



Florida Commission for the Transportation Disadvantaged

Public Workshop:
Americans with Disabilities Act (ADA) Transportation Services
February 25, 2021

Objectives of the Public Workshop

1. Provide an overview of the current eligibility criteria for TD “non-sponsored” services;
2. Understand the implications of ADA complementary paratransit services on the TD Program; and
3. Gather input from stakeholders on services for dual TD-ADA eligible customers.



Meeting Rules

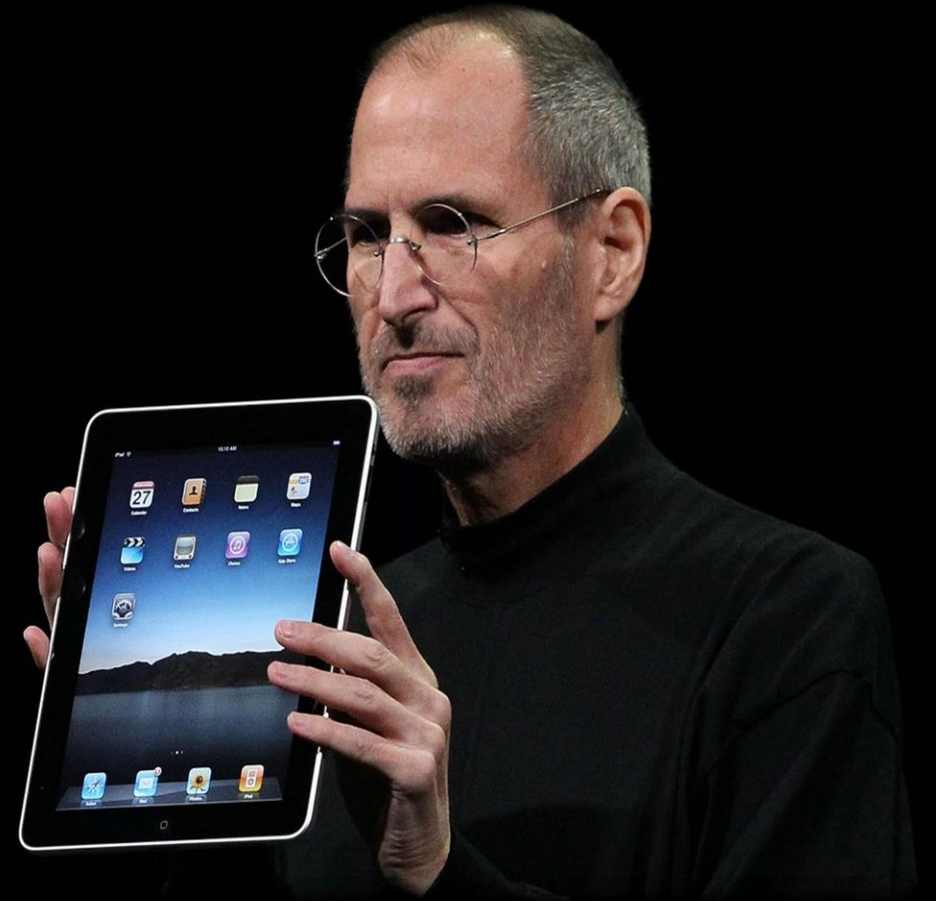
- This is a **public** meeting under Florida's Government in the Sunshine Act.
- This meeting is being recorded.
- All audio and phone lines are muted.
- Speakers that submitted a public comment form will be selected first.
- Webinar speakers will be unmuted when called on by the meeting facilitator.
- Phone participants will be instructed on unmuting their phone lines.
- All speakers during public input will be limited to 5 minutes.



GoToMeeting

Webinar Tutorial

“You’ve got to start with the customer experience and work backwards to the technology. You can’t start with the technology and try to figure out where you are going to try to sell it.”



Steve Jobs



Who Are Our Customers?





Individuals Who...

Are “Transportation Disadvantaged” (TD) due to disability, age or income;

Need access to health care, employment, education, and other activities in their community; and

Have limited transportation options to participate in these activities.

Balancing Customer Needs with Funding Constraints



Questions to Consider for this Presentation...

1. How is the definition of “non-sponsored” applied in determining an individual’s eligibility for TD Funding?
 - Is the definition applied differently to different segments of the TD population (i.e., persons with disabilities, older adults, etc.)?
 - How does this eligibility process differ from determining an individual eligible for ADA complementary paratransit services?
2. Are there underserved populations or geographic areas within or around fixed route service areas that could be better served with TD Funding?
 - How would those communities be impacted if CTD purchased ADA complementary paratransit services?
3. If CTD purchased ADA trips (beyond what is covered for the rider’s fare), what would be the budget impact on the TD Trust Fund?
 - How would the rate of an ADA paratransit trip be determined?



...Questions to Consider for this Presentation

4. How does the coordinated system evaluate a CTC in meeting the needs of the TD Population within its designated service area?
 - Is the service distribution (i.e., coverage) centralized or spread across the service area (county or multi-county area)?
 - What is preferable: increased frequency (i.e., number of trips delivered) or increased coverage (i.e., more individuals served)?
5. How do CTCs use other federal grant programs (such as 5310) to support the coordination of services to the TD Population?
 - How does the TD eligibility criteria impact this coordination?





Overview of TD “Non-Sponsored” Services

Transportation Disadvantaged Trust Fund (TDTF)

TDTF established in Section 427.0159, Florida Statutes, in 1989.

Majority of TDTF moneys are used to purchase trips for eligible individuals to access activities “not sponsored” by another entity.

TDTF eligibility criteria was adopted by CTD on May 22, 1997.

Affords eligible individuals access to transportation who demonstrate:

- No availability of funding or reimbursement (including self-pay); and/or
- No means of any other transportation.

Funds cannot be used to “supplant or replace funding” of transportation to an eligible individual from any other federal, state, or local governmental agency (Rule 41-2.013, F.A.C.).



Statutory Definition of “Non-Sponsored” Services

“Non-sponsored transportation disadvantaged services” are defined in s. 427.011(12), F.S., as TD services “not sponsored or subsidized by any funding source” other than the TDTF.

Section 427.0159(3), F.S., states: “Funds deposited in the trust fund may be used by the commission to subsidize a portion of a transportation disadvantaged person’s transportation costs which is not sponsored by an agency, only if a cash or in-kind match is required. Funds for nonsponsored transportation disadvantaged services shall be distributed based upon the need of the recipient and according to criteria developed by the Commission for the Transportation Disadvantaged.”

Rule 41-2.013, F.A.C.

“The Commission shall annually evaluate and determine each year’s distribution of the Transportation Disadvantaged Trust Fund. Funds available through the Transportation Disadvantaged Trust Fund for non-sponsored transportation services and planning activities shall be applied **only after all other potential funding sources have been used and eliminated**. Grant funds shall not be used to supplant or replace funding of transportation disadvantaged services which are currently funded to a recipient by any federal, state, or local governmental agency. Monitoring of this mandate will be accomplished as needed by the Commission and all agencies funding transportation disadvantaged services.”

TDTF Eligibility Criteria (CTD Policy in 1997)

No Other Funding Available – Individual has no other purchasing agency “sponsoring” a trip to a certain activity

No Other Means of Transportation – Individual does not own a vehicle, have a family member, or others who can provide a trip to an activity.

Public Transit – Individual does not have access to a fixed bus route, or one is not available in their community, to access an activity.

Disability – Individual has a disability as defined by the ADA that presents a barrier to transportation.

Age – The individual’s age presents a barrier to transportation [the age limit is defined by the CTC and Local Coordinating Board (LCB)].

Income – The individual or household income presents a barrier to transportation [the income threshold is defined by the CTC and LCB].



Additional Criteria

No Self-Determinations Allowed – The CTC must have an application on file that indicates the reasons for the rider being determined eligible for TDTF “non-sponsored” services.

Ability to Pay – The CTC and LCB may establish an “Ability to Pay” policy to charge a TDTF rider fare using a sliding scale based on the individual’s income and/or asset status

The CTC and LCB are also directed to establish “eligibility guidelines and priorities” of trips purchased with TDTF moneys (ss. 427.0155(7) and 427.0157(4), F.S.).





How Are “Non-Sponsored” Services Funded?

CTD designates the Community Transportation Coordinator (CTC) to oversee transportation services to the TD population in a county or multi-county service area.

CTC receives TDTF moneys through the Trip & Equipment (T&E) Grant program to support the delivery of “non-sponsored” services.

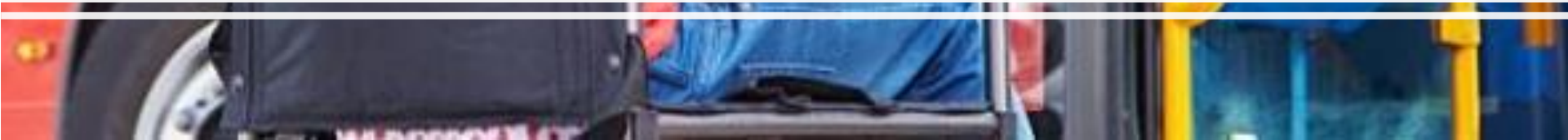
T&E Grant reimburses up to 90% of a portion of the cost of a “non-sponsored” trip, with a 10% match from the rider’s fare or other local revenue.

CTD negotiates a rate to reimburse the CTC for each “non-sponsored” trip delivered under the T&E Grant (i.e., ambulatory, wheelchair).

CTC may also use T&E Grant funds to purchase bus passes that subsidize the fare for TD eligible riders to use the fixed route system (if available and appropriate).



Overview of ADA Complementary Paratransit Services



ADA Provisions for Transportation

The ADA is a federal civil rights law that affords individuals with disabilities the right to access all areas of public life, including public transportation.

Requires transit entities that operate a fixed bus route to provide complementary paratransit services to eligible individuals who:

- ✓ Live within $\frac{3}{4}$ of a mile of a fixed bus route in their community; and
- ✓ Demonstrate they cannot access the fixed route due to their physical or mental disability.

“Complementary paratransit” or “demand-response” transportation are origin-to-destination services provided in a door-to-door or curb-to-curb mode, scheduled between the rider and transit entity.

The Federal Transit Administration (FTA) implements the ADA provisions related to transportation (49 CFR Part 37)



ADA Service Requirements (49 CFR 37.131)



Service Area – Paratransit services must be provided to origins and destinations within $\frac{3}{4}$ of a mile of each side of a fixed route corridor. A transit entity may extend the corridor up to $1\frac{1}{2}$ mile, based on local circumstances.

Response Time – Services must be available for eligible riders to schedule during the transit entity’s hours of operation as well as times comparable to normal business hours when the entity’s office is not open. The pick-up/drop-off time of the trip can be negotiated between the provider and rider but must occur no more than one hour before or after the scheduled time of the trip.

Fares – The rider’s fare for an ADA paratransit trip cannot exceed more than twice the amount of a fixed route trip. However, the transit entity may charge a higher fare to an agency that purchases ADA paratransit trips (i.e., trips guaranteed to the agency’s clientele).

ADA Service Requirements (49 CFR 37.131)

Trip Purpose Restrictions – The transit entity *cannot* restrict or prioritize ADA trips to certain activities, such as medical appointments or employment.

Hours and Days of Service – Paratransit services must be available during the same hours/days as the entity's fixed route services.

Capacity Constraints – The transit entity cannot limit the availability of paratransit services to eligible riders based on a certain number of trips, waiting lists, or any operational issues (such as a substantial number of missed trips).



Impact on TD Program

Individuals who are unable to access transportation due to a disability are one of the four groups identified under the “Transportation Disadvantaged” population (s. 427.011(1), F.S.).

For individuals who are dual eligible for TDTF-ADA services, CTD authorizes the use of TDTF to:

- Purchase paratransit trips not covered under the ADA, including origins and destinations outside the fixed route corridors or during days/times outside the service hours of the fixed route service; and
- Subsidize the rider’s fare for an ADA complementary paratransit trip, if the individual demonstrates a financial hardship.

Notwithstanding these exceptions, CTD determined ADA complementary paratransit as a “sponsored” service and not eligible to be reimbursed under the TDTF.



Reasons for CTD Decision



A non-sponsored trip is determined eligible for TDTF reimbursement “based upon the need of the recipient” (s. 427.0159(3), F.S.).

The ADA guarantees individuals with disabilities who live in a community with a fixed route access to complementary paratransit services, regardless of the existence of the TDTF.

- TDTF funding is intended to purchase trips for eligible individuals who have “no other means of transportation” to afford them access to services that would otherwise *not* exist.

ADA paratransit serves as an extension of “public transit” fixed route services, which the CTC must explore as an option before determining an individual eligible for TDTF “non-sponsored” services.

CTD’s decision to only subsidize the rider fare for an ADA paratransit trip is similar to purchasing bus passes, which only subsidizes the rider fare of fixed route services (not the full cost of fixed route trips).

Additional Federal Grant Funding

5307 Formula Funding for Urbanized Areas – Provides funding for urbanized areas (at 80/20 match) to support transit capital and operating assistance, including some operating costs related to ADA complementary paratransit services.

5311 Formula Funding for Rural Areas – Provides funding for rural areas (less than 50,000 residents) to support capital and operating expenses, including 80% for ADA non-fixed route paratransit services

5310 Enhanced Transportation for Seniors and Persons with Disabilities – Provides funding to private nonprofit groups to serve older adults and persons with disabilities when transportation is unavailable/insufficient in meeting their needs.



**Federal Transit
Administration**



Crosswalk Between the Two Programs



Comparison of TDTF-ADA Services

Term	TDTF	ADA	Cross-Over
Eligible Individual	Individuals who are unable to transport themselves or purchase transportation due to a disability, age, or income. Eligibility based on individual's "need" and funding availability.	Individuals who live near a fixed route system and cannot access due to a disability. Guaranteed right of access under the ADA (i.e., individuals <u>cannot</u> be denied services).	Individuals may be dual-eligible if they cannot access fixed route due to a disability and other activities in their community that are <u>not</u> covered under the ADA.
Covered Services	Paratransit trips to activities "not sponsored" by any other federal, state, or local agency or program. Bus passes for individuals to ride the fixed route (if available and appropriate).	Paratransit trips to activities within $\frac{3}{4}$ of a mile of a fixed route and during hours of operation of the fixed route services. "Complementary" means comparable to the services to the general public through the fixed route system.	Both support the delivery of paratransit services; ADA prescribes as "complementary" to fixed route services; whereas TDTF funds trips to activities not "sponsored" by other programs.

Comparison of TDTF-ADA Services

Term	TDTF	ADA	Cross-Over
Funding	Reimburses CTC up to 90% of the cost of a non-sponsored trip, with 10% local match, through the Trip & Equipment Grant program.	Mandates transit entities to provide ADA paratransit as part of the operation of a fixed route (i.e., transit entity is responsible for the cost of services). Transit entities may use portion of 5307 funding to supplement a portion of operating expenses.	The TDTF subsidizes a portion of the cost of a non-sponsored trip, whereas the ADA mandates transit entities to provide paratransit services as part of the fixed route.
Provider of Service	Community Transportation Coordinators (CTCs) are responsible for the delivery of transportation services (including non-sponsored trips) to the TD population in their county or multi-county service area.	Transit entities that operate fixed bus routes are responsible for delivering complementary paratransit services to persons with disabilities within/around the fixed route.	A CTC that operates a fixed bus route is responsible for delivering both TDTF non-sponsored and ADA paratransit trips.

Comparison of TDTF-ADA Services

Term	TDTF	ADA	Cross-Over
Service Area	The CTC is responsible for delivering non-sponsored services in its designated county or multi-county service area, as determined by the planning agency and CTD.	The transit entity is responsible for delivering complementary paratransit services within $\frac{3}{4}$ of a mile of a fixed route; the entity may expand the service area based on local circumstances.	TDTF services cover a county or multi-county area, whereas ADA paratransit services (at minimum) cover $\frac{3}{4}$ of a mile of fixed route corridor.
Trip Purpose	Non-sponsored trips may support access to any activity not covered by another agency; CTCs may prioritize funding to support certain activities (i.e., medical or employment).	Paratransit trips support access to any activity within the fixed route corridor; transit entities <i>cannot</i> prioritize or restrict trips to certain activities.	While both programs support a variety of trip purposes, TDTF allows local systems to prioritize/limit funding to certain activities, whereas the ADA prohibits systems from denying services to any activity within the corridor.

Comparison of TDTF-ADA Services

Term	TDTF	ADA	Cross-Over
<p>Rider Fare</p>	<p>CTCs are permitted to charge riders a fare for “non-sponsored” paratransit trips on a sliding scale (based on the rider’s income).</p> <p>If available/appropriate, CTCs may purchase bus passes to subsidize the riders’ fare to use the fixed route system.</p>	<p>Transit entities are prohibited from charging ADA paratransit riders more than twice the amount charged to riders of the fixed bus route.</p> <p>Transit entities are permitted to charge agencies that purchase ADA paratransit trips for their clientele at a rate higher than the rider fare (49 CFR 37.131(c)(4))</p>	<p>While CTCs are permitted to charge fares for “non-sponsored” trips on a sliding scale, transit entities are restricted to charge no more than twice the fare for the fixed route trip.</p> <p>CTD does <i>not</i> purchase ADA trips, but can subsidize the rider’s fare (similar to how a bus pass subsidizes the fare for a fixed route trip)</p>

Helpful Resources

TDTF Governing Statute: Section 427.0159, Florida Statutes

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0427/Sections/0427.0159.html

TDTF Eligibility Criteria:

<http://ctd.fdot.gov/docs/AboutUsDocs/TDTrustFundEligibilityCriteriaAdoptedMay1997andFS427.pdf>

Federal Regulations on ADA Complementary Paratransit Services:

<https://www.law.cornell.edu/cfr/text/49/part-37/subpart-F>

Federal Transit Administration “FAQ” on ADA Paratransit Services:

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/frequently-asked-questions#1>

Public Input

Public comments are limited to five minutes per speaker

Participants may also submit input via email to David Darm at: David.Darm@dot.state.fl.us

Next Public Workshop: TBD

Next CTD Meeting: March 30, 2021

