivers.

Business loses parking, sales access

The latest work, which Soderholm said came with less than a week's warning, also rendered useless three parking stalls where people with disabilities examine vehicles or equipment they might purchase.

"A vehicle of that nature, we can't show that outside. You can't wheel someone in a wheelchair outside on that street," Soderholm said.

The Honolulu Authority for Rapid Transportation (HART) says it gave adequate notice and took steps to help the business remain open.

Soderholm said the company has lost hundreds of thousands of dollars in sales and service revenue since Dillingham was torn up. They have purchased an alternate site in the neighborhood, but it has taken six years — three of them waiting for permits — to get construction underway at the new site.

He is not sure when his business for the disabled will be accessible to his customers.

“We were told two weeks. It’s been a week. There’s plywood planks farther down Dillingham in front of households, in front of businesses that have been there for over six months. So when they say two weeks, I don’t even know how to react,” Soderholm said.

In a statement, HART said:

“Soderholm was provided approximately three weeks notice that work involving the installation of new conduit, cabling, and associated work in the roadway and sidewalk fronting their property would begin the first week of December. The work was scheduled to occur at night between 7 p.m. and 5 a.m., outside of Soderholm’s regular business hours. No work is done on the Soderholm property or in areas that would disrupt vehicular access to their property. The underground work/trench in front of their property is covered with steel plates and restored to a condition that allows vehicle and pedestrian traffic during the day. HART representatives have met on site with Soderholm representatives to explain the work and schedule.”

HART loses community liaison

Another concern is that former council member Joey Manahan has left HART. For Dillingham businesses, he was the lead contact and advocate.

“Kalihi is open for business,” Manahan said in October 2023.

Honolulu council member Tyler Dos Santos Tam, who has advocated for Dillingham businesses, said HART needs a replacement community liaison soon.

“And so hopefully we can get somebody who’s going to be out there in the community just like he was,” Dos Santos Tam said. “And so between HART, between the contractors and between the businesses, there needs to be constant information about what’s going on, what to expect, so people in the area can plan accordingly.”

HART said, “Public Information staff, in conjunction with Tutor Perini and Nan Inc., continue to provide regular in-person, email and mail outreach and updates to businesses along the alignment. HART is recruiting for Joey’s old position.”

Dos Santos Tam sponsored the city’s Transit Construction Mitigation Fund, but Soderholm is too big a business to qualify.

They expect to leave Dillingham next year.

Business conditions will remain difficult. Once utility work is done, the guideway construction begins and is scheduled until late 2029.

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## DISABILITY AND COMMUNICATION ACCESS BOARD

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1010 Richards Street, Room 118 • Honolulu, Hawaii 96813  
Ph. (808) 586-8121 (V) • TTY (808) 586-8162 • Fax (808) 586-8129

March 15, 2023

The Honorable Rick Blangiardi  
Mayor, City and County of Honolulu  
530 S King Street #300  
Honolulu, Hawaii 96813

Re: Request for increased number of reserved parking spaces for persons with disabilities in City and County parking facilities beyond the minimum Americans with Disabilities Act (ADA) requirements

Dear Mayor Blangiardi:

The Disability and Communication Access Board (DCAB), an agency attached to the Department of Health, administers the statewide program on parking for persons with disabilities, among other things. One of the common complaints DCAB receives from people with disability parking permits is that they are not able to find available accessible parking spaces, especially van accessible spaces that feature a wider access aisle to deploy a wheelchair lift or ramp.

A survey of Hawaii permittees indicated that they had the greatest difficulty finding an available accessible parking space in larger parking facilities. That response was not surprising because the Americans with Disabilities Act (ADA) Standards for Accessible Design formula used to calculate the required minimum number of reserved accessible parking spaces starts at 20 percent for a lot with five total parking spaces and trends down to 2 percent for larger parking lots. For context, more than 100,000 Hawaii residents possess a valid disability parking permit, which means that roughly seven percent of Hawaii's population must compete for a small number of reserved accessible parking spaces. This situation makes it very difficult or impossible for those who require accessible parking to visit or avail themselves of government programs and services.

We therefore request that you consider issuing an administrative directive to create additional reserved accessible parking spaces, including additional van accessible parking spaces, in City and County of Honolulu parking facilities. Enclosed is a suggested chart with a recommended minimum number of parking spaces. Implementation would increase the accessibility to government programs and services for disabled residents.

Please contact me at (808) 586-8121 or [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov) with any questions or concerns. Thank you very much for considering our request.

Sincerely,

KIRBY L. SHAW  
Executive Director

Total Number of Spaces in Parking Facility	Minimum Number of Total Accessible Parking Spaces (Standard + Van Accessible)	Minimum Number of Van Accessible Parking Spaces (one in every three)
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	[1] <u>2</u>
101-150	[5] <u>6</u>	[1] <u>2</u>
151-200	[6] <u>8</u>	[1] <u>3</u>
201-300	[7] <u>12</u>	[2] <u>4</u>
301-400	[8] <u>16</u>	[2] <u>6</u>
401-500	[9] <u>20</u>	[2] <u>7</u>
501-1000	[2%] <u>4</u> % of total	one of every [six] <u>three</u> accessible spaces
1001 and over	[20] <u>40</u> , plus [1] <u>2</u> for each 100, or fraction thereof, over 1000	one of every [six] <u>three</u> accessible spaces

(Current minimum ADA requirements are bracketed, and requested increase of reserved parking spaces for persons with disabilities are underscored.)