



TRANSPORTATION DISADVANTAGED SERVICE PLAN 2016-2021

PREPARED BY THE NORTH FLORIDA TPO ON BEHALF OF THE
DUVAL COUNTY TRANSPORTATION DISADVANTAGED COORDINATING BOARD
AND THE JACKSONVILLE TRANSPORTATION AUTHORITY

Adopted: March 5, 2016
Updated: May 4, 2017
Amended: November 2, 2017
Updated: May 3, 2018

Amended: September 6, 2018
Updated: May 2, 2019
Updated: May 7, 2020

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I. DEVELOPMENT PLAN

A. Introduction to the Service Area

1. Background of the Transportation Disadvantaged Program

In 1988, Duval County was one of only seven counties in the State of Florida not in compliance with Chapter 427, Florida Statutes. The law required developing a Transportation Disadvantaged Plan for the county and designating a service provider.

To encourage compliance the Coordinating Council for the Transportation Disadvantaged, an entity of the Florida Department of Transportation, awarded the Metropolitan Planning Organization for the Jacksonville Urbanized Area¹ (MPO) a \$25,000 grant to develop a transportation disadvantaged plan for Duval County. The MPO then circulated a Request for Proposal (RFP) for consultant service to prepare the plan. In late 1988 this contract was awarded to the Center for Local Government Administration at the University of North Florida. A task force was then created to work with the consultant team and the MPO.

Task force members included local transportation providers and potential users of the service. The task force offered four alternative management/administrative schemes for the coordination of transportation services. These were:

- A single service provider/operator acting as the designated provider of all services within the County.
- A centralized agency, a new or specially created nonprofit entity, to provide centralized dispatching, coordinate and management, and contracting with local transportation operators to provide service.
- A coalition retaining all existing service providers with a designated composite entity serving as coordinator.
- A broker, a private for profit entity, providing executive management service, central dispatching and driver training, but contracting with various transportation operators for the provision of service.

¹ The Metropolitan Planning Organization for the Jacksonville Urbanized Area was designated in 1978. In 2000 the name was changed to the First Coast Metropolitan Planning Organization and again in 2009 to the North Florida Transportation Planning Organization.

The task force ultimately recommended a brokered approach.

During the study the Florida Legislature re-enacted Chapter 427, F.S., replacing the “designated provider” with the more powerful “community transportation coordinator (CTC)”. As part of the revision to the act, the Florida Transportation Disadvantaged Commission was established as an autonomous agency, replacing the Coordinating Council for the Transportation Disadvantaged. The name of the Commission was later changed to the Florida Commission for the Transportation Disadvantaged.

The Duval County Study was completed in late 1989 and shortly thereafter the plan was adopted by the MPO.

2. Community Transportation Coordinator Designation Date / History

As prescribed by the study, the MPO then prepared and circulated an RFP for a Community Transportation Coordinator (CTC)—Broker. Concurrent with this effort, the MPO established the Duval County Transportation Disadvantaged Coordinating Board (August 1990). The newly created Board reviewed the responses to the RFP and participated in the selection of the CTC. COMSIS Corporation (later re-named ATC Paratransit) was selected as the CTC and service was initiated February 18, 1991. Within two years 25 local agencies were brought into the coordinated system.

On October 12, 2000 the MPO recommended designating the Jacksonville Transportation Authority (JTA)² as the CTC for Duval County. The Florida Transportation Disadvantaged Commission subsequently approved the MPO’s recommendation and JTA became the CTC effective March 1, 2001. JTA used the City of Jacksonville’s procurement process to issue an RFP for Paratransit Management services and selected MV Transportation, Inc. as the new management contractor. The new CTC started operation on October 1, 2001 under the new name JTA Connexion. In the interim, (March 1-October 1) ATC Intellitrans continued to operate the system.

In 2006, JTA issued an RFP for a provider of drivers and operations management of the Connexion service. First Transit was awarded this contract which began in April 2007. JTA assumed responsibility for provision of reservations, dispatch, scheduling and quality assurance for TD/non-sponsored and ADA complementary paratransit service. The full range of services provided by JTA/JTA Connexion as the CTC included call intake (reservations), trip scheduling, data entry, customer service, vehicle maintenance, compliance monitoring and reporting, and complaints.

² The Jacksonville Transportation Authority (JTA) is the operator of federally funded fixed-route bus service in Duval County.

In January 1, 2014, JTA contracted with MV Transportation to provide drivers (hiring and training), vehicle operations, road supervision, insurance and claim management, service monitoring, dispatch and trip scheduling for paratransit services.

JTA currently manage in house call intake/reservations, data entry, customer service, vehicle maintenance, compliance monitoring and reporting and complaints.

JTA Connexion has been re-designated as Duval County's CTC by the Florida Commission for the Transportation Disadvantaged in June 5, 2006 and October 28, 2011 and June 10, 2016.

3. Organization Chart

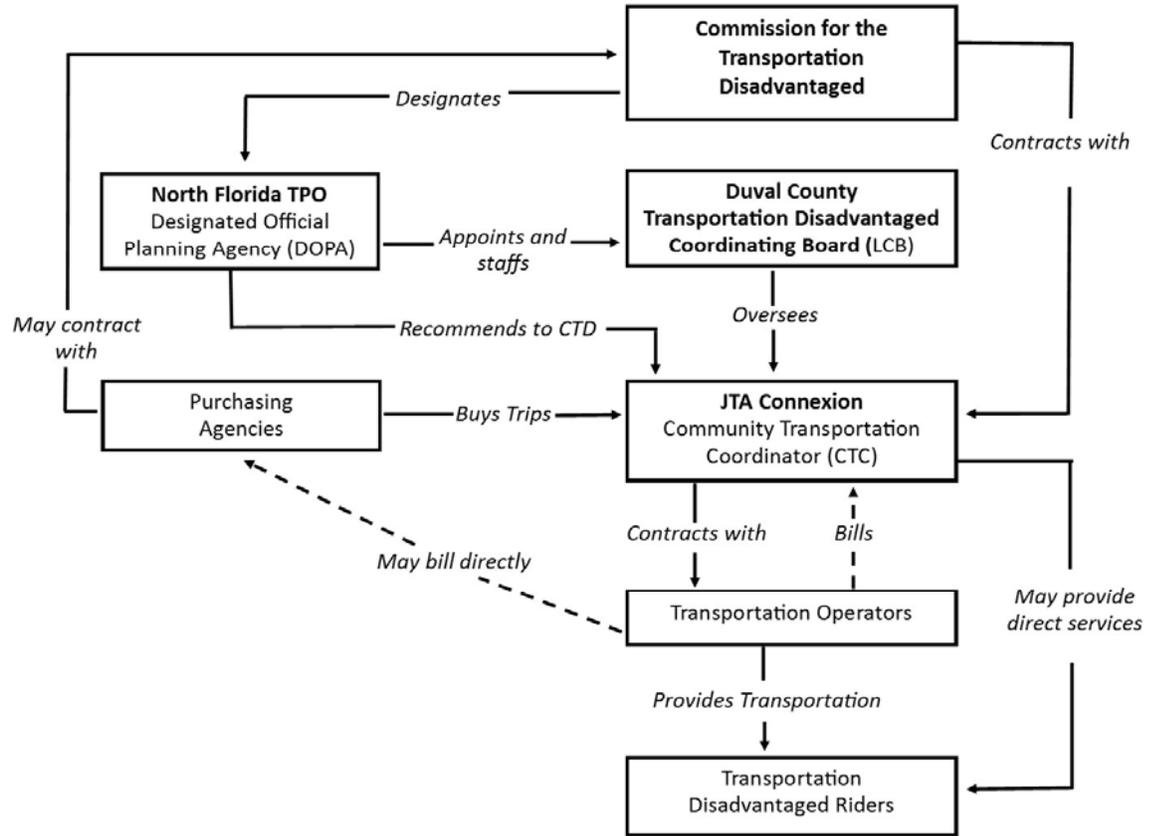
Currently, paratransit services in Duval County are provided by the JTA Connexion, the Community Transportation Coordinator (CTC). As illustrated on Figure A on the following page. JTA Connexion provides paratransit services transportation disadvantaged residents of Duval County who are "non-sponsored" meaning for a specific trip purpose they do not qualify for ADA paratransit service³ or are not eligible for Medicaid service.⁴ Medicaid trips are provided by a separate Medicaid provider contracted by AHCA. The two systems operate independently with no overlap in reservations or service delivery.

JTA Connexion fully assumed the paratransit management functions that had previously been contracted to MV Transportation in April 2007. This included full in-house call intake/reservations, trip scheduling, data entry, customer service, compliance monitoring and reporting, and complaints.

³ Their trip may be outside the ADA service area.

⁴ May be eligible for Medicaid transportation, but not making a medical trip.

Figure A - Duval County's Coordinated Transportation Program

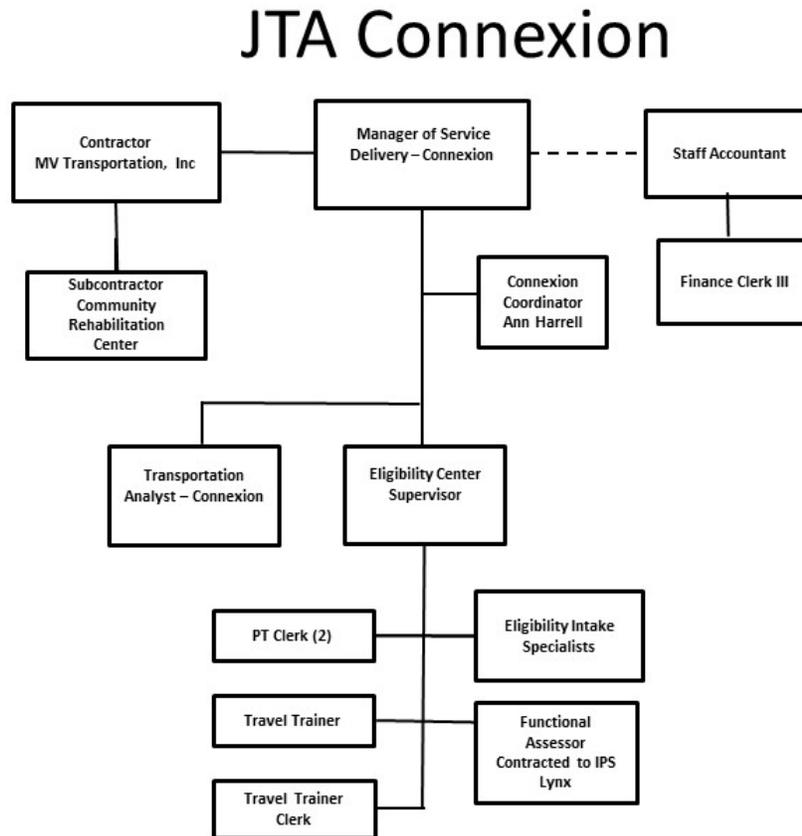


The Community Transportation Coordinator/JTA Connexion is managed by the **Senior Manager Service Delivery Connexion**. The Senior Manager Service Delivery Connexion has full responsibility for ensuring all elements required for an effective and efficient CTC are planned, budgeted and implemented. The Senior Manager Service Delivery Connexion directly supervises the Quality Assurance Coordinator, the Transportation Analyst, the Eligibility Center Supervisor and the Reservations Supervisor. Works closely with the Senior Manager of Budgets, Grants and Financial Analysis and maintains close coordination with the contractor and Maintenance Department. This position serves as a technical advisory to the Duval County Transportation Disadvantaged Coordinating Board and the Jacksonville

Transportation Advisory Committee and is responsible to develop the request for proposals for contracted service. The Senior Manager Service Delivery Connexion reports to the Vice-President of Transit Operations.

Figure B is the organization chart of the JTA Connexion.

Figure B- JTA Connexion –Organization Chart



4. Consistency Review of Other Plans

The Transportation Disadvantaged Service Plan is consistent, to the maximum extent feasible, with the following documents.

- Jacksonville 2030 Comprehensive Plan
- Northeast Florida Regional Council—Regional Policy Plan
- Jacksonville Transportation Authority—Transit Development Plan
- Commission for the Transportation Disadvantaged Five Year/Twenty Year Plan
- North Florida TPO—Envision 2040 Long Range Transportation Plan (Adopted November 2014)
- North Florida TPO—Transportation Improvement Program

5. Public Participation

The Duval County Transportation Disadvantaged Coordinating Board advises the TPO on issues related to the provision of transportation services for the transportation disadvantaged of Duval County. The Committee structure serves as a forum for local planning staff, agency staff and members of the public to meet on a regular basis to resolve issues or address concerns and make recommendations to the TPO on transportation disadvantaged issues. All meetings are held at the offices of the North Florida TPO at 980 N. Jefferson St. Jacksonville FL 32209.

Chapter 427, F.S. requires the Duval Coordinating Board to advise the TPO on any issue pertaining to providing transportation services to the “transportation disadvantaged.” The “transportation disadvantaged” include the elderly, persons with disabilities, children at-risk and those who economically cannot afford to transport themselves or purchase transportation. Chapter 427, F.S. also specifies the Boards duties and the required membership. The Duval County Transportation Disadvantaged Coordinating Board meets the first Thursday of March, May, September and November at 9 a.m. The members include:

- Representative, Jacksonville Transportation Authority
- Advocate for the elderly
- Advocate for veterans
- Advocate for users of the system
- Representative, Agency for Health Care Administration
- Representative, Florida Department of Elder Affairs (Elder Source)

- Representative, Florida Department of Children and Families
- Representative, Florida Division of Vocational Rehabilitation
- Representative, Florida Department of Transportation
- Representative, NE Florida Community Action Agency
- Representative, Jacksonville Disabled Services Division
- Representative, Medical Community
- Representative, Regional Work Source Development Board (Career Source)
- Representation, Private for-Profit Transportation Industry
- Representation, School Board Transportation Office
- Representative, Children at Risk (Head Start)
- Member, Jacksonville City Council/North Florida TPO Member, Serve as Chairman

All issues concerning the transportation disadvantaged, including but not limited to this Service Plan, are discussed and approved by the Board through the following process.

Regular Meetings of the Local Coordinating Board—Discussions at regular meetings throughout the year help the Board understand how the system operates, assess problems and recommend improvements. Before making any recommendations the TD Board Chairman appoints a TD Service Plan Subcommittee from among the membership. Citizens are invited to share their comments during regular meetings.

TD Service Plan Subcommittee Meetings—This Subcommittee is composed of representatives of ACHA, DOT, JTA, the designated Medicaid Provider and one or more citizen advocates. The Subcommittee meets as frequently as needed to discuss possible revisions to the Service Plan to address performance issues or citizens’ concerns. The Monthly Board Report, Annual Operating Report, CTC Evaluation and citizen complaints are tools the Board uses to evaluate the performance of the CTC and efficiency and effectiveness of the service provided. Committee members use input and recommendations gleaned from these documents to recommend updates to the Service Plan. Their recommendations are subsequently forward to the TD Board for approval.

Annual Public Meeting— A public meeting is held to provide an opportunity for citizens of Duval County to share their insights and voice their concerns about transportation services for the transportation disadvantaged in Duval County. The date, time and location of the meeting is advertised in the *Florida Times-Union*, the largest general circulation newspaper in Northeast Florida. It is published at least seven days prior to the meeting. Meeting notices are also posted at the TPO Public Notice Board and on the TPO's webpage www.northfloridatpo.com. Persons needing special accommodations are advised to contact the TPO at least 48 hours prior to the meeting.

Meeting Agendas— Are available at least seven (7) days before the meeting and posted on the North Florida TPO webpage.

Internet— Meeting agendas are posted on the TPO webpage prior to the meeting. Also, the TD Service Plan is posted on the TPO webpage allowing citizens and agency staff easy access to the information. The document is in PDF format, which is easy to download.

6. Local Coordinating Board Certification

As noted earlier, the Metropolitan Planning Organization for the Jacksonville Urbanized Area (now the North Florida TPO) established the Duval County Transportation Disadvantaged Coordinating Board in August 1990. Board membership is outlined on the Certification Form on page 15 (**FIGURE C**) and is consistent with the requirements of Chapter 427, Florida Statutes and Rule 41-2, Florida Administrative Code.

During the first year the Board met monthly to adopt bylaws, develop a grievance procedure (included in the Bylaws), and to closely monitor the transition to coordination. Coordination was initiated in February 1991. Currently, the Board meet the 1st Thursday of March, May, September and November.

FIGURE C - Membership Certification

Duval County Transportation Disadvantaged Coordinating Board
 North Florida Transportation Planning Organization,
 980 North Jefferson Street, Jacksonville, FL 32209

The North Florida Transportation Planning Organization hereby certifies to the following: The membership of the Duval County Transportation Disadvantaged Coordinating Board, established pursuant to Rule 41.1012(3), Florida Administrative Code, does in fact represent the appropriate parties as identified in the following list; and the membership represents, to the maximum extent feasible, a cross-section of the local community.

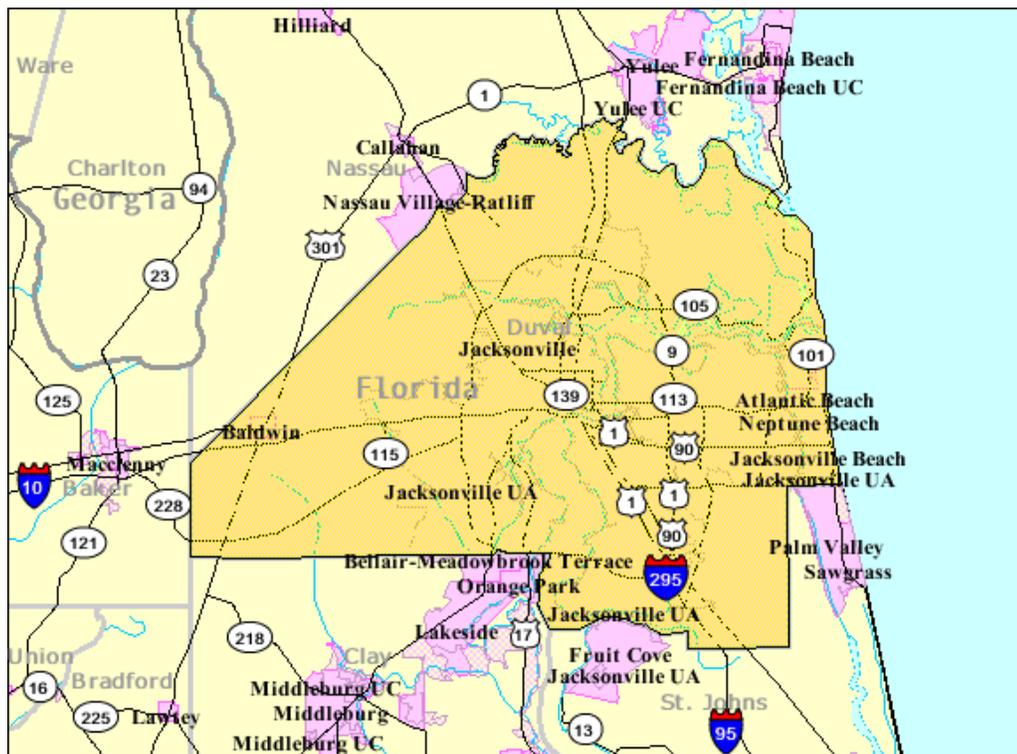
Chairman		Date	
Member	Representing	Alternate	
Vacant	Chairman (Member, North Florida TPO)		
John E. Markiewicz	Vice Chair (Veterans)		
Terry Campbell	Florida Dept. of Children & Families	Norie Moore-Berlin/Jaclyn Brown	
Wanda Hathaway	Citizen Advocate (System User)		
Daniel O'Connor	Citizen Advocate	Sherry Guthrie	
Debbie Stokes	Florida Agency for Health Care Admin.	DeWeece Ogden	
Theodis Perry	Florida Department of Transportation	Janell Damato	
Berneitha Mcnair	NE Florida Community Action Agency	Ronald Howell	
Nancy Tufts	Florida Department of Elder Affairs	Patti Simmons / Vanessa Boyer/ Janet Dickinson	
Charisa Munroe	Local Medical Community (UF Health)		
Bliss Hayes	CareerSource		
Donald Ingram	The Elderly (Jacksonville- Duval County Council on Elder Affairs)		
Kara Tucker	Persons With Disabilities - COJ	Lois Smokes	
Vacant Jeff Aboumrad	Private Transportation Industry Florida Dept. of Vocational Rehab.	Yovancha Lewis-Brown / Jamie Spates	
Vacant	Children-at-risk		
Vacant	Agency for Persons with Disabilities		

B. Service Area Profile/Demographics

1. Service Area Description

The City of Jacksonville is a predominately urban community located in the northeast section of the state adjacent to the Atlantic Ocean. It is one of a handful of consolidated city/counties in the United States, and with the exception of three beach communities and a small municipality in the southwest, makes up the vast majority of Duval County. At over 840 square miles, it is the largest city in land area in the contiguous United States. The St. Johns River, one of only a small number of rivers in the world that travel northward, flows through the city and empties into the Atlantic Ocean. Jacksonville is situated at the crossroads of two Interstate Highways; 1-95 that runs north and south along the US eastern seaboard and 1-10 that runs west from Jacksonville along the southern portion of the nation to California. Jacksonville is the most populous city in the region, surrounded by Nassau County to the north, Baker County to the west, Clay and St. Johns Counties to the south. The map in Figure D illustrates the service area.

FIGURE D -Duval County Service Area Map



2. Demographics

a) Land Use

The City of Jacksonville's growth over the last century has been directly linked to developing transportation facilities. As facilities have been constructed, growth in connected areas has followed. In the early 1900's, almost the entire population of Jacksonville was consolidated in the Riverside, Springfield, and Downtown area. With the crossing of the St. Johns River with the original Acosta Bridge in the early 1920's, "sprawl" began with the development of San Marco and San Jose. During the 1950's, the construction of the Mathews Bridge and the beginning of the Interstate system led to the rapid development of Arlington, Southside, Northside and Westside. The opening of both the Buckman Bridge and J. Turner Butler in the 1970's led to the rapid growth of Mandarin, Orange Park and the Beaches. In each of these roughly 25-year increments, a new ring of development occurred in the City. By the end of the 20th century, however, the rings of development had followed construction of transportation facilities to the borders of Duval County and the newest growth rings are occurring in the adjacent counties. As growth continues to follow the developing transportation facilities in the traditional sense, it is now occurring not just within Duval County or Jacksonville but on a regional, inter-county basis.

Another recent phenomenon related to transportation growth in Duval County has been the reduction in identifying and developing new transportation corridors. With the Wonderwood Connector, State Road 9A and Branan Field-Chaffee Road completed, the number of future major corridors for highway construction is virtually nonexistent. Instead, most of the attention of future transportation plans and the available funding are focused on redeveloping or expand existing major corridors. In fact, most of Duval's major existing transportation corridors are currently either under reconstruction or scheduled for reconstruction.

The fact that the traditional transportation-led development has moved beyond Duval County does not, however, diminish the relationship between transportation facilities and land use. Instead, forging an even stronger bond between land use plans and transportation infrastructure is required.

b) Population / Composition

As discussed previously, in 1967 the numerous small communities in Duval County consolidated to form the Consolidated City of Jacksonville. Only four small communities elected not to consolidate and include the Cities of Atlantic Beach, Jacksonville Beach and Neptune Beach and the Town of Baldwin

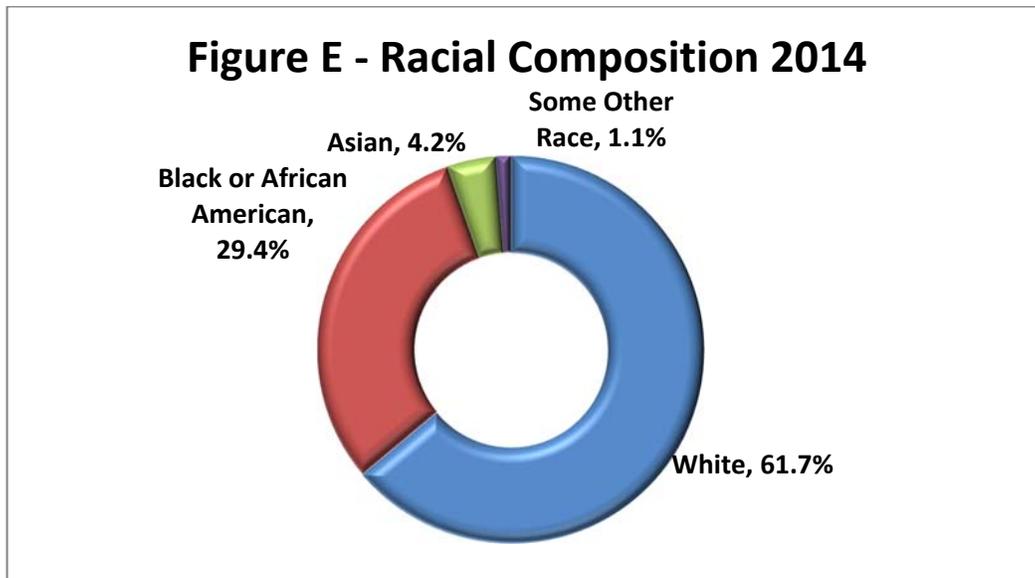
constitute the balance of Duval County. The population of the County and its municipalities, as reported in the 1990, and 2010 U.S. Census, with estimates for 2015 as illustrated on **Table 1**.

Table 1—Duval County Population

Municipality	2000	2010	% Change 2000-2010	Est. 2015	% Change 2010-2015
Atlantic Beach	13,368	12,655	-5%	13,012	2.7%
Baldwin	1,634	1,425	-13%	1,385	-2.9%
Jacksonville Beach	20,990	21,362	2%	22,805	6.3%
Neptune Beach	7,270	7,037	-3%	7,120	1.2%
TOTAL Other Municipalities	43,262	42,479	-19%	44,322	4.2%
TOTAL Jacksonville	735,617	821,784	12%	861,252	4.6%
TOTAL Duval County	778,879	864,263	11%	905,574	4.6%

Source: Bureau of Economic and Business Research (BEBR), University of Florida, Florida Estimates of Population 2015

Figure E- Racial Composition 2014



Source 2014 American Community Survey

Population Characteristics

Table 2—2014 Duval County Population Breakdown by Age Groups

Ages	Estimate
Under 5	60,216
5-9	56,528
10-14	54,428
15-19	55,051
20-24	67,128
25-34	135,827
35-44	114,982
45-54	125,293
55-59	56,633
60-64	49,696
65 and Over	104,968
Total	880,750

Source: 2014 American Community Survey (DP05)

Population Density

As the table that follows illustrates, Duval County population is urban in character. The U.S. Census defines urbanized areas based on population density. Areas with 1,000 persons per square mile or more are considered urbanized. It should be noted that net land area minus inland water was used to calculate population density.

Table 3—Duval County Population Density

Municipality	Land Area (Sq. Ft.)	2010 Population	2010 Persons/Sq. Mile	2015 Population	2015 Persons/Sq. Mile
Atlantic Beach	2.39	12,655	5,295	13,012	5,444
Jacksonville Beach	7.97	21,362	2,680	22,805	2,861
Neptune Beach	2.37	7,037	2,969	7,120	3,004
Combined Beaches	12.37	41,054	3,319	42,937	3,471
Baldwin	1.5	1,425	950	1,385	923

Table 3—Duval County Population Density

Municipality	Land Area (Sq. Ft.)	2010 Population	2010 Persons/Sq. Mile	2015 Population	2015 Persons/Sq. Mile
TOTAL Other Municipalities	14.23	42,479	2,985	44,322	3,115
Jacksonville	762	821,784	821	861,252	1,130
Duval County*	776	864,263	1,114	905,574	1,167

Source: Bureau of Economic and Business Research (BEBR), University of Florida, Florida Estimates of Population 2015

In 2014, Duval County had an estimated 80,818 veterans of which 8,202 were females (11 percent) and 72,616 were males (89 percent). See **Table 4**.

Table 4- Veterans Status 2014

Age	Female	Male	Total
18-34	1,117	7,257	8,374
35-54	3,930	23,181	27,111
55-64	2,348	16,518	18,866
65-74	442	14,380	14,822
75 years and over	365	11,280	11,645
Total	8,202	72,616	80,818

Source: 2014 American Community Survey (B21001) (Sex by Age by Veteran Status for the Civilian Population 18 Years and Over)

Table 5- Poverty Status in the last 12 months by Disability Status by Employment Status for the Population 20 to 64 years – Duval County- 2010-2014

	Below Poverty Level	Above Poverty Level
With a Disability	17,268	43,471
In Labor Force	4,623	21,181
Not in Labor Force	12,645	22,290
No Disability	67,075	411,976
In Labor Force	41,418	355,510
Not in Labor Force	25,657	56,466

Source: 2010-2014 American Community Survey, U.S. Census Bureau (B23024)

In 2014, the median household income in Duval County was \$47,582.

Table 6—Duval County Household Income and Benefits 2014
(In 2014 Inflation-Adjusted Dollars)

Income Amount	Estimate
Less than \$10,000	28,602
\$10,000-\$14,999	19,612
\$15,000-\$24,999	37,659
\$25,000-\$34,999	38,887
\$35,999-\$49,999	49,339
\$50,999-\$74,999	62,000
\$75,000-\$99,999	38,490
\$100,000-\$149,999	37,083
\$150,000-\$199,999	11,934
\$200,000 or more	11,115
Total Households	334,721
Median Household Income	\$47,582

Source: 2014 American Community Survey, U.S. Census Bureau (DP03)

In 2015, there were 358,861 households in Duval County with an average household size of 2.4⁵. As illustrated on **Table 7** in 2014, 21.3 percent of families with children under age 18 lived below poverty level.

⁵ BEBR Household and Average Household Size in Florida: April 1, 2015

Table 7—Duval County Percentage of Families and People whose income in the past 12 months is below the Poverty Level (2014)

	Percent
All Families	13.4%
w/related children under 18 years	21.3%
w/related children under 5 years only	21.7%
Married couple families	5.6%
w/related children under 18 years	7.7%
w/ related children under 5 years only	7.3%
Families with female householder no husband present	33.3%
w/related children under 18 years	43.3%
w/ related children under 5 years only	46.1%
All people	17.4%
Under 18	25.4%
Related children under 18 years	25.1%
Related children under 5 years	28.1%
Related children 5 to 17 years	23.8%
18 years and over	15%
18 to 64 years	16%
65 years and over	9.8%
People in families	15.1%
Unrelated individuals 15 years and over	26.3%

Source: 2014 American Community Survey, U.S. Census Bureau (DP03)

The U.S. Census Bureau and the U.S. Department of Health and Human Service both record poverty statistics for the country. Each has its own methodology for calculating poverty level. The Census Bureau’s estimates are used to determine the number of American’s living in poverty whereas the Department of Health and Human Service’s estimate is used to determine financial eligibility for many federal programs. The two estimates, however, do not differ dramatically.

The Census Bureau determines poverty level by looking at money income, plus family size and composition. “Money income” is income before taxes and does not include capital gains and non-cash benefits (i.e. Food stamps). Geography is not taken into account, but annual inflation levels are taken into consideration.

Figure F - 2015 Poverty Threshold by Size of Family and Number of Children — U.S. Census

One person, under 65 years—\$12,331
 One person, 65 years and over—\$11,367
 Nine People or more—\$45,822 (with 8 or more Children under 18 yrs.)

The Department of Health and Human Services does not make distinctions based on age, but does separate Alaska and Hawaii where the cost of living is “traditionally believed to be significantly higher than in other states.”

Employment status

As illustrated on **Table 8**, based on data provided from the 2014 American Community Survey, Duval County has a large civilian labor force. This labor force is augmented by a military labor force that varies in size depending on the number and type of vessels based at NS Mayport and air craft stationed at NAS Jacksonville. At last report this number was approximately 10,738.

Table 8—Duval County Employment Data 2014

Employment Status	Estimate
In Labor Force	460,454
Civilian Labor Force	449,716
Employed	399,633
Unemployed	50,083
Armed forces	10,738
Not in Labor Force	238,567
Total Population 16 years and over	699,021

Source: 2014 American Community Survey, U.S. Census Bureau (DP03)

Jacksonville’s unemployment rate was 7.2 percent in 2014, down from 8 percent in 2014. As illustrated on **Table 9**, 83 percent of the employed worked in the private sector, 12.5 percent in the public sector in state or local government.

Table 9—Duval County Class of Worker 2014

<i>Employment Status</i>	<i>Estimate</i>	<i>Percentage</i>
<i>Private wage and salary workers</i>	<i>331,528</i>	<i>83%</i>
<i>Government workers</i>	<i>49,997</i>	<i>12.5%</i>

Table 9—Duval County Class of Worker 2014

<i>Employment Status</i>	<i>Estimate</i>	<i>Percentage</i>
<i>Self-employed workers in own not incorporated business</i>	<i>17,689</i>	<i>4.4%</i>
<i>Unpaid family workers</i>	<i>419</i>	<i>0.1%</i>

Source: 2014 American Community Survey (DP03)

In a publication dated September 2011, the U. S. Bureau of Labor Statistics reported the unadjusted unemployment in the Jacksonville metropolitan area as 10 percent.

Housing

In 2014, Duval County had 391,719 housing units, 14.6 percent of which were vacant. 65.6 percent of these units were single-family homes, 29.7 percent were multi-family homes and 4.6 percent were mobile homes. 36.4 percent were constructed after 1990.

Table 10—Duval County Housing Occupancy 2014

Housing Occupancy	Estimate
Total housing units	391,719
Occupied housing Units	334,721
Owner-occupied housing units	201,882
Renter-occupied housing units	132,839
Vacant Housing Units	56,998

Source: 2014 American Community Survey, U.S. Census Bureau (DP04)

In 2014, Duval County had 334,721 occupied housing units of which 201,882 were owner occupied (60.3%) and 132,839 (39.7%) were renter occupied. Three percent of households did not have telephone service. The median monthly housing cost for mortgage holders was \$1,411, non-mortgage holders' costs was \$455 and renters was \$941. It is also reported that 8.4 percent of the housing units did not have access to a car, truck, or van for private use. Multi-vehicle households were not rare. 38.5 percent had two vehicles and another 13.7 percent had three or more vehicles (Figure G).

Education

In 2014, 88.4 percent of Duval County residents 25 years and over had at least graduated from high school and 26.5 percent had a bachelor's degree or higher.

Table 11—School Enrollment 2014

Population 3 years and over enrolled in school		228,963
Nursery school, preschool	15,245	6.7%
Kindergarten	11,432	5%
Elementary School (grades 1-8)	89,737	39.2%
High School (9-12)	43,949	19.2%
College or graduate school	68,600	30%

Graduation Attainment

Less than 9 th grade	19,769	3.4%
9 th to 12 th Grade, no diploma	48,428	8.2%
High School graduate (includes equivalency)	169,500	28.9%
Some College, no degree	137,262	23.4%
Associates degree	56,962	9.7%
Bachelor's degree	106,991	18.2%
Graduate or professional degree	48,487	8.3%
Percent high school graduate or higher		88.4%
Percent bachelor's degree or higher		26.5%

Source: 2014 American Community Survey (DP02)

The following institutions of higher education are located in Duval County:

- Jacksonville University
- Florida State College at Jacksonville
- University of North Florida

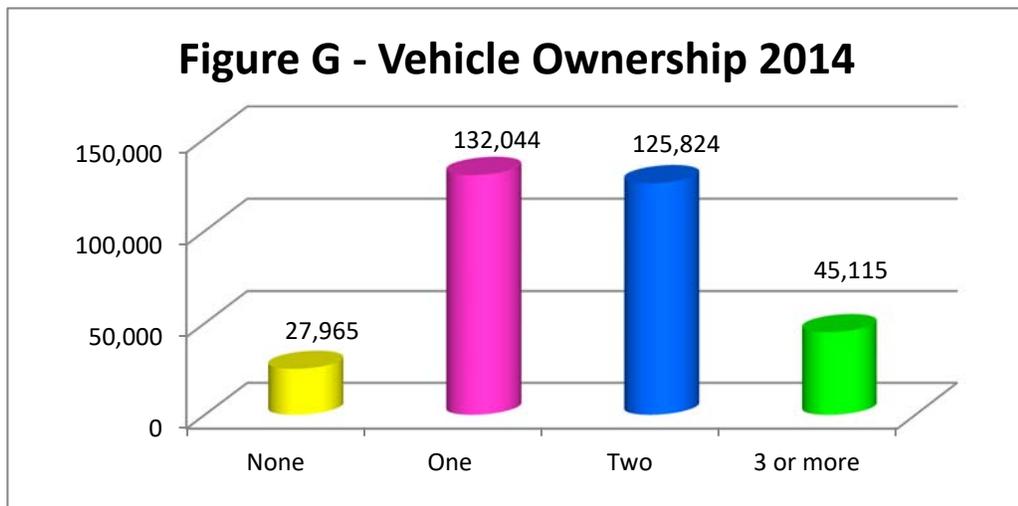
These institutions are also major employers.

Table 12—Commuting to Work 2014

	Estimate	Percentage
Car, truck, or van—drive alone	324,214	80.4%
Car, truck or van—carpooled	39,897	9.9%
Public transportation (excluding taxicab)	6,947	1.7%
Walked	5,191	1.3%
Other means	7,695	1.9%
Worked at home	19,259	4.8%
Mean travel time to work (minutes)	23.5	

Source: 2014 American Community Survey (DP03)

Figure G – Vehicle Ownership 2014



Source: 2010-2014 American Community Survey- (DP04)

c) **Employment**

The Florida Research and Economic Database (FRED) reports the February 2016 seasonally adjusted unemployment rate at 4.8 percent. FRED estimates the average wage for Duval County in 2015 was \$908. This equates to \$22.70 per hour or \$47,216 per year, assuming a 40-hour week worked the year.

The total number of individuals employed in Duval County for February 2016 was 444,098. Total labor force was 466,575. The largest major industry sector was Health Care and Social Assistance with 67,049 employees, followed by Retail Trade with 53,056, and Accommodations and Food Services with 46,575. (FRED Duval County Area Profile)

d) **Major Trip Generators / Attractors**

This section identifies major locations where trips would be generated from or to. This includes facilities, parks or employers. Major employers in the area include the following **medical facilities**:

- Baptist Hospital (Downtown)
- Baptist Hospital (Beaches)
- Brooks Pain and Rehabilitation Center
- Baptist Hospital South
- Mayo Clinic/Hospital
- Nemours Clinic
- St Vincents South Hospital
- St. Vincent's Hospital
- UF Health Hospital (Shands)
- Wolfson Children's Hospital

The following **military installations**:

- Naval Air Station Jacksonville
- Naval Station Mayport
- U.S. Marine Corps Blount Island Logistics Command

The following list of **major employers**:

- Anheuser-Busch, Inc.
- Atlantic Marine Inc.

- American Heritage Life, Inc.
- Citicard, Inc.
- Coastal Marine, Inc.
- Comcast
- Gator Freightway, Inc.
- Landstar Global Logistics
- Miller Electric
- North Florida Shipyards
- Stein Mart, Inc.
- Sysco Food Services of Jacksonville
- Swisher, Inc.
- Vistakon

Other major trip attractors/generators include:

- Public buildings including Atlantic Beach, Baldwin, Jacksonville, Jacksonville Beach and Neptune Beach City Halls
- Federal County House, Jacksonville
- County Court House, Jacksonville
- Various locations of Florida Department of Motor Vehicles, Duval County Tax Collector, and other state offices
- 20+ Jacksonville Public Libraries
- Jacksonville Town Center (shopping), Regency Center Mall, Avenues Mall, River City Mall, Orange Park Mall (Clay County)
- Jacksonville International Airport, Cecil Field Airport, Craig Airport, Herlong Airport
- JAXPORT (Blount Island and Dames Point Marine Terminals, Talleyrand Marine Terminal)

e) **Inventory of Available Transportation Services**

Transportation services currently available in Duval County include the following:

- Traditional fixed-route, trolley, commuter express bus services and a limited area general public demand response (Readi-Ride) service are provided by the Jacksonville Transportation Authority (JTA). This bus system provides approximately 11,600,000 trips annually with 8.5 million revenue miles.
- In addition to bus service, JTA operates an automated fixed-guideway (Skyway) system in Downtown Jacksonville that spans the St. Johns River linking both banks of the central business district. This system operates Monday through Friday from 6 a.m. to 9 p.m. and only during special events on Saturday and Sunday. Skyway has around 1,315,000 boardings annually.
- JTA provides complementary paratransit service as required by the Americans with Disabilities Act (ADA). The paratransit service has been branded as JTA Connexion. JTA is also under contract with the Florida Commission for the Transportation Disadvantaged to serve as the Community Transportation Coordinator for Duval County and provide paratransit service using these State funds. JTA does not provide Medicaid transportation.
- TransPortal hosted by JTA is a web-based mobility management solution that covers a 12-county region. Riders can connect with car and van pools, volunteer driver programs, motor coach, passenger rail, bicycling, walking, taxi and traditional bus programs. This tool is accessible to the general public by visiting the webpage at www.transportal.net
- AHCA has contracted with MTM to provide Medicaid non-emergency medical transportation in Duval County for patients not enrolled in a managed care plan. For more information visit MTM's webpage at <https://www.mtm-inc.net/floridaffs/> or call 1-844-239-5974. Patients enrolled in a managed care plan or HMO must contact their respective HMO directly to request transportation to medical appointments.
- Inter-City transportation services are provided by Amtrak (passenger rail), Greyhound, MegaBus and Red Coach.
- The City of Jacksonville Community and Veterans Services Department provides transportation to and from the city's Senior Centers. To be eligible, seniors must be 60 years of age or older and enrolled in one of the Senior Center programs. The programs operate weekdays from 7

a.m. to 4 p.m. Transportation service can be requested by calling 904-630-0801.

- The Disabled American Veterans group provides transportation between the VA Clinic in Jacksonville and the VA Medical Centers in Gainesville and Lake City. Only certain veterans with appointments at these medical centers are eligible for travel.
- Vision Education and Rehabilitation Center operates a service from 8 a.m. to 11 a.m. and from 2 p.m. to 5 p.m. for visually impaired students registered with the Center.
- Several agencies within the Jacksonville area offer day care and employment services for people with developmental disabilities. These agencies also provide their clients with transportation to these services. These agencies include ARC Jacksonville, Pine Castle, Challenge Enterprises and BASCA.
- The Beaches Dial-a-Ride offers door-to-door transportation to seniors 60 years or older and persons with disabilities for transportation to doctor appointments, shopping and errands in the Jacksonville Beach area. This service operates from 8:30 a.m. to 4:00 p.m. Monday through Friday. The phone number to request service is 904-246-1477
- American Cancer Society Road to Recovery program provides transportation to and from treatment for people with cancer who do not have a ride or are unable to drive themselves. The telephone to request service in 1-800-227-2345 or visit their webpage below for more information: <https://www.cancer.org/treatment/support-programs-and-services/road-to-recovery.html>
- Hart Felt Ministries provide transportation for their clients. Their clients are 60 years of age or older with one or more chronic health conditions preventing them from performing daily living activities. Service is available from 8 a.m. to 4 p.m. in the beaches area of Duval County and Ponte Vedra beach exclusively. To obtain more information the telephone is 904-861-2799 or visit their webpage at www.hartfelt.org

C. Service Analysis

1. Forecast of Transportation Disadvantaged Population

To serve as an aid in the development of TD population and travel demand estimates, the National Center for Transit Research developed a tool for the Florida Commission for the Transportation Disadvantaged (CTD). The tool uses a series of formulas to project future travel demand using the most current U.S. Census Bureau demographic and socio-economic data available.

The TD demand methodology will no longer use the 1993 process terminology to describe trip types (e.g., program trip or general trip) and trip categories (Category I and II). The new approach uses general TD populations, based upon estimates of all disabled, elderly and low-income persons, and children who are “high-risk” or “at-risk”.

These population groups are further refined to identify the “critical need TD” population. The critical need TD population includes individuals who due to severe physical limitations or low incomes are unable to transport themselves or purchase transportation, and are dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life sustaining activities.

After the critical need TD population is defined, daily trip rates are applied to calculate daily and annual travel demand. This methodology uses trip rates for persons who live in households without any vehicles available from the 2009 National Household Travel Survey (NHTS).

The new forecasting tool utilizes more current data and assumptions. Data sources are the U.S. Census, American Community Survey (ACS) and the Bureau of Economic and Business Research (BEBR) at the University of Florida. Some of the data input is: percent transit coverage; Number of annual service days (transit); Population projections; Population by age; Population below poverty level by age; Population with a disability by age; and total population with a disability and below poverty level by age. The table in the next page is the information obtained from the US Census for 2011-2013 for Duval County. This demographic data is the basis for the calculations in Tables 13-16.

Area Name: **Duval County**

Last Year of Census Data Used: **2013**

Percent Transit Coverage: **42%**

Number of Annual Service Days: **365**

County Population By Age	Total Pop by Age	Population Below Poverty Level by Age	Total Population with a Disability by Age	Total Pop with Disability and Below Poverty Level by Age
< 5 Years of Age	59,396	17,608	178	109
5-17	140,156	34,459	8,082	2,792
18-34	210,762	42,360	12,829	3,812
35-64	343,541	46,636	48,468	13,972
Total Non Elderly	753,855	141,063	69,557	20,685
65-74	59,087	5,413	16,308	2,067
75+	42,195	4,565	22,132	2,667
Total Elderly	101,282	9,978	38,440	4,734
Total	855,137	151,041	107,997	25,419

County Population Projections	
2015	887,202
2020	928,135
2025	967,649
2030	1,003,844
2035	1,038,403
2040	1,071,594

5-year growth Annual % Growth
40,933 0.92%

In Table 13, the population totals (age, income and disability) are displayed. Because some individuals may fall into one or more of these demographic or socio-economic categories, it is necessary to eliminate the “double counts”. The spreadsheet will automatically calculate the overlapping populations as displayed in the spreadsheet and graphic. Duval County has a non-duplicated general TD population of 291,217 individuals or 34.1 percent of its total population.

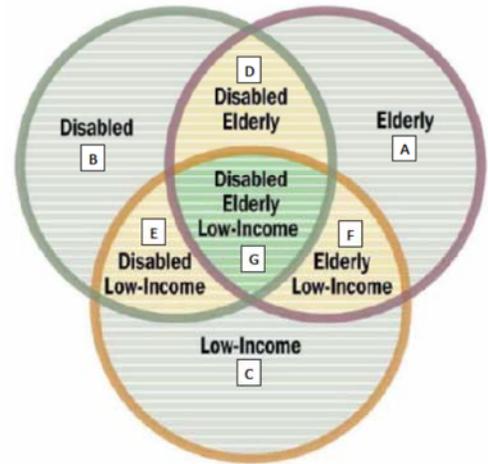
Table 13—General Transportation Disadvantaged Population

CALCULATION OF GENERAL TRANSPORTATION DISADVANTAGED POPULATION

Duval County					Census Data from 2013			
County Pop. By Age	Total Pop by Age	% of Total Pop (136,400)	Population Below Poverty Level by Age	% of Total Pop Below Poverty Level by Age	Total Population with a Disability by Age	% of Total Pop with a Disability by Age	Total Pop with Disability and Below Poverty Level by Age	% Total Pop with a Disability and Below Poverty Level by Age
< 5 Years of Age	59,396	6.9%	17,608	2.1%	178	0.2%	109	0.43%
5-17	140,156	16.4%	34,459	4.0%	8,082	0.9%	2,792	0.33%
18-34	210,762	24.6%	42,360	5.0%	12,829	1.5%	3,812	0.45%
35-64	343,541	40.2%	46,636	5.5%	48,468	5.7%	13,972	1.63%
Total Non Elderly	753,855	88.2%	141,063	16.5%	69,557	8.1%	20,685	2.42%
65-74	59,087	6.9%	5,413	0.6%	16,308	1.9%	2,067	0.24%
75+	42,195	4.9%	4,565	0.5%	22,132	2.6%	2,667	0.31%
Total Elderly	101,282	11.8%	9,978	1.2%	38,440	4.5%	4,734	0.55%
Total	855,137	100%	151,041	17.7%	107,997	12.6%	25,419	2.97%

Double Counts Calculations		
E - Estimate non-elderly/disabled/ low income	From Base Data (I11)	20,685
B - Estimate non-elderly/ disabled/not low income	Subtract I11 from G11	48,872
G - Estimate elderly/disabled/low income	From Base Data (I14)	4,734
D- Estimate elderly/ disabled/not low income	Subtract I14 from G14	33,706
F - Estimate elderly/non-disabled/low income	Subtract I14 from E14	5,244
A - Estimate elderly/non-disabled/not low income	Subtract sum of J17, J18 and J19 from C14	57,598
C - Estimate low income/not elderly/not disabled	Subtract I11 from E11	120,378
Total - Non-Duplicated		291,217

General TD Population		% of Total
Non-Duplicated General TD Population Estimate	291,217	34.1%



Ideally, comparisons of disability estimates should be made using the same survey, geographic parameters, and disability definitions. However, because the severity of an individual’s disability is not clearly captured by questions in the American Community Survey, particularly as it relates to the need for specialized transportation, another source is used in the demand methodology.

The U.S. Census Bureau’s 2010 Survey of Income and Program Participation (SIPP) is a continuous series of national surveys conducted over the course of 2 ½ to 4-year period with a sample size ranging from approximately 14,000 to 36,700 households. The SIPP collects demographic and socio-economic data used to measure the effectiveness and future costs associated with government programs.

The SIPP, through its supplemental questionnaires on adult and child functional limitations, asks questions about the ability of respondents to perform functional and participatory activities. When a respondent indicates having difficulty performing an activity, a follow-up question is used to determine the severity of the limitation. The responses to these and other questions are used to develop three overall measures of disability: any disability, severe disability, and needs assistance.

Because the SIPP age thresholds do not directly correspond to the ACS data used to calculate the general TD population, the severe disability rates (or average rates) that most closely correspond to the ACS age brackets are used in the demand methodology to estimate the prevalence of a severe disability by Florida County. In the demand methodology, these are the individuals identified as having a “critical need” for transportation based on their disability status.

In table 14 Duval county has an estimated 22,588 residents with a need for transportation due to a severe disability.

Table 14—Critical Need TD Population with Severe Disabilities

CALCULATION OF CRITICAL NEED TRANSPORTATION DISADVANTAGED POPULATION

<i>Duval County</i>					Census Data from: 2013	
County Pop. By Age	Total Population with a Disability by Age	% with a Severe Disability by Age	Total Population with a Severe Disability by Age	% of Total Pop with Severe Disability by Age	% of Severe Disability Below Poverty Level	Total Severe Disability Below Poverty Level
< 5 Years of Age	178	4.20%	7	0		
5-17	8,082	4.20%	339	0.24%		
18-34	12,829	6.30%	808	0.38%		
35-64	48,468	13.84%	6,708	1.95%		
Total Non Elderly	69,557		7,863	1.04%	28.60%	2,249
65-74	16,308	27.12%	4,423	7.49%		
75+	22,132	46.55%	10,302	24.42%		
Total Elderly	38,440		14,725	14.54%	11.70%	1,723
Total	107,997		22,588	2.64%		3,972

Data from the most recent (2009) National Household Travel Survey NHTS is also use for the demand methodology. Sponsored by the Federal Highway Administration, the NHTS is conducted approximately every eight years to collect in-depth information at the individual and household levels about travel patterns including, but not limited to, trip purpose, mode, vehicle availability and travel time.

List –assisted random digit dialing computer –assisted telephone interviews were utilized to collect a sample of 150,147 households for the most recent NHTS.

For purposes of forecasting paratransit demand, the trip rates for households with zero vehicles available are used. This is based on the assumption that the elderly, low income, and disabled who make up Florida’s TD population are more likely to reside in households with zero vehicles and/or their travel demand would be similar to households with zero vehicles available versus households with vehicles and unconstrained use.

Based on the 2009 NHTS, the per capita trip rate for Florida households with zero vehicles available averaged 2.4 trips per day. Of the 2.4 trips per day, 0.389 were made on transit, 0.063 on school buses, and 0.049 on special services for people with disabilities. These three modes are subtracted from the 2.4 trips per day to arrive at the daily trip rate for the low income, non-disabled without access to automobiles or public transit. These trips were made using a variety of modes including: privately operated (but not household owned) vehicles as a passenger or driver, bicycle, walking, taxi or other.

The daily trip rate for those individuals with severe disabilities would fall within the specialized transit rate of 0.049 trips per day.

In the spreadsheet tool, these rates are applied to the various critical need TD population group as follows:

- Based on rates from the 2009 NHTS for the United States, of the 125,622 low-income, non-disabled residents of Duval County, approximately 27.2 percent (34,169) live in zero vehicle households.
- Based on user provided input, 58 percent of the low income, non-disabled population without auto access also does not have access to public transit (19,818 individuals). This group is reliant on other means of transportation for 37,635 daily trips.
- The TD population with critical needs due to severe disabilities (i.e. critical need TD population) of 22,588 could be expected to make 1,107 daily paratransit trips.
- Combined, the estimated total daily demand for critical need TD trips in Duval County is 38,741 trips.

Table 16—Forecast of General and Critical Need TD Population and Trips

FORECAST OF GENERAL AND CRITICAL NEED TRANSPORTATION DISADVANTAGED POPULATIONS

Duval County

General TD Population Forecast	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Overlapping Circle Component											
E - Estimate non-elderly/disabled/ low income	20,685	20,876	21,069	21,263	21,459	21,657	21,857	22,059	22,262	22,468	22,675
B - Estimate non-elderly/ disabled/not low income	48,872	49,323	49,778	50,237	50,701	51,169	51,641	52,117	52,598	53,084	53,574
G - Estimate elderly/disabled/low income	4,734	4,778	4,822	4,866	4,911	4,956	5,002	5,048	5,095	5,142	5,189
D - Estimate elderly/ disabled/not low income	33,706	34,017	34,331	34,648	34,967	35,290	35,616	35,944	36,276	36,611	36,949
F - Estimate elderly/non-disabled/low income	5,244	5,292	5,341	5,391	5,440	5,490	5,541	5,592	5,644	5,696	5,748
A - Estimate elderly/non-disabled/not low income	57,598	58,129	58,666	59,207	59,754	60,305	60,861	61,423	61,990	62,562	63,139
C - Estimate low income/not elderly/not disabled	120,378	121,489	122,610	123,741	124,883	126,035	127,198	128,372	129,557	130,752	131,959
TOTAL GENERAL TD POPULATION	291,217	293,904	296,616	299,353	302,115	304,903	307,717	310,556	313,422	316,314	319,233
TOTAL POPULATION	855,137	863,028	870,991	879,028	887,139	895,325	903,587	911,925	920,340	928,832	937,403

Critical Need TD Population Forecast	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Total Critical TD Population											
<i>Disabled</i>	22,588	22,797	23,007	23,219	23,434	23,650	23,868	24,088	24,311	24,535	24,761
<i>Low Income Not Disabled No Auto/Transit</i>	19,818	20,001	20,186	20,372	20,560	20,750	20,941	21,134	21,329	21,526	21,725
Total Critical Need TD Population	42,406	42,798	43,193	43,591	43,993	44,399	44,809	45,223	45,640	46,061	46,486
Daily Trips - Critical Need TD Population											
<i>Severely Disabled</i>	1,107	1,117	1,127	1,138	1,148	1,159	1,170	1,180	1,191	1,202	1,213
<i>Low Income - Not Disabled - No Access</i>	37,635	37,982	38,332	38,686	39,043	39,403	39,767	40,134	40,504	40,878	41,255
Total Daily Trips Critical Need TD Population	38,741	39,396	40,062	40,739	41,428	42,161	42,907	43,666	44,439	45,226	45,936
Annual Trips	14,140,629	14,379,606	14,622,621	14,869,743	15,121,042	15,388,684	15,661,064	15,938,265	16,220,372	16,507,473	16,766,640

Assumes Annual Service Days = 365

Annual Population Growth (as a percent) 0.92%

2. Needs Assessment

As discussed in the Development Plan, residents of Duval County have access to both public and private transportation services. This section identifies unmet needs and gaps in service based on demographics, travel patterns and transportation service based on stakeholder input and the TPO’s public involvement activities.

To identify un-met need for transportation services for the disparate needs of this diverse and challenged community of individuals is no easy task. So many needy individuals easily slip through the cracks of “regular” service if there is no mother, father, caseworker or some other friend if they are unable to advocate on their own behalf.

Identified need

1. A service deficiency has been identified linking the unemployed with entry level employment opportunities. Entry-level workers, especially those who are low-

income, are likely to be hampered in search for a job by transit available and schedule. Transit may not be available where jobs are.

2. Another service gap is for paratransit/ADA eligible clients residing in Duval County, outside the 3/4mile service area of the fixed-route bus service and therefore, not eligible for the ADA required complementary paratransit service for trips originating from their residence. If there is no licensed driver and vehicle in the home and the client is not able to otherwise purchase transportation, service funded by the Florida Commission for the Transportation Disadvantaged generally referred to as “non-sponsored” service is an option. The availability of “non-sponsored” service is limited, however due to funding constraints. The Duval County Transportation Disadvantaged Coordinating Board has prioritized the expenditure of these funds to insure that “life-sustaining” medical trips such as dialysis are not sacrificed for recreational trips. Consequently, service may not be available when requested. Therefore, there is an increased need for funding to provide trips to individuals who live outside of the service area, who are not elderly, are low income, and have no disabilities.
3. As the Duval County Transportation Disadvantaged Coordinating Board supports JTA’s effort to transition able paratransit clients to the fixed route system, it becomes increasingly evident that there is an acute need for professional travel training. Travel training is regularly provided to the staff of social service agencies and to individuals. The JTA received FTA New Freedom grants to provide a regional travel training program in partnership with other social service agencies. There is an ongoing need to maintain this program and possibly add a staff position.
4. There is an ongoing need to replace CTC vehicles that have exceeded their useful life. Annually the CTC submits a 5310 grant application to FDOT and the JTA annually budgets for replacement CTC vehicles through the section 5307 program. All new JTA buses are ADA accessible. All new JTA fixed route buses are low-floor vehicles. The JTA was awarded FTA Section 5339 Bus and Bus Facilities funding in FY 2015-16 to replace older buses. This will improve buses efficiency and air quality.
5. There is a significant need identified around the service area to improve accessibility to many of the JTA’s bus stops. Accessibility can be enhanced by providing sidewalks and curb ramps, bus stops and bus shelters. JTA annually installs 25 to 50 bus shelters, including replacements and new shelters. JTA has sought funding to upgrade bus stops. JTA has received FTA Section 5307 formula capital grants to improve passenger amenities at all stops, replace bus shelters around the service area, and add bus pull-off lanes and walkways at several bus stops locations.
6. The Non-Sponsored TD Program is not funded at adequate levels. The transportation needs of the transportation disadvantaged in Duval County far

exceed the current funding level. Every year the Florida Commission for the Transportation Disadvantaged educate the Florida legislature on the critical need of the transportation disadvantaged and to encourage legislation to secure additional funding for the program.

Duval County Funding Priorities

The JTA will continue to identify funding sources to acquire new technology that will enhance customer service, reduce operating costs, and improve the ability to coordinate transportation in the region. Vehicle Mobile Data Terminals, Interactive Voice Recognition technology, improved Computer Aided Dispatch/Automated Vehicle Location systems and the acquisition of additional components to the existing scheduling software will be priorities over the next five years

JTA seeks capital funding and operating assistance from many sources to improve its services, as well as advancing projects forward to construction using local funding for projects such as the BRT east and southwest corridor design projects. Recent projects submitted to the Federal Transit Administration (FTA) would provide for enhanced stations and shelters for the Downtown BRT north corridor design, right of way and construction as well as for the BRT southeast corridor design, right of way and construction; to provide for associated equipment for buses and vans as well as for replacement buses and vans as well as enhanced facilities; to provide for rehabilitation of Skyway facilities, as well as being able to obtain funding through Florida Department of Transportation (FDOT) Service Development Grants that would expand and enhance services, especially for under and unemployed individuals and persons with disabilities.

The projects listed in **Table 17A** are indicative of the types of federal capital funds currently programmed to benefit the general population of Duval County. It is not a complete list of projects.

Table 17A- 2019-2020 Funding Awarded by FDOT

Grantee	Project	Project Year	Estimated Cost	Funding Source
JTA	Upgrade equipment, software improvements and annual support for Transportal / Trapeze	2019-20	\$485,724 Federal \$60,716 State \$60,715 Applicant TOTAL \$607,155	Section 5310 (Large Urban Area)

JTA	Four (4) Ford E-350 Cuteaway Buses	2019-20	\$289,760 Federal \$36,220 State \$36,220 Applicant TOTAL \$362,200	Section 5310 (Large Urban Area)
OPERATING				
The ARC Jacksonville, Inc.	Continue existing services to individuals with intellectual and developmental disabilities.	2019-20	\$ 160,000 Federal \$ 160,000 Applicant TOTAL \$ 300,000	Section 5310 (Large Urban Area)
JTA	Operating Assistance for the Wildcat Shuttle	2019-20	\$97,919 Federal \$97,919 Applicant TOTAL \$195,838	Section 5311
JTA	Operating assistance for the Baker Express Select Route	2019-20	\$60,000 Federal \$60,000 Applicant Total \$120,000	Section 5311

FDOT Capital and Operational Grant (5310)

In 2020 FDOT has received the following applications for both operational and capital assistance under 5310 Funding for FY 2020-21:

Table 17B- Section 5310 Program- 2020-2021 funding Request

Applicant	Project	Project Year	Estimated Cost	Funding Source
Beaches COA	Capital request for two (2) vehicles- to replace an existing vehicle and add another vehicle	2020-21	\$155,874 Federal \$19,484 State \$19,484 Applicant Total \$194,842	Section 5310 (Large Urban Area)
JTA	Continue to purchase equipment, software improvements and annual support for Transportal / Trapeze	2020-21	\$384,614 Federal \$48,077 State \$48,077 Applicant TOTAL \$480,768	Section 5310 (Large Urban Area)

JTA	Capital assistance for five (5) Ford E350 Cutaway buses to replace existing vehicles	2020-21	\$372,428 Federal \$46,554 State \$46,553 Applicant Total \$465,535	Section 5310 (Large Urban Area)
OPERATING				
The ARC Jacksonville, Inc. (Large Urban)	Operating request to continue existing services to individuals with intellectual and developmental disabilities.	2020-21	\$188,069 Federal \$188,069 Applicant TOTAL \$376,138	Section 5310

Regional Mobility Management Program

JTA has developed an ambitious program for coordinating regional mobility in 13 counties of Northeast Florida. The vision for the regional mobility management program is clear, simple, and achievable:

- 1) Partner with organizations to improve access to diverse transportation services, improve the rider’s travel experience, and achieve cost savings through regional coordination;
- 2) Shift the focus from individual agencies to the customer;
- 3) Emphasize the entire travel experience, not just the time on the vehicle.

The JTA has assembled \$3.7 million through federal, state, local, and private sources for the development and implementation of this unique regional mobility management program. The key features to date have not been combined and implemented anywhere else in the U.S. They include: a web-based regional trip-booking and scheduling system; TransPortal, a web-based open source code one call/one click system and regional travel training program. In addition, the program includes coordinated outreach and marketing efforts to promote regionally coordinated service delivery.

The combination of these three key elements and the focus on integrating One Click and regional trip-booking are what makes this program unique and a model for the rest of the country. Deployment of a web-based regional scheduling system is the most technically and politically challenging aspect of the JTA program and its accomplishment is groundbreaking. The web-based regional scheduling system allows staff across the region to book and schedule trips for their clients with the scheduling algorithms identifying and combining regional trips more cost-

effectively. Linking TransPortal to regional scheduling is a tremendous advantage whereby the customer or a case manager can find the most appropriate service and then immediately, with one click, book the service.

Some unexpected benefits of the program have been found including:

1. Larger pool of local system experts that troubleshoot and assist other providers even during staffing shortages and emergencies.
2. Centralized IT staff and secure technological infrastructure reduced technology and maintenance costs while expanding capabilities.
3. Improved coordination between agencies reducing duplication of services.

The coordinated efforts focusing on the needs of our customers improved the fiscal solvency of the transit providers and created a family of transportation services that has been well received by the community.

The participating entities in the regional mobility management program are social, medical, human and transportation service providers operating in the following counties: Suwannee, Columbia, Alachua, Bradford, Baker, Union, Nassau, Duval, Clay, St. Johns, Putnam, and Flagler. The operating entities within these counties include those responsible for mobility such as: Council on Aging, Veterans Affairs and Disabled American Vets, the Transportation Disadvantaged Commissions, the Community Transportation Coordinator, and public transit providers. The public transportation providers include: JTA, St. Johns County Council on Aging (Sunshine Bus), Suwannee Valley Transit Authority, Putnam Transit (The Ride Solution), Clay Transit (Clay County Council on Aging), Nassau Transit (Nassau County Council on Aging) and the Baker County Council on Aging.

Regional Fare Best Practices and Feasibility Study

JTA is working to prepare documentation for a Regional Fare Best Practices and Feasibility Study for the six-county Northeast Florida region, which includes Baker, Clay, Duval, Nassau, Putnam and St. Johns counties. This Study builds upon the analysis and recommendations of the Northeast Florida Regional Coordinated Mobility Plan (Mobility Plan), originally adopted in 2008 and updated in 2014 and of the Regional Transit Action Plan currently being drafted by the Northeast Florida Regional Transportation Commission (RTC). These plans identified the need to coordinate seamless transportation across jurisdictional boundaries. A consistent goal of these plans are to examine the feasibility of implementing a regional fare system to enhance the overall accessibility to transit services. The study is anticipated to be completed by the end of May 2018.

3. Barriers to Coordination

The Florida Legislature enacted Chapter, 427, Florida Statutes (F.S.) to ensure the availability of accessible and efficient transportation service for the transportation disadvantaged. Chapter 427, F.S., defines the “transportation disadvantaged” as “those persons who because of physical or mental disability, income status or age or who for other reasons are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping or social activities, or other life sustaining activities, or children who are disabled or at high risk as defined in Section 411.202, F.S.” The Legislation also outlines the role and responsibilities of various state and local agencies and government entities involved in providing transportation services for the transportation disadvantaged.

The legislative intent of Chapter 427, F.S., is to the coordinate transportation services for the transportation disadvantaged by establishing local coordinating boards to oversee local coordination efforts. These Boards are staffed by metropolitan planning organizations (MPOs) or by some other designated official planning agency (DOPA), often a regional planning council (RPC). The local coordinating board (LCB) serves as an advisory body and reviews and approves the

The local coordinating board (LCB) serves as an advisory body and reviews and approves the Community Transportation Coordinator’s (CTC) Memorandum of Agreement (MOA) prior to its transmittal to the Florida Commission for the Transportation Disadvantaged. Contracts with individual transportation operator or carriers and local coordination agreements are also reviewed and approved by the Board

Community Transportation Coordinator’s (CTC) Memorandum of Agreement (MOA) prior to its transmittal to the Florida Commission for the Transportation Disadvantaged. Contracts with individual transportation operator or carriers and local coordination agreements are also reviewed and approved by the Board.

As outlined in Chapter 427, F.S., the CTC is at the center of the local coordination effort. Local and state agencies are required to participate in the coordinated system if they receive local, state or federal funds to transport transportation disadvantaged persons. A recent revision of Statute allows agencies that provide their own transportation to circumvent coordination by executing a coordination agreement with the CTC. A coordination agreement is defined as:

If an agency fails to develop a coordination agreement with the CTC, the Commission for the Transportation Disadvantaged may pressure agencies funding local programs to withhold funding. Through the local coordinating board has requested Commission assistance to do so, the Commission has deferred such action.

The coordination model and local management concept with the designation of a CTC is not new or unique to Florida. States in the north and west have been moving in this direction for the last decade. Experience indicates that coordination efforts have succeeded at the local level when the following conditions have been met:

- When there are incentives for local social service agencies to participate in the coordination effort and/or penalties for failure to do so.
- These incentives can take many forms, both positive and negative. In Florida, penalties for failure to coordinate have been introduced to encourage coordination. Agencies not entering into a coordination agreement risk losing funding. Though this approach may succeed in forcing agency participation, it does not create a positive environment for coordination at the local level. As noted earlier, efforts by the Duval County Transportation Disadvantaged Coordinating Board to put pressure on state funding agencies to require coordination of local programs have met with little success.
- Support and commitment from state funding agencies and strong support from elected officials. In the absence of a strong commitment by state agencies funding local social services programs local programs are reluctant to participate in coordination efforts. State level agencies funding local programs include:
 - Florida Department of Health and Rehabilitative Services (FRSF)
 - Florida Agency for Health Care Administration (FAHCA)
 - Florida Department of Labor and Employment Security (FDL&ES)
 - Florida Department of Transportation (FDOT)
 - Florida Department of Elder Affairs (FDEA)
- The support of local elected officials is also important and can be catalysts for agency participation and cooperation. This support at the local level can also ensure that the coordination efforts meet the needs of the local community and the agencies served.
- Developing and managing an effective and viable coordinated transportation system is no small task. Unlike fixed route bus systems with set and driver schedules and routes, vehicles and drivers in coordinated shared ride

transportation systems operate on a different schedule every day, and do not have a fixed route. Scheduling a high volume trips is difficult and in large urban areas may require state-of-the-art computer and communication technology. Experienced technical staff is needed to utilize this technology. Additional professional assistance may be required to modify or update computerized scheduling systems as they grow.

In Duval County, the primary barrier to coordination is funding. The demand for service exceeds available funding. The Duval County Transportation Board is working with the CTC to stretch the limited funding available to provide as much service as possible. Also, with the new Medicaid managed health care system approach we no longer have a coordinated transportation system in Florida. These new reality throws a new challenge to CTC's who are no longer able to verify if clients are eligible to receive transportation services under Medicaid.

In addition, new app technology like Uber and Lyft are creating more pressure in an already fragile system. This new technology put CTC's at a disadvantage by having to compete for lower trip prices. The ride-hailing industry does not own vehicles consequently they do not have to comply with federal and state safety laws that make paratransit vehicles safer for the general public. However, the elevated cost of providing transit services is pushing transit organizations to consider these apps as a solution rather than a competition. Some transit agencies in the country have launched partnerships with these upstart service providers with the intent of complementing their fixed routes by experimenting with ways to encourage customers to use these ride apps to get to and from stations.

For the past several years the CTC and the TD Board have worked tirelessly to create a seamless, cohesive and stringent eligibility process. All ADA and TD/Non-Sponsored clients have been re-certified to identify those clients capable of using the fixed-route bus system.

D. Goals, Objectives and Strategies

When the Duval County Coordinated Transportation System was established in 1991 the Duval County Transportation Disadvantaged Coordinating Board established goals and policies for the program. These goals were later revised to include measures of their accomplishments.

Goal 1 is general in nature and reflects the goals and objectives of the City of Jacksonville's 2010 Comprehensive Plan. Accomplishment of this goal is outside the purview of the Duval County TD Board. It is also consistent with the comprehensive plans of the other local governments in Duval County.

GOAL 1

ECONOMIC VIABILITY OF TRANSIT. THE ECONOMIC EFFICIENCY OF THE TRANSIT SYSTEM SHALL BE MAXIMIZED WHILE PROVIDING FOR THE BASIC TRANSPORTATION NEEDS OF THE TRANSIT-DEPENDENT.

Objective 1.1

The Jacksonville Transportation Authority (JTA) shall evaluate 25 percent of its bus routes annually. Evaluation shall be based on service demand and cost effectiveness for purposes of determining whether routes should be expanded or retained.⁶

Policies

- 1.1.1 The JTA shall conduct a study to determine the service standards and evaluation procedures to be used in assessing which fixed transit routes and operating hours are to be maintained by JTA. JTA shall include representatives of low and lower-income persons and disabled and handicapped persons in the study groups concerning accessibility of transit.
- 1.1.2 The JTA shall continue to assess all fixed transit routes at a regular interval to determine necessary revisions to improve the fixed route system's efficiency.

⁶ Objective 6.1 of the Transportation Element of the City of Jacksonville 2030 Comprehensive Plan, Revised June 2018.

- 1.1.3 The City’s Land Development Regulations shall continue to provide for coordination with developers of industrial parks, developments of regional impact and other large developments to ensure, where warranted, the provision of transit access and passenger facilities in the development.

Objective 1.2

The Jacksonville Transportation Authority shall establish mass transit corridors.⁷

Policies

- 1.2.1 The Jacksonville Transportation Authority shall designate mass transit corridors through which frequent mass transportation service will be provided. In addition, the JTA shall implement Mass Transit Express, Flyer and/or Commuter Mass Transit Service in heavily traveled corridors.
- 1.2.2 The Jacksonville Transportation Authority shall continue to establish park-and-ride facilities at appropriate intervals along the mass transit corridors, as funds become available. Service to the commuting public should be enhanced through strategically located park-and-ride facilities, express bus connections to suburban multimodal transportation hubs and neighborhood feeders.
- 1.2.3 The City shall require through Land Development Regulations, higher density and intensity development in existing and future mass transit corridors, with employment generating land uses concentrated in the vicinity of the park-and-ride facilities consistent with the Future Land Use Element and Map series.
- 1.2.4 The Jacksonville Transportation Authority shall continue to operate fixed-guideway transit systems and coordinate this system with other, existing modes of mass transit.

Objective 1.3

⁷ Objective 6.3 of the Transportation Element of the COJ 2030 Comprehensive Plan, Revised June 2018.

The Jacksonville Transportation Authority shall utilize, to the extent allowed by law, existing and future federal, state and local funding mechanisms established to support transit systems in the City.⁸

Policies

- 1.3.1 The Jacksonville Transportation Authority shall complete an internal study of alternative methods of financial support for mass transit and an efficient non-polluting transit system.

Objective 1.4

The Jacksonville Transportation Authority, in conjunction with the North Florida Transportation Planning Organization for the Jacksonville Urbanized Area (TPO), shall ensure the timely and efficient provision of mass transit service to the City's transportation disadvantaged.⁹

Policies

- 1.4.1 The Jacksonville Transportation Authority, in conjunction with the TPO, shall establish mass transit routes which will assist in the implementation of the Duval County Transportation Disadvantaged Plan.
- 1.4.2 Persons who, for reasons of physical or mental handicap, cannot use the standard mass transit services shall be provided with demand responsive service (e.g. DART). The quality / level of service standard to be used in establishing such service shall be an average of one round trip per handicapped person per day consistent with federal regulations.
- 1.4.3 The JTA shall implement the plan developed by the City, the JTA, the TPO, and the Mayor's Disability Council which identifies the technical and financial methods of best providing for the transit needs of the disabled.

Objective 1.5

⁸ Objective 6.4 of the Transportation Element of the COJ 2030 Comprehensive Plan Revised June 2018.

⁹ Objective 6.5 of the Transportation Element of the COJ 2030 Comprehensive Plan Revised June 2018.

The City shall continue to provide and improve public transportation that is a viable work and school trip alternative for workers and students, including the handicapped, residing within the City.¹⁰

Policies

- 1.5.1 Owners and developers of non-residential properties shall consider the needs of the transit rider, including the disabled and handicapped, in the provision of transportation facilities at, to and around the work place by providing access to contiguous bus stops. All new or refurbished buildings which offer service to the general public or where more than 10 people are employed shall meet handicapped accessibility standards.
- 1.5.2 The City shall coordinate with the Duval County School Board to provide transit alternatives to the use of school buses.
- 1.5.3 The City shall develop design standards to make transit pedestrian facilities uniformly attractive, safe and comfortable.

Objective 1.6

Scheduling of mass transit service within the City shall continue to be such that persons residing and working within the City that have traditional work hours (8:00 a.m. to 5:00 p.m.) will be able to use Jacksonville Transportation Authority (JTA) service for the purpose of home-work/work-home trips.¹¹

Policies

- 1.6.1 The JTA shall continue to adjust its hours of service to encourage the use of public transportation for home-work/work-home trips.
- 1.6.2 The JTA and the City shall continue to ensure that an efficient non-polluting transit system is available in the Central Business District (CBD) and will extend the system as federal funds matched with state, local and private monies become available.

¹⁰ Objective 6.6 of the Transportation Element of the COJ 2030 Comprehensive Plan Revised June 2018.

¹¹ Objective 6.7 of the Transportation Element of the COJ 2030 Comprehensive Plan Revised June 2018.

- 1.6.3 The JTA and the City shall provide for an efficient, non-polluting rapid transit system as an integrated transit mode outside the CBD and continue to formulate a long-range corridor plan for this efficient non-polluting transit system and park-and-ride facilities along the right-of-way. Construction shall begin contingent upon the receipt of federal, state and local funds.

GOAL 2

PROMOTE COST AND SERVICE EFFICIENCY BY DESIGNING SERVICES THAT ARE BASED DIRECTLY ON DEMAND, WITH CONSIDERATION GIVEN TO EFFICIENT ROUTING, SCHEDULING AND OPERATION PROCEDURES.

TRANSPORTATION RESOURCES MUST BE FULLY COORDINATED TO PROVIDE APPROPRIATE SERVICE TO THE CONSUMER AND EFFORT SHOULD BE MADE TO INFLUENCE TRANSIT USAGE SUCH AS MEDICAL APPOINTMENTS, EMPLOYMENT SCHEDULES AND OTHER MEANS.

Objective 2.1

To provide the greatest number of trips in the most cost effective methods possible using the most modern cost-effective procedures.

Policies

- 2.1.1 To improve the effectiveness and efficiency of computer scheduling of trips

Measure—On-time performance

- 2.1.2 To encourage local physicians, clinics and hospitals outpatient facilities to see clients in advance of their scheduled return trip. Contact facilities/physicians about clients being ready and on time for their scheduled return trip.

Measures—On- time performance and reduce or decrease client will-calls

- 2.1.3 Evaluate and test the feasibility of service routes to and from appropriate clinics and facilities.

Measures—Number of hours of treatment missed, on time performance and cost per trip.

- 2.1.4 Implement trip negotiation to improve productivity and efficiency of scheduling and use of resources

Measure—Improved productivity

Objective 2.2

Development of a database

Policies

- 2.2.1 All re-certified and new clients will be assigned paratransit eligibility according to paratransit eligibility standards.

Objective 2.3

To discourage one passenger taxi trips utilizing TD funds

Policies

- 2.3.1 No more than seven percent of TD funding trips will be provided by taxi.

Measure—The number of taxi trips provided monthly as a percent of total trips

Objective 2.4

To require the use of fixed-route bus service when such service is offered and the consumer is capable of utilizing the service.

Policies

2.4.1 ADA approved certification will be determine on a temporary basis and up to three years of eligibility. TD clients will need to reapply every 2 years to continue eligibility.

Measure—Full fare pass or reduce fare pass

2.4.2 To provide full fare passes or reduce fare passes for Transportation Disadvantaged clients and other programs.

Measure—Full fare pass or reduced fare pass to TD Clients

2.4.3 To move 100% of all TD eligible riders who are able to ride the bus to the fixed route bus system

Measure—The number of bus trips provided monthly as a percent of total trips

2.4.4 Accurate TD ridership information in the fixed route system will be achieved by installing a better fare collection system.

2.4.5 To provide travel training to TD clients capable of utilizing the fixed-route bus service

Measure – The number of clients receiving travel training

Objective 2.5

To use a brokered approach to providing transportation service.

Policies

2.5.1 To provide the types of services required by the transportation disadvantaged

Measures—Trip purpose as a percent of total trips and number of trips denied (for non-sponsored only)

2.5.2 To subcontract for service with the providers of different types of transportation service

Measure—Number of transportation providers under contract to the Community Transportation Coordinator.

2.5.3 To provide alternate transportation provider to meet the demand during peak hours and for late night trips. (Ex. Taxi cabs, etc.)

Measure—Number of peak hour and late night trips.

GOAL 3

TO INCREASE PARTICIPATION IN THE COORDINATED TRANSPORTATION SYSTEM BY THE TRANSPORTATION DISADVANTAGED.

THE BENEFITS OF INCREASED PARTICIPATION IN THE COORDINATED TRANSPORTATION SYSTEM WILL BE TWOFOLD. FIRST, INCREASED RIDERSHIP WILL ALLOW GREATER EFFICIENCY OF SERVICE. SECOND, GREATER PARTICIPATION WILL FURTHER THE MISSION OF THE TRANSPORTATION DISADVANTAGED PROGRAM.

Objective 3.1

To increase public awareness and utilization of the fixed route with paratransit customers.

Policies

- 3.1.1 The rider's guide or quick reference guide will be updated annually as necessary based on significant changes to the coordinated system.

Measure—Update and distribute the rider's guide as necessary

- 3.1.2 A presentation about the services available will be developed for use by agencies, clubs, associations and schools.

Measures—Number of presentations annually

- 3.1.3 To encourage the JTAC to participate in educating users of the system

Measure—Number of persons participating in Jacksonville Transportation Advisory Committee (JTAC) meetings.

GOAL 4

TO INSURE THE PROVISION OF SAFE TRANSPORTATION SERVICES.

THE SAFETY AND WELL-BEING OF THE RIDERS OF THE COORDINATED TRANSPORTATION SYSTEM IS OF UTMOST CONCERN. INSPECTION AND MAINTENANCE OF VEHICLES AND DRIVER TRAINING WILL REDUCE THE LIKELIHOOD OF ACCIDENT AND/OR INJURY.

Objective 4.1

To insure the safety and well-being of passengers through inspection and maintenance of all vehicles.

Policies

- 4.1.1 The System Safety Program Plan (SSPP) will meet all established requirements and adhere to 341.06, F.S. and Rules 41-55 and 14-90, Florida Administrative Code

Measure—Existence of a System Safety Program Plan that meets the requirements of the Florida Statutes and documentation that is being enforced.

- 4.1.2 At minimum, all vehicles are required to be inspected every 6,000 miles in accordance with the SSPP.

Measure—Certification of vehicles is maintained through the respective carrier and JTA maintenance groups and with the Transportation Manager

- 4.1.3 Taxi cabs will be inspected as required by local regulation.

Measure—Vehicle inspection stickers are displayed on all vehicles and/or documentation of said inspection must be available on all vehicles

- 4.1.4 All drivers will receive emergency vehicle evacuation, passenger assistance and sensitivity training annually. In addition, drivers will receive defensive driving biannually. Every vehicle will be equipped with a First Aid/Spill Kit and fire extinguisher.

Measure—Document all training

- 4.1.5 Drivers who have not received the required training will be suspended until training is completed. The company by which they are employed will be assessed penalties.

Measures—Include documentation of all training in drivers' files.

- 4.1.6 The Community Transportation Provider will develop and distribute a Drivers' Manual outlining driver responsibilities and to ensure that all drivers are familiar with its content.

Measure—Drivers Manual. Document distribution.

GOAL 5

TO PROVIDE CONSUMER ORIENTED TRANSPORTATION PROGRAMS THAT OFFER COMFORTABLE CONVENIENT AND RELIABLE TRANSPORTATION SERVICES.

PASSENGERS USING COMMUNITY TRANSPORTATION HAVE A RIGHT TO EXPECT COURTEOUS, RELIABLE SERVICE ON CLEAN AND SAFE VEHICLES.

Objective 5.1

To ensure courteous and professional service.

Policies

- 5.1.1 All reservationists and other office staff, including dispatchers, schedulers and customer service personnel, will receive sensitivity and courtesy training annually, and within 30 days of employment.

Measure—Number of customer service complaints

- 5.1.2 All customer service personnel will be apprised of all the services provided and the restrictions and requirements of the various funding programs.

Measure—Number of customer service complaints regarding service and funding problems.

Objective 5.2

To insure convenient service.

Policies

- 5.2.1 Call in-take will be monitored to ensure that callers are not on hold more than an average of 2 minutes.

Measure—Report number of calls placed on queue for more than an average of two minutes.

Measure- 80% of calls will be answered less than 3 minutes.

- 5.2.2 Minimize the amount of time consumers spend in transit.

Measure—Trips within the service area should meet these guidelines: 0-10 miles up to 60 minutes; 10.1-20 miles up to 90 minutes; and over 20.1 miles up to 120 minutes. Particular care shall be taken when scheduling return trips for dialysis, to minimize the length of the trip.

Objective 5.3

To ensure on-time performance.

Policies

- 5.3.1 To educate clients about how to schedule rides correctly to avoid late arrivals

Measure—CTC Monitoring

Measure—Transportation provider will be assessed penalties for arrival 30 or more minutes after the scheduled pick-up time unless extenuating circumstance can be documented.

Measure—The amount of penalties assessed.

GOAL 6

TO IMPROVE COMMUNICATION WITHIN THE COORDINATED TRANSPORTATION SYSTEM.

CLEAR AND CONCISE COMMUNICATION IS A VITAL COMPONENT OF ALL “SYSTEMS.”

Objective 6.1

To improve efficiency between scheduling, dispatching and driver activities.

Policies

- 6.1.1 Service efficiency will be improved via the installation and operation of Trapeze scheduling system.

Measure—Improved on-time performance and fewer complaints about late pick-ups

Policies

- 6.1.2 Communication / service efficiencies will be improved via the installation and operation of AVL / text messaging.
- 6.1.3 Communication / service efficiencies will be improved via the installation and operation of Mobile Data Terminals (MDT's)

Objective 6.2

To improve communication between the CTC staff and consumers.

Policies

- 6.2.1 Allow consumers direct access to information about trips and vehicle schedules.
- 6.2.2 Update and distribute the rider's guide.
- 6.2.3 Distribute rider's guides to agency/facility personnel scheduling service.
- 6.2.4 Create a webpage to give consumers access to scheduling information, the rider's guide, Service Plan and similar documents

To further accomplishment of these goals and to better measure their success the Duval County Transportation Disadvantaged Coordinating Board has revised the format and content of the Monthly Statistical Analysis provided by the Community Transportation Coordinator.

GOAL 7

ENSURE TD PROGRAM ACCOUNTABILITY.

Objective 7.1

Collect, compile report and maintain required data to ensure program accountability and stability.

Policies

- 7.1.1 The CTC shall collect data sufficient to complete the various elements of the Transportation Disadvantaged Service Plan, CTC evaluation and operating reports.
- 7.1.2 The CTC shall make available the Monthly Board Report by the middle of the next month.

GOAL 8

TO INSURE APPROPRIATE FUNDING TO MEET THE NEEDS OF THE PROGRAM.

OBJECTIVE 8.1

Identify funding opportunities/seek funding to provide transportation to jobs and job training.

Policies

- 8.1.1 To work with JTA, FDOT and other agencies to identify funding opportunities to provide trips to low income citizens and persons with disabilities to jobs and job training.

Objective 8.2

Identify funding opportunities/seek funding to provide transportation service options to person with disabilities beyond the ADA requirements.

Policies

- 8.2.1 To work with JTA, FDOT and other agencies to identify funding opportunities to provide transportation service options to persons with disabilities in areas not currently covered by ADA funding.

Objectives 8.3

Identify funding opportunities/seek funding to provide commute service options to help close the public transportation gap in rural communities.

Policies

- 8.3.1 To work with JTA, FDOT and other agencies to identify funding opportunities to provide transportation options to Duval County’s rural communities.

Objective 8.4

The CTC should identify capital funding opportunities/seek funding to replace/acquire equipment and vehicles.

Policies

- 8.4.1 To work with JTA, FDOT and other agencies to identify funding opportunities to seek capital funding for vehicle and equipment replacement.

GOAL 9

TO IMPROVE REGIONAL COOPERATION AND COORDINATION WITH TRANSPORTATION PARTNERS IN NEIGHBORING COUNTIES SO THAT SERVICE CAN BE MORE CONVENIENT FOR CLIENTS AND MORE COST-EFFICIENT FOR ALL PROVIDERS.

TRANSPORTATION RESOURCES MUST BE FULLY COORDINATED THROUGHOUT THE REGION TO PROVIDE APPROPRIATE SERVICE TO CLIENTS, ESPECIALLY FOR INTER-COUNTY TRIPS. IMPROVED

COORDINATION WILL ALSO INCREASE PRODUCTIVITY AND REDUCE COSTS.

OBJECTIVE 9.1

To participate in regional initiatives which improve communication between regional partners.

Policies

9.1.1 To participate in regional meetings which discuss mutual transportation issues.

Measure- Attendance at regional transportation meetings.

9.1.2 To encourage regional meetings which discuss mutual transportation issues.

Measure – Number of meetings in which the LCB and / or the CTC are sponsors or partners.

9.1.3 To encourage new policies and procedures by all partners that allow for better coordination and scheduling of inter-county trips.

Measure – Number of new operational policies and procedures adopted by all regional transportation partners.

Objective 9.2

To promote the use of new technologies that will aid in establishing a coordinated regional transportation service.

Policies

9.2.1 To promote the establishment of a common virtual platform that allows all transportation partners in the region to coordinate trips.

Measure – Establishment of a regional internet-based scheduling program that can be used by all transportation partners.

GOAL 10

TO ENCOURAGE PARTICIPATION IN INITIATIVES THAT IMPROVE THE MOBILITY AND ACCESSIBILITY OF PEDESTRIANS, CYCLISTS, TRANSIT USERS AND PERSONS WITH DISABILITIES IN NORTH FLORIDA.

OBJECTIVE 10.1

To participate in city/ county/regional initiatives which improve mobility and accessibility for pedestrians, cyclists, transit users and persons with disabilities.

Policies

- 10.1.1 To participate in city/county/regional meetings which discuss challenges/ barriers for the accessibility and mobility of pedestrians, cyclists, transit users and persons with disabilities.

Measure- Attendance/ participation in city/county/regional mobility/ accessibility meetings.

- 10.1.2 To provide input on projects/ initiatives in regards to barriers for the mobility / accessibility of pedestrian, cyclists, transit users and persons with disabilities.

Measure – Number of presentations at LCB meetings on projects / initiatives for pedestrians, cyclists, transit users and persons with disabilities.

GOAL 11

TO SUPPORT REGIONAL TRANSIT

OBJECTIVE 11.1

Increase coordination with other counties in Northeast Florida and surrounding communities.

Policies

- 11.1.1 Continue to participate and collaborate with the Regional Transit Working Group (RTWG) in implementing the Regional Transit Action Plan.

Measure- Attendance/ participation in RTWG meetings.

- 11.1.2 Coordinate multi-county trips and service enhancement between Duval County and other counties by cooperating and working with nearby counties as well as the Community Transportation Coordinators represented on the RTWG (Baker, Clay, Nassau, Putnam and St Johns Counties).

Measure – Participation in RTWG transit projects / initiatives.

E. Implementation Schedule

Four-Year Implementation Plan

Safe, reliable service that meets the many and varied needs of the “transportation disadvantaged” is the primary goal of this Service Plan. The Implementation Plan outlines how this goal is to be achieved. Capital Improvements over the next four years are consistent with the TPO’s current TIP and with the goals, objectives and strategies of the TDSP. The Four-Year Implementation Plan for the Duval County TD Service Plan is presented in Table 18.

Table 18 -Four-Year Implementation Plan

Strategy	Responsible Party	Time Frame for accomplishment
Year 1 –FY 2016-17- Ongoing Capital / Service Improvements		
Continue recertification of TD clients	CTC	Ongoing
Transfer TD eligible riders to the fixed route	CTC	Ongoing
Update Rider’s Guide	CTC	As needed
Updated System Safety Program Plan	CTC	Annually
Vehicle inspections	CTC	Every 6,000 miles
Driver’s training	CTC	30 days from hiring and annually
Driver’s Manual development and distribution	CTC	As needed
Provide customer service representatives, drivers and office staff with proper training including sensitivity and accessibility training	CTC	Annually and within 30 days of employment
Continue implementing the travel training program	CTC	Ongoing

Seek funding to replace high-mileage accessible vehicles	CTC	Annually
Continue to work with the Mobility Coalition to achieve better transportation coordination with surrounding counties	CTC/LCB	Ongoing
Continue coordinating the TD service with Community Shuttle	CTC	Ongoing
Limit TD trips outside of the service area	CTC	Ongoing
Continue rider/passenger education	CTC	Ongoing
Monitoring and enforcing the no-show policy	CTC	Ongoing
Increase fixed route utilization	CTC	Ongoing
Find alternative resources for overflow trips during peak hours and late pick up services	CTC	Underway
Research types of cardless payment systems	CTC/transit agency	Currently Researching
Year 2 - FY 2017-2018 Capital /Service Improvements		
Seek funding to replace high-mileage accessible vehicles	CTC	Annually
Continue implementing the travel training program	CTC	Ongoing
Seek funding to connect low income citizens and persons with disabilities to jobs and job training	CTC/transit agency	Annually
Provide customer service representatives, drivers and office staff with proper training including sensitivity training	CTC	Annually and within 30 days of employment

Driver's training	CTC	As needed
Coordinate with transit to implement accessibility training (including announcing / calling stops for the blind and/or visually impaired passengers, etc.)	CTC	Annually
Implement IVR (Interactive Voice Response) system to include eminent arrival, previous day reminders, no-show and eligibility expiration notifications.	CTC	Underway
Year 3 - FY 2018-2019 Capital /Service Improvements		
Seek funding to replace high-mileage accessible vehicles	CTC	Annually
Continue implementing the travel training program	CTC	Ongoing
Seek funding to connect low income citizens and persons with disabilities to jobs and job training	CTC/transit agency	Annually
Provide customer service representatives, drivers and office staff with proper training including sensitivity training	CTC	Annually and within 30 days of employment
Driver's training	CTC	As needed
Implement on-line trip booking (PASS-Web and PASS-Web Worker) modules	CTC	Underway
Year 4- FY 2019-2020 Capital /Service Improvements		
Seek funding to replace high-mileage accessible vehicles	CTC	Annually
Continue implementing the travel training program	CTC	Ongoing

Seek funding to connect low income citizens and persons with disabilities to jobs and job training	CTC/transit agency	Annually
Provide customer service representatives, drivers and office staff with proper training including sensitivity training	CTC	Annually and within 30 days of employment
Driver's training	CTC	As needed
Implement Connexion Plus Service	CTC	Ongoing
Year 5- FY 2020-2021 Capital /Service Improvements		
Seek funding to replace high-mileage accessible vehicles	CTC	Annually
Continue implementing the travel training program	CTC	Ongoing
Seek funding to connect low income citizens and persons with disabilities to jobs and job training	CTC/transit agency	Annually
Provide customer service representatives, drivers and office staff with proper training including sensitivity training	CTC	Annually and within 30 days of employment
Driver's training	CTC	As needed

1. Long Term Goals

Improving efficiencies- Consolidate Customer Service staff from Community Shuttle Service and JTA Connexion.

Appeal Process – The CTC assess eligibility for TD non sponsored funding as well as ADA.

Integration of services – Provides seamless transportation with all the transit components; shuttles, fixed-route, paratransit, Skyway, path of travel, etc. to provide the most efficient, effective and cost saving transportation.

Community Shuttle Services- This service has been discontinued. In December 2018, the REDI RIDE service was implemented within five respective service Zones.

Continue Travel Training- the Travel Training Program will continue to partner with more agencies from across the region (Duval, Clay, Baker, Nassau, Putnam and St Johns) to provide additional training opportunities for trips crossing county lines. Travel trainers will also participate in the coordination of traditional and nontraditional transportation services as they assist individuals with the best trip options for their needs. Future travel training activities will also incorporate travel training outreach for veterans.

Bus stop accessibility- JTA's Mobility Corridors Program primary focus is to better address the multimodal characteristics of select corridors in Jacksonville / Duval County, Florida with renewed emphasis to enhance mobility choices, accessibility and safety consistent with values, aspirations and expectations of the Jacksonville community. The Mobility Corridors Program will strike a balance between all street functions, putting people and quality of place first, with the fundamental recognition that mobility plays a major role in improving public health and community livability. In order to achieve these outcomes, potential corridor improvements will consider how pedestrians, bicyclists, motorists and transit users serve as partners in mobility, each contributing to a community's quality of life. Transit access is a central part of the Program and, as such, improvements have been prioritized to increase access to JTA's system. JTA's Mobility Corridors Program consists of 14 corridors that were each selected as representing JTA's highest frequency transit corridors within its transit service area in Jacksonville / Duval County, Florida. JTA's Mobility Corridors Program is designed to maximize JTA's recently implemented Route Optimization (ROI) by enhancing transit access to the redesigned system thereby increasing its appeal to current and potential riders. This \$15 million initiative has been divided into two distinct, yet concurrent scopes of work – Transit Enhancements and Complete Streets.

The Transit Enhancement component, with an estimated value of \$5 million, will focus on improvements critical to bus stops within the designated corridors that include, but are not limited to:

- Improving standards to comply with Americans with Disabilities Act (ADA)
- Constructing sidewalks, and
- Installing other amenities such as shelters, lighting and benches

The Complete Streets component, with an estimated value of \$10 million, will focus on a longer term planning and design solutions to maximize opportunities within the designated corridors that include, but are not limited to:

- Improving transit access
- Increasing pedestrian safety
- Integrating traffic calming best practices, and
- Facilitating economic investment

Many of the corridors fall within economically distressed neighborhoods where the need for transportation infrastructure investment has been identified for decades. These areas face critical safety and access disparities, including the lack of ADA compliant sidewalks, marked and visible crosswalks, and lack of bicycle lanes resulting in significant barriers to economic mobility. Additionally, some of these corridors have experienced stable and/or declining daily traffic volumes (AADT's). This presents an opportunity to rethink and redesign the facilities to reduce excess capacity for vehicles and promote safe, multimodal travel for area residents who primarily walk, bike and utilize transit within these corridors for daily activities.

Beginning in August 2015, the JTA has undertaken a series of planning and design workshops with the community and other stakeholders to identify immediate, mid-term and long term improvements designed to maximize transit and multi modal accessibility and safety. A draft report is being prepared for each corridor to include short, mi-term and long term recommendations to support the goals and objectives of the Mobility Corridor effort. This will also include conceptual and illustrative plans in order to advance key recommendations into preliminary engineering, design and construction. Recommendations shall reinforce standards for improve safety, accessibility and walkability. The report shall also contain a record of the public engagement process, as well as the timing and prioritization of projects for funding and implementation.

The requested Mobility Corridors Program funding will enable JTA to further leverage their \$15 million in local funding to advance critical safety and mobility improvements while maximizing multimodal capacity, through preliminary engineering, design and construction within each of the 14 designated corridors. Safety is a chief objective of the Mobility Corridors Program. According to the 2014 “Dangerous by Design” report published by Smart Growth America, Florida has the top four metropolitan areas on the list of most dangerous large metro areas for walking in the U.S.:

1. Orlando-Kissimmee

2. Tampa – St Petersburg – Clearwater
3. Jacksonville
4. Miami-Fort Lauderdale-Pompano Beach

In much of Jacksonville, the auto-oriented environment means that pedestrians and bicyclists are considered vulnerable road users. They lack protection in case of a crash, and the overall absence of good urban design features and supportive infrastructure contribute to this unsafe condition. Creating a safe, comfortable, and convenient environment for walkers and cyclists will provide a greater sense of security particularly for those who are trying to access JTA’s newly-designed transit system. The Mobility Corridors Program will directly target safety deficiencies through a collaborative partnership of all key agency stakeholders with the unified purpose of eliminating Jacksonville’s poor reputation associated with pedestrian and bicycle safety, while at the same time, improving multimodal access and capacity of facilities to prevent them from becoming constrained.

The Mobility Corridors Program seeks to construct a range of Complete Streets – based improvements that have been presented to the community to address safety; connectivity; walkability; traffic calming; the ability to restore or renew the ecological potential of streets via low impact storm water management; as well as the potential for streets to support economic development – each achievable within the context of local conditions and facility types.

The Mobility Corridors Program is targeting the multimodal development and enhancement of 14 designated corridors which represent the highest-frequency transit routes within the City of Jacksonville. Through the planning and design process, each corridor project is guided through a clear and defined set of goals and objectives aimed at

- Maximizing access to JTA’s newly design transit system;
- Identifying the most effective means to address safety for pedestrians and bicyclists and;
- Fostering placemaking and livability outcomes, particularly in areas experiencing decline and disinvestment.

The Mobility Corridor Program is a part of JTA’s overall MobilityWorks program designed to complete select transportation and mobility projects funded by the extension of the local option gas tax (LOGT) through 2036. JTA is leveraging \$15 million from issued bonds to begin advancing corridor projects into design and construction. In order to complete construction on immediate improvements identified among the list of prioritized corridors, JTA is requesting a total of \$1,500,000,00 annually for the duration of the five-year MobilityWorks program.

The initial funding will be used for the final design and construction of the first two prioritized Corridors, including University Boulevard (N) and Merrill Road, which are wholly contained within the newly established Arlington Community Redevelopment Agency (CRA). This will enable additional Tax Increment Financing (TIF) allocations to be used for improvements within the Corridors, further demonstrating local match capabilities. The remaining 12 corridors will be prioritized in terms of immediate safety improvements that can be quickly advanced with the available funding over the five-year program.

2. CTC Accomplishments of the Last 5 Years

- Trip negotiation implemented (FY 2012-13)
- Rider's guide updated (FY 2015-16)
- Travel training expanded (FY 2014-15)
- Radio system upgraded (FY 2014-15)
- Mobile bus tracking system implemented (Mobi)
- Electronic Connexion Eligibility application now available online -2018
- Ride Guide updated per FTA Triennial Review guidelines- July 2018
- Customer Comment Line post card implemented - March 2018

II. SERVICE PLAN

A. Operations

The Jacksonville Transportation Authority provides complementary paratransit service. The Americans with Disabilities Act of 1990 requires transit agencies to provide complementary paratransit service for disabled persons who due to the nature of their disability are no able to access the fixed route bus system. They may not be able to access the bus system because the bus stop is not accessible, because they do not have the cognitive skills to utilize the bus system or because they are not physically capable of boarding and disembarking a bus on a regular basis. Many disabled persons are able to use the fixed route system for some trips and rely on complementary paratransit service for others. Complementary paratransit service is only available when fixed-route bus service is provided. Another alternative available for the “transportation disadvantaged” is “non-sponsored service” funded with a grant from the Florida Commission for the Transportation Disadvantaged. The “transportation disadvantaged” are defined in Chapter 427, Florida Statute as “those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. [411.202](#).”

ADA funded service is available for all trips purposes, “non-sponsored/TD funded service, however, is prioritized. Due to funding limitations, the Duval County Transportation Disadvantaged Coordinating Board has established priorities for the use of these funds with highest priority given to life-sustaining medical trips, followed by other medical, work and school trips. Lowest priority is given to social and recreational trips. A complete vehicle inventory is included in Appendix A.

1. Types of Service, Hours of Operation and Days of Service

The Community Transportation Coordinator (CTC), JTA Connexion, offers ADA accessible fixed-route bus service, paratransit and deviated fixed-route service and Ride Request which is available for both ambulatory and passengers in wheelchairs. Service is available 7 days a week the same hours and days that the fixed route system operates. JTA Connexion office hours are 8 a.m. to 5 p.m., Monday thru Friday. Trip reservation hours are 8 a.m. to 5 p.m., daily including weekends and holidays.

The JTA’s administers both the complementary paratransit service required by the Americans with Disabilities Act and the Transportation Disadvantaged

Trust Fund (non-sponsored). The later, subsidizes transportation for those persons not sponsored by an agency, or not sponsored for a particular trip purpose. The CTC has one application process for both funding sources. Passengers can obtain a paratransit application by calling the JTA eligibility Center at 904.265.6001.

Service is provided with ADA compliant vehicles. Passengers can make reservations up to 7 days in advance. Service must be scheduled no later than the day prior to the day of service for ADA and TD clients. Next day reservations are accepted until 5:00 PM. Same day reservations are not accepted. Standing orders are accepted for regularly scheduled trips, including medical, work and school related trips.

2. Types of Service Offered

Service is door-to-door. For multi-unit residential buildings/medical or nursing home facilities or other similar facilities, drivers will pick up clients at the lobby/reception area or the agreed upon designated pick up location for facilities that may have multiple entrances. Drivers are not to enter any client's residence, hospital or nursing home facility room or residence.

The CTC offers a variety of services that accommodates individual needs and abilities.

3. Accessing Service

- **How to Request Service**

Service may be scheduled by telephone at [904-265-6999](tel:904-265-6999), or Florida Relay (TDD) (800) 955-8771 for persons needing accessible telephone assistance. Passengers can make reservations one day and up to seven (7) days in advance. Next day reservations are accepted until 5 p.m. Reservation office hours are 8:00 a.m. to 5:00 p.m. daily including weekends and Holidays. Transportation service is available 7 days a week the same hours and days that the fixed route system operates. To cancel trips for advance reservations passengers can use the cancellation line 904-265-8927, 24 hours a day, 7 days a week.

- When scheduling service be specific and accurate about the type of service required (i.e. Wheelchair, ambulatory, etc.)
- Be specific and provide accurate information about the destination of the trips.

Standing orders are encouraged for regularly scheduled medical, work or other regularly recurring trips. Return trips must also be scheduled in

advance. Passengers will be given a 30-minute pick-up window when they call to make a reservation. They should be ready and in the pick-up area 15 minutes before the assigned pick-up time. Drivers will wait no more than five minutes.

Since the complementary paratransit service required by the American with Disabilities Act of 1990, must be provided to persons with disabilities during the hours service is available via the fixed-route bus system, the CTC has adopted the fixed-route schedule for its paratransit service operations. To better match actual hours of operation with the fixed-route service, the hours of operations will be adjusted to the service span of each individual bus line. Trips can only be scheduled on the paratransit system within these times.

While being transported all passengers must be secured with seatbelts and/or wheelchair tie-downs.

Instructions for Scheduling Medical Trips

- When scheduling medical appointments verify the appropriate pick-up time with the doctor's office before calling to schedule the trip.
- Schedule the return trip in advance.
- Be ready for transport at the beginning of the 30-minute pick-up window and board the vehicle immediately when it arrives.
- If the trip must be cancelled, do so no later than one and one half hours before the scheduled pick-up time. Trips can only be cancelled by calling the cancellation line 904.265-8927.
- **Failure to cancel a trip is a no-show.**
- Be specific about the type of service required (i.e. wheelchair, ambulatory, etc.) and the destination (i.e. correct address).

- **How to Cancel a Trip**

Clients must call the CTC office to cancel a trip. The number to call is 265-8927, 24 hours, 7 days a week.

- **No-Show, late cancellation and cancellation at the door – Procedures and Policy**

The Jacksonville Transportation Authority, as the Community Transportation Coordinator for Duval County, has established the following policy and procedures for JTA Connexion regarding no-show and

cancellations. The Federal Transit Agency has established a rule for no-shows that must include a pattern of abuse and trip percentage versus no-shows and /or late cancellations to determine if a client meets the criteria for suspension from the paratransit system. Under these guidelines no-shows suspensions may be imposed only when the rider's record involves intentional, repeated, or regular actions, not isolated, accidental or singular incidents. Ex. If a rider travels to and from work five (5) days a week and misses several trips a month, this is a less repeated or regular action than if the rider misses the same number of trips out of a total travel record of once every week or two. So, frequency of use or percentage of trips missed should be considered when determining pattern or practice. The JTA has established the criteria below to meet the requirements of the FTA.

A **No-Show** occurs when a vehicle arrives on time (within the client's 30 minutes pick-up window) and the client cannot be reached or located at their pick-up location. A driver must take all reasonable steps to make contact with the client, this includes the driver ringing the doorbell and knocking on the door.

A **Cancellation at the Door** occurs when the vehicle arrives on time (within the client's 30 minutes pick-up window) and the client declines their scheduled transportation.

A **Late Cancellation** occurs when a client decides not to take a scheduled trip and does not call to cancel their trip at least 1 ½ hours (90 minutes) prior to the schedule time of the pick-up. The client will be reported as a late cancellation. Late cancellations are considered no-shows. The number for the client to call to cancel their ride is 265-8927 (24 hours, 7 days a week).

A customer may be subject to suspension for a predetermined length of time based on review of scheduled trips that shows the customer no-showed more than 10% of their scheduled rides (10% being twice the system average).

Important Note: if a driver arrives to pick up a client before the start of the client's pick-up window and the client is not ready to be transported, the client is not required to board the vehicle. The client may board if they are ready and does not oppose departing early. The client will not be charge a no-show should they decide not to board the vehicle early.

**PROCEDURE AND PENALTIES FOR VIOLATION OF
NO-SHOW & CANCELLATION POLICY**

First 30-Day Period

- | | |
|---------------------------------|---|
| * Third / fourth no-shows | Phone Call to the client / caregiver to discuss the client's no-show history for the current month. |
| * Fifth and subsequent no-shows | Phone call to the client / caregiver to discuss the continued pattern of abuse. |
| * End of the month | First no-show notification letter is mailed. |

Second 30 Day Period

- | | |
|--|--|
| * Second /third no-shows | Phone call to client / caregiver and /or second no-show notification letter is mailed. |
| * Fourth / fifth and subsequent no-shows | Phone call to client / caregiver. |
| * End of the second month | Suspension no-show notification letter is mailed. |

PENALTIES

- | | |
|-------------------------|---|
| 1 ST offense | Seven (7) day suspension after written notification and opportunity for the client to appeal. |
| 2 nd offense | Fourteen (14) day suspension after written notification and opportunity for the client to appeal. |
| 3 rd offense | Thirty (30) day suspension after written notification and opportunity for the client to appeal. |
-

Suspension Process

The CTC has endorsed the process of working with a client to reduce a client's no-show or late cancellations prior to suspending a client's service. After the first suspension the client will be reinstated with full privileges. The client's clock will start from a zero point. If the suspension criteria is again violated, the client will again be suspended. The suspension process will include a graduated level of termination for each subsequent suspension. If the 10% rule and pattern of abuse is again violated the clients will again be suspended. After three suspensions in a twelve (12) month period consideration will be given to termination of service for the client. If the client appeals within the seven-day period, their transportation will not be interrupted until the final appeals decision is to do so.

Appeals

If a client is sent a suspension letter and they would like to appeal; the client may file an appeal by calling the JTA Connexion at 265-6001 or sending a letter to 100 North Myrtle Avenue, Building G, Jacksonville FL 32204. They may state why they feel the no-shows or late cancellations are in error. The appeal will be reviewed and the client will be given the opportunity to meet a JTA representative to discuss the no-shows. A decision will be rendered within fifteen (15) working days. The client will be notified by telephone or in writing of the final decision. If the decision still stands to suspend, the client will follow the JTA Appeals and Grievance Procedure. A copy of this process will be offered to each client that indicates they plan to oppose the no-show decision. Client's transportation continues while appealing.

- **Procedures for dispatching back-up service or after-hour service**

The CTC has a “**No Strand Rule**” during operating hours. There are currently no provisions for after hour service. The CTC will be working to establish procedures in case a client slips through the cracks and is left stranded after operating hours.

- **Eligibility**

Eligibility to ride the JTA Connexion is determined through an application process. To request an application, individuals may call 904.265-6001, make a request by e-mail to Eligibility@JTAFLA.com and/or download the application from the JTA webpage at www.JTAFLA.com. The eligibility process will include the application, possible medical form to be filled out by a physician or other medical professional, and a potential in-person interview and functional assessment performed at the JTA Connexion Eligibility

Center. The Eligibility Center staff will determine a person's eligibility for ADA and/or TD funding.

The following section detail eligibility for ADA administered by the Jacksonville Transportation Authority; and the Transportation Disadvantaged Trust Fund administered by the Florida Commission for the Transportation Disadvantaged. Every funding agency has established a set of eligibility rules and criteria in order for passengers to be eligible for sponsored and non-sponsored trips.

Americans with disabilities Act (ADA)

On July 26, 1990 the Americans with Disabilities Act (ADA) (P.L. 101-336; 42 U.S.C. Section 13101) became law. This far reaching civil rights legislation for persons with disabilities includes specific requirements for public and private transportation providers. It recognizes that some people by the nature of their disability are not able to utilize the fixed-route system. For these individuals the transit provider must offer paratransit service that is both comparable and complementary to the fixed-route service. To be eligible for this complementary paratransit service the individual must fall into one of three eligibility categories. The following individuals are ADA paratransit eligible:

Eligibility Category 1

Any individual with a disability who is unable, as a 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.

Eligibility in this category is based on ability to board, ride and disembark independently. This category includes, among others, persons with a mental or visual impairment who, as a result, cannot navigate the system. This category also includes people who cannot board, ride or disembark from an accessible vehicle without the assistance of another individual. This means that if an individual needs an attendant to board, ride or disembark from a fixed-route vehicle the individual is eligible for paratransit.

The ADA recognizes that some individuals may be eligible for some trips and not for others. With mobility training for example, a blind person may be able to utilize the bus system for the trip to and from work, but not able to travel to a destination with which they are not familiar.

Eligibility Category 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.

This category applies to persons, who could use accessible fixed-route transportation, but accessible transportation is not being provided at the time, and on the route the person would travel. A bus line is truly accessible when the bus can be boarded by all customers, including the mobility impaired, by accessible entry and exit on board the bus, and by unobstructed bus stops. A wheelchair passenger would be eligible for paratransit service if a bus operating on a bus line is not accessible, or if there is not an unobstructed path to the bus within a ¼ mile radius, for both the boarding and alighting location.

An individual in a wheelchair would also be eligible for paratransit service if the bus and the route are accessible but the lift cannot be deployed at a stop at which they embark or disembark.

Eligibility Category 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. This criteria concerns individuals who have a specific impairment-related condition which prevents them from getting to and from a stop or station.

Examples of impairment-related conditions include chronic fatigue, blindness, or lack of cognitive ability to remember and follow directions, or extreme sensitivity to temperature. Impairment mobility, severe communication disabilities such as serious vision and hearing impairments, cardiopulmonary conditions, or various other serious health problems may have similar effects.

“What the rule uses as an eligibility criterion is not just the existence of a specific impairment-related condition. To be a basis for eligibility, the condition must prevent the individual from traveling to a boarding location or from a disembarking location. The “prevent” is very important. For anyone, going to a bus stop and waiting for a bus is more difficult and less comfortable than waiting for a vehicle at one’s home. This is likely to be all the more true for an individual with a disability. But for many persons with disabilities, in many circumstances, getting to a bus stop is possible. If an impairment related condition only makes the job accessing transit more difficult than it might otherwise be, but does not prevent the travel, then the person is not eligible.”¹²

ADA Paratransit Eligibility Standards

Unconditional Eligibility—Applies when an individual is eligible for all trips.

Conditional Eligibility—This individual will be eligible for some trips, but not others.

Permanent Disability—Applies when an individual has a permanent disability.

¹² Federal Register Notice, Title 49, Volume 1, Parts 1 to 99, Revised as of October 1, 1996, Page 511.

Temporary Disability—This standard will apply when an individual has a temporary disability and the bus route that would normally take him/her to work is not accessible. Eligibility granted to such a person should establish an expiration date.

*ADA Eligibility Process*¹³

The ADA requires an eligibility process to be established by each operator of complementary paratransit service. The process may not involve “user fees” or application fees to the applicants. It may include functional criteria and, where appropriate, functional evaluation or testing. While evaluation by a physician (or professionals in rehabilitation or other relevant fields) may be used as part of the process, a diagnosis of a disability is not dispositive. What is needed is a determination of whether, as a practical matter, the individual can use fixed-route transit in his or her own circumstances. That is primarily a transportation decision, not a medical decision.

The goal of the process is to ensure that only people who meet the regulator criteria, strictly applied, are regarded as ADA paratransit eligible. People with mobility and visual impairment may be paratransit eligible. To accommodate persons with visual impairment, all documents concerning eligibility must be made available in one or more accessible formats, on request.

When a person with a disability applies for eligibility, the entity will provide all the needed forms and instructions. These forms and instructions may include a declaration of whether the individual travels with a personal care attendant. The entity may make further inquiries concerning such a declaration (e.g., with respect to the individual’s actual need for a personal care attendant).

When the application process is complete—all necessary actions by the applicant taken—the entity should process the application within 21 days. If unable to do so, it must begin to provide service to the applicant on the 22nd day, as if the application had been granted. Service may be terminated only if and when the entity denies the application. All determinations shall be in writing; and in the case of a denial, reasons must be specified. The reasons must specifically relate the evidence in the

¹³ Federal Register Notice, Title 49, Volume 1, Parts 1 to 99, Appendix D to Part 37, Revised as of October 1, Pages 513,-514.

matter to the eligibility criteria of this rule and the entity's process. A mere recital that the applicant can use fixed-route transit is not sufficient.

For people granted eligibility, the documentation of eligibility shall include at least the following information:

1. The individual's name,
2. The name of the transit provider'
3. The telephone number of the entity's paratransit coordinator,
4. An expiration date for eligibility
5. The re-certification process at reasonable intervals to assure that changed circumstances have not invalidated or change the individual's eligibility.
6. Any conditions or limitations on the individual's eligibility including the use or not of a personal care attendant.

ADA Appeal Process

The administrative appeal process is intended to give applicants who have been denied eligibility the opportunity to have their case heard by someone other than the person who turned them down. There must be an opportunity for an applicant denied eligibility to be heard in person as well as a chance to present written evidence and arguments. An appeal may be filed within 60 days of the denial date. A decision will be made within 30 days of the hearing. If a decision is not made within 30 days, on the 31st day, the individual must be provided service, until and unless an adverse decision is rendered on his/her appeal.

An administrative process may be established to suspend service for a reasonable period of time for ADA eligible individuals who establish a pattern or practice of missing scheduled trips.

ADA Service Area

Complementary paratransit service shall be provided to trip 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 within three-fourths of a mile radius at each end of each fixed-route.

Complementary paratransit service does not apply to commuter bus service.

Response Time

Paratransit service may be requested by any ADA paratransit eligible person one day in advance. Pick-up times may be negotiated, but shall not be scheduled to begin more than one hour before or after the individual's desired departure time.

Fares

The fare for an ADA paratransit trips shall not exceed twice the fare that would be charged for an individual paying full fare for a trip of similar length, at a similar time of day, of a fixed-route system.

Trip Purpose Restrictions

There are no trip purpose restrictions for ADA complementary paratransit service.

Hours and Days of Service

Complementary paratransit service is available the same hours and days as fixed-route bus service.

Capacity Constraints

JTA Connexion does not limit the availability of complementary paratransit service based on the number of trips ADA eligible clients' request; and there is no waiting list for access to the services provided.

Eligibility Criteria for TD Funded Trips

The Duval County Transportation Disadvantaged Coordinating Board has established an eligibility process for the provision of non-sponsored service to Duval County residents. Recognizing that the Non-Sponsored funding is very limited the CTC has decided to recertify clients every THREE years. Clients will need to reapply every THREE (3) years to continue eligibility. If there is change in a customer's financial or medical condition, they should contact eligibility immediately to discuss. Proof of income and medical verification are required to qualify for non-sponsored funding. Upon expiration or failure to re-certify for eligibility, a customer will not be able to utilize transportation until the process is completed. Applications for non-sponsored eligibility determination process requires a multi-step qualification process that substantiates the individual's ability to meet the criteria outlined in Chapter 427, F.S.

The applicants **must** meet the following criteria:

- Are not eligible for transportation service sponsored or provided by another program or agency as part of an agency's eligible services.
- Must be a resident of Duval County
- Cannot access JTA fixed routes bus service due to a physical or cognitive disability that prevents usage of the fixed route system or qualifies for the fixed route senior fare card.
- Do not have access to a household member's automobile and are therefore transportation dependent on others

AND

- Have a documented household income which does not exceed 150 percent of the federal poverty guidelines (see Table 19). Household income includes ALL income that an applicant receives prior to disbursement to any assisted living facility or care provider.

Temporary Eligibility for the TD Life Sustaining (TDLS) Program

The CTC will provide temporary eligibility for a period not to exceed 6 months for applicants receiving life sustaining dialysis or oncology/chemo

medical appointments. After the six-month period, applicants must meet all criteria to be TD service eligible.

Table 19—2019 Poverty Guidelines

Size of Family Unit	Poverty Guideline Base Amount	150 % of Poverty Level
1	\$12,490	\$18,735
2	\$16,910	\$25,365
3	\$21,330	\$31,995
4	\$25,750	\$38,625
5	\$30,170	\$45,255
6	\$34,590	\$51,885
7	\$39,010	\$58,515
8	\$43,430	\$65,145
For each additional person add	\$4,420	\$6,630

Source: U.S. Department of Health and Human Services, the 2019 HHS Poverty Guidelines

- **Trip Prioritization**

The CTC can prioritize services purchased with Transportation Disadvantaged Trust Funds based on the following criteria:

- ✓ Cost effectiveness and efficiency
- ✓ Purpose of the trip
- ✓ Unmet needs
- ✓ Available resources

The CTC is authorized to apply trip prioritization strictly when funding provided by the TD Commission is under or over the assigned monthly allocation. When trip demand exceeds available funding allocation the CTC may have to limit to medical trips only until funding levels are restored or

increased. The Duval County Transportation Disadvantaged Coordinating Board has endorsed trip prioritization based on the following priorities:

- ✓ Life-Sustaining (dialysis, oncology treatments)
- ✓ Other Medical trips
- ✓ Nutritional (meal sites and grocery shopping)
- ✓ Employment
- ✓ Educational
- ✓ Social Service Agency Trips
- ✓ Shopping
- ✓ Recreation and other

- **Transportation Disadvantaged Out –of–County Trips**

The Duval County Transportation Disadvantaged Coordinating Board has established limited out-of-county trips. The TD program primarily serves Duval County. Out-of-area trips are considered on a case by case basis and only for medical trips. No trips exceed a distance of 15 miles from the Duval County line. The CTC has the right to ask individuals to seek service from the closest medical provider or from a medical provider within the TD service area.

- **Escorts and Attendants**

Escorts

An escort is an individual traveling with a TD eligible individual as a companion or is a specifically designated person to assist with the eligible individual's needs. Attendants are not recognized under the TD program. The escort is required to pay the same fare. One escort may travel with the customer at any time, provided space is reserved when the trip is booked and they have the same origin and destination as the eligible client. When scheduling a trips, Customers will need to tell the reservationist that they will be traveling with an escort. Drivers cannot add escorts not schedule on the reservation.

Personal Care Attendants (ADA Services Only)

A personal care attendant (PCA) is an individual specifically designated to assist the ADA eligible individual's needs, whether transportation related or not. ADA paratransit customers must be certified to have an attendant. An

attendant may travel with the customer at any time. One (1) PCA may ride for free when traveling with the customer. A PCA must get on and off the van at the same places and times as the customer. To be able to have one PCA ride free the customer must be registered with a need for a PCA. This is completed as part of the eligibility process. If the customer did not indicate the need for a PCA when first applied for Paratransit eligibility and later need a PCA, the customer can call the Eligibility Center at (904)265-6001 to change the status and include a PCA.

Note: When scheduling a trip, customers will need to tell the reservationists that they are traveling with a PCA. This ensures that there will be room on the vehicle for the customer, PCA and other scheduled customers.

- **5311 Non-Prioritization Plan**

The Duval County CTC, JTA Connexion, provide transportation service in the rural areas of Jacksonville utilizing the Section 5311 grant funds. The service is designed to maximize usage by transportation disadvantaged persons in general in the areas designated as rural in Duval County. Trips originating or terminating in the rural area of Duval County are billed to Section 5311 grant. The rural transit trips provided to the general public using 5311 funds are not prioritized by any means.

Service Hours for trips utilizing Section 5311 grand funds are as follow:

- Monday-Saturday....5 am to 10:30 pm.
- Sunday.....6 am to 8:30 pm.
- Holidays.....6 am to 8:30 pm.

1. Transportation Providers and Coordination Contractors

As illustrated on the organization chart below, as of May 2010 the CTC has a contract for the provision of transportation services with one privately owned transportation provider. The private transportation provider has subcontracts with other contractors as illustrated. These companies and the types of services they provide are identified on Table 20 and Figure H (on page 90).

Table 20—CTC Transportation Providers and Services

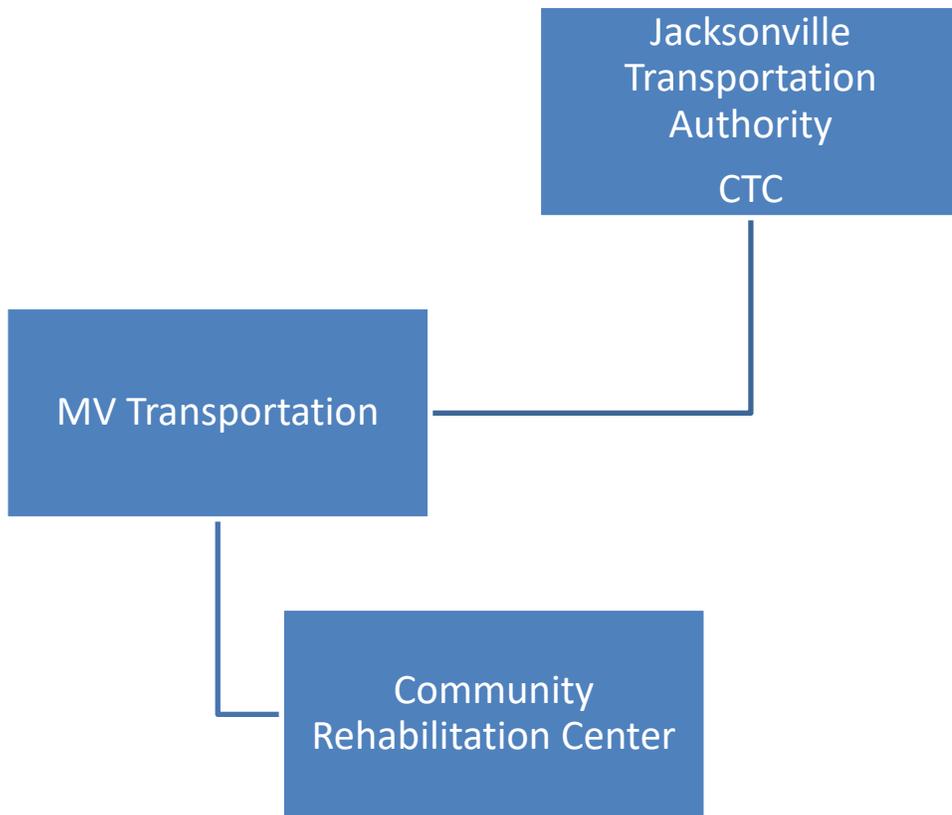
Transportation Provider	Contact Person	Type of Service	Clients Service	Hours of Operation
MV Transportation	Sarah Meredith	W/C Accessible vans	Non-Sponsored ADA	Complementary paratransit service is available the same hours and days as fixed-route service
Community Rehabilitation Center	Mark Lewis	W/C Accessible vans	Non-Sponsored ADA	Complementary paratransit service is available the same hours and days as fixed-route service

Contracts with transportation operators allow re-negotiating for up to three years, if adequate service has been provided. The CTC, however, is not bound to renewal and may re-bid services at the end of any contract year.

Transportation providers are compensated for the services they provide at varying rates. Some are paid by the vehicle hour for dedicated vehicles or on a per grid or per trip basis for non-dedicated vehicles. The rate per vehicle hour varies by vehicle type and/or capacity. Generally, vans and minivans are more expensive to operate and consequently, are paid at a higher rate than smaller vehicles. To improve cost effectiveness, some providers operate vehicles on a split-shift. That is, they operate only during peak service hours. Split-shift vehicles are paid at a higher rate.

The CTC follows the request for Proposal (RFP) process established by the Jacksonville Transportation Authority to contract with transportation operators. A sample copy of a Request for Proposal from JTA is included in Appendix D.

Figure H -CTC Transportation Providers



2. Public Transit Utilization

Fixed-Route Bus Service

In addition to paratransit service, the coordinated transportation system also issues single use tickets and monthly passes for the fixed-route bus service provided by the Jacksonville Transportation Authority (JTA). Passengers who live within 3/4 mile of a JTA fixed-route bus line are required to use the bus if they are physically capable of boarding and exiting the vehicle. The entire JTA bus fleet is wheelchair accessible. The JTA currently operates 37 local bus routes of which 6 are Express Bus routes.



Effective January 1, 2015 and Exempt (E) Star Card allows customers to ride the JTA Fixed-Route bus for free. This does not apply to Connexion vehicles trips.

Skyway

In addition to the fixed-route bus service the JTA operates a fixed-guideway monorail system in Downtown Jacksonville. The Skyway as it is known is a 3-mile system. The section on the Southbank links Riverplace and Kings Avenue Station. All vehicles and stations are fully accessible. The Skyway fare is free.



ReadiRide

Curb to curb service is provided to the public within the following five distinct zones:

Beaches

Highlands

Northside

Southeast

Southwest

To request the ReadiRide service customers can call reservations to schedule a ride to 904-679-4555. The days and hours of operation are Monday through Saturday from 6:00 am to 7:00 pm. Fares are \$2.00 or \$.50 if picked up or dropped off at a JTA bus stop.

First Coast Flyer

The First Coast Flyer is JTA's new, premium bus rapid transit service. The Flyer offers customers a frequent, limited stop, easy and reliable way to get around town. Flyer vehicles are accessible and environmentally sustainable. The Flyer offers customers, free Wi-Fi service, 10-15 minutes frequency, real-time passenger information, park-n-ride lots, and on-site ticketing. More information can be found in JTA's webpage, <https://www.jtafla.com/>

St Johns River Ferry

JTA assumed operations from the St Johns River Ferry Commission and the City of Jacksonville on March 31, 2016. JTA will maintain the ferries operation through 2036.

3. School Bus Utilization

Unlike school boards in other Florida counties, the Duval County School Board does not own or operate school buses. Instead, the School Board contracts with several private bus operators. Their vehicles are not available for use in the coordinated transportation system.

4. Vehicle Inventory

As noted earlier, the fleet of vehicles used by the coordinated transportation system includes taxi cabs, regular and lift-equipped vans, minivans with wheelchair ramps and buses. A complete inventory (excluding taxi cabs) is included in Appendix A.

5. System Safety Program Plan Certification

The System Program Plan (SSPP) describes the Duval County Transportation Coordinator's policy regarding system safety. It has been developed specifically to:

- Establish the System Safety Program system-wide;
- Identify the relationship and responsibilities of the Coordinator and contracted service providers;
- Provide formal documentation of the Coordinator's commitment to system's safety;
- Satisfy federal and state laws and local codes, ordinance and regulations.

The SSPP is a description of the methods to be used to implement the requirements of State Statute 341.061, "Transit Safety Standards; Inspections and System Safety Reviews," and by Rule Chapter 14-90, *Florida Administrative Code*, "Equipment and Operational Safety Standards Governing Public Sector Bus Transit Systems". These requirements constitute the minimum standards of the system safety program.

The SSPP describes what each service provider is to do to implement and comply with the SSPP, how and when it will be done and the lines of authority and responsibilities. In the performance of an audit, it will be easier to verify that the approved SSPP is being implemented.

The methods to be used by the Coordinator will include both direct and indirect observation of:

- Training classes and materials;
- Driver performance;

- Maintenance and repair work.

The Coordinator will conduct periodic announced and unannounced inspections and audits of records regarding training; maintenance and repairs; and inspections of vehicle fleets. A copy of the SSPP and the Florida Department of Transportation Safety Program Plan Certification are included in Appendix B.

6. Inter-County Services

The CTC, Jacksonville Transportation Authority (JTA), has developed an ambitious and far-reaching program for coordinating regional transportation in Northeast Florida.

The vision for the regional mobility management program is to:

- 1) Partner with existing organizations to improve access to diverse transportation services, improve the rider's travel experience and achieve cost savings through regional coordination
- 2) Shift the focus from individual agencies to the customer and
- 3) Emphasize the entire travel experience, not just the time on the vehicle.

The 2014 Coordinated Mobility Plan, A Public Transit and Human Services Transportation Plan for Northeast Florida provides a comprehensive assessment of Transportation needs and opportunities in Northeast Florida. It also articulates a strategy to improve regional transportation coordination, including action steps to establish a customer-centered, regional mobility management system for Northeast Florida. The JTA has assembled \$3.7 million through federal, state, local and private sources for the development and implementation of this unique program.

The key features include: a web-based regional trip-booking and scheduling system; TransPortal, a web-based one call/one click information and referral system; and a mobility focused regional travel-training program. Additionally, the program includes outreach and marketing efforts to support and facilitate transition to regionally coordinated service delivery. A copy for this plan can be found at <http://www.transportal.net/Pages/MobilityCoordination.aspx>

Participants of the regional coordinated transportation activities include the Baker County Council on Aging, Clay County Council on Aging, Jacksonville Transportation Authority, Nassau County Council on Aging, Ride Solution (Putnam County), and Sunshine Bus Company/St Johns County Council on Aging.

7. Emergency Preparedness and Response

As specified in the System Safety Program Plan and by contractual agreement with the transportation operators in the coordinated system, the CTC has established policies for the handlings of emergencies, accidents and delays.

Under the terms of these policies, transportation operators are required to notify the CTC and appropriate emergency personnel (911) immediately should an accident or incident occur. The CTC must also be notified of resulting delays so that trips may be reassigned to other vehicles or, if necessary, to another transportation operator. If an extended delay is anticipated, passengers will be notified. A written accident report must be submitted to the CTC, with an appropriate management analysis of the accident or incident, within 24 hours. After an accident, the driver is required to undergo drug and alcohol testing as specified in Federal regulations. To avoid extended delays in such situations, all transportation operators are required to have one back-up vehicle for every ten vehicles in service.

The CTC is the lead agency in staffing the Transportation Branch of the Duval County Emergency Operations Center (EOC). The CTC's role is assisting in necessary evacuations with emphasis being placed on those citizens needing specialized transportation vehicles. The Transportation Interagency Coordinating Procedure (ICP) set forth step by step procedures for the activation and operation of critical transportation functions required to respond all potential hazards including the effects of hurricanes and other natural or technological disasters, or acts of terrorism. The ICP is designed to ensure timely evacuation and orderly movement of vulnerable groups during and after a crisis situation.

8. Educational Efforts/Marketing

To date, the local coordinating board has discouraged marketing the services available through the coordinated transportation system due to financial constraints limiting the amount of service available.

Efforts have been made to inform nursing home staff and other social service agencies, of the services available to their clients and the procedures to request service. The Local Coordinating Board and the CTC encourage the use of fixed-route. The CTC educates the public about the advantages of the fixed-route bus system.

9. Acceptable Alternatives

Provision is made in Chapter 427, *Florida Statutes* for alternatives to coordinated transportation when it can be demonstrated that the required service can be provided more cost effectively outside of the coordinated

transportation system. An example of an acceptable alternative is transportation to nutrition sites provided to the elderly by the City of Jacksonville Senior Services Program. This service is funded by the Older Americans Act is provided more cost effectively outside the coordinated transportation system because fuel and maintenance of vehicles is provided by the City. The Senior Services Program does not have an agreement with the CTC.

The Headstart Program administered by the Jacksonville Urban League transports children to Headstart facilities outside the coordinated transportation program. Previous CTC's have attempted unsuccessfully to negotiate a coordination contract with the Urban League for the Headstart Program. Headstart, like the Senior Service program is the direct recipient of federal funds. The CTC and the local TD program do not have the leverage to enforce the requirement that these agencies enter into a coordination contract with the CTC.

10. Service Standards and Policies

The following are the local service standards that have been jointly developed by the Duval County Transportation Coordinating Board, the North Florida TPO and the Community Transportation Coordinator (CTC).

Service Standards and Policies		
a.	Accidents	The CTC will have no more than 3 preventable vehicle accidents per 100,000 miles. The accident definition / guideline can be found in page 113.
b.	Adequate Seating	Adequate seating for paratransit services shall be provided to each rider and escort, child and personal care attendant, and no more passengers than the registered passenger seating capacity shall be scheduled or transported in a vehicle at any time. For transit service provided by transit vehicles, adequate seating or standing space will be provided to each rider and escort, child or personal care attendant, and no more passengers than the registered seating or standing capacity shall be scheduled or transported in the vehicle at any time.

Service Standards and Policies		
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c.	Advance Reservation Requirements	Customers can make reservations up to 14 days in advance, seven days a week from 8 a.m. to 5 p.m. It is recommended that customers make their reservations as far in advance as possible in order to receive their ideal time.
d.	Billing Requirements to Contracted Operators	In accordance with Section 287.0585, <i>Florida Statutes</i> , JTA Connexion will pay all subcontractors within seven (7) days of receiving payment.
e.	Call-hold time	Call in-take will be monitored to ensure that callers are not on hold for more than an average of 2 minutes.
f.	Cardiopulmonary Resuscitation	The CTC has elected to not require its contracted drivers to be trained in First Aid or CPR. Should the need arise for a client to require First Aid or CPR, it is the policy of the CTC that the driver notify Dispatch immediately. Dispatch will call 911 and request that emergency personnel be dispatched to the correct location for professional emergency care.
g.	Child Restraint	<p>Children under six years of age must be accompanied by an adult or guardian 13 years of age or older. Children who weigh less than forty (40) pounds must ride in a child safety seat which complies with Section 316.613 F.S. JTA does not accept any responsibility for any unaccompanied minor.</p> <p>If the child is required by Florida law to be in a child safety seat, it is the passenger's responsibility to provide that safety seat and ensure it meets requirements set by Florida statute for child restraint devices. (Section 316.613, Florida Statue). Also, it's the passenger's responsibility to ensure that the child is secure in the seat. Infant strollers and similar articles must be folded prior to boarding a JTA vehicle.</p>

Service Standards and Policies		
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| h. | Communication Equipment | All vehicles must have two-way radios to permit direct communication with the dispatcher and/or supervisory staff. |
| i. | Complaints | Valid service and/or safety related complaints shall not exceed 0.3 percent per 1,000 boardings. |
| j. | Driver Identification | Drivers will be identified with identification badges. Drivers will identify themselves to visually impaired passengers. |
| k. | Drug and Alcohol Policy | <p>Pre-employment drug tests verifying a negative result is required for all drivers as per USDOT regulations 49 CFR Part 655. The CTC and his/her subcontractors shall maintain a drug-free workplace and otherwise comply with the provisions of the Drug-Free Workplace Act, 41 U.S.C. §701.-707.</p> <p>A driver must not have had a conviction within the last twenty (20) years for DWI or DUI, reckless driving or operating any kind of motorized vehicle under the influence of alcohol or any illegal drug or controlled substance. Must not have had any conviction (at any time) for vehicular manslaughter.</p> <p>If the driver is found at fault for an accident he/she should submit to a drug and alcohol test.</p> |
| l. | Escort/Attendants and Children | Escorts and attendants are defined in different ways depending on the funding source as explained in pages 74-75. All escorts under ADA and TD funding pay the same fare as the eligible individual. Only one escort is allowed under the TD funding. A Personal Care Attendant (PCA or attendant) rides for free under ADA. Under ADA an attendant (PCA) may travel in addition to any escort also traveling with the eligible individual. Attendant's (PCA's) are not recognized under the TD program / funding. |

Service Standards and Policies		
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m.	First Aid Policy	The CTC has elected to not require its contracted drivers to be trained in First Aid or CPR. Should the need arise for a client to require First Aid or CPR, it is the policy of the CTC that the driver notify Dispatch immediately. Dispatch will call 911 and request that emergency personnel be dispatched to the correct location for professional emergency care.
n.	Local Toll Free Telephone Number for Consumer Comment	The CTC shall maintain a telephone system allowing toll-free access for all users and Telecommunication Device for the Deaf (TDD) to allow access by hearing impaired users. Clients may call JTA Connexion at (904) 265-8528 or Florida Relay (800) 955-8771 for comments or complaints.
o.	No-Show, Late Cancellation and Cancellation at the Door Policy	The CTC has adopted a rule for No Shows that include a pattern of abuse and trip percentage versus no-shows and/or late cancellations to determine if a client meets the criteria for suspension from the paratransit system. Under these guidelines no show suspensions may be imposed only when the rider's record involves intentional, repeated, or regular actions, not isolated, accidental, or singular incidents. Ex: If a rider travels to and from work five (5) days a week and misses several trips a month; this is a less repeated or regular action than if the rider misses the same number of trips out of a total travel record of once every week or two. Frequency of use or percentage of trips missed should be considered when determining pattern or practice. To cancel a trip client must call 904-265-8927. The no-show standard for the CTC and its contract operators is four (4) percent.
p.	On-time Performance	The standard for on-time performance is 90 percent. All transportation service providers are expected to perform a minimum of 90 percent of their trips on-time. The goal of the JTA is that at

Service Standards and Policies

- least 95 percent of all trips will be performed on-time. Scheduling initiatives and carrier eligibility for performance incentives will be used to work toward this goal.
- q. **Out of Service Area** The Duval County Transportation Disadvantaged Coordinating Board has established that limited out-of-County trips are eligible under the Transportation Disadvantaged (TD) non-sponsored program. Out-of-county trips are considered on a case by case basis for medical trips only. No trips will exceed 15 miles from the Duval County line. The CTC reserves the right to ask a person to travel to the closest medical provider or to one that is within the TD service area (Duval County).
- r. **Passenger Assistance**
- The driver shall assist passengers boarding and exiting the vehicle. If necessary or requested assistance can also be provided to the seating position, fastening the seatbelt, securing the wheelchair, storing mobility assistance devices and closing the vehicle door.
- The driver shall provide the passenger with boarding assistance, if necessary or requested, to the seating portion of the vehicle. The boarding assistance shall include opening the vehicle door, fastening the seat belt or utilization of wheelchair securement devices, storage of mobility assistive devices and closing the vehicle door. The driver may open and close doors to buildings, if requested by the passenger, except in situations in which assistance in opening/closing building doors would not be safe for passengers remaining on the vehicle. Assisted access must be in a dignified manner. Drivers shall not assist wheelchair up or down stairs.

Service Standards and Policies

		<p>Drivers are not required to assist customers in carrying their belongings on or off the vehicle.</p>
s.	Pick-up Window	<p>Passengers will be given a 30-minute pick-up window when they call to make a reservation. This means that a vehicle will arrive within fifteen (15) minutes before or fifteen (15) minutes after the pick-up time given at the time of the reservation. Passengers must be ready within the pick-up window. When the driver arrives the passenger must board the vehicle immediately.</p>
t.	Public Transit Ridership	<p>The Community Transportation Coordinator goal is to move 100% of all Transportation Disadvantaged eligible riders who are able to ride the bus to the fixed route bus system. Currently, all clients excluding Life Sustaining are required to complete an in person process to include an interview with a JTA staff member and possible functional assessment with an Occupational Therapist. This process is based on the Easter Seals Project Action, <u>Determining ADA Paratransit Eligibility</u>. This allows JTA to only provide paratransit trips to those persons who cannot use fixed route due to their capabilities and persons who may not live on a bus line and fall under the criteria of low income or Senior.</p>
u.	Rider Personal Property	<p>Passengers may bring onboard the vehicle as many items (bags) as they can personally manage in one boarding. They can also bring a personal, collapsible cart with them as well. An approved collapsible cart must not exceed 30" tall, 18" wide, and 18" deep (not including handle and / or wheels). Passengers' belongings are not to block an aisle or stairway or occupy an additional seat, as to do so would cause danger to or displace passengers. Drivers are to ensure the safe operation of the vehicle and the safety of all occupants. Drivers are not required to assist passengers in carrying their belongings on or off</p>

Service Standards and Policies

		the vehicle. For additional information please refer to Transit Customer Code of Conduct (Rule No. 009)
v.	Rider/Trip Data	<p>When scheduling, the customer service representative shall, at minimum, record the following information on the Trapeze reservation screen:</p> <ul style="list-style-type: none">• Client name• Funding source• Client identification number• Mobility aid• Pick-up location or drop-off location• Telephone number where client can be reached and number of persons traveling (PCA and/or companion)
w.	Road-Calls	The CTC will have no less than 10,000 vehicle miles between each road-call based on an annual average.
x.	Smoking and Eating in Vehicles	Smoking is not permitted in vehicles. Eating and drinking are not permitted in vehicles unless medically necessary.
y.	Vehicle Cleanliness	All vehicles will be clean, free of dirt, trash and sand.
z.	Vehicle Transfer Points	Drivers will ensure that transfer points are safe and secure.
aa.	Vehicle AC and Heating Equipment	All vehicles will be equipped with heat and air conditioning systems that are in good working order.

Service Standards and Policies

bb. Driver Criminal Background	Employment records for all drivers shall include: required pre-employment criminal check; results of the required pre-employment, post-accident, reasonable suspicion, return to duty and random tests as required by 449 CFR Part 655; documentation of required physical examinations; moving violation reports and documentation of driver work hours including days/hours worked and off duty hours.
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11. Additional Standards and Service Policies

There are many standards and policies that govern the quality of service provided by Community Transportation. These standards and policies are established in this Service Plan, and in the System Safety Program Plan. In addition, the CTC adhere to the standards and guidelines set forth on Chapter 427 Florida Statutes and Rule 41-2 Florida Administrative Code.

Driver Training

The CTC is responsible for the review of training files and certification of new drivers. A subcommittee of the local coordinating board and members of the Jacksonville Transportation Advisory Committee (JTAC) have worked with the CTC to insure that the driver training program is sensitive to the needs of passengers transported. Members of the JTAC have attended driver training.

To be sure that all drivers have adequate safety training, all new drivers are issued a manual upon hiring and are required to sign for it. A copy of the receipt is enclosed in their permanent record. Drivers are required to read and study the manual as part of their initial testing and are tested on key points.

New drivers are required to complete an initial training course administered by the service provider, including passenger assistance, passenger sensitivity, emergency vehicle evacuation procedures, drug and alcohol, wheelchair securing and defensive driving. The initial course also includes an introduction to the CTC organizational structure, an outline of relevant parts of Chapter 427, *Florida Statutes*, instruction about how to read a drive manifest and a map book, and basic rules and regulations of the coordinated transportation system.

Defensive driver training consists of either the National Safety Council and/or the Smith System Defensive Driver Modules and includes specialized training in

vehicle operation. All drivers must also be certified by the CTC upon completion of their training. Drivers' candidates must have a good driving record with no more than five (5) points on their driver records within the last three years. Pre-employment drug testing is also required.

Standing Orders

The CTC for Duval County has established the following standing order practices and procedures.

A standing order is the permanent reservation of a regular trip made by a rider. This eliminates the need to make individual reservations for each trip. The trip must be to and from the same place, at the same time on the same day(s) of the week. The trip must be taken at least once per week, for at least six (6) months. One standing order is allowed per rider. Requests for additional standing orders will be considered on a case by case basis. The Americans with Disabilities Act allows the CTC to maintain up to 50 percent capacity for standing orders.

Once a standing order has been implemented, pick-up times and locations may not be changed. If the passenger does not need the standing order for a period of time, please contact the CTC to temporarily suspend the standing order for up to 90 calendar days. There is no penalty for doing so. If after 90 days it is not reinstated, it will be forfeited.

Standing orders falling on designated holidays are automatically suspended for that day. If a rider needs a trip on any of the following holidays, the trip must be scheduled as an individual demand trip. Pick-up times on designated holidays may be different than standing order pick-up times due to reductions in overall service. Designated holidays are:

- ✓ New Year's Day
- ✓ Memorial Day
- ✓ July 4, Independence Day
- ✓ Labor Day
- ✓ Thanksgiving Day
- ✓ Christmas Day

Suspension of Standing Orders

A rider who violates the CTC's Rider Policies, including the No-Show Policy, may lose Standing Order trip status and potentially lose general riding privileges.

If a rider does not need a trip or trips generated by a standing order, but does not wish to place the standing order on hold, the trip(s) must be cancelled at least 90 minutes in advance of the scheduled pick-up time. A trip not cancelled accordingly will be tallied as a no-show, late cancellation, or cancellation at the door.

An individual who has accrued three (3) no-shows, late cancellations and/or cancellations at the door within a thirty (30) day period will have their standing order suspended. Consideration will be given to circumstances beyond the control of the individual. Notice of suspension will be provided to the rider by the CTC and will become effective immediately. A rider whose standing order has been suspended may be eligible for reinstatement six (6) calendar months from the date of cancellation. Further no-shows, late cancellations, or cancellations at the door may result in warnings or suspension of riding privileges, according to the No-Show Policy. Any rider who is suspended from use of the CTC service will automatically forfeit Standing Order status for a minimum of six months.

Reservations and Cancellations

Service is available seven days a week.

Service may be scheduled by telephone and can be made every day of the week from 8:00 a.m. to 5:00 p.m., including weekends and holidays. Return trips must be scheduled in advance. When scheduling medical trips, the client should verify the appropriate pick-up time with the doctor's office before calling to schedule the trip. Trips must be canceled no later than one and a half hours prior to the scheduled pick-up time. Cancellations can only be made by calling JTA Connexion. Inquiries about scheduling and pick-up time should be directed to the CTC, not to the service provider(s).

When scheduling trips, the caller must be specific about the type of service required (i.e. wheelchair, cane or walker, etc.). Specific and accurate information about the destination including the address with the suite number and zip code, and the telephone number, is required. The exact location for pick-up for the return-trip should also be specified. For medical trips, the return time should be verified by the doctor's office.

Passengers will be given a 30-minute pick-up window when they call to make a reservation. This means that the vehicle will arrive within (15) fifteen before or fifteen (15) minutes after the pickup time given at the time of the reservation. Passengers must be ready within the pick-up window. When the driver arrive passengers must board the vehicle immediately.

Door-to-Door Service

Service is door-to-door. The driver should not be expected to escort passengers to specific offices, departments or floors within a medical complex and cannot provide personal attendant care. When providing door-to-door service, drivers shall:

- Park as close as legally practical to the primary or designated entrance of a pick-up or drop-off location.
- Take reasonable steps to make their presence known to the client including ringing the doorbell and knocking on the door.
- Provide walking guidance or stability assistance (i.e. extend an arm for support) to an individual, if necessary or requested.
- Assist an individual in a wheelchair up or down a wheelchair ramp.¹⁴
- Assist an individual across the threshold into or out of the area at the primary or designated entrance of a pick-up or drop-off location to include opening and closing the door if necessary or requested (wheelchairs must roll in forward or roll out backward)

When providing door-to-door service, drivers shall not:

- Sound the vehicles horn as a means of announcing the arrival of the vehicle except if requested by visually impaired clients.
- Enter a residence.
- Proceed into a non-residential building further than the area at the primary or designated entrance of a pick-up or drop-off location (see door-through-door service).
- Lock or otherwise secure or attempt to secure any individual's home, apartment, office, etc.
- Assist wheelchair customers up or down stairs.
- Load, unload, and/or carry any individual's personal property (i.e. handbags, shopping bags, gift boxes, etc.)
- Leave a client as a no-show before being authorized by the dispatcher to do so.

¹⁴ See ramp guideline in Appendix E

Door-to-Door Service (buildings/ offices)

When providing door-to-door service drivers shall:

- Park as close as legally practical to the primary or designated entrance or common lobby area as designated of a pick-up or drop-off location.
- Take reasonable steps to make their presence known to the client, a staff member, nurse, or receptionist.
- Provide walking guidance or stability assistance (i.e. extend an arm for support) to an individual, if necessary or requested.
- Assist any individual in a wheelchair up or down a wheelchair ramp.¹⁵
- Assist an individual to a designated pick-up or drop-off location within a designated door-through-door building.
- Notify a staff member, nurse, or receptionist before leaving the building when a client is not present at the primary or designated pick-up location or common reception area or, in the absence of a staff member, nurse, or receptionist a courtesy notice will be left at the front desk if possible.

When providing door-to-door service, drivers shall not:

- Sound the vehicle's horn as a means of announcing the arrival of the vehicle, except if requested by a visually impaired client.
- Enter a residence.
- Lock or otherwise secure or attempt to secure any individual's home, apartment or office, etc.
- Assist wheelchair customers up or down stairs.
- Load, unload, and/or carry any individual's personal property (i.e. handbag, shopping bag, gift boxes, etc.).
- Leave a client as a no-show before being authorized to do so by the dispatcher.
- Leave the vehicle unattended for more than 15 minutes or out of visual range.

¹⁵ See ramp guidelines in Appendix E

Fixed-Route Service

- Individuals capable of using the fixed-route bus system will be encouraged and in some cases may be required to do so.
- A disabled person living within $\frac{3}{4}$ miles of a bus route but not capable of using the fixed-route service is eligible for the complementary paratransit service funded by the JTA.
- ADA eligible individuals living anywhere in the county are eligible if they can get to a location within $\frac{3}{4}$ miles of a bus route.

Americans with Disabilities Act

To be eligible for the complementary paratransit service funded by the Jacksonville Transportation Authority, in accordance with the Americans with Disabilities Act the disabled individual must have a condition that “impairs a major life function or have a history of such a condition, or be regarded as having such a condition. Major life activities include functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working,” and:

- Be unable to independently board, ride or disembark from accessible vehicles as a result of their disability; or
- Need an accessible vehicle and require service in areas or routes not yet served by accessible fixed-route transportation; or
- Have an impairment–related condition preventing them from traveling to and from a boarding or disembarking location.¹⁶

Pick-up and Drop-off

- Passengers must pay the fare prior to being transported.
- With the exception of medical emergencies, vehicles will only make scheduled stops.

¹⁶ No eligibility for paratransit exists due simply to lack of curb cuts in the path of travel of an individual with a disability since, in the short term, such barriers can often be navigated around and, more importantly, pressure to eliminate these architectural barriers must be maintained on the state and local government entities responsible for eliminating them. In the same way, distance from a boarding or disembarking location alone does not trigger eligibility. The House of Representatives Public Works and Transportation Committee (H. Report 101-485, Part 1 at 29-30)

¹⁹ Ramp Guidelines are included in Appendix E

- Passengers must show a JTA Connexion ID prior to boarding.

Wheelchairs

All people using common wheelchairs, or any mobility device that can safely navigate the ramp or wheelchair lift without exceeding the manufacturer's maximum weight limit are permitted to ride the complementary paratransit service. Section 37.3 of the DOT regulations implementing the American with Disabilities Act of 1990 (ADA) (49 CFR Parts 27, 37 and 38) defines a "wheelchair" as 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. No. 49 CFR Part 38 requires that lifts have a minimum design load of 600 pounds and the lift platform accommodates a wheelchair measuring 30 inches by 48 inches. Driver shall assist wheelchair passenger up or down a wheelchair ramp.¹⁹

Passenger Safety

While being transported, all passengers must be secured with seat belts and/or wheelchair tie-downs or will not be transported.

Prohibited Behavior in Vehicles

Service shall be provided free from fear. Conduct that is violent, disruptive or illegal will not be tolerated. Severe sanctions will be imposed. This applies to riders and drivers. (See Guidelines for Denial of Service Page 107-110)

Driver Responsibility / Conduct

- With the exception of two-way radios, a radio, tape, compact disc or digital player shall not be operated while passengers are on board.
- Drivers must be neat and clean in appearance, with hair combed and clean clothes. The required uniform is a shirt with a collar, blue or black pants, with low heels and closed toes. Tennis or running type shoes may be worn as long as they are clean and the laces are tied. High heel and open toe shoes are not acceptable.
- Drivers will not ask for or accept tips; eat or smoke on vehicles; curse at passengers; rush passengers on or off vehicles; pull away with passengers standing near the vehicle; or be rude to passengers.
- Drivers will not enter a residence.

- Drivers will not lock or otherwise secure or attempt to secure any individual's home, apartment, office, etc.
- Drivers will collect the fare prior to transporting passengers.

Rider's Guides

- All new customers will be forwarded a letter confirming their eligibility determination and a copy of the Connexion Rider's Guide and the grievance procedure.
- The Rider's Guide is available online and to the general public at www.JTAFLA.com.

Jacksonville Transportation Advisory Committee

The Jacksonville Transportation Advisory Committee (JTAC) meets the second Monday of the month at 4:00 pm at the JTA Board Room located at 100 North Myrtle Avenue, Jacksonville, Florida 32204.

On-Time Performance

- Trips for which the passenger arrives at the destination after the scheduled appointment time are considered late. When a client is dropped off late for their appointment and require a later return trip, they should call reservations and reschedule their return trip.
- All transportation service providers are expected to operate at 90% on-time performance or better. If an operator fails to do so the CTC will work with them to institute corrective measures.
- Drivers shall notify the dispatcher of any delays.
- All service interruptions shall be reported.
- Drivers need to report every drop-off and pick-up. Dispatchers will monitor the performance of the manifest.

Length of Time a Passenger is on a Vehicle

Trips within the service area should meet these guidelines: 0–10 miles up to 60 minutes; 10.1–20 miles up to 90 minutes; and over 20.1 miles up to 120 minutes. Particular care shall be taken when scheduling return trips for dialysis patients, to minimize the length of the trip.

Employee Training

All reservationists and other office staff, including dispatchers, schedulers and customer service personnel will receive sensitivity and courtesy training annually, and within 30 days of employment.

Vehicles

- All CTC vehicles will show the JTA Connexion logo.
- All passenger vehicles shall be inspected in accordance with the Florida Administrative Code Chapter 14-90 and in the annual FDOT systems compliance review to confirm that they meet minimum safety standards. Taxicabs must comply with all City of Jacksonville regulations governing their operation.
- Vehicles must be certified by the original chassis manufacturer to conform to all applicable Federal motor vehicle safety standards in effect on the date of manufacture as required by 49 CFR Part 567.
- Vehicles that have been altered must also be certified by the company or individual making alterations that the alterations conform to all applicable FMVSS in effect on the date of alteration as required by 49 CFR Part 567. All vehicles must have:
 - ✓ Seatbelts for all seat positions;
 - ✓ At least one fully charged dry chemical fire extinguisher having, at least, a 1 ABC rating and bearing the label of Underwriter's Laboratory, Inc. and having some means of determining if it is fully charged. Each fire extinguishers shall be inspected annually and be tagged by the inspecting entity;
 - ✓ A sufficient supply of safety reflectors and/or safety flares;
 - ✓ Two-way radios to permit direct communication with the dispatcher and/or supervisory staff
- All wheelchair accessible vehicles must have a wheelchair securement system and restraining device for each wheelchair position. In addition, each wheelchair position must have a seatbelt and shoulder harness assembly as required by the ADA.

Accessibility Specification for Transportation Vehicles

All vehicles traveling outside of the service area will be equipped with a cellular phone.

Vehicle Maintenance

The JTA and its contracted service providers are responsible for maintaining/inspecting all in-service vehicles. At minimum, an “A”, “B”, “C” or “D” cycled vehicle maintenance inspection will be performed on all in-service vehicles at 6,000 mile intervals.

Unauthorized Riders

No one is allowed to ride in the vehicle except the driver and authorized riders.

Breakdowns

All vehicle breakdowns and/or road calls will be reported to the CTC as required by the FTA, with the completion of a Vehicle Breakdown Report.

Breakdown due to mechanical reasons include failure of: air equipment; heating equipment; vehicle body parts; cooling systems; electrical units; fuel system; engine; steering and front axle; rear axle and suspension and torque converters. (These breakdowns require assistance from someone other than the vehicle operator to restore the vehicle to operating condition and usually require the transfer of passengers to another vehicle.)

Breakdowns for other reasons include tire failure; wheelchair lift/ramp failure; air conditioning systems; out of fuel- coolant-lubricant and other causes not included in breakdowns for mechanical reasons.

Roadcalls reporting guideline:

The following is FTA’s definition of road calls for the AOR:

- Total Road calls: A count of paratransit “in-service” for “mechanical” or “other” reasons during this reporting period whether the rider is transferred or not. “In-service” is defined as the time a vehicle has begun its route to provide transportation service to the time it has completed its route. Do not include Section 49 USC 5307 fixed route/fixed schedule road calls.
- Road calls for Mechanical Failure: A revenue service interruption caused by failure of some mechanical element of the revenue vehicle. Mechanical failures include breakdowns of air equipment, brakes,

body parts, doors, cooling system, heating system, electrical units, fuel system, engine, steering and front axle, rear axle and suspension, and torque converters (FTA1) or:

- Road calls for Other Reasons: A revenue service interruption caused by tire failure, fare box failure, wheelchair lift failure, air conditioning system, out of fuel-coolant-lubricant, and other causes not included as mechanical failures. (FTA1) Road calls exclude accidents.

Personnel—Drivers

- All drivers will have a physical examination certifying their ability to perform their required duties before employment and at a minimum every two years thereafter as required by Rule Chapter 14-90 F.A.C.
- Pre-employment drug tests verifying a negative result is required for all drivers as per USDOT regulations, 49 CFR part 655.
- Employment records for all drivers shall include: required pre-employment criminal record check; results of the required pre-employment, post-accident, reasonable suspicion, return to duty and random tests as required by 449 CFR Part 655; documentation of required physical examinations; moving violation reports and documentation of driver work hours including days/hours worked and off duty hours.
- The driver must not have had a suspended or revoked driver's license within the immediate past two (2) years, except for the administrative suspensions caused by failure to pay child support or failure to maintain PIP insurance on their personal vehicle.
- A copy of each driver Moving Violation Record will be provided to the CTC at least once every six months.
- Drivers will not be permitted to driver more than 12 hours in any one twenty-four-hour period. Drivers are not permitted to be on duty more than 16 hours during any 24-hour period or drive more than 70 hours in any period of seven consecutive days. Any driver who has reached the maximum of 12 consecutive hours or 16 hours on duty is required to have a minimum of 8 consecutive hours off duty.
- The CTC and his/her subcontractors shall maintain a drug-free workplace and otherwise comply with the provisions of the Drug-free Workplace Act, 41 U.S.C. §701-707.

- Drivers will:
 - obey all traffic laws and ordinances;
 - use correct radio procedures;
 - conduct a daily pre-trip inspection of their vehicles;
 - keep the vehicle clean;
 - assist passengers when necessary;
 - keep their manifests, timesheets, etc. accurate and legible;
 - collect all fares as indicated on their manifest or otherwise instructed;
 - have passengers sign any required forms;
 - report all traffic accidents and/or any other incidents immediately;
 - radio the dispatcher before leaving the location of a client who is marked as a no-show; and
 - Report any change in drop-off location from the location listed on the manifest.
- All drivers will receive training in defensive driving every 2 years (SSPP), passenger assistance and sensitivity (every 2 years SSPP), accident/incident reporting and on-road emergency procedures, and drug abuse and alcohol misuse (as required by FTA regulations).
- A driver must not have had any conviction within the last twenty (20) years for DWI or DUI, reckless driving or operating any kind of motorized vehicle under the influence of alcohol or any illegal drug or controlled substance. Must not have had any conviction (at any time) for vehicular manslaughter.
- A driver can be removed from a safety sensitive position at any time at the request of the CTC.
- All drivers shall be issued a Drivers Manual outlining their responsibilities, and tested on its content prior to going on the road.

Personnel—Dispatchers

One or more dispatchers shall be on duty during all hours that a subcontractor's vehicle are operating or until the last passenger is dropped off.

Dispatchers are responsible for:

- Monitoring driver performance regarding passenger pick-ups and drop-offs and should know when vehicles are not operating on schedule;
- Advising the CTC when a vehicle is not operating on schedule and what steps are being taken to correct the problem and notifying all passengers impacted in a timely manner;
- Informing the CTC of accidents, incidents, and breakdowns/roll calls. In the case of accidents, the CTC must be notified within one hour of occurrence;
- Attempting to contact passengers who will otherwise be identified as no-shows (if a telephone number is available they will call them);
- Ensuring the provision of accurate information regarding estimate items of arrival and cancellations;
- Changes to the manifest will be made in emergency situations only.

Accidents and Incidents

- All accidents and incidents occurring on vehicles shall be immediately reported to the dispatcher and forwarded immediately to the CTC Customer Service Personnel. These include those accidents reported to law enforcement as well as those that are not reported. If the accident occurs after regular business hours, the CTC's Operations Manager should be notified by telephone.
- An Accident/Incident Review Form shall be completed and faxed to the CTC within 24 hours of the accident/incident, and the original forwarded to the CTC within 48 hours.
- If personal injuries are evident or suspected, a 911 call should be made immediately. A police report should be filed for all accidents.
- If an accident results in bodily injury or property damage in excess of Federal Transportation Authority (FTA) guidelines, the driver must submit drug and alcohol testing in accordance with FTA requirements.
- If the driver is found at fault for the accident, he/she should submit to a drug and alcohol test.

- As soon as an accident is reported, a road supervisor will begin an investigation.
- One copy of a report filed by a law enforcement agency will be forwarded to the CTC within 48 hours of the accident.
- To the fullest extent possible, all standards have been implemented. This does not mean that a driver never honks a horn or eats on a vehicle.

Accidents reporting guideline

The following is the TD Commission’s requirement for accident reporting for the AOR:

- **Number of accidents:** The number of paratransit accidents under the appropriate category outlined below which occurred during this reporting period. Do not include section 49 USC 5307 fixed route/fixed schedule accidents. Each category is mutually exclusive and should be broken out into chargeable (a ticket was received or the cause of the accident was the fault of the provider) or non-chargeable (a ticket was given to the other party involved in the accident or was not the fault of the provider).
- **Person Only:** Total number of in-service accidents related to vehicle activity involving injury to persons only (this is not a count of injured persons). Injury to persons includes those situations where the person(s) requires transportation to a medical facility for some sort of medical attention as a result of the accident. This includes injuries sustained while entering and exiting vehicles.
- **Vehicle Only:** Total number of in-service accidents with damage to either vehicle involved in the accidents. The threshold for reporting purposes is when the damage to either vehicle or property meets or exceeds \$1,000.00.
- **Person and Vehicle:** Total number of in-service accidents with both vehicle damage and injury to persons involve in the accidents. The definitions and thresholds for “person” and “vehicle” are the same as in the preceding two paragraphs, and for reporting purposes, accidents reported in this category only have to meet the threshold criteria for one area (i.e. person or vehicle).

3. Accidents	
	Chargeable

Total Accidents Person Only:	
Total Accidents Vehicle Only:	
Total Accidents Persons and Vehicle:	
Total Accidents:	
Grand Total:	

These are the adopted standards and failure to comply with them is cause for termination of drivers, dispatchers and transportation providers.

Transit Patron Code of Conduct

The following is the transit authority's standards of conduct and behavior for all users of the Jacksonville Transit Authority (JTA) transit services and/or facilities.

I. Purpose and scope

This code of conduct is a rule of the Jacksonville Transportation Authority, help you to acquaint yourself with our current standards of conduct and behavior that is applicable to all JTA transit services and / or facilities for your safety, security and comfort. The following rules are design to preserve our customers' right to free speech, while simultaneously ensuring the safety and comfort of all customers, operators and the public; at large. The Code of Conduct applies to all modes and means of JTA transportation, including but not limited to the following:

- Transit buses, community shuttles
- Paratransit service and Skyway
- Charter service / special services vehicles
- Park and ride lots
- Transit shelters and all other passenger facilities

II. Rules of Transit

All passengers are required to abide by this "Code of Conduct for Transit Customers" to ensure that all JTA customers enjoy a comfortable ride on the JTA.

1. Please think of others and follow our no eating, drinking or smoking policy on-board any JTA vehicle.
2. Please do not open containers of food or drink. Not only are they not allowed on the JTA, this rule also help us to keep our vehicles clean and comfortable.
3. We are very protective of our customers, including you, so please don't use physical violence, profanity, intimidation, and/or harass other passengers or the operator. All of these actions are prohibited by JTA.
4. Possession or consumption of illegal drugs is not allowed by law.
5. To assure the safety of you, our operator and our customers, please remain behind the yellow line and minimize conversation with the operator.
6. Please remain seated and/or secure yourself until the vehicle comes to a complete stop.

7. Panhandling, sales, or solicitation is prohibited on-board a JTA vehicle. The distribution of printed materials at JTA public facilities should not interfere with bus operations.
8. The use of sound-generating electronic devices- like cell phones or portable disc players can only be used on our buses if you are using earphones. Conversations and other noises should be kept at a level that does not disturb other passengers or the operator.
9. Possession of weapons or flammable materials is prohibited on JTA vehicles, transit shelters and other JTA customer facilities.
10. All objects, such as strollers, should be folded prior to boarding and cannot block the aisle or stairway.
11. Appropriate clothing, shirt and shoes, is required to board the bus.
12. Operating or tampering with any JTA equipment is dangerous and prohibited.
13. Children under six years of age must be accompanied by an adult or guardian 13 years of age or older. JTA employees are not allowed to accept responsibility for unaccompanied minors.
14. All animals are prohibited unless used as service animal.
15. Vandalism or graffiti of JTA vehicles or property is illegal and therefore prohibited.

III. Customer Courtesy

- Please have the correct fare ready when boarding.
- Please occupy only one seat and make room for other passengers.
- Please exit at the rear door to make room for the flow of incoming passengers.
- Please consider offering you seat to the elderly or disabled passengers when possible.
- Please keep conversation and other noises to a minimum for the comfort of all JTA customers.
- Please allow customers in wheelchairs to board the bus first.
- Please reserve front seats for customers with disabilities.

IV. Penalties

Persons who violate the Code of Conduct are subject to penalties, up to and including suspension of service. A range of penalties may be used to address non-compliance with the Code of Conduct. Non-compliance with the Code of Conduct may include one or any combination of the following:

1. Verbal warning by transit driver or JTA supervisor to correct a customer's non-compliance with JTA rules.
2. Offensive conduct on the part of a JTA customer may require their removal from the transit vehicle. If a passenger is

removed from a transit vehicle, the passenger is suspended from riding privileges on any JTA vehicle and from use of any JTA transit shelter or passenger facility for the remainder of the day. When a passenger is in violation of the Code of Conduct and is asked to leave a JTA vehicle, their fare is forfeited. If a suspended passenger is seen on another JTA vehicle or at a JTA transit shelter or other passenger facility during the suspension period, the passenger will be considered trespassed and law enforcement will be contacted.

3. A passenger may be suspended from all use of the JTA transit system for a determined period of time. A suspended passenger is not allowed to use any JTA vehicle or any JTA transit shelter or other passenger facility for the duration of the suspension period. When a passenger returns from a suspension, the returning passenger's behavior will be closely monitored. If another incident of non-compliance with the Code of Conduct occurs, the passenger may be suspended for an additional period of time and / or have all JTA transit privileges permanently terminated.
4. A passenger's transit privileges may be permanently terminated for repeat offenses or for one major offense, including but not limited to physical threats, violence or disruptive behavior which presents a safety hazard.

V. Florida Statutes

Please read and become familiar with the following State of Florida laws that can result in felony charges, are created to protect all JTA services and employees:

Florida Statute 784.07 – Assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers: minimum sentence.

Florida Statute 812.015 – Retail and farm theft; transit fare evasion; mandatory fine; alternative punishment; detention and arrest; exemption from liability for false arrest; resisting arrest; penalties.

VI. Publication

This code of conduct is available on-line at www.JTAFLA.com. Hard copies are available without charge at JTA's office 121 West Forsyth Street, Jacksonville, Florida 32204, and at selected JTA transit hub locations.

12. Local Complaint and Grievances Procedure / Process

All local coordinating boards are required to adopt Complaint and Grievance Procedures. The Duval County Transportation Disadvantaged Coordinating

Board adopted these Complaint and Grievance Procedures. Daily service complaints are routine in nature and are usually resolved immediately within the control center of the CTC. However, if left unresolved, a routine service complaint can develop into a formal grievance.

Section 1: Definition of a Complaint

For the purposes of this Committee a complaint is defined as:

“An issue brought to the attention of the Community Transportation Coordinator (CTC) either verbally or in writing by a rider, sponsoring agency, community service provider or the staff of the North Florida Transportation Planning Organization which addresses an issue or several issues concerning transportation services provided by the CTC or subcontractors. Complaints generally relate to the daily operation of the coordinated transportation system and could include late pickups, no-shows, the behavior of drivers, clients or reservationists, denial of service or discomfort.

Section 2: Complaint Procedures

The following procedures are established to provide regular opportunities for complaints to be made to the CTC and if necessary brought before the Grievance Committee as a “grievance.”

Filing a Complaint

The CTC will provide all riders, sponsoring agencies and service providers with a description of the complaint procedure. Grievance procedures are posted in the Riders Guide and distributed to all clients. Riders can file complaints with the CTC by telephone 904-265-8928, fax 904-265-8919, e-mail ConnexionComplaint@JTAFLA.com or by regular mail to 100 Myrtle Avenue, Jacksonville, Florida 32204. All complaints must be submitted immediately after the incident and should include: passenger’s name and address, date and time of incident, and a detailed explanation of the incident. When requested, the CTC will respond in writing to complaints within 7 business days. Complaints that cannot be resolved to the satisfaction of the complainant can be appealed to the Grievance Committee.

Appeal to the Grievance Committee

The CTC shall advise and provide direction to all persons, agencies or entities from which a complaint has been received of their right to file a formal written grievance to the North Florida TPO for review by the Grievance Committee. The CTC will provide the Grievance Committee

with a report on each issue or item brought before the Committee and shall conduct additional investigation as required by the Grievance Committee.

Recording of Complaints

The CTC will keep a computerized file of all complaints and generate a monthly report identifying emerging patterns of complaints. At minimum this report should identify the number of complaints by type including on-time performance (late-trips), safety, vehicle condition, and customer service (driver behavior and reservationist behavior for example).

Written responses to complaints forwarded by any agency will be copied to the agency.

Section 3: Definition of a Grievance

For the purposes of this Committee a grievance is defined as:

“A circumstance or condition thought to be unjust and grounds for a grievance or resentment not resolved by the Community Transportation Coordinator (CTC) through the complaint procedure.” Grievances could include unresolved service complaints, denial of service, suspension of service and unresolved safety issues.

Issues concerning eligibility determinations are the sole responsibility of the entity/authority determining eligibility and are not subject to these grievance procedures. An exemption to the policy is not allowable under the grievance procedure.

Section 4: Grievance Procedures

The following procedures are established to provide regular opportunities for grievance to be brought before the Grievance Committee. The CTC provides copies of the Grievance Procedures to clients who have a service suspension.

A. Filing a Grievance

If a system user, sponsoring agency, community service provider or entity has a grievance with an action taken by the CTC in response to a complaint will present the grievance to the North Florida TPO within thirty (30) days of the written response from the CTC. All grievances must be in writing and shall include the following information:

1. The name and address of the grieving party; and

2. A statement of the grounds for the grievance and supporting documentation.

Facts concerning the grievance should be stated in clear and concise language. Grievances can be mailed to the North Florida TPO at the following address:

North Florida Transportation Planning Organization
980 North Jefferson Street
Jacksonville, Florida 32209
Attn: Elizabeth De Jesus

Grievances can also be e-mailed at edejesus@NorthFloridaTPO.com

The North Florida TPO will forward a copy of the grievance letter to the CTC for a written response and will schedule a meeting of the Grievance Committee. Grievances can also be mailed to the Community Transportation Coordinator (JTA Connexion) at this address:

JTA Connexion
100 North Myrtle Avenue
Jacksonville, Florida 32204
Attn: Justin Cayless

Grievances can also be faxed to the JTA Connexion at 904-265-8919. The JTA Connexion will forward all Grievances to the North Florida TPO. The aggrieved party and the CTC will be notified of the date, time and location of the meeting at least ten (10) days in advance.

B. Grievance Committee Hearing

Within thirty (30) days of receipt of the grievance of the Grievance Committee will meet and render a recommendation. A written copy of the Committees recommendation will be forwarded to the TD Board Chairperson and all parties involved within ten (10) days of the recommendation. The TD Board authorizes the Grievance Committee to make the final determination. The grieving party will be notified in writing of the Committee's final determination.

C. Appeal to the Florida Commission for the Transportation Disadvantaged

Should the aggrieved party remain dissatisfied with the recommendations of the CTC, and the Grievance Committee, appeal can be made to the Florida Commission for the Transportation Disadvantaged. The appeal should be in writing and submitted within 60 days of the denial date. It should be address to the Florida Commission for the Florida Transportation Disadvantaged at 605 Suwannee Street, MS-49, Tallahassee, Florida, 32399-0450.

D. Appeal to the Judicial Court System

Aggrieved parties with proper standing may request an administrative hearing or court hearing as per Chapter 120, Florida Statutes.

Section 5: Grievance Committee Procedures

The Grievance Committee will follow the procedures outline below when a grievance has been filed:

Schedule Meetings

Upon receipt of a grievance the North Florida TPO staff will contact the Chairperson and members of the Grievance Committee to schedule a meeting. The Committee will hear grievance prior to the next regularly scheduled Board meeting or at a date, time and location convenient to the Grievance Committee. Grievance meetings will be advertised in a major circulation newspaper.

Notification

The North Florida TPO staff will notify the grieving party and other interested parties of the date, time and location of the meeting.

Written Minutes

The minutes of the meeting are recorded and if requested will be provided in written format. These minutes shall include the following.

- A statement that a meeting has held in which the involved parties, their representative, and witnesses were given an opportunity to present their position.
- A statement that clearly defines the issues discussed.
- An opinion and reasons for the grievance based on the information provided; and
- A recommendation by the Grievance Committee based on their investigation and findings.

Communication with other Agencies

The North Florida TPO authorizes the Board to communicate directly with other agencies and entities as necessary to carry out its duties and responsibilities in accordance with Rule 41-2, Florida Administrative Code.

ADA Eligibility Appeal Process

Persons who are denied eligibility for ADA paratransit service by JTA have the right to request a hearing to appeal to the JTA Appeals Committee.

a. Filing an Appeal

1. An appeal request shall be submitted in writing to the JTA or by phone (904)265-6001 within sixty (60) days of the original determination. If the determination is on a weekend or legal holiday, an appeal will be accepted on the next subsequent business day.
2. Appellants are urged to clearly state in their appeal the reason(s) why they believe the determination does not accurately reflect their ability to use JTA's fixed route bus service. Written material regarding the specific functional ability of the Appellant or relating to the general nature of the individual's disability may also be submitted in support of the appeal.

b. Appeal

1. Once the appeals letter and supporting documentation is received by JTA staff, the client's information will be reviewed. If nothing in the eligibility decision is changed after reviewing all available information, an appeals hearing will be scheduled.
2. All information gathered during the interview, assessment, supporting documents and anything submitted with appeals letter will be copied and provided to the appeals committee.
3. JTA staff will notify the appellant, by mail concerning the scheduled date and time of the hearing.
4. The client may attend the hearing but it is not mandatory. In addition, the appellant may submit any other supporting documents either prior to the meeting or at the meeting. If the client does not attend the hearing, the appeals committee will review all information provided as listed in step 2.
5. A letter concerning the appeals decision will be mailed to the appellant within 30 days following the appeals hearing. If a determination is not completed within 30 days, the appellant will be granted temporary eligibility.

13. Guidelines for Denial of Service

Repeated incidents of unacceptable behavior by a passenger necessitated development of policies that would prohibit such behavior on vehicles, would provide for a system of warnings and if necessary allow discontinuation of service.

The Need of Guidelines for the Denial of Service

The consensus of the Board is that rules governing the behavior of passengers are required. The proposed guidelines, which follow, have been submitted to the Florida Agency for Health Care Administration, the entity responsible for Medicaid, for approval. Action will be taken subsequent to that behavior. The guidelines are consistent with the provisions of the Americans with Disabilities Act, regarding passenger suspension of service for 30 days, and finally termination of service. The intent of the guidelines is to modify behavior of disruptive passengers, not to deny service.

The Duval County Transportation Disadvantaged Coordinating Board and the Community Transportation Coordinator for Duval County have reviewed and approved the following policy.

Policy Statement

It is the policy of the Coordinated Transportation System to provide safe and reliable service free of fear or violence. Unacceptable conduct by clients of the Community Transportation System shall not be tolerated and shall be discouraged by the use of increasingly severe sanctions. It is recognized that some action may be as intolerable or dangerous as to require immediate termination of service.

Definitions of Prohibited Conduct

Violent Conduct: Conduct by an individual that creates fear in another individual or results in unwarranted physical contact with another individual.

Seriously Disruptive Conduct: Conduct by an individual which demeans, denigrates or intimidates any other individual or interferes with the performance of another individual's action.

Illegal Conduct: Conduct which is prohibited by law or regulation and may include violent or seriously disruptive behavior.

Disciplinary Procedures

In accordance with §46.105, §37.5(h) of the Department of Transportation rule implementing the Americans with Disabilities Act,

It is not discrimination for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive or illegal conduct. 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."

The following procedures have been developed to ensure the safety and well-being of employees and any other persons coming into contact with the Community Transportation System.

All instances of unacceptable conduct shall be documented, in writing, and forwarded to the CTC. After reviewing the circumstances, the General Manager of the CTC shall determine what action is to be taken.

Incremental actions can be taken as follows:

1. For a **FIRST OFFENSE**, written notification shall be sent to the offending individual via certified mail with a return receipt requested. This notification shall detail the conduct deemed unacceptable, state that the notice is to be considered an official warning and that any reoccurrence of the conduct deemed unacceptable within one calendar year will lead to further disciplinary action. A copy of the notice will also be forwarded to the agency funding the client's trip.
2. For a **SECOND OFFENSE** within one calendar year, written notification will be sent, via certified mail with a return receipt requested, detailing the conduct deemed unacceptable and stating that the client shall be suspended for a period of thirty (30) days. A copy of the notice shall also be forwarded to the agency funding or scheduling the client's trips.
3. For a **THIRD OFFENSE** within one calendar year, written notification shall be sent via certified mail with a return receipt requested, detailing

the conduct deemed unacceptable and stating that the client shall be removed from the service permanently. A copy of the notification shall also be forwarded to the agency funding or scheduling the client's trip.

No suspension or expulsion shall occur until after the time limit for making an appeal has expired with the exception of Prohibited Conduct so dangerous or disruptive it interferes with the immediate safety or well-being of any employee or other person.

Appeal Procedure

Anyone wishing appeal a decision to deny service due to inappropriate behavior or prohibited conduct shall present their request for appeal in writing to the General Manager of the Community Transportation Coordinator within fifteen (15) days of notification of disciplinary sanction. The General Manager will immediately forward the request for appeal to the staff of the North Florida TPO for the scheduling of a meeting of the Grievance Committee or JTA Administrative Appeal Process (similar to ADA Eligibility Appeal Process). The appellant should include the following information in his/her request:

1. The name and address of the appellant;
2. A statement of the grounds for the grievance and supporting documentation (if any); and
3. An explanation of the relief desired by the grieving party.
4. Facts concerning the grievance should be state in clear and concise language.

The appellant will be notified in writing of the date, time and location of the meeting of the Grievance Committee/Administrative Appeal Committee at which the appeal will be heard. This written notice will be mailed at least ten (10) days prior to the meeting.

If a client elects to pursue the appeals process, the agency funding the client's service will be notified and requested to attend the Grievance Committee/Administrative Appeal Committee.

Suspensions or expulsions from service will not be enforced during the appeal period, except in cases where the conduct is so dangerous or disruptive that it interferes with the immediate safety or well-being of any employee or other persons.

Within thirty (30) days of receipt of the appeal request the Grievance Committee/Administrative Appeal Committee will meet and render a decision. A written copy of the decision will be forwarded to the appellant via certified mail, return receipt, a copy will also be forwarded to all parties involved, including the agency funding service, within ten (10) days of the decision. If the appeal fails, the notification will also state the effective date of the suspension or expulsion.

Distribution of Guidelines for Denial of Service

Upon their approval by the Duval County Transportation Disadvantaged Coordinating Board copies of these guidelines will be transmitted to all funding agencies and current users of the services provided. Thereafter, a copy of the guidelines will be transmitted to all new clients.

14. Community Transportation Coordinator Monitoring Procedures of Operators and Coordination Contractors

The JTA Connexion uses various means (including scheduled and unscheduled audits) to monitor and ensure that system safety standards are achieved in the following areas:

1. A service provider's training program including: defensive driving, sensitivity training, security training, drug and alcohol training, curriculum, instructional materials for both operators and maintenance staff.
2. The proficiency of operators in the system, through functional testing techniques and evaluation of job performance.
3. Pre-operational, post-operational Daily Vehicle Inspections (DVI-Form 13) and discrepancy reporting procedures for the vehicle fleet including all required records and documentation.
4. Scheduled preventive maintenance inspections and unscheduled vehicle maintenance repair procedures.
5. Personnel files including, but not limited to motor vehicles background checks, national criminal background check (pre-employment), local criminal background check (pre-employment and annual), Federal Transportation Administration drug/alcohol records, physicals, etc.
6. Motor vehicle inspections records.
7. Accident and incident reporting.

8. Customer service and dispatch departments.

The JTA Connexion Quality Assurance Officers (QOA) have the task of overseeing the policies and procedures set forth in the System Safety Program Plan (SSPP) and when necessary initiating the appropriate changes to improve the overall safety of the system. It is the responsibility of the Quality Assurance Officers to monitor each participating contractor's compliance within the safety plan.

Each service provider shall designate a minimum of one Safety Officer to ensure compliance with the Duval County SSPP and other safety related issues. Upon assignment, the service providers must submit (by written correspondence) the name(s) and contract phone number(s) of their designated Safety Officer to the JTA Connexion's Quality Assurance Department.

Each Safety Officer shall have the qualifications and authority to inspect vehicles and drivers for compliance. They shall also have the authority to hold a vehicle or prevent a driver from operating in the service, if the vehicle or driver is found out of safety compliance.

The service provider's Safety Officers shall perform regular inspections, monitor training, investigate all complaints of safety and rules violations and shall investigate vehicle or rider accidents and make reports of their findings with appropriate support documentation. A copy of the SSPP is included in Appendix B.

15. Coordination Contract Evaluation Criteria

Factors reviewed prior to entering into a coordination contract with an agency includes provisions that comply with the Memorandum Agreement between the Florida Commission for the Transportation Disadvantaged, Chapter 427, F.S. and Rule 41-2 F.A.C. In addition, the following must be provided by the coordination agency to the CTC:

- A System Safety Program Plan prepared in accordance with Chapter 341.061 F.A.C.
- Minimum vehicle liability insurance of \$100,000 per person and \$200,000 per incident;
- A brief explanation of the overall agency functions and its transportation program;
- Expected funds required to support its transportation trips with per trips and/or per unit costs;

- Estimated number of one-way trips to be provided; and
- Other information as required by the CTC to complete the Annual Operating Report.

B. Cost / Revenue Allocation and Rate Structure

Justification

On October 12 2000 the First Coast Metropolitan Planning Organization (now the North Florida TPO) recommended the designation of Jacksonville Transportation Authority as the Community Transportation Coordinator (CTC) for Duval County and approved by the TD Commission effective March 1, 2001. The JTA has been re-designated as Duval County's CTC in 2006, 2011 and 2016. The Commission entered into a Memorandum of Agreement (MOA) with Jacksonville Transportation Authority (JTA), designating them as the CTC for Duval County. The MOA is an agreement between the TD Commission and an organization/entity to designate them as CTC. The CTC is responsible for the arrangement of all transportation services in a particular service area. These services are funded through federal, state, and local government transportation disadvantaged funds. The MOA contains the Commission's minimum service standard requirements and is the basis for the uniform statewide passenger transportation services. The actual rate and fare information is a component of the Service Plan which must be submitted with the MOA. The fare structure developed by the CTC for use in Duval County bills purchasing agencies on a per trip basis. The Rate Calculation Model Worksheet, use to calculate the non-sponsored rates are included in Appendix H.

Services

Services are defined as follows:

- ✓ *Random Shared Ride Services*
These are trips made by passengers who are travelling to a destination where the passenger is not traveling with more than five other passengers traveling to or from the same destination. This type of service represents the majority of paratransit service provided by the CTC
- ✓ *Deviated Fixed Route or Group Services*
These are trips for passengers making frequent, regularly scheduled trips to day programs. Under the group classification, five or more passengers must be traveling together on the same vehicle to or from a single destination.
- ✓ *Fixed Route Service*
These are CTC sponsored trips on JTA fixed route buses.
- ✓ *Out of County Trips*
These are special trips offered only to passengers to Medical locations outside of Duval County on a case by case basis.
- ✓ *Deviated Fixed Route of Group Services*

These are trips for passengers making frequent, regularly scheduled trips to day programs within a defined service area. Under the group classification, five or more passengers must be traveling together on the same vehicle to or from a single destination.

Fares for Agencies Purchasing Service

The current fare structure for all services is as follows:

Table 21 - In County Fixed Route Services

Fare Category	New Fare	With MyJTA App
Fixed Route		
Single Trip Fare	\$1.75	_____
Single Trip Fare (reduced)	\$0.75	_____
1-Day Pass	\$4.50	\$4.25
1-Day Pass (reduced)	\$1.75	\$1.50
3-Day Pass	\$12.00	\$11.00
7-Day Pass	\$20.00	\$18.00
31-Day Pass	\$65.00	\$60.00
31-Day Pass (reduced)	\$32.00	\$30.00
31-Day Pass (youth)	\$32.00	\$30.00
Express Fare	\$2.75	_____
Express Fare (reduced)	\$2.00	_____
Senior Fare (age 65 and older)	FREE	_____
Ferry		
Single Trip Fare	\$1.75	
Single Trip Fare (reduced)	\$0.75	
1-Day Pass	\$4.50	\$4.25
1-Day Pass (reduced)	\$1.75	\$1.50

3-Day Pass	\$12.00	\$11.00
7-Day Pass	\$20.00	\$18.00
31-Day Pass	\$65.00	\$60.00
31-Day Pass (reduced)	\$32.00	\$30.00
31-Day Pass (youth)	\$32.00	\$30.00
Express Fare	\$2.75	_____
Express Fare (reduced)	\$2.00	_____
Senior Fare (age 65 and older)	FREE	_____

Fixed-Route Reduce Fare Card Program

Any person with a temporary or long-term certified documented disability.

Qualifications for Reduced Fare Card

Proof of disability/Medicare eligibility. Submit one of the options listed below and a government issued pictured ID card. (Please note you must submit the exact form as required).

- A. Social Security Validation. You must provide a current printout that states the words, “disabled individual”, or the letters DI after your social security number.
- B. Medicare Validation
 - 1. A copy of your Medicare card (not Medicaid)
- C. Disabled Veterans Validation. If you are service-connected disabled, you must submit:
 - 1. A copy of your benefit letter from the Veterans Administration with a disability rating of at least 50%.
- D. Doctor Validation. You must submit the following two forms:
 - 1. Jacksonville Transportation Authority Application for Reduced Fare Card Application.

-and-

- 2. A doctor statement describing the nature of your disability on professional letterhead or prescription form.

Passenger Fares

Passengers utilizing the Complementary Paratransit Service funded by the Jacksonville Transportation Authority and those receiving non-sponsored service are required to pay a fare. The FTA allows for an ADA flat rate not to exceed twice the fixed route base fare. The rate for Transportation Disadvantaged (TD) trips will be established at \$.50 greater than the recommended base ADA fare:

Connexion ADA Fare - \$3.00

Effective May 1, 2015 JTA will offer complementary trips to ADA approved Paratransit customers traveling within the Skyway service area. ADA trips must start and end within $\frac{3}{4}$ of a mile of the Skyway during the Skyway's normal operating hours.

Transportation Disadvantage (TD) Fare - \$3.50

Fare for Connexion Trips Outside of Duval County - \$6.00 (flat rate)

Connexion Plus Fare - \$6.00 one way / PCA's can ride no charge

Rate Structure

Rates paid to transportation operators are negotiated in their contract with the Community Transportation Coordinator's Manager Contracts may be renegotiated and / or renewed annually on or October 1. A vehicle revenue hour is calculated from the time of the first pick-up of the day until the last drop off of the day. Minus any time, the vehicle is out of service due to accidents, breakdowns, fueling and meal breaks or otherwise unavailable for service. Some dedicated vehicles are operated in split-shifts, operating only two or four hours during the morning peak hours, and /or two to four hours in the afternoon peak hours. Per Trip Rates are paid where service is not provided in dedicated vehicles. This methodology is used particularly where the carrier also transports other private pay passengers along with the CTC passengers or where the CTC does not schedule the vehicles. Air Mile Rate is reimbursed for out of county trips and for clients' reimbursements. Hourly and Trip rates transportation operators are currently paid for the service they provide are as follows:

**Table 22- Rate Structure CTC
2014-2015**

Transportation Provider	Type of Service	Rate per Revenue Hour	
MV Transportation	JTA Vans	\$37.641	

**Table 23 - Calculated Rate for Non-Sponsored Trips
Rates for Fiscal Year 2020-21**

	Ambulatory	Wheelchair
Rate per Passenger Mile	\$2.86	\$4.91
Rate per Passenger Trip	\$28.18	\$48.31
Rates if no Revenue Funds were identified as Subsidy Funds		
	Ambulatory	Wheelchair
Rate per Passenger Mile	\$4.75	\$8.14
Rate per Passenger Trip	\$46.73	\$80.11

**Table 24 -Service Rates Summary
Community Transportation Coordinator: JTA Connexion
Effective Date: June 30, 2020**

Type of Service to be provided	UNIT (Passenger Mile or Trip)	Cost per Unit \$
ADA	Trip	\$33.45
Non-Sponsored:		
Ambulatory	Passenger Trip	\$28.18
Wheelchair	Passenger Trip	\$48.31

III. QUALITY ASSURANCE

Every year the Evaluation Committee of the Duval County Transportation Disadvantaged Coordinating Board conducts an extensive evaluation of the Community Transportation Coordinator. The Evaluation is based on data reported in the Annual Operating Report (AOR), previous AORS, and on statistics reported to the Board in the Monthly Statistical Report. The Board and the CTC (JTA Connexion) have been working over the last year to better coordinate the data reported in the Monthly Statistical Report with data needed for the Annual Evaluation and to provide the information on a timelier basis. When the evaluation is completed it is forwarded to the Board for review and approval and thereafter forwarded to the Florida Commission for the Transportation Disadvantaged.

A. Annual Evaluation of the Community Transportation Coordinator

The evaluation period for the Community Transportation Coordinator is July 1, through June 30. It includes a peer group analysis.

B. Quality Assurance and Program Evaluation

In addition to the local evaluation, the Florida Commission for the Transportation Disadvantaged conducts its own evaluation of the TD program and the performance of the CTC biennially. This review examines record keeping, implementation of Commission standards and local standards, compliance with the Americans with Disabilities Act, implementation of Medicaid standards and the availability of service. Service providers are also reviewed and monitored for:

1. Street supervision
2. Surveys are randomly distributed to riders of the system
3. Quality Assurance Telephone surveys are utilized to riders of the system
4. Every two years the State Quality Assurance team evaluates the system
5. FDOT inspects vehicles annually
6. CTC randomly spot check vehicle operators
7. Check-in procedures monitor client and agency billings
8. For the time being, the same monitoring tools will be utilized.

C. Planning Agency Evaluation Process

It is the intention of the Florida Commission for the Transportation Disadvantaged to evaluate the performance of the designated official planning agencies on a regular basis. The North Florida Transportation Planning Organization (North Florida TPO) is the designated planning agency for Duval County. The responsibilities of the planning agency are to:

Program Management

- Provide and process the appointment and re-appointment of voting and non-voting members of the local coordinating board.
- Prepare agendas for board meetings.
- Prepare official minute of board meetings and keep records of all meetings for at least three years.
- Provide at least one public hearing annually.
- Provide staff support for committees and subcommittees.
- Develop and update bylaws for approval of the board.
- Develop, update and implement the adopted grievance procedures.
- Maintain a current membership roster and mailing list of board members.
- Provide public notice of board meetings.
- Review and comment on the Annual Operating Report for submittal to the local board and the Commission.
- Jointly develop the Transportation Disadvantaged Service Plan with the Community Transportation Coordinator.
- Review and comment on the Transportation Disadvantaged Service Plan.
- Report the actual expenditures of direct federal and local government transportation disadvantaged transportation funds to the Commission.
- Report the annual budget estimates for direct federal and local government transportation funds to the Commission.

Service Development

- Prepare the planning section of the Transportation Disadvantaged Service Plan.
- Encourage integration of “transportation disadvantaged” issues into local and regional comprehensive plan. Ensure activities of local coordinator are consistent with local comprehensive planning activities.

Technical Assistance, Training and Evaluation

- Provide the local coordinating board with quarterly reports of planning accomplishments as outlined in the planning grant agreement or any other activities related to the transportation disadvantaged program including but not limited to consultant contracts, special studies and marketing efforts.
- Attend Commission sponsored training, the Commission’s quarterly regional meetings, and the Commission’s annual training workshop, within budget/staff/schedule availability.
- Attend at least one Commission meeting each year within budget/staff/schedule availability.
- Notify Commission staff of local concerns that may require special investigations.
- Provide training for newly-appointed local coordinating board members.
- To the extent feasible, collect and review proposed funding applications involving “transportation disadvantaged” funds consistent with Chapter 427, Florida Statutes, and Rule 41-2, Florida Administrative Code, and provide recommendation to the local coordinating board.
- Ensure the local coordinating board conducts, at minimum, an annual evaluation of the CTC. The local coordinating board shall evaluate the CTC based on local standards and issuing the Commission’s Evaluation Workbook for CTCs and Providers in Florida (at minimum, using the modules concerning Competition in Use of Transportation Provider, Cost-Effectiveness and Efficiency, and Availability of Service.)

- Assist the Commission for the Transportation Disadvantaged in any requested joint reviews of the CTC within budget/staff/schedule availability.
- Ensure the local coordinating board annually reviews coordination contracts to advise the CTC whether the continuation of said contract provides the most cost-effective and efficient transportation available within Rule 41-2, F.A.C.

Liaison Activities

- Participate in, and initiate when necessary, meetings with the Commission, purchasing agencies, public transit agencies, the local school board, and others to discuss needs, service evaluation, and opportunities for service improvement within budget/staff/schedule availability.
- In coordination with the local coordinating board, conduct the selection process and recommend a community transportation coordinator, when needed.

Appendix A
Vehicle Inventory

JTA CONNEXION FLEET STATUS REPORT

carrier	Van #	Year	Body #	Model	Vin #
MV	68	2012	43326	VPG MV-1 4.6L	523MF1A64CM101518
MV	80	2012	43346	VPG MV-1 4.6L	523MF1A67CM101195
MV	81	2012	43331	VPG MV-1 4.6L	523MF1A61CM100947
MV	88	2012	43328	VPG MV-1 4.6L	523MF1A6XCM100980
MV	611	2018	231433	Dodge 3.5	2C7WDBG3JR176424
MV	612	2018	231433	Dodge 3.5	2C7WDBG0JR176428
MV	613	2018	231433	Dodge 3.5	2C7WDBG7JR243767
MV	901	2013	24106	Chevy 3500 6.0	1GB3G2CG1D1186150
MV	902	2013	24107	Chevy 3500 6.0	1GB3G2CG1D1186861
MV	903	2013	24109	Chevy 3500 6.0	1GB3G2CG7D1186783
MV	904	2014	24120	Chevy 3500 6.0	1GB3G2CG2E1115203
MV	905	2013	24111	Chevy 3500 6.0	1GB3G2CG1D1187296
MV	906	2013	24108	Chevy 3500 6.0	1GB3G2CG7D1186492
MV	907	2014	24307	Chevy 3500 6.0	1GB3G2CG7E1115519
MV	908	2013	24113	Chevy 3500 6.0	1GB3G2CG5D1186930
MV	909	2014	24346	Chevy 3500 6.0	1GB3G2CG4E1115610
MV	910	2014	24348	Chevy 3500 6.0	1GB3G2CGXE1115577
MV	911	2013	24118	Chevy 3500 6.0	1GB3G2CGXD1185773
MV	912	2014	24112	Chevy 3500 6.0	1GB3G2CG4D1187437
MV	913	2013	24115	Chevy 3500 6.0	1GB3G2CG6D1187620
MV	914	2013	24119	Chevy 3500 6.0	1GB3G2CGXD1186244
MV	915	2013	24116	Chevy 3500 6.0	1GB3G2CG7D1185990
MV	916	2013	24117	Chevy 3500 6.0	1GB3G2CG8D1186033
MV	917	2014	24349	Chevy 3500 6.0	1GB3G2CG1E1116536
MV	918	2013	24110	Chevy 3500 6.0	1GB3G2CGXD1187796
MV	919	2013	24114	Chevy 3500 6.0	1GB3G2CG6D1187455
MV	920	2014	106117	Ford E-450 5.4	1FDEE4FLXEDA74702
MV	921	2014	106122	Ford E-450 5.4	1FDEE4FL2EDA74712
MV	922	2014	106119	Ford E-450 5.4	1FDEE4FL7EDA74706
MV	923	2014	106120	Ford E-450 5.4	1FDEE4FL9EDA74707
MV	924	2014	106121	Ford E-450 5.4	1FDEE4FL0EDA74708
MV	925	2014	106118	Ford E-450 5.4	1FDEE4FL1EDA74703
MV	926	2014	106123	Ford E-450 5.4	1FDEE4FL3EDA81975
MV	928	2014	106125	Ford E-450 5.4	1FDEE4FL6EDA74700
MV	929	2014	106127	Ford E-450 5.4	1FDEE4FL8EDA75945
MV	930	2014	106126	Ford E-450 5.4	1FDEE4FL6EDA75944
MV	931	2014	106128	Ford E-450 5.4	1FDEE4FL6EDA78777
MV	932	2014	106129	Ford E-450 5.4	1FDEE4FL8EDA78778
MV	933	2014	106130	Ford E-450 5.4	1FDEE4FL6EDA78780
MV	934	2014	106131	Ford E-450 5.4	1FDEE4FL6EDA89116
MV	935	2014	106132	Ford E-450 5.4	1FDEE4FL8EDA89117
MV	936	2014	106133	Ford E-450 5.4	1FDEE4FL4EDB10559
MV	937	2014	106134	Ford E-450 5.4	1FDEE4FL0EDB10560
MV	938	2014	106135	Ford E-450 5.4	1FDEE4FL2EDB10561
MV	939	2015	106285	Ford E-350 5.4	1FDEE3FL6FDA07669
MV	940	2015	106286	Ford E-350 5.4	1FDEE3FL2FDA07670
MV	941	2015	106282	Ford E-350 5.4	1FDEE3FL2FDA07666
MV	942	2015	106283	Ford E-350 5.4	1FDEE3FL2FDA07667
MV	943	2015	106289	Ford E-350 5.4	1FDEE3FL2FDA07673
MV	944	2015	106290	Ford E-350 5.4	1FDEE3FLXFDA07674
MV	945	2015	106284	Ford E-350 5.4	1FDEE3FL4FDA07668
MV	946	2015	106287	Ford E-350 5.4	1FDEE3FL4FDA07671
MV	947	2015	106288	Ford E-350 5.4	1FDEE3FL6FDA07672
MV	948	2015	106398	Ford E-350 5.4	1FDEE3FL5FDA20008
MV	950	2015	106400	Ford E-350 5.4	1FDEE3FL3FDA20010
MV	951	2016	106680	Ford E-350 5.4	1FDWE3FL2FDA28054
MV	952	2016	106849	Ford E-350 5.4	1FDEE3FL5FDA20011
MV	953	2015	106855	Ford E-350 5.4	1FDWE3FL0FDA28067
MV	954	2016	106852	Ford E-350 5.4	1FDEE3FL0FDA20014
MV	955	2016	106853	Ford E-350 5.4	1FDEE3FL2FDA20015
MV	956	2016	106866	Ford E-350 5.4	1FDEE3FL2FDA20015

Appendix B
System Safety
Program Plan (SSPP)
and Certification



MV Transportation - JACKSONVILLE TRANSPORTATION AUTHORITY CONNEXION



PARATRANSIT SYSTEM SAFETY PROGRAM PLAN (SSPP)

Last Adopted: December 2013

Last Revised: February 2016

Last Self Certified: February 2016

System Safety Program Plan (SSPP)

Document Activity Log

Date	Activity (Review/Update/Addendum/ Adoption/Distribution)	Concerned Person (Signature)	Remarks
12/15/13	SSPP Developed by new Contractor – MV Transportation	Darlene Haney	
12/20/13	Reviewed by Jacksonville Transportation Authority - Connexion	Helen Perez	
3/10/14	Section 5.1 Organizational Chart and Section 6.0 Qualification and Selection of Drivers updated	Darlene Haney	
3/30/14	JTA Comments incorporated into SSPP	Darlene Haney	
1/5/15	Section 1.0 Management Safety Commitment and Policy Statement updated. Section 5.1 Organizational Chart updated.	Arlette Whitley	
2/15/16	Section 1.0 Management Safety Commitment and Policy Statement updated. Section 4.0 System Description updated. Section 5.1 Organizational Chart updated.	Frasmo Cardona	

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- Appendix F: Radio Operating Procedures
- Appendix G: Internal Safety Audit Checklist
- Appendix H: Bus Transit System Annual Safety and Security Certification Form
- Appendix I: SSPP Addendums (placeholder for future updates)
- Appendix J: Text Formatting Palette
- Appendix K: Accident Investigation and Reporting Procedure
- Appendix L: Driver's Annual Review of Driving Record Procedure

System Safety Program Plan (SSPP)

1.0 Management Safety Commitment and Policy Statement

MV Transportation and its subcontracted services are committed to providing safe, secure, clean, reliable, and efficient transportation services to the patrons. This policy statement serves to express management's commitment to and involvement in providing and maintaining a safe and secure transit system.

Section 341.041, Florida Statutes (F.S.); Section 334.044(2), F.S.; and Section 341.061(2)(a), F.S., requires the establishment of minimum equipment and operational safety standards for all governmentally owned bus transit systems; privately owned or operated bus transit systems operating in this state which are financed wholly or partly by state funds; all bus transit systems created pursuant to Chapter 427, F.S.; and all privately owned or operated bus transit systems under contract with any of the aforementioned systems. Safety standards for bus transit systems are provided by Rule Chapter 14-90, Florida Administrative Code (F.A.C.), hereinafter referred to as Rule 14-90. Bus transit systems are required to develop, adopt, and comply with a System Safety Program Plan (SSPP), which meets or exceeds, the established safety standards set forth in Rule 14-90.

In the interest of safety and security, and in order to comply with the statutory requirements, MV Transportation has developed and adopted this System Safety Program Plan (SSPP) that complies with established safety standards set forth in Rule 14-90. The SSPP is intended to document all policies, functions, responsibilities, etc. of the agency necessary to achieve a high degree of system safety and applies to all areas of the transportation system, including procurement, administration, operations, maintenance, etc.

MV Transportation management is authorized and responsible for maintaining a coordinated safety system in order to identify and prevent unsafe acts and conditions that present a potential danger or threat to public safety. Management commits to maintain and implement the SSPP and comply with the policies, procedures, and standards included in this document. All departments, personnel, and contract service operators are charged with the responsibility of adhering to this SSPP. Any violation of safety and security practices is subject to disciplinary actions. Management is ultimately responsible for enforcing the SSPP and maintaining a safe and secure system.

Signature



Frasco Cardona

General Manager

MV Transportation - Jacksonville Transportation Authority

Date: February 15, 2016

2.0 System Safety Goals and SSPP

MV Transportation has established the following goals for the system safety program:

- Achieve a high standard of system safety in all areas of the transportation system
- Develop and implement a comprehensive, systematic, and coordinated program to identify, assess, and control all safety hazards
- Develop and maintain a high level of safety awareness among all employees through pre-employment screening and systematic training and testing programs
- Establish safety standards for contract service operators and ensure compliance
- Ensure that system safety is integrated with daily operations through operational standards and procedures, vehicle maintenance, inspections, record keeping, audits, quality assurance and quality control
- Ensure that all vehicles and equipment operated by the agency meet established safety standards
- Maintain a formal process for event investigation, emergency preparedness and response, and handling security threats
- Ensure a drug free workplace
- Comply with all regulatory requirements

The purpose of the SSPP document is to:

- Establish and document system safety policies and procedures in compliance with Rule 14-90
- Establish a coordinated and documented process to implement the SSPP during the operations of the system in order to achieve system safety goals
- Identify and delegate safety functions and responsibilities to units and personnel within the organization and contract service operators
- Facilitate internal and external safety audits to identify, track, and resolve safety program deficiencies

In accordance with Rule 14-90 (included in Appendix A), the SSPP must address the following safety elements and requirements:

- Safety policies and responsibilities
- Vehicle and equipment standards and procurement criteria
- Operational standards and procedures
- Bus driver and employee selection
- Driving requirements
- Bus driver and employee training
- Vehicle maintenance

System Safety Program Plan (SSPP)

- Investigations of events
- Hazard identification and resolution
- Equipment for transporting wheelchairs
- Safety data acquisition and analysis
- Wireless communication plan
- Safety standards for private subcontract bus transit system(s) that provide(s) continuous or recurring transportation services for compensation as a result of a contractual agreement with MV Transportation

2.1 SSPP Control and Update Procedures

MV Transportation management will review the SSPP annually, update the document as necessary, and implement the changes within a timeframe that will allow the agency to timely submit the annual self-certification of compliance to the Florida Department of Transportation (FDOT). The annual review of the SSPP will be conducted as part of an internal audit beginning October 1 of each calendar year and ending prior to November 15 of the same calendar year. Necessary updates outside the annual update window will be handled as SSPP addendums which will be incorporated in the body of the SSPP during subsequent annual update.

All proposed changes must be submitted to JTA for review and approval in advance. Changes required by JTA shall be completed and submitted within 30 days. Proposed changes will be documented by the management as proposed SSPP addendums and distributed to all affected parties including employees and contract service operators. All parties must comment within two weeks of the issuance of the proposed changes unless otherwise specified. Following the approval of any modifications to the SSPP by the General Manager, management staff will distribute the SSPP addendum to all affected parties, with a cover memo highlighting the changes. All parties receiving the updates are required to sign for its receipt and acknowledge their responsibility in implementing the changes. Management will document and retain the proof of SSPP receipt by all employees during initial hire and subsequent updates. Agency's governing board will adopt the SSPP annually following the internal audit and a copy of the adopted SSPP will be distributed to all employees and contract service providers. A copy of the adopted SSPP will also be forwarded to JTA for submission to FDOT District Two. All review, update, addendum, adoption, and distribution activities will be documented in the SSPP Activity Log included in this document.

3.0 Hazard and Security Plan (HSP)

In accordance with Rule 14-90, MV Transportation has adopted, and implemented a Hazard and Security Plan (HSP), often referred to as the Security Program Plan (SPP), which covers the hazard and security portion of the system safety program. The HSP contains information about prevention, mitigation, preparedness, response, recovery, and associated organizational responsibilities. The purpose of the HSP/SPP is to specify:

- Actions required of employees on a daily, weekly, monthly, and annual basis to *prevent* or reduce the likelihood of security and emergency events from occurring, and to *mitigate* the effects of those events that do occur
- Measures needed to *prepare* for incidents occurring within the transportation system and in the surrounding community
- Agency procedures that should be established to *respond* to security hazards and emergencies that affect the system and its customers
- Formal processes to *recover* from routine security events or major emergencies
- Roles, responsibilities, and interagency coordination required to respond to a disaster or security event

The HSP/SPP must address the following hazard and security elements and requirements:

- Security policies, goals, and objectives
- Organization, roles, and responsibilities
- Emergency management processes and procedures for mitigation, preparedness, response, and recovery
- Procedures for investigation of events described under subsection 14-90.004(5), F.A.C.
- Procedures for the establishment of interfaces with emergency response organizations
- Procedures for interagency coordination with local law enforcement jurisdictions
- Employee security and threat awareness training programs
- Security data acquisition and analysis
- Emergency preparedness drills and exercises
- Requirements for private contract transit providers that engage in continuous or recurring transportation services for compensation as a result of a contractual agreement with the bus transit system.
- Procedures for SPP maintenance and distribution

System Safety Program Plan (SSPP)

The HSP/SPP has been adopted separately from the SSPP. Bus transit systems are prohibited by Section 119.071(3)(2), Florida Statutes, from publicly disclosing the SPP, as applicable under any circumstance. The document is maintained in a secure location by management and access to the document is restricted to select agency personnel and appropriate FDOT personnel exercising oversight in this area. On-site access to the HSP/SPP is granted to regulatory authorities (FDOT, FTA, etc.) and JTA on as-needed basis. Select portions of the HSP/SPP may be shared with employees depending on their job responsibilities.

4.0 System Description

Our Mission:

Our mission is to be The Standard of Excellence in the provision of passenger transportation services. We will provide these services to both public and private agencies nationwide. We will accomplish this mission in a safe, efficient and cost effective manner while treating our employees as part of our family and our customers as our most important asset.

History:

In September 2013, Jacksonville Transportation Authority's tendered an RFP to select a new contracted service provider for its Connexion Services. MV TRANSPORTATION Inc. was selected as the provider along with over 30% DBE subcontractors comprised of 25% MARUTI FLEET, 25% COMMUNITY REHABILITATION CENTER TRANSPORTATION (CRCT) and 10% GRESHAM TRANSPORTATION. The contractual period started 1/1/13 for a period of 5 years.

Services Provided and Jurisdiction:

This bus system is an advance reservation pre-scheduled service to provide door-to-door transportation for the economically and physically challenged who are unable to use regular public transit services. Services JTA provides include: vehicles, reservations, maintenance, client facility, trapeze data base, eligibility and employee ID badges. Services MV Transportation provides include: Ensuring vehicles are on the lot, drivers, completion of DVI's, vehicle repairs requiring body work, management personnel, dispatch, scheduling, oversight of sub contractors, drive cam, system management including on time performance and productivity monitoring.

System Profile (As of Feb 22, 2016):

Total Number of drivers 168
Full-time 168 Part-Time 0 Volunteers N/A
Number of operational buses: 96
Buses W/C accessible 96
Number of Type I buses (>22' length) 0 Type II buses (<22' length) 96
Dispatch Location(s): 1
Maintenance Locations: 1
Community Transportation Coordinator (CTC): Yes No
CTC Operator: Yes No
CTC Name: JTA

Contracted passenger service operations: (Describe)

Connexion, Jacksonville Transportation Authority's paratransit service, is comparable service under the American with Disabilities Act (ADA) for people with disabilities who are functionally unable to use regular accessible fixed route bus service for some or all of their transportation needs, and for people who are transportation disadvantaged.

Contract operator(s) has own adopted SSPP and SPP approved by transit system or CTC:

Yes No Describe MV has three sub-contractors: Maruti Fleet, Community Rehabilitation Center Transportation (CRCT) and Gresham Transportation. The three subcontractors have adopted MV Transportation's SSPP, but each have their own SPP. MV monitors their performance to ensure they meet standards of Rule 14-90.

System Safety Program Plan (SSPP)

Contract operator(s) adopts and implements the transit system's or CTC's SSPP:

Yes _____ No Describe _____

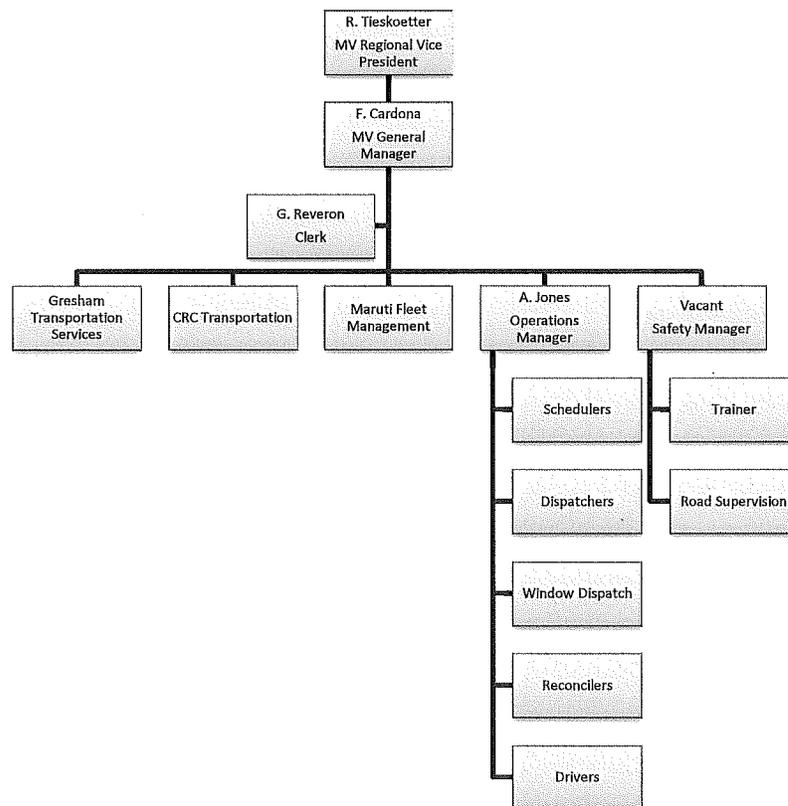
Additional Information:

5.0 Organization Structure and System Safety Responsibilities

Management has the overall responsibility of safe and secure operations of MV Transportation and contract service operators. Each employee is required to carry out specific system safety responsibilities, depending on his/her position, in compliance with the SSPP. The organization chart below shows title of each position and the reporting structure; the table in the following page shows system safety responsibilities of each position.

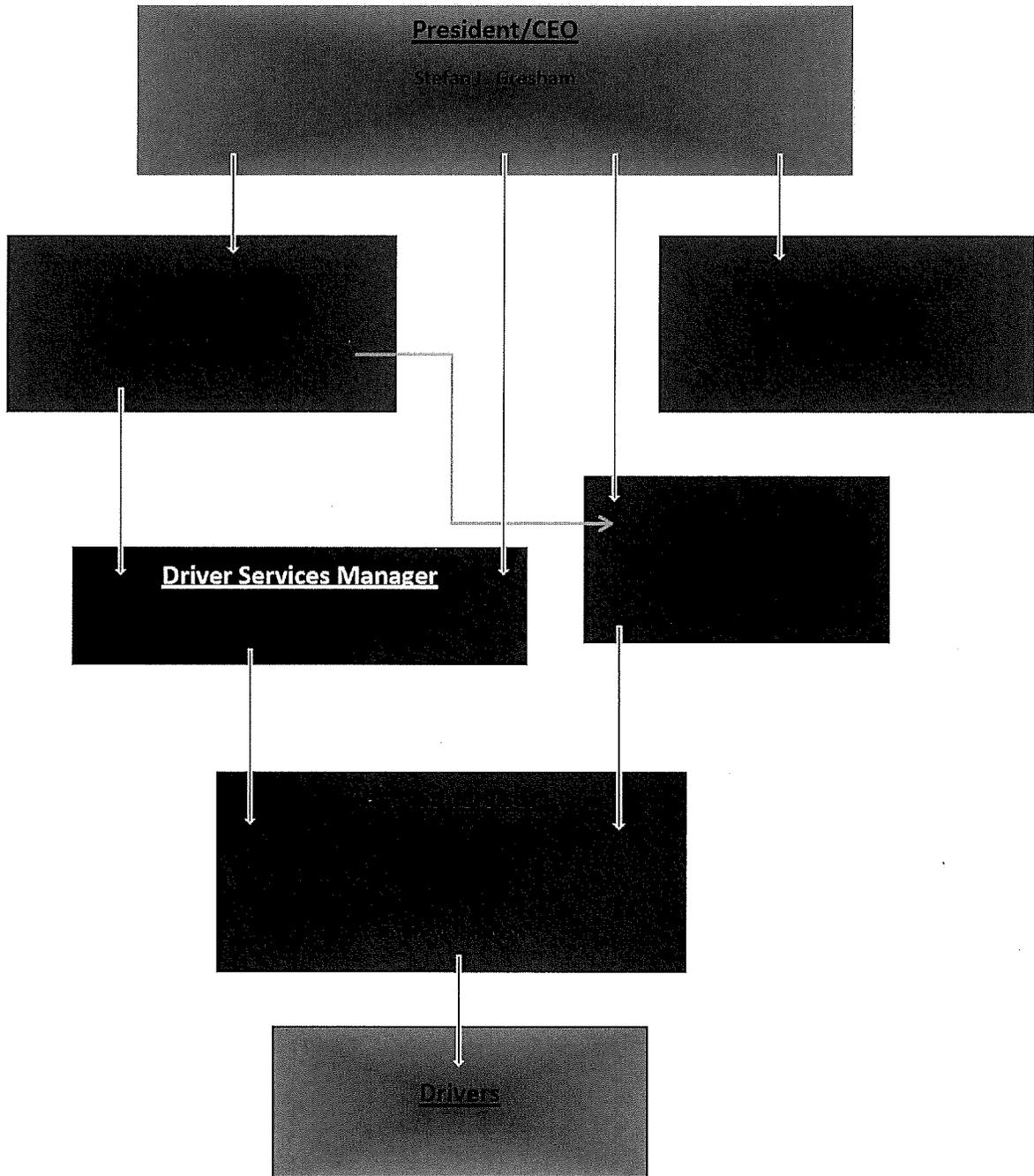
5.1 MV Transportation - Jacksonville Transportation Authority

MV Division 233 Organizational Chart – Jacksonville, FL



System Safety Program Plan (SSPP)

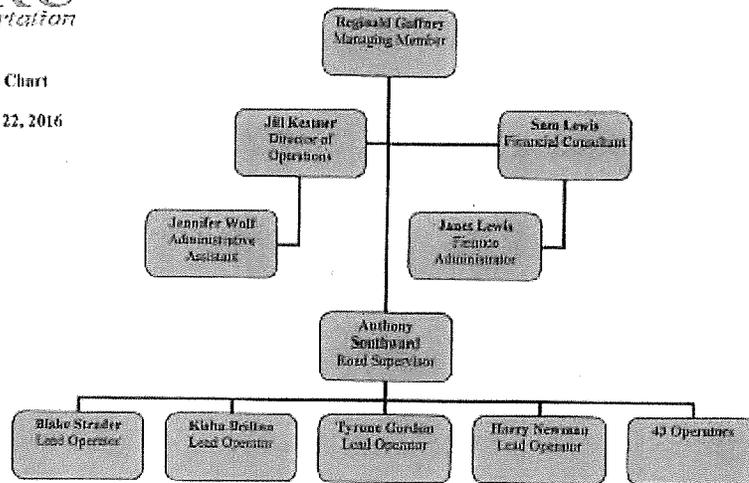
Gresham Transportation Services, LLC Organizational Chart



System Safety Program Plan (SSPP)

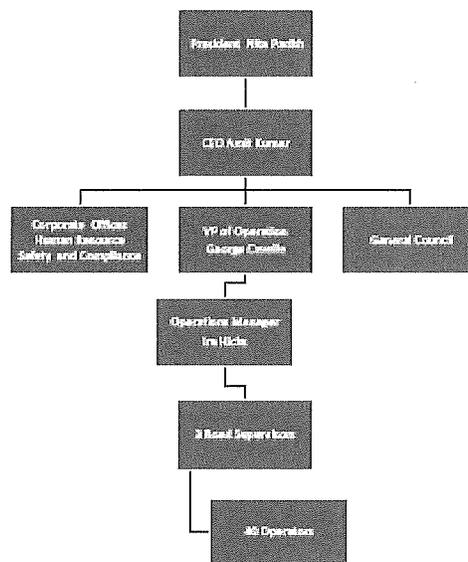


Organization Chart
a/o February 22, 2016





MV Jacksonville Project



System Safety Program Plan (SSPP)

5.2 MV Transportation System Safety Responsibilities by Position

System Safety Task	Frequency	Management Responsibility by Position				Staff Responsibility by Position									
		GM	SM	Maint. Mgr.	Acct Mgr.	Road Sup	Dispatch	Driver	Scheduler	Reconciler	O M				
Oversee and assure SSPP and HSP/SPP compliance	Daily	X	X			X									X
Random inspections of Departments for safety compliance (pre-trip inspections, driver files, maintenance records, etc.)	Quarterly/ As needed	X	X			X									
SSPP and HSP/SPP review, maintenance, and distribution	Annual/ As needed	X	X												X
Intra-agency coordination and safety meetings	Monthly	X	X			X			X	X	X				X
Inter-agency coordination (FDOT, law enforcement, emergency response organizations, etc.)	As needed	X	X												X
Facility inspection	Monthly	X	X					X							
Employee safety training and testing and record keeping	Initial hire/ Quarterly	X	X					X	X						
Drug free workplace (policy maintenance, employee training and testing, etc.)	Initial hire/ Quarterly	X	X					X							X
Driver license validity check and record maintenance	Initial hire/ Quarterly		X					X							
Administrative/Human Resource safety actions	As needed	X	X												X
Safety and security data acquisition and analysis	On an ongoing basis	X	X					X							X
Medical examination of drivers and record keeping	Initial hire/ biennium	X	X					X							
Vehicle and equipment procurement	As needed														
Pre-trip inspections and record keeping	Daily	X	X					X							X
Vehicle maintenance and record keeping	Daily														

System Safety Program Plan (SSPP)

5.3 System Safety Responsibilities of Contract Service Operator(s)

MV Transportation requires all contract service operators to fully comply with the established safety standards set forth in Rule 14-90. Contract operators shall adopt and implement the SSPP of MV Transportation. Contract operators shall develop and implement their own HSP/SPP and ensure compliance with Rule 14-90. The HSP/SPP must be reviewed and approved by MV Transportation management prior to initiation of service. In addition, each contractor/subcontractor shall submit a safety and security certification to MV Transportation no later than January 8, annually for the prior calendar year period. MV Transportation will provide copies of each contractor/subcontractor safety and security certification to JTA by January 15 for JTA approval and submission to FDOT.

The certification shall attest to the following:

- The adoption of an SSPP and an HSP/SPP in accordance with established standards set forth in Rule 14-90.
- Compliance with its adopted SSPP and HSP/SPP.
- Performance of safety inspections on all buses operated by the system in accordance with Rule 14-90.
- Reviews of the SSPP and HSP/SPP have been conducted to ensure they are up to date.

The certification shall include:

- The name and address of the contractor/subcontractor, and the name and address of the entity(ies) who performed bus safety inspections and security assessments during the prior calendar year, if different from that of the contractor/subcontractor.
- A statement signed by an officer or person directly responsible for management of the contractor/subcontractor attesting to compliance with Rule 14-90.

Contractors/subcontractors are subject to audits and inspections on an announced or unannounced basis at the discretion of MV Transportation management. MV Transportation will submit a plan for annual internal audits including subcontractors to JTA for approval. MV Transportation will conduct safety and security reviews of itself and contract operators annually, to ascertain compliance with the provisions of Rule 14-90. MV Transportation will prepare and submit a report of the audit findings to the affected contract operator within 30 business days of completion of the review containing the following:

- Identification of the findings, including a detailed description of any deficiency.
- Required corrective action and a schedule for implementation of the corrective action to be taken for each deficiency.
- Any required suspension of bus transit system service should JTA determine the continued operation of the service, or a portion thereof, poses an immediate danger to public safety.

If the contract operator fails to correct specific deficiency(ies) in accordance with Rule 14-90 and the established implementation schedule, JTA will notify the FDOT District Office and initiate actions to dismiss the contract.

6.0 Qualification and Selection of Drivers

MV Transportation management is responsible for ensuring that the following minimum standards are met when hiring new drivers.

- Complete employment application.
- Applicants are interviewed by the division to determine if their personality and temperament will be a good match to be a successful transit driver.
- All drivers must pass a complete criminal background check before being put into revenue service. MV Transportation will, at a minimum, perform the following checks to determine if the Driver has a criminal background:
 - i. National Sex Offender database
 - ii. Widescreen National Criminal Search
 - iii. Address history
 - iv. Motor Vehicle Records
 - v. Social Security Number Check
 - vi. Prior Drug and Alcohol use
- Drivers will not be used in revenue service if they have been convicted of a felony offense involving murder, attempted murder, assault, sexual assault or battery, theft, fraud, burglary, grand theft auto, robbery, crimes against children and/or adults, a felony offense including drug-related incidents, or other offense related to the performance of this Jacksonville Transportation Authority Contract with MV Transportation.
 - A conviction includes a guilty verdict, a determination of guilt after trial to a judge, a guilty plea, deferred adjudication, or a plea of nolo contendere or no contest.
- The driver must not have been convicted of a serious traffic violation such as driving under the influence of alcohol or drugs, leaving the scene of an accident, using a vehicle in the commission of a felony, reckless driving and/or reckless endangerment within the last five (5) years.
- Each driver must undergo a commercial and personal driving record check with the Florida Department of Highway Safety and Motor Vehicles.
- The driver must not have accumulated more than four (4) points within the previous twelve (12) months or during any twelve (12) month period. Additionally, the driver may not exceed more than three (3) of the following violations in a five (5) year period.
 1. Failure to stop/report an accident
 2. Any moving violation, including, reckless driving and speeding
 3. Operating a motor vehicle as an uninsured driver
 4. Driving while impaired
 5. Making a false accident report
 6. Driving while license is suspended/revoked
 7. Attempting to elude a police officer
 8. Using a motor vehicle for the commission of a felony
 9. Operating a vehicle without the owner's authority

System Safety Program Plan (SSPP)

10. Permitting an unlicensed person to drive
 11. Any violation of similar seriousness under various state laws
- The driver must not have had a driver's license suspended or revoked for moving violations within the last three (3) years.
 - The driver must have possessed a valid Driver's License from any U.S. State for the last three (3) years.
 - Current Driver's License must be issued by the State of Florida.
 - All drivers must be able to speak and understand English, and drivers must be proficient in written English to successfully complete all paperwork required for this contract, including, but not limited to, vehicle manifests, incident and accident reports.
 - Drivers of vehicles must pass a pre-employment physical and drug/alcohol test in accordance with Florida Department of Transportation requirements. Drivers and all other employees performing safety-sensitive function(s) will satisfy the requirements of MV Transportation's Drug and Alcohol Testing Program, which will be administered in conformance with the requirements of 49 C.F.R., Parts 40 and 655, as they may be amended or superseded from time to time.
 - Drivers must be physically able to perform all duties and tasks required or necessary to achieve full performance of the obligations relating to the transporting of passengers with disabilities, including, but not limited to:
 - i Assisting passengers in getting to, on, off and from the vehicles.
 - ii Securing mobility devices within the para-transit vehicle.
 - iii Assisting passengers with the carrying of small packages (as determined by MV Transportation).
 - Train and certify all drivers.
 - All drivers are given a copy of the SSPP and all subsequent revisions. All drivers must sign the acknowledgement of receipt and agreement to comply with the SSPP during their training as one of the hiring requirements.
 - MV Transportation shall require drug and alcohol testing of its employees including but not limited to pre-employment, reasonable suspicion, post-accident, and follow-up. MV Transportation must take their employees at MV Transportation's expense to a MV Transportation approved facility. All drug and alcohol testing costs shall be borne by MV Transportation.

Noncompliance with any regulatory or agency specific requirement may result in suspension or termination of employment. It is the policy of MV Transportation to screen applicants by conducting a complete criminal background check, before being put into revenue service, to eliminate those that pose a safety or security threat to the agency or who would not be capable of carrying out agency safety and security policies.

7.0 Driver Safety Training and Testing

All employees and drivers of MV Transportation and all contract service providers are required to complete all training and testing requirements to demonstrate and ensure adequate skills and capabilities to safely operate each type of bus or bus combination before driving on a street or highway unsupervised. The Safety Manager is responsible for conducting and documenting all training and testing activities utilizing a certification process. Noncompliance with any regulatory or agency specific guideline or requirement may result in suspension or termination of employment. This section of the SSPP discusses the training and testing programs to be administered by the Safety Manager.

7.1 Initial Driver Training and Testing

Upon hire, all drivers are required to complete MV Transportation Avatar Training and Testing program which includes training and testing in the following areas:

1. Bus transit system safety and operational policies and procedures (SSPP).
2. Operational bus and equipment inspections.
3. Bus equipment familiarization.
4. Basic operations and maneuvering.
5. Boarding and alighting passengers.
6. Operation of wheelchair lift and other special equipment.
7. Defensive driving.
8. Passenger assistance and securement.
9. Handling of emergencies and security threats.
10. Security and threat awareness.
11. Driving conditions.

All newly hired employees are provided classroom instructional training by the Trainer per agency's HSP/SPP. Drivers are given instruction in MV Transportation rules and standard operating procedures in the following areas:

- General rules: General employee rules; includes instruction on duty to report any safety or security hazards observed by employees.
- Personal appearance and conduct: Covers uniforms, grooming, and employee conduct.
- Customer service: Covers expectations of employees when dealing with the public; includes instruction on how and to whom to report security incidents, and types of individuals or situations to be aware of and report.
- Traffic laws: Covers applicable traffic-related laws and regulations, drug and alcohol testing, and drug and alcohol use restrictions.
- Pre-trip inspection: Provides instruction in thorough inspection of a vehicle prior to placing the vehicle in service.

System Safety Program Plan (SSPP)

- Maintenance and operations: Provides instruction on vehicle operating procedures and identifying common mechanical problems; also stresses the importance of graffiti removal and identification, notification to security personnel, and documentation of gang-related graffiti.
- Fare handling: Covers fare collection procedures and provides instruction in dealing with fare disputes, conflict resolution, and notification of security personnel.
- Americans with Disabilities Act requirements: Provides instruction in complying with ADA requirements and providing service to disabled patrons.
- Emergency procedures: Provides instruction in emergency communications, involvement in traffic accidents, bio-hazards and medical emergencies involving passengers.
- Safety procedures: Provides instruction in dealing with traffic safety issues; procedures for drivers to follow if involved in a traffic accident; fire, chemical or biological spill procedures; and procedures for dealing with suspicious objects or suspected explosive devices.
- Radio procedures: Provides instruction on radio procedure for both routine and emergency radio traffic. Includes instruction on reporting crimes, suspicious acts, and potentially hazardous situations.
- Report writing: Provides instruction on report writing, and reporting requirements.
- SSPP: Drivers are given training on all areas of the Florida Rule 14-90 by a certified MV trainer. After each session testing is provided and collected by trainer. When scores are determined then test is discussed for further clarification on Florida Rule 14-90 areas within the SSPP.

In addition, new drivers are required to successfully undergo a road test with an experienced driver. A new-hire check-off list must be completed to ensure the employee has received all required training and information.

The Safety Manager will develop and maintain a Training Manual for new hire training and testing of employees. The manual will contain training course content, curriculum, lesson plans, testing requirements, etc. All training and testing activities will also be adequately documented by the Safety Manager

7.2 On-Going/Refresher Training and Testing

- The Safety Manager will develop and maintain a Training Manual for on-going and refresher training and testing of employees. The manual will contain training course content, curriculum, lesson plans, testing requirements, etc. On-going/refresher training and testing sessions will be conducted monthly on training areas specified by Rule 14-90 and each session will cover one or more training areas. The drivers will be required to attend the subject sessions so that each driver receives training and testing in all areas specified by Rule 14-90 at least once every three years. All training and testing activities will also be recorded and retained in files. An 80% minimum passing score is required for driver testing in all areas prescribed by 14-90. Each of the 14-90 administered tests will include 10 questions per training module.

System Safety Program Plan (SSPP)

7.3 Remedial Training and Testing

MV Transportation will employ remedial training for drivers who have been involved in a serious collision or have developed unsafe driving behavior or other driving problems. Other causes for remedial training may include persistent customer complaints, supervisor recommendations, or a result of ongoing evaluations. Depending on the circumstances, the Safety Manager will determine the appropriate remedial training and testing, the results of which will also be documented and retained in files.

7.4 NIMS Training

MV Transportation HSP/SPP requires that management staff take available NIMS training to understand this requirement and to coordinate regularly with outside organizations to prepare for coordinated responses to incidents. In addition, all employees will be provided security training and drills every six months to ensure they are familiar with emergency policies. All training and testing activities will also be recorded and retained in files.

8.0 Records Management

The Safety Manager is responsible for implementing a record management program that includes maintenance, retention, distribution, and safe disposal of all safety and security records of the agency in compliance with state and federal regulations.

All safety and security documents of the agency (SSPP, HSP/SPP, etc.) will be periodically revised, as needed, to ensure that they are up to date. Revisions and updates will be communicated with employees, contractors, and regulatory agencies as they occur or as deemed necessary by the management, depending on the nature of the revision or update. The HSP/SPP is considered a confidential document and will be retained in a secure location by management.

MV Transportation will maintain and retain the following records for at least four years:

- Records of bus driver background checks and qualifications
- Detailed descriptions of training administered and completed by each bus driver
- A record of each bus driver's duty status which will include total days worked, on-duty hours, driving hours, and time of reporting on and off duty each day
- Event investigation reports, corrective action plans, and related supporting documentation
- Records of preventive maintenance, regular maintenance, inspections, lubrication, and repairs performed for each bus
- Records of annual safety inspections and documentation of any required corrective actions
- Completed and signed medical examination reports for each bus driver
- Subcontractors records including training folders, incidents

In addition, MV Transportation will retain records of daily bus inspections and any corrective action documentation for a minimum of two weeks. Each subcontractor will have a designated box to drop off completed DVI's. JTA Maintenance will empty each box and review DVI's. Maintenance will provide reviewed DVI's to MV AGM who will sort DVI's and provide to respective subcontractors. See JTA MTC-0058-SOP for a sample of the JTA DVI.

An organized paper and electronic filing system will be maintained by the agency, adequately backed up to prevent potential loss of information. All sensitive personnel records will be protected from public access. When ready for disposal, both paper and electronic data will be disposed of in a secure manner ensuring that critical information is protected.

9.0 Drug and Alcohol Program

MV Transportation has established a Zero Tolerance Substance Abuse Policy Statement in accordance with 49 C.F.R. Part 32 and a substance abuse management and testing program in accordance with 49 C.F.R. Parts 40 and 655, October 1, 2010, a copy of which is included in Appendix B. The Safety Manager with the help of the Director of Drug & Alcohol Compliance (MV Corporate) are responsible for ensuring the implementation of a drug and alcohol testing program for all safety-sensitive employees as identified and described within the subject policy. The intent of the policy is to:

- Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner;
- Create a workplace environment free from the adverse effects of drug and alcohol abuse or misuse;
- Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and
- Encourage employees to seek professional assistance when substance abuse adversely affects their ability to perform their assigned duties.

Violation of this substance abuse policy is subject to disciplinary actions.

10.0 Vehicle Maintenance Program

Maintenance is provided by JTA under the JTA SSPP and Maintenance Plans. Maintenance is not subject to this SSPP.

11.0 Safety Data Acquisition & Analysis

Understanding safety data is an important step towards allocating important and scarce resources to implement safety program elements. Safety data relative to transit provider operations can be used to determine safety trends in system operation. The following data will be collected and retained by MV Transportation on an ongoing basis:

- Accident and incident data
- Employee accident investigation
- Transit event notification and reporting
- Internal/external safety/security audits
- Maintenance data including daily vehicle inspection forms
- Passenger claims and complaints
- Safety/security committee
- Records of crimes and rule violations occurring in and around the transit agency
- Annual reports

The data will be analyzed by MV Transportation management both qualitatively and quantitatively for safety hazard identification, resolution and risk management purposes. The analysis will be conducted in Microsoft Excel software and will account for frequency, severity, causal factors, and acceptability of occurrences. The analysis results will be useful for identifying necessary actions to minimize safety risks. Analysis of safety data will also help improve system performance, not only in respect to safety, but also in overall delivery of service to the public. In addition, trend analyses of safety data can help determine the effectiveness of safety initiatives that have been implemented. The results of such analysis will be shared with agency staff and law enforcement agencies on a quarterly basis for awareness and support.

12.0 Hazard Identification and Resolution

Hazard management is a mechanism by which hazards are identified, analyzed for potential impact on the operating system, and resolved in a manner acceptable to the management and regulatory agencies. MV Transportation hazard management consists of three primary components – hazard identification, hazard categorization, and hazard resolution.

12.1 Hazard Identification

By means of safety data acquisition and analysis and coordination with Safety Manager and Maintenance Manager, the Road Supervisor/Trainer will identify system hazards on an ongoing basis.

12.2 Hazard Categorization

Once the key system hazards have been identified, the Safety Manager will categorize the hazards based on severity and probability of occurrence.

Hazard severity is a subjective measure of hazard, supported by factual data, and will be categorized as follows –

- Catastrophic – Death or system loss
- Critical – Severe injury, severe occupational illness, or major system damage
- Marginal – Minor injury, minor occupational illness, or minor system damage
- Negligible – less than minor injury, occupational illness, or system damage

Hazard probability is a subjective measure of likelihood that a specific hazard will occur and will be categorized as follows –

- Frequent – Likely to occur frequently
- Probable – Likely to occur several times
- Occasional – Likely to occur sometime
- Remote – Unlikely but possible to occur
- Improbable – So unlikely that it can be rejected from consideration

12.3 Hazard Resolution

Once the hazards are identified and categorized, subsequent analysis will be undertaken to resolve the issue and minimize risk associated with the identified hazard. A hazard resolution matrix will be developed combining hazard severity and hazard frequency, as shown in the matrix on the following page, to identify the level of acceptance for a specific hazard/risk.

System Safety Program Plan (SSPP)

Hazard Resolution Matrix	Catastrophic	Critical	Marginal	Negligible
Frequent	Unacceptable	Unacceptable	Unacceptable	Acceptable with reservation
Probable	Unacceptable	Unacceptable	Undesirable	Acceptable with reservation
Occasional	Unacceptable	Undesirable	Undesirable	Acceptable
Remote	Undesirable	Undesirable	Acceptable with reservation	Acceptable
Improbable	Acceptable with reservation	Acceptable with reservation	Acceptable with reservation	Acceptable

The results of the analysis will be shared by the Safety Manager with the General Manager on an ongoing basis to identify appropriate actions. All "unacceptable" hazards must be eliminated and measures will be taken for the remaining risk acceptance categories to minimize risk. The results of such analysis will be shared with agency staff and law enforcement agencies on a quarterly basis for awareness and support.

13.0 Event Investigation

For the purpose of this SSPP, events are considered accidents or incidents that involve a transit vehicle or take place on MV Transportation's controlled property. An "accident" is an event that causes damage to a vehicle, individual, or property while the vehicle is in motion. It may involve a single vehicle or multiple vehicles. An "incident" is defined as an event that causes damage to a vehicle, individual, or property, which is not an accident.

Any event involving a bus or taking place on bus transit system controlled property and resulting in a fatality, injury, or property damage will be investigated by MV Transportation. All events, included but not limited to the following, will be investigated:

- A fatality, where an individual is confirmed dead within 30 days of a bus transit system related event, excluding suicides and deaths from illnesses.
- Injuries requiring immediate medical attention away from the scene for two or more individuals.
- Property damage to bus transit system buses, non-bus transit system vehicles, other bus system property or facilities, or any other property. MV Transportation will have the discretion to investigate events resulting in property damage less than \$1,000.
- Evacuation of a bus due to a life safety event where there is imminent danger to passengers on the bus, excluding evacuations due to operational issues.

In case of all events, drivers are required to contact the local law enforcement, dispatcher, and emergency medical services (as required) immediately. Supervisors will be sent to the scene depending on the severity of the event at the discretion of the Safety Manager. Each investigation will be documented in a final report that includes a description of the investigation activities, identified causal factors, and any identified corrective action plan. Each corrective action plan will identify the action to be taken by the bus transit system and the schedule for its implementation. The Safety Manager will monitor and track the implementation of each corrective action plan. Investigation reports, corrective action plans, and related supporting documentation will be maintained by the Safety Manager for a minimum of four years from the date of completion of the investigation.

MV Transportation Investigation Procedures are detailed in Appendix K: Accident Investigation and Reporting Procedure

MV Transportation shall provide verbal notification to JTA immediately following any accident and written notification within (24) hours after the accident.

14.1 Medical Exams for Bus Transit System Drivers

This section of the SSPP establishes MV Transportation's medical examination requirements for all applicants for driver positions and for existing drivers.

- Medical examination requirements include a pre-employment examination for applicants, an examination at least once every two years for existing drivers, and a return to duty examination for any driver prior to returning to duty after having been off duty for 30 or more days due to an illness, medical condition, or injury.
- Medical examinations will be performed and recorded according to FDOT Form Number 725-030-11, Medical Examination Report for Bus Transit System Driver, Rev. 05/09, included in Appendix E.
- Medical examinations will be performed by a Doctor of Medicine or Osteopathy, Physician Assistant, or Advanced Registered Nurse Practitioner licensed or certified by the State of Florida. If medical examinations are performed by a Physician Assistant or Advanced Registered Nurse Practitioner, they must be performed under the supervision or review of a Doctor of Medicine or Osteopathy.
- An ophthalmologist or optometrist licensed by the State of Florida may perform as much of the medical examination as it pertains to visual acuity, field of vision, and color recognition.
- Upon completion of the medical examination, the examiner shall complete, sign, and date the medical examination form and maintain the original at his or her office.
- Upon completion of the medical examination, the examiner shall complete, sign, and date the medical examination certificate and provide a copy to MV Transportation.
- Upon completion of the medical examination the driver shall provide their driver license number, signature, and date on the medical examination certificate.
- Completed and signed medical examination certificate for each bus driver, dated within the past 24 months, will be maintained on file for a minimum of four years from the date of the examination.
- MV Transportation will not allow a driver to operate a transit bus without having on file a completed medical examination certificate dated within the past 24 months.

15.0 Operating and Driving Requirements

The Safety Manager is responsible for overall compliance with all operating and driving requirements of the SSPP. It is the responsibility of every MV Transportation employee who performs driving and/or operational duties to strictly adhere to the following requirements:

- Under no circumstances is a driver allowed to operate a vehicle without having the appropriate and valid driver's license in his or her possession.
- Drivers are not permitted to drive a bus when his or her driver license has been suspended, cancelled, or revoked. A driver who receives a notice that his or her license to operate a motor vehicle has been suspended, cancelled, or revoked is required to notify his or her supervisor of the contents of the notice immediately, if possible, otherwise no later than the end of the business day following the day he or she received the notice. Violation of this policy may result in disciplinary actions including suspension or termination of employment.
- MV Transportation management will annually check Motor Vehicle Records (MVR) for all drivers for investigating information on license suspensions, revocations, accidents, traffic violations, unpaid summons, etc. MV Transportation management will also check driver license status of each driver utilizing the Florida Department of Highway Safety and Motor Vehicles website (<https://www6.hsmv.state.fl.us/DLCheck/main.jsp>).
- Buses must be operated at all times in compliance with applicable traffic regulations, ordinances, and laws of the jurisdiction in which they are being operated.
- Drivers are not permitted to drive more than 12 hours in a 24-hour period, or drive after having been on duty for 16 hours in a 24-hour period. A driver is not permitted to drive until the requirement of a minimum eight consecutive hours of off-duty time has been fulfilled. A driver's work period begins from the time he or she first reports for duty to his or her employer. A driver is permitted to exceed his or her regulated hours in order to reach a regularly established relief or dispatch point, provided the additional driving time does not exceed one hour.
- Drivers are not permitted to be on duty more than 72 hours in any period of seven consecutive days; however, any 24 consecutive hours of off duty time shall constitute the end of any such period of seven consecutive days. A driver who has reached the maximum 72 hours of on duty time during the seven consecutive days is required to have a minimum of 24 consecutive hours of off duty time prior to returning to on duty status.
- A driver is permitted to drive for more than the regulated hours for the safety and protection of the public when conditions such as adverse weather, disaster, security threat, a road or traffic condition, medical emergency, or an accident occur.
- Drivers are not permitted to drive a bus when his or her ability is impaired, or likely to be impaired, by fatigue, illness, or other causes, likely to create an unsafe condition.
- Drivers will not report for duty or operate any vehicle while under the influence of alcohol or any other substance, legal or illegal, that may impair driving ability. All employees are required to comply with agency's Substance Abuse Policy.
- Drivers are required to conduct daily vehicle inspections and reporting of all defects and deficiencies likely to affect safe operation or cause mechanical malfunctions.

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- Drivers are required to immediately report any defect or deficiency that may affect safe operations or cause mechanical malfunctions. Any defect or deficiency found shall be properly documented on a Daily Vehicle Inspection (DVI) form and should be submitted to the Maintenance Manager.
- The Maintenance Manager will review daily inspection reports and document corrective actions taken as a result of any deficiencies identified by daily inspections.
- A bus with any passenger doors in the open position will not be operated with passengers aboard. The doors will not be opened until the bus is stopped. A bus with any inoperable passenger door will not be operated with passengers aboard, except to move a bus to a safe location.
- Drivers will ensure that during darkness, interior lighting and lighting in step-wells on buses shall be sufficient for passengers to enter and exit safely.
- Passengers will not be permitted in the step-wells of any bus while the bus is in motion, or to occupy an area forward of the standee line.
- Passengers will not be permitted to stand on buses not designed and constructed for that purpose.
- Buses will not be refueled in a closed building. The fueling of buses when passengers are being carried will be reduced to the minimum number of times necessary during such transportation.
- Drivers are required to be properly secured to the driver's seat with a restraining belt at all times while the bus is in motion.
- Buses will not be left unattended with passengers aboard for longer than 15 minutes. The parking or holding brake device will be properly set at any time the bus is left unattended.
- Buses will not be left unattended in an unsafe condition with passengers aboard at any time.
- Transit vehicles will not be used at any time for any unauthorized use.

Noncompliance with these requirements may result in disciplinary actions including suspension or termination of employment.

15.1 Wireless Communication

"Wireless communication device" means an electronic or electrical device capable of remote communication. Examples include cell phones, personal digital assistants (PDAs) and portable computers (commonly called laptop computers). "Use of a wireless communication device" means use of a mobile telephone or other electronic or electrical device, hands-on or hands-free, to conduct an oral communication; to place or receive a telephone call; to send or read electronic mail or a text message; to play a game; to navigate the Internet; to play, view, or listen to a video; to play, view, or listen to a television broadcast; to play or listen to music; to execute a computational function, or to perform any other function that is not necessary for the health or safety of the person and that entails the risk of distracting the employee from a safety-

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critical task. The use of an electronic or electrical device that enhances the individual's physical ability to perform, such as a hearing aid, is not included in this definition.

MV Transportation requires all drivers to fully comply with the following wireless communication policies –

Policies on the use of a personal wireless communication device:

- The use of a personal wireless communication device is prohibited while the transit vehicle is in motion.
- All personal wireless communication devices must be turned off with any earpieces removed from the operator's ear while occupying the driver's seat.
- In an emergency, if a driver is unable to use the radio (e.g., driver is separated from the vehicle due to a need to evacuate or the radio is inoperable due to lack of coverage or other malfunction), a personal cellular phone may be used to contact the agency. In such situation the driver must park the vehicle in a safe place off the road and call the direct line to the dispatcher.

Policies on the use of a wireless communication device issued to the operator by the bus transit system for business purposes:

- Drivers are not permitted to use any wireless communication device issued by the bus transit system while the transit vehicle is in motion except brief radio communications with the dispatcher. If the driver must use the radio for a long duration, he/she must stop the vehicle in a safe place off the road.
- Employees are permitted to use wireless communication devices issued by the bus transit system in the following situations -
 - A driver needing to communicate with the dispatcher and vice-versa.
 - A driver requesting medical or emergency assistance.
 - A driver reporting an illegal activity, a traffic accident, a road hazard, or a safety or security threat.

MV Transportation requires all employees to follow the radio operating procedures included in MV Transportation training program.

MV Transportation will provide documented training to all operators on the MV Transportation Cell Phone policy and on the hazards associated with using wireless communication devices while the vehicle is motion.

16.0 Vehicle Equipment Standards & Procurement Criteria

Procurement of vehicles is provided by JTA under the JTA SSPP. Procurement of vehicles is not subject to this SSPP.

17.0 Internal and External Safety Audits

The Safety Manager is responsible for conducting announced and unannounced internal safety and security audits of MV Transportation units and contract operators. Annual internal safety and security audits will be conducted starting November 1 of each calendar year and ending prior to the end of the same calendar year utilizing the internal audit checklist included in Appendix G. Internal audit checklist shall be approved by JTA. Audit results shall be submitted to JTA by January 15. The annual audit results will be documented by the Safety Manager in a report containing the following:

- Identification of the findings, including a detailed description of any deficiency.
- Required corrective action and a schedule for implementation of the corrective action to be taken for each deficiency.
- Any required suspension of bus transit system service should MV Transportation determine the continued operation of the service, or a portion thereof, poses an immediate danger to public safety.

In addition, announced and unannounced periodic internal audits will be conducted by the Safety Manager to ensure compliance with all of the objectives and requirements of SSPP and Rule 14-90. Safety audits of vehicles and records will be conducted on random basis. Facility inspection will be conducted once every month to identify and resolve potential safety and security hazards. The General Manager will regularly perform Quality Control (QC)/Quality Assurance (QA) checks to ensure that safety compliance, both in-house and contracted, is achieved at all times. Contractors/subcontractors are subject to audits and inspections on an announced or unannounced basis at the discretion of MV Transportation management. MV Transportation, or its contractor, will conduct safety and security reviews of contract service operators annually, to ascertain compliance with the provisions of Rule 14-90. All internal and external audit reports must be submitted to JTA within 30 days.

MV Transportation management will work closely with regulatory agencies (FDOT, FTA, etc.) and JTA when external audit notifications are received and allocate resources, as necessary, to facilitate the audits.

18.0 Certification

The General Manager will submit an annual safety and security certification to JTA utilizing the self-certification form included in Appendix H. Self-certification form shall be approved by JTA. The certification will be submitted no later than January 15, for the prior calendar year period unless otherwise required by JTA. JTA will submit to FDOT. The certification will attest to the following:

- The adoption of an SSPP and an SPP in accordance with established standards set forth in Rule 14-90.
- Compliance with the adopted SSPP and SPP.
- Performance of safety inspections on all buses operated by the system in accordance with Rule 14-90.
- Reviews of the SSPP and SPP have been conducted to ensure they are up to date.
- Reviews of new, expansion or replacement service that it is safe for passenger service operations

The certification will also include:

- The name and address of MV Transportation, and the name and address of the entity(ies) who performed bus safety inspections and security assessments during the prior calendar year, if different from MV Transportation.
- A statement signed by General Manager/signatory authority responsible for the management of MV Transportation attesting to compliance with Rule 14-90.

19.0 Appendices

- Appendix A: Rule Chapter 14-90, F.A.C.
- Appendix B: Substance Abuse Policy
- Appendix C: (Placeholder for future updates)
- Appendix D: (Placeholder for future updates)
- Appendix E: Medical Examination Form 725-030-011; Rev 5/09
- Appendix F: Radio Operating Procedures
- Appendix G: Internal Safety Audit Checklist
- Appendix H: Bus Transit System Annual Safety and Security Certification Form
- Appendix I: SSPP Addendums (placeholder for future updates)
- Appendix J: Text Formatting Palette
- Appendix K: Accident Investigation and Reporting Procedures
- Appendix L: Driver's Annual Review of Driving Record Procedure

Appendix A
Rule Chapter 14-90, F.A.C.

CHAPTER 14-90
EQUIPMENT AND OPERATIONAL SAFETY STANDARDS FOR BUS TRANSIT SYSTEMS

14-90.002	Definitions
14-90.004	Bus Transit System Operational Standards
14-90.0041	Medical Examinations for Bus Transit System Drivers
14-90.006	Operational and Driving Requirements
14-90.007	Vehicle Equipment Standards and Procurement Criteria
14-90.009	Bus Safety Inspections
14-90.010	Certification
14-90.012	Safety and Security Inspections and Reviews

14-90.002 Definitions.

Terms used in this rule chapter shall mean as defined in Section 341.031, F.S., in addition:

(1) "Bus" means any motor vehicle, other than a taxicab, which is designed or constructed for the public transport of persons for compensation and is owned, operated, leased, or controlled by a bus transit system. Buses are designated in two categories:

(a) Type I means over 22 feet in length, including bumpers.

(b) Type II means 22 feet or less in length, including bumpers and paratransit type vehicles, such as minibuses, standard vans, modified vans, station wagons, and sedans.

(2) "Bus Transit System" means a community transportation coordinator; a public transit provider; or a private contract transit provider which owns, operates, leases, or controls buses or taxicabs where such transportation consists of continuous or recurring transportation under the same contract; or a privately owned or operated transit provider that receives operational or capital funding from the Department and owns, operates, leases, or controls buses, other than nonpublic sector buses that provides transportation services available for use by the general riding public.

(3) "Community Transportation Coordinator" means a provider of transportation services or an entity that ensures such services are provided by another bus transit system.

(4) "Department" means the Florida Department of Transportation.

(5) "Drive" or "Operate" means all time spent at the controls of a bus in operation.

(6) "Driver" means any person trained and designated to drive a bus on a street or highway being used for the public transport of persons for compensation.

(7) "FMVSS" means the Federal Motor Vehicle Safety Standards in effect at the time the bus or component is manufactured.

(8) "For Compensation" means for money, property, or anything else of value whether paid, received, or realized, directly or indirectly.

(9) "Manufacturer" means the original producer of the chassis, the producer of any type of bus, or the producer of equipment installed on any bus for the purpose of transporting individuals with disabilities.

(10) "Off-Duty" means any time the driver is not on duty, required to be in readiness to work, or under any responsibility to perform work. Such time shall not be counted towards the maximum allowed on-duty hours within a 24-hour period.

(11) "On Duty" means the status of the driver from the time he or she begins work, or is required to be in readiness to work, until the time the driver is relieved from work and all responsibility for performing work. "On Duty" includes all time spent by the driver as follows:

(a) Waiting to be dispatched at bus transit system terminals, facilities, or other private or public property, unless the driver has been completely relieved from duty by the bus transit system.

(b) Inspecting, servicing, or conditioning any vehicle.

(c) Driving.

(d) Remaining in readiness to operate a vehicle (stand-by).

(e) Repairing, obtaining assistance, or remaining in attendance in or about a disabled vehicle.

(12) "Passenger" means a person who is on board, boarding, or alighting from a bus for the purposes of public transport.

(13) "Paratransit" means those elements of public transit which provide service between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and the provider of the

service. Paratransit service is provided by taxis, limousines, "dial-a-ride" buses, and other demand-responsive operations that are characterized by their nonscheduled, non-fixed route nature.

(14) "Safe Condition" means a condition where hazards are reduced to the lowest level feasible and substantial compliance exists with all safety rules, regulations, and requirements.

(15) "Safety Review" means an on-site assessment to determine if a bus transit system has adequate safety management controls in place and functioning in accordance with the safety standards provided and incorporated by reference in this rule chapter.

(16) "Security" means freedom from harm resulting from intentional acts against passengers, employees, equipment, and facilities.

(17) "Security Program Plan" or "SPP" means a document developed and adopted by the bus transit system detailing its policies, objectives, responsibilities, and procedures for the protection and defense of the system and persons from intentional acts of harm.

(18) "Security Review" means an on-site assessment to determine if a bus transit system has security management controls in place and functioning in accordance with the security requirements provided in this rule chapter.

(19) "System Safety Program Plan" or "SSPP" means a document developed and adopted by the bus transit system detailing its policies, objectives, responsibilities, and procedures against injuries or damage.

(20) "Taxicab" means any motor vehicle of nine passenger capacity or less, including the driver, engaged in the general transportation of persons for compensation, not on a regular schedule, between fixed termini, or over regular routes, where such vehicle does not provide transportation services as a result of a contractual agreement with a bus transit system.

(21) "Trailer Bus" means a trailing or towed vehicle designed or used for the transportation of more than 10 persons, e.g., tram buses.

(22) "Twenty-four Hour Period" or "24-Hour Period" means the consecutive time beginning at 12:00.01 a.m. to 12:00.00 a.m.

(23) "Unsafe Condition" means anything which endangers human life or property.

(24) "Personal wireless communications device" means an electronic or electrical device that was not provided by the bus transit system for business purposes.

(25) "Use of a wireless communications device" means use of a mobile telephone or other electronic or electrical device, hands-on or hands-free, to conduct an oral communication; to place or receive a telephone call; to send or read electronic mail or a text message; to play a game; to navigate the Internet; to play, view, or listen to a video; to play, view, or listen to a television broadcast; to play or listen to music; or to execute a computational function. Use of an electronic or electrical device that enhances the individual's physical ability to perform, such as a hearing aid, is not included in this definition.

(26) "Wireless communications device" means an electronic or electrical device capable of remote communication. Examples include cell phones, personal digital assistants (PDAs) and portable computers (commonly called laptop computers).

Rulemaking Authority 334.044(2), 341.061(2), 341.041(3), 341.031 FS. Law Implemented 341.041(3), 341.061(2) FS. History--New 9-7-87, Amended 11-10-92, 8-7-05, 9-16-10.

14-90.004 Bus Transit System Operational Standards.

(1) Each bus transit system shall develop and adopt an SSPP that complies with or exceeds the established safety standards set forth in this rule chapter.

(a) The SSPP shall address the following safety elements and requirements:

1. Safety policies and responsibilities.

2. Vehicle and equipment standards and procurement criteria.

3. Operational standards and procedures.

4. Bus driver and employee selection.

5. Driving requirements.

6. Bus driver and employee training. As part of the driver training program, specific procedures, and training shall be implemented to instruct the driver on how to safely approach and depart from a transit bus stop to avoid contact with pedestrians and other hazards.

7. Vehicle maintenance.

8. Investigations of events described under subsection 14-90.004(5), F.A.C.

9. Hazard identification and resolution.

10. Equipment for transporting wheelchairs.

11. Safety data acquisition and analysis.

12. A wireless communication plan and procedure that provides for the safe operation of the bus transit vehicle. The wireless communication plan and procedure shall assure that:

a. The use of a personal wireless communication device is prohibited while the transit vehicle is in motion, and

b. All personal wireless communications devices are turned off with any earpieces removed from the operator's car while occupying the driver's seat.

13. A policy on the use of a wireless communications device issued to the operator by the bus transit system for business related purposes. Policies developed shall assure that:

a. Guidelines are developed that allow for the use of a wireless communications device in emergency situations, and

b. The use of a wireless communications device does not interfere with the operator's safety related duties.

14. The Bus Transit System shall develop a driver educational training program addressing:

a. The proper use of a wireless communications device issued to the operator by the Bus Transit System while in the performance of their safety related duties, and

b. The hazards associated with driving and utilizing a wireless communications device.

15. Safety standards for private contract bus transit system(s) that provide(s) continuous or recurring transportation services for compensation as a result of a contractual agreement with the bus transit system.

(b) Each bus transit system shall implement and comply with the SSPP during the operation of the system.

(c) Each bus transit system shall require that all operable transit buses be inspected at least once per year in accordance with established standards.

(d) Each bus transit system shall submit an annual safety certification to the Department verifying the following:

1. Adoption of an SSPP, which meets or exceeds the established standards set forth in this rule chapter.

2. Compliance with its adopted SSPP and that safety inspections have been performed at least once a year on all buses operated by the bus transit system, by persons meeting the requirements set forth in Rule 14-90.009, F.A.C.

(e) Bus transit systems shall immediately suspend affected system service operations if, at any time, continued operation of the system, or a portion thereof, poses an immediate danger to public safety.

(2) Each bus transit system shall develop and adopt an SPP that meets or exceeds the security requirements set forth in this rule chapter. The SPP shall be adopted separately from the SSPP.

(a) The SPP shall address the following security requirements:

1. Security policies, goals, and objectives.

2. Organization, roles, and responsibilities.

3. Emergency management processes and procedures for mitigation, preparedness, response, and recovery.

4. Procedures for investigation of events described under subsection 14-90.004(5), F.A.C.

5. Procedures for the establishment of interfaces with emergency response organizations.

6. Procedures for interagency coordination with local law enforcement jurisdictions.

7. Employee security and threat awareness training programs.

8. Security data acquisition and analysis.

9. Emergency preparedness drills and exercises.

10. Requirements for private contract transit providers that engage in continuous or recurring transportation services for compensation as a result of a contractual agreement with the bus transit system.

11. Procedures for SPP maintenance and distribution.

(b) Each bus transit system shall implement and comply with the SPP during the operation of the system.

(c) Bus transit systems that engage in a contract with a private contract transit provider shall:

1. Establish minimum security requirements which apply to private contract transit providers.

2. Monitor and assure that each private contract transit provider complies with established security requirements during the term of the contract.

(d) Bus transit systems are prohibited by Section 119.071(3)(a), F.S., from publicly disclosing the SPP or the security portion of the SSPP, as applicable, under any circumstance.

(3) Bus transit systems shall establish criteria and procedures for the selection, qualification, and training of all drivers. The

criteria shall include the following:

(a) Driver qualifications and background checks meeting minimum hiring standards.

(b) Driving and criminal background checks for all new drivers.

(c) Verification and documentation of valid driver licenses for all employees who drive buses.

(d) Training and testing to demonstrate and ensure adequate skills and capabilities to safely operate each type of bus or bus combination before driving on a street or highway unsupervised. As a minimum requirement, drivers shall be given explicit instructional and procedural training and testing in the following areas:

1. Bus transit system safety and operational policies and procedures.

2. Operational bus and equipment inspections.

3. Bus equipment familiarization.

4. Basic operations and maneuvering.

5. Boarding and alighting passengers.

6. Operation of wheelchair lifts and other special equipment.

7. Defensive driving.

8. Passenger assistance and securement.

9. Handling of emergencies and security threats.

10. Security and threat awareness.

11. Driving conditions.

(e) Bus transit systems shall provide written operational and safety procedures to all bus drivers before driving on streets or highways unsupervised. At a minimum, these procedures and instructions shall address the following:

1. Communication and handling of unsafe conditions, security threats, and emergencies.

2. Familiarization and operation of safety and emergency equipment, wheelchair lift equipment, and restraining devices.

3. Application and compliance with all applicable federal and state laws, rules, and regulations.

(f) The provisions in paragraphs (d) and (e), above, shall not apply to personnel licensed and authorized by the bus transit system to drive, move, or road test a bus in order to perform repairs or maintenance services when it has been determined that such temporary operation does not create unsafe operating conditions or create a hazard to public safety.

(g) Bus transit systems shall maintain the following records for at least four years:

1. Records of bus driver background checks and qualifications.

2. Detailed descriptions of training administered and completed by each bus driver.

3. A record of each bus driver's duty status which shall include total days worked, on-duty hours, driving hours, and time of reporting on and off duty each day.

(h) Each bus transit system shall establish a drug-free workplace policy statement in accordance with 49 C.F.R. Part 32 and a substance abuse management and testing program in accordance with 49 C.F.R. Parts 40 and 655, October 1, 2009, hereby incorporated by reference.

(i) Bus transit systems shall require that drivers write and submit a daily bus inspection report pursuant to Rule 14-90.006, F.A.C.

(4) Bus transit systems shall establish a maintenance plan and procedures for preventative and routine maintenance for all buses operated. The maintenance plan and procedures shall assure that:

(a) All buses operated, and all parts and accessories on such buses, including those specified in Rule 14-90.007, F.A.C., and any additional parts and accessories which may affect safety of operation, including frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems, are regularly and systematically inspected, maintained, and lubricated to standards that meet or exceed the bus manufacturer's recommendations and requirements.

(b) A recording and tracking system is established for the types of inspections, maintenance, and lubrication intervals documenting the date or mileage when these services are due. Required maintenance inspections shall be more comprehensive than daily inspections performed by the driver.

(c) Proper preventive maintenance is performed when a bus is assigned away from the system's regular maintenance facility or when maintenance services are performed under contract.

(d) Records are maintained and provide written documentation of preventive maintenance, regular maintenance, inspections, lubrication, and repairs performed for each bus under their control. Such records shall be maintained by the bus transit system for at

least four years and, at a minimum, provide the following information:

1. Identification of the bus, the make, model, and license number, or other means of positive identification and ownership.
2. Date, mileage, description, and each type of inspection, maintenance, lubrication, or repair performed.
3. If not owned by the bus transit system, the name of any person furnishing a bus.
4. The name and address of any entity or contractor performing an inspection, maintenance, lubrication, or repair.

(5) Each bus transit system shall investigate, or cause to be investigated, any event involving a bus or taking place on bus transit system controlled property resulting in a fatality, injury, or property damage as follows:

(a) A fatality, where an individual is confirmed dead within 30 days of a bus transit system related event, excluding suicides and deaths from illnesses.

(b) Injuries requiring immediate medical attention away from the scene for two or more individuals.

(c) Property damage to bus transit system buses, non-bus transit system vehicles, other bus system property or facilities, or any other property. The bus transit system shall have the discretion to investigate events resulting in property damage less than \$1,000.

(d) Evacuation of a bus due to a life safety event where there is imminent danger to passengers on the bus, excluding evacuations due to operational issues.

(6) Each investigation shall be documented in a final report that includes a description of investigation activities, identified causal factors, and any identified corrective action plan.

(a) Each corrective action plan shall identify the action to be taken by the bus transit system and the schedule for its implementation.

(b) The bus transit system shall monitor and track the implementation of each corrective action plan.

(7) Investigation reports, corrective action plans, and related supporting documentation shall be maintained by the bus transit system for a minimum of four years from the date of completion of the investigation.

Rulemaking Authority 334.044(2), 341.061(1)(a) FS. Law Implemented 119.071, 341.041(3), 341.061(1)(b), 341.061(2)(a) FS. History—New 9-7-87, Amended 11-10-92, 8-7-05, 6-24-08, 9-16-10.

14-90.0041 Medical Examinations for Bus Transit System Drivers.

(1) Bus transit systems shall establish medical examination requirements for all applicants to driver positions and for existing drivers. The medical examination requirements shall include a pre-employment examination for applicants, an examination at least once every two years for existing drivers, and a return to duty examination for any driver prior to returning to duty after having been off duty for 30 or more days due to an illness, medical condition, or injury.

(2) Medical examinations shall be performed and recorded according to qualification standards adopted by the bus transit system, provided the medical examination qualification standards adopted by the bus transit system meet or exceed those provided in Department Form Number 725-030-11, Medical Examination Report for Bus Transit System Driver, Rev. 05/09, hereby incorporated by reference. Copies of Form Number 725-030-11 are available from the Florida Department of Transportation, Public Transit Office, 605 Suwannee Street, Mail Station 26, Tallahassee, Florida 32399-0450 or on-line at www.dot.state.fl.us/transit.

(3) Medical examinations shall be performed by a Doctor of Medicine or Osteopathy, Physician Assistant, or Advanced Registered Nurse Practitioner licensed or certified by the State of Florida. If medical examinations are performed by a Physician Assistant or Advanced Registered Nurse Practitioner, they must be performed under the supervision or review of a Doctor of Medicine or Osteopathy.

(a) An ophthalmologist or optometrist licensed by the State of Florida may perform as much of the medical examination as pertains to visual acuity, field of vision, and color recognition.

(b) Upon completion of the medical examination, the medical examiner shall complete, sign, and date the medical examination form and maintain the original at his or her office.

(c) Upon completion of the medical examination, the examiner shall complete, sign, and date the medical examination certificate and provide a copy to the driver's employer. If the transit agency decides to adopt qualification standards other than those listed in Department form 725-030-11, the adopted standard's medical examination certificate or a signed letter from the medical examiner attesting to the completion of a medical examination shall be given to the transit agency in lieu of the Department's medical examination certificate. The adopted standards medical certification or letter must provide all of the information required on the Department's medical examination certificate.

(d) Upon completion of the medical examination the driver shall provide their driver license number, signature, and date on the medical examination certificate.

(4) Bus transit systems shall have on file a completed and signed medical examination certificate or a signed letter from the medical examiner attesting to the completion of a medical examination for each bus driver, dated within the past 24 months

(a) Medical examination certificates or a signed letter from the medical examiner attesting to the completion of a medical examination of the employee bus drivers shall be maintained by the bus transit system for a minimum of four years from the date of the examination.

(b) Bus Transit Systems shall not allow a driver to operate a transit bus without having on file a completed medical examination certificate or a signed letter from the medical examiner attesting to the completion of a medical examination dated within the past 24 months.

Rulemaking Authority 334.044(2), 341.061(1)(a) FS. Law Implemented 334.044(12), 341.041(3), 341.061(1)(a), (b), (2) FS. History--New 11-10-92, Amended 8-7-05, 6-24-08, 9-16-10.

14-90.006 Operational and Driving Requirements.

(1) Bus transit systems shall not permit a driver to drive a bus when such driver's license has been suspended, cancelled, or revoked. Bus transit systems shall require a driver who receives a notice that his or her license to operate a motor vehicle has been suspended, cancelled, or revoked to notify his or her employer of the contents of the notice immediately, no later than the end of the business day following the day he or she received the notice.

(2) Buses shall be operated at all times in compliance with applicable traffic regulations, ordinances, and laws of the jurisdiction in which they are being operated.

(3) A driver shall not be permitted or required to drive more than 12 hours in a 24-hour period, or drive after having been on duty for 16 hours in a 24-hour period. A driver shall not be permitted to drive until the requirement of a minimum eight consecutive hours of off-duty time has been fulfilled. A driver's work period shall begin from the time he or she first reports for duty to his or her employer. A driver is permitted to exceed his or her regulated hours in order to reach a regularly established relief or dispatch point, provided the additional driving time does not exceed one hour.

(4) To ensure uniform interpretation of subsections 14-90.002(10), (11), (22), and 14-90.006(3), F.A.C., the following practical applications are provided:

(a) A driver is required to drive from 4 a.m. – 8 a.m., off-duty from 8 a.m. – 3 p.m., then required to drive from 3 p.m. – 11 p.m. Driving hours and on-duty hours are the same. 4 hours + 8 hours = 12 hours driving. This driver has met the maximum allowed driving hours within a 24-hour period and cannot be permitted or required to drive until a minimum eight consecutive hours off-duty has been fulfilled. This driver cannot be permitted or allowed to drive before 7 a.m.

(b) A driver is required to drive from 4 a.m. – 8 a.m., off-duty from 8 a.m. – 11 a.m., then required to be on-duty, not driving, from 11 a.m. – 11 p.m. Driving hours = 4 hours and on-duty not driving hours = 12 hours for a total of 16 hours on-duty. This driver has met the maximum allowed on-duty hours within a 24-hour period and cannot be permitted or required to drive until a minimum eight consecutive hours off-duty has been fulfilled. This driver cannot be permitted or allowed to drive before 7 a.m.

(c) A driver is required to be on-duty, not driving, from 4 a.m. – 8 a.m., off-duty from 8 a.m. – 11 a.m., then on-duty, not driving from 11 a.m. – 11 p.m. On-duty not driving hours = 4 hours + 12 hours for a total of 16 hours on-duty. This driver has met the maximum allowed on-duty hours within a 24-hour period and cannot be permitted or required to drive until a minimum eight consecutive hours off-duty has been fulfilled. The driver cannot be permitted or allowed to drive before 7 a.m.

(d) A driver is required to be on-duty, not driving, from 4 a.m. – 8 a.m., then off-duty from 8 a.m. – 11 a.m., then on-duty, driving from 11 a.m. – 11 p.m. On-duty, not driving hours = 4 hours and on-duty driving hours = 12 hours for a total of 16 hours on-duty. This driver has met the maximum allowed driving and on-duty hours within a 24-hour period and cannot be permitted or required to drive until a minimum eight consecutive hours off-duty has been fulfilled. This driver cannot be permitted or allowed to drive before 7 a.m.

(5) A driver shall not be permitted or required to be on duty more than 72 hours in any period of seven consecutive days; however, any 24 consecutive hours of off duty time shall constitute the end of any such period of seven consecutive days. A driver who has reached the maximum 72 hours of on duty time during the seven consecutive days shall be required to have a minimum of 24 consecutive hours off duty prior to returning to on duty status.

(6) A driver is permitted to drive for more than the regulated hours for the safety and protection of the public when conditions

such as adverse weather, disaster, security threat, a road or traffic condition, medical emergency, or an accident occur.

(7) Bus transit systems shall not permit or require any driver to drive a bus when his or her ability is impaired, or likely to be impaired, by fatigue, illness, or other causes, likely to create an unsafe condition.

(8) Bus transit systems shall require pre-operational or daily inspection and reporting of all defects and deficiencies likely to affect safe operation or cause mechanical malfunctions.

(a) An inspection or test shall be made of the following parts and devices to ascertain that they are in safe condition and in good working order:

1. Service brakes.
2. Parking brakes.
3. Tires and wheels.
4. Steering.
5. Horn.
6. Lighting devices.
7. Windshield wipers.
8. Rear vision mirrors.
9. Passenger doors.
10. Exhaust system.
11. Equipment for transporting wheelchairs.
12. Safety, security, and emergency equipment.

(b) Bus transit systems shall review daily inspection reports and document corrective actions taken as a result of any deficiencies identified by daily inspections.

(c) Bus transit systems shall retain records of daily bus inspections and any corrective action documentation a minimum of two weeks.

(9) A bus with any passenger door in the open position shall not be operated with passengers aboard. The doors shall not be opened until the bus is stopped. A bus with any inoperable passenger door shall not be operated with passengers aboard, except to move a bus to a safe location.

(10) During darkness, interior lighting and lighting in stepwells on buses shall be sufficient for passengers to enter and exit safely.

(11) Passengers shall not be permitted in the stepwells of any bus while the bus is in motion, or to occupy an area forward of the standee line.

(12) Passengers shall not be permitted to stand on buses not designed and constructed for that purpose.

(13) Buses shall not be refueled in a closed building. The fueling of buses when passengers are being carried shall be reduced to the minimum number of times necessary during such transportation.

(14) Bus transit systems shall require the driver to be properly secured to the driver's seat with a restraining belt at all times while the bus is in motion.

(15) Buses shall not be left unattended with passengers aboard for longer than 15 minutes. The parking or holding brake device shall be properly set at any time the bus is left unattended.

(16) Buses shall not be left unattended in an unsafe condition with passengers aboard at any time.

Rulemaking Authority 334.044(2), 341.041(3), 341.061(2)(a) FS. Law Implemented 341.061(2) FS. History—New 9-7-87, Amended 5-31-89, 11-10-92, 8-7-05, 6-24-08, 9-16-10.

14-90.007 Vehicle Equipment Standards and Procurement Criteria.

(1) Every bus transit system shall ensure that buses procured and operated meet the following minimum standards:

(a) The capability and strength to carry the maximum allowed load and not exceed the manufacturer's gross vehicle weight rating (GVWR), gross axle weighting, or tire rating.

(b) Structural integrity that mitigates or minimizes the adverse effects of collisions.

(c) Federal Motor Vehicle Safety Standards (FMVSS), 49 C.F.R. Part 571, Sections 102, 103, 104, 105, 108, 207, 209, 210, 217, 302, 403, and 404, Rev. 10/09, hereby incorporated by reference.

(2) Proof of strength and structural integrity tests on new buses procured shall be submitted by manufacturers or bus transit

systems to the Department.

(3) In addition to the above, every bus operated in this state shall be equipped as follows:

(a) Mirrors. There shall be two exterior rear vision mirrors, one at each side. The mirrors shall be firmly attached to the outside of the bus and located as to reflect to the driver a view of the highway to the rear along both sides of the vehicle. Each exterior rear vision mirror, on Type I buses, shall have a minimum reflective surface of 50 square inches. Neither the mirror nor the mounting shall protrude farther than the widest part of the vehicle body except to the extent necessary to produce a field of view meeting or exceeding the requirements of this section. All Type I buses shall, in addition to the above requirements, be equipped with an inside rear vision mirror capable of giving the driver a clear view of seated and standing passengers. Buses having a passenger exit door that is located inconveniently for the driver's visual control shall be equipped with additional interior mirrors to enable the driver to view the passenger exit door. In lieu of interior mirrors, trailer buses and articulated buses may be equipped with closed circuit video systems or adult monitors in voice control with the driver.

(b) Wiring and Batteries. Electrical wiring shall be maintained so as not to come in contact with moving parts, heated surfaces, or be subject to chafing or abrasion which may cause insulation to become worn. Every Type I bus manufactured on or after February 7, 1988, shall be equipped with a storage battery electrical power main disconnect switch. The disconnect switch shall be practicably located in an accessible location adjacent to or near to the battery and be legibly and permanently marked for identification. Every storage battery on a public-sector bus shall be mounted with proper retainment devices in a compartment which provides adequate ventilation and drainage.

(c) Brake Interlock Systems. All Type I buses having a rear exit door shall be equipped with a rear exit door/brake interlock that automatically applies the brake upon driver activation of the rear exit door to the open position. Brake interlock application shall remain activated until deactivated by the driver and the rear exit door returns to the closed position. The rear exit door brake interlock on such buses shall be equipped with an identified override switch enabling emergency release of the brake interlock function. The override switch shall not be located within reach of the seated driver. Air pressure application to the brake during brake interlock operation, on buses equipped with rear exit door/brake interlock, shall be regulated at the equipment's original manufacturer's specifications.

(4) Standee Line and Warning. Every bus designed and constructed to allow standees shall be plainly marked with a line of contrasting color at least two inches wide, or be equipped with some other means to indicate that all passengers are prohibited from occupying a space forward of a perpendicular plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. A sign shall be posted at or near the front of the bus stating that it is a violation for a bus to be operated with passengers occupying an area forward of the line.

(5) Handrails and Stanchions. Every bus designed and constructed to allow standees shall be equipped with overhead handrails for standee passengers. Overhead handrails shall be continuous, except for a gap at the rear exit door, and terminate into vertical stanchions or turn up into a ceiling fastener. Every Type I and Type II bus designed for carrying more than 16 passengers shall be equipped with handrails, stanchions, or bars at least 10 inches long and installed to permit safe on-board circulation, seating and standing assistance, and boarding and alighting by elderly and handicapped persons. Type I buses shall be equipped with a safety bar and panel directly behind each entry and exit stepwell.

(6) Flooring, Steps, and Thresholds. Flooring, steps, and thresholds on all buses shall have slip resistant surfaces without protruding or sharp edges, lips, or overhangs, in order to prevent tripping hazards. All step edges and thresholds shall have a band of color(s) running the full width of the step or edge which contrasts with the step tread and riser, either light-on-dark or dark-on-light.

(7) Doors. Power activated doors on all buses shall be equipped with a manual device designed to release door closing pressure.

(8) Emergency Exits. All buses shall have an emergency exit door, or in lieu thereof, shall be provided with emergency escape push-out windows. Each emergency escape window shall be in the form of a parallelogram with dimensions of not less than 18" by 24", and each shall contain an area of not less than 432 square inches. There shall be a sufficient number of push-out or kick-out windows in each vehicle to provide a total escape area equivalent to 67 square inches per seat, including the driver's seat. No less than 40% of the total escape area shall be on one side of the vehicle. Emergency escape kick-out or push-out windows and emergency exit doors shall be conspicuously marked with a sign or light and shall always be kept in good working order so that they may be readily opened in an emergency. All such windows and doors shall not be obstructed, either inside or outside, so as to hinder escape. Buses equipped with an auxiliary door for emergency exit shall be equipped with an audible alarm and light indicating to the driver when a door is ajar or opened while the engine is running. Supplemental security locks operable by a key are prohibited on emergency exit doors unless these security locks are equipped and connected with an ignition interlock system or an audio visual

alarm located in the driver's compartment. Any supplemental security lock system used on emergency exits shall be kept unlocked whenever a bus is in operation.

(9) Tires and Wheels. Tires shall be properly inflated in accordance with manufacturer's recommendations.

(a) No bus shall be operated with a tread groove pattern depth:

1. Less than $4/32$ ($1/8$) of an inch, measured at any point on a major tread groove for tires on the steering axle of all buses. The measurements shall not be made where tie bars, humps, or fillets are located.

2. Less than $2/32$ ($1/16$) of an inch, measured at any point on a major tread groove for all other tires of all buses. The measurements shall not be made where tie bars, humps, or fillets are located.

(b) No bus shall be operated with recapped, regrooved, or retreaded tires on the steering axle.

(c) Wheels shall be visibly free from cracks and distortions and shall not have missing, cracked, or broken mounting lugs.

(10) Suspension. The suspension system of all buses, including springs, air bags, and all other suspension parts shall be free from cracks, leaks, or any other defect which may cause its impairment or failure to function properly.

(11) Steering and Front Axle. The steering system of all buses shall have no indication of leaks which would or may cause its impairment to function properly, and shall be free from cracks and excessive wear of components that may cause excessive free play or loose motion in the steering system or above normal effort in steering control.

(12) Seat Belts. Every bus shall be equipped with an adjustable driver's restraining belt in compliance with the requirements of FMVSS 209, "Seat Belt Assemblies" 49 C.F.R. 571.209, Rev. 10/09, and FMVSS 210, "Seat Belt Assembly Anchorages" 49 C.F.R. 571.210, Rev. 10/09, hereby incorporated by reference.

(13) Safety Equipment. Every bus shall be equipped with one fully charged dry chemical or carbon dioxide fire extinguisher, having at least a 1A:BC rating, and bearing the label of Underwriter's Laboratory, Inc. The fire extinguishers shall be maintained as follows:

(a) Each fire extinguisher shall be securely mounted on the bus in a conspicuous place or in a clearly marked compartment and be readily accessible.

(b) Each fire extinguisher shall be maintained in efficient operating condition and be equipped with some means of determining if it is fully charged.

(c) Every Type I bus shall be equipped with portable red reflector warning devices in compliance with Section 316.300, F.S. .

(14) Persons with Disabilities. Buses used for the purpose of transporting individuals with disabilities shall meet the requirements set forth in 49 C.F.R. Part 38, Rev. 10/09 hereby incorporated by reference, as well as the following:

(a) Installation of a wheelchair lift or ramp shall not cause the manufacturer's GVWR, gross axle weight rating, or tire rating to be exceeded.

(b) Except in locations within $3\ 1/2$ inches of the bus floor, all readily accessible exposed edges or other hazardous protrusions of parts of wheelchair lift assemblies or ramps that are located in the passenger compartment shall be padded with energy absorbing material to mitigate injury in normal use and in case of a collision. This requirement shall also apply to parts of the bus associated with the operation of the lift or ramp.

(c) The controls for operating the lift shall be at a location where the bus driver or lift attendant has a full view, unobstructed by passengers, of the lift platform, its entrance and exit, and the wheelchair passenger, either directly or with partial assistance of mirrors. Lifts located entirely to the rear of the driver's seat shall not be operable from the driver's seat, but shall have an override control at the driver's position that can be activated to prevent the lift from being operated by the other controls (except for emergency manual operation upon power failure).

(d) The installation of the wheelchair lift or ramp and its controls and the method of attachment in the bus body or chassis shall not diminish the structural integrity of the bus nor cause a hazardous imbalance of the bus. No part of the assembly, when installed and stowed, shall extend laterally beyond the normal side contour of the bus, nor vertically beyond the lowest part of the rim of the wheel closest to the lift.

(e) Each wheelchair lift or ramp assembly shall be legibly and permanently marked by the manufacturer or installer with the following information:

1. The manufacturer's name and address.

2. The month and year of manufacture.

3. A certificate that the wheelchair lift or ramp securement devices, and their installation, conform to State of Florida requirements applicable to accessible buses.

(15) Wheelchairs. Wheelchair lifts, ramps, securement devices, and restraints shall be inspected and maintained as required by this rule chapter. Instructions for normal and emergency operation of the lift or ramp shall be carried or displayed in every bus.

Rulemaking Authority 334.044(2), 341.041(3), 341.061(2)(a) FS. Law Implemented 341.061(2)(a) FS. History—New 9-7-87, Amended 11-10-92, 8-2-94, 8-7-05, 6-24-08, 9-16-10.

14-90.009 Bus Safety Inspections.

(1) Each bus transit system shall require that all buses operated by such bus transit system, and all buses operated by a private contract transit provider, be inspected at least annually in accordance with bus inspection procedures set forth in this rule.

(2) It shall be the bus transit system's responsibility to ensure that each individual performing a bus safety inspection is qualified as follows:

(a) Understands the requirements set forth in this rule chapter and can identify defective components.

(b) Is knowledgeable of and has mastered the methods, procedures, tools, and equipment used when performing an inspection.

(c) Has at least one year of training and/or experience as a mechanic or inspector in a vehicle maintenance program, and has sufficient general knowledge of buses owned and operated by the bus transit system to recognize deficiencies or mechanical defects.

(3) Each bus receiving a safety inspection shall be checked for compliance with the requirements for safety devices and equipment, as referenced or specified herein. Specific operable equipment and devices as required by this rule chapter, include the following as applicable to Type I and II buses:

(a) Horn.

(b) Windshield wipers.

(c) Mirrors.

(d) Wiring and batteries.

(e) Service and parking brakes.

(f) Warning devices.

(g) Directional signals.

(h) Hazard warning signals.

(i) Lighting systems and signaling devices.

(j) Handrails and stanchions.

(k) Standee line and warning.

(l) Doors and brake interlock devices.

(m) Stepwells and flooring.

(n) Emergency exits

(o) Tires and wheels.

(p) Suspension system.

(q) Steering system.

(r) Exhaust system.

(s) Seat belts.

(t) Safety equipment.

(u) Equipment for transporting wheelchairs.

(v) Working speedometer.

(4) A safety inspection report shall be prepared by the individual(s) performing the inspection and shall include the following:

(a) Identification of the individual(s) performing the inspection.

(b) Identification of the bus transit system operating the bus.

(c) The date of the inspection.

(d) Identification of the bus inspected.

(e) Identification of the equipment and devices inspected including the identification of equipment and devices found deficient or defective.

(f) Identification of corrective action(s) for any deficient or defective items found and date(s) of completion of corrective action(s).

(5) Records of annual safety inspections and documentation of any required corrective actions shall be retained a minimum of

four years by the bus transit system for compliance review.

Rulemaking Authority 334.044(2), 341.041(3), 341.061(2)(a) FS. Law Implemented 341.061(2) FS. History—New 9-7-87, Amended 11-10-92, 8-7-05, 9-16-10.

14-90.010 Certification.

(1) Each bus transit system shall annually submit a safety and security certification to the Department. The certification shall be submitted no later than February 15, for the prior calendar year period. The certification shall attest to the following:

- (a) The adoption of an SSPP and an SPP in accordance with established standards set forth in this rule chapter.
- (b) Compliance with its adopted SSPP and SPP.
- (c) Performance of safety inspections on all buses operated by the system in accordance with this rule chapter.
- (d) Reviews of the SSPP and SPP have been conducted to ensure they are up to date.

(2) The certification shall include:

(a) The name and address of the bus transit system, and the name and address of the entity(ies) who performed bus safety inspections and security assessments during the prior calendar year, if different from that of the bus transit system.

(b) A statement signed by an officer or person directly responsible for management of the bus transit system attesting to compliance with this rule chapter.

Rulemaking Authority 334.044(2), 341.041(3), 341.061(1)(a) FS. Law Implemented 334.044(28), 341.061(1), 341.061(2) FS. History—New 9-7-87, Amended 8-7-05, 9-16-10.

14-90.012 Safety and Security Inspections and Reviews.

(1) The Department, or its contractor, shall conduct inspections of bus transit systems to ascertain compliance with the provisions of this rule chapter.

(2) The Department, or its contractor, shall conduct safety and security reviews of any bus transit system the Department believes to be in noncompliance with its SSPP or SPP, or providing passenger service operations in an unsafe manner, or if there is evidence of an immediate danger to public safety. The Department shall prepare and submit a report of the review to the affected bus transit system. The report shall be submitted to the bus transit system within three business days of completion of the review and shall contain the following:

(a) Identification of the findings, including a detailed description of any deficiency.

(b) Required corrective action and a schedule for implementation of the corrective action to be taken for each deficiency.

(c) Any required suspension of bus transit system service, should the Department determine the continued operation of the service, or a portion thereof, poses an immediate danger to public safety.

(3) The Department shall initiate the following actions to suspend the affected bus transit system service if any deficiency or unsafe condition exists, to the extent that the continued operation of the system, or a portion thereof, poses an immediate danger or threat to public safety.

(a) Immediately notify the affected bus transit system of the unsafe condition, followed by a certified letter describing the deficiency or unsafe condition. The notification shall include the following:

1. The required corrective action for the deficiency or unsafe condition.

2. The requirement for the bus transit system to certify, in writing to the Department, the completion of the required corrective action in accordance with an established implementation schedule.

(b) Conduct an on-site review of the bus transit system to verify the correction of the deficiency in accordance with this rule and the established implementation schedule.

(c) Suspend affected passenger service operations if the bus transit system fails to correct the deficiency in accordance with this rule and the established implementation schedule.

Rulemaking Authority 334.044(2), 341.041(3), 341.061(2)(a) FS. Law Implemented 334.044(28), 341.041(3), 341.061(1)(d), 341.061(2)(c) FS. History—New 11-10-92, Amended 8-7-05, 9-16-10.

Appendix B

Substance Abuse Policy

MV Drug and Alcohol Section

In accordance with the U.S. Department of Transportation and the
Federal Transit Administration Regulations
(CFR Part 40 and 655)
Effective as of October 1, 2010

MV TRANSPORTATION, INC. SUBSTANCE ABUSE POLICY

1.0 Policy

MV Transportation, Inc. and its Subsidiaries (MV Transportation) is dedicated to providing safe, dependable, and economical service to its clients. MV Transportation's employees are our most valuable resource. It is our policy (1) to take appropriate action to assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) to foster and maintain a drug and alcohol - free environment for all employees and patrons; (3) to prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage employees to voluntarily seek professional assistance whenever personal problems, including alcohol or drug use, may adversely affect their ability to perform their assigned duties.

To achieve the goal of a substance-free workplace, this policy incorporates three integrated components:

Prevention through education and training:

Education and training will communicate and clarify this policy to all employees, assist employees in recognizing substance abuse problems and in finding solutions to those problems.

Detection, deterrence and enforcement:

Federal regulations require that effective January 1, 1995, all safety - sensitive employees will be subject to reasonable suspicion, post accident, random, return to duty and follow up drug and alcohol testing. Applicants for safety sensitive positions will not be eligible for those positions unless they pass a pre-employment drug test. **As a "zero tolerance" employer, any positive drug or alcohol or refusal to tests will result in a termination of employment.**

Treatment and opportunities for rehabilitation:

Alcohol and drug abuse are recognized as diseases that can be treated. MV Transportation promotes a voluntary rehabilitation program to encourage employees to seek professional assistance prior to testing positive for drugs or alcohol, without fear of discipline.

Approved: 

Kevin Klika, COO

MV Transportation, Inc. and its Subsidiaries

DATE February 1, 2011

2.0 Purpose

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the use of alcohol and Prohibited Drugs (as defined below). This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transit industry.

The Federal Transit Administration (FTA) and the Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation 49 CFR (Code of Federal Regulations) Part 655, and 382 mandate urine drug testing and breath alcohol testing for employees performing safety-sensitive functions. This regulation also prevents performance of safety-sensitive functions when there is a positive test result or a test refusal. The U.S. Department of Transportation (DOT) has also adopted the revised version of 49 CFR Part 40 as amended, which outlines procedures for transportation workplace drug and alcohol testing programs. This Policy incorporates these federal requirements for employees performing safety-sensitive functions, as well as other provisions.

In addition, DOT has published 49 CFR Part 29, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. California passed a similar version of the federal law, the Drug-Free Workplace Act of 1990 (Gov't Code § 8350 et seq). This policy reiterates the requirements of the federal regulations; these requirements will be in *italics*. Portions of this policy marked in **bold** are not necessarily FTA-mandated, but reflect MV Transportation employment policy (this does not include policy headings).

If any provision of an existing MVT policy, rule or resolution is inconsistent or in conflict with any provision of this policy or the DOT/FTA rules, this policy and the DOT/ FTA rules shall take precedence; if any provision of this policy is inconsistent or in conflict with the DOT/ FTA rules the DOT/ FTA rules shall take precedence.

Applicability

3.1 Safety-Sensitive Employees

This policy applies to all safety-sensitive MV Transportation employees, including paid part time employees who perform or could be called upon to perform any transit related safety-sensitive function, this includes off-site lunch periods or breaks when an employee is scheduled to return to work.

A safety-sensitive function is any of the following duties:

- 1) All employees with a commercial driver's license that will operate a revenue service, or non-revenue service vehicle; (Operation includes

the operation of the LIFTS or anyone who assists the passengers to ensure they are secured in the vehicles)

- 2) All drivers who operate revenue service vehicles, including when not in revenue service and regardless of the class of license that they hold.
- 3) All dispatch personnel and supervisors who control the movement of any revenue service vehicle; (This includes all management personnel if they perform any safety-sensitive functions at any time even on an emergency basis)
- 4) All Maintenance personnel, who perform various repairs to revenue vehicles (including repairs, overhaul and rebuilding) and employees who operate equipment used in revenue service.
- 5) Carrying a firearm for security purposes. (not applicable to MVT.)
- 6) Volunteers are considered a covered employee if; 1) they are required to hold a commercial driver's license to operate the vehicle; or 2) if the volunteer receives re-numeration in excess of their actual expenses incurred while engaged in the volunteer activity. (For a description of job categories - See Exhibit B)

3.2 Contractors

Contractors who perform any of the safety-sensitive functions described in this policy for MVT will also be subject to the same requirements as safety-sensitive MVT employees.

3.3 Non Safety Sensitive Positions

All MVT employees are subject to the provisions of the Drug-Free Workplace Act of 1998. Visitors, vendors and contracted employees on MVT premises will not be permitted to conduct transit business if found to be in violation of this policy.

4.0 Opportunities for Rehabilitation (MVT Policy)

To promote a drug and alcohol free workplace, this policy includes a rehabilitation program that allows employees to voluntarily come forward to request rehabilitation.

4.1 Voluntary Rehabilitation (MVT Policy)

Any employee who has a drug and/or alcohol abuse problem and has not been selected for reasonable cause, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the General Manager or the Human Resource Department, who will refer the individual to the company's Substance Abuse Professional (SAP) for an evaluation and treatment. Voluntary self-referral commits the employee to a therapeutic process. Confidentiality of the employee will be protected. The SAP will evaluate

the employee and make a specific recommendation regarding the appropriate treatment. When an employee voluntarily refers her or himself for treatment, the employee may be eligible for sick leave and disability benefits. Employees will be allowed to take accumulated vacation time or may be eligible for unpaid time off to participate in any prescribed rehabilitation program. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

4.2 While Undergoing Treatment (MV Policy)

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program is completed. The employee will be placed on an unpaid leave of absence for a maximum of 30/60 days to allow time for completion of the treatment/rehabilitation program. Proof of completion must be provided in writing. The employee will be required to pass a drug and alcohol test before he/she can perform a safety-sensitive function.

* MV shall make every effort to place the employee back in his/her position upon returning to work. However, an employee's commitment to an SAP does not guarantee that the employee's job will be available upon return.

4.3 Cost of Rehabilitation (MV Policy)

All associated costs for treatment are the sole responsibility of the employee.

4.4 Returning to Work after Treatment (MV Policy)

All employees who successfully complete prescribed treatment and are allowed to return back to work will be subject to unannounced follow-up testing as prescribed by the SAP.

Prohibited Substances

"Prohibited substances" addressed by this policy include the following:

5.1 Prohibited Drugs

FTA regulations specifically prohibit the use of the following illegal, prohibited substances and require testing for their presence under certain circumstances: Marijuana, Amphetamines, Opiates, Phencyclidine (PCP) and Cocaine ("Prohibited Drugs") - Safety-sensitive employees may be tested for prohibited drugs at any time while on duty or on **MVT property**.

5.2 Alcohol

The consumption of beverages containing alcohol, or substances including any medication such that alcohol is present in the body while performing safety sensitive duties or transit business, are prohibited. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol. (The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.)

5.3 Legal Drugs (MVT Policy)

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected **MUST** be reported to supervisory personnel. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

Any time an employee comes forward about a medication that he/she is taking the information must be forwarded to the Director of the Compliance Department for clarification and review. The Compliance department will then notify the Medical Review Officer (MRO) to determine if the medication is appropriate to take while performing a safety-sensitive function.

A legally prescribed drug means that the employee has a prescription or other written approval (in his/her name) from a physician for the use of a drug in the course of medical treatment. The misuse of legal drugs while performing a safety-sensitive function is prohibited at all times.

If the MRO determines that the medication being taken is not appropriate to take while performing a safety-sensitive function the employee will remain off duty until the issue is cleared by the MRO.

In order to continue performing a safety-sensitive function the employee taking the medication will be required to provide the following:

A written letter from the prescribing physician stating the patient's name, the name of the substance, the period of authorization and a statement that the medication will not adversely affect the employee's performance to drive or perform his/her safety sensitive function and that the employee may continue to perform his/her safety-sensitive function while taking such medication. The letter must be signed and dated by the physician and the letter will be provided to the MRO for final approval.

6.0 Prohibited Conduct. Manufacture, Trafficking, Possession, and Use of Controlled Substances

The manufacture, distribution, dispensing, possession, or use of controlled substances in the workplace is prohibited. A "controlled substance" is any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812), and as further defined by 21 CFR 1300.11-1300.15. Any employee engaging in the manufacture, distribution, dispensing, possession or use of a controlled substance on MVT premises will be subject to disciplinary action, up to and including termination and/or will be required to complete a drug abuse assistance or rehabilitation program. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

6.1 Requirement to Submit to Drug and Alcohol Testing

MVT shall require every covered employee who performs a safety-sensitive function as described in the FTA regulations Part 655 and the FMCSA regulations Part 382 to submit to a pre-employment, post-accident, random, and reasonable suspicion drug and alcohol test as described in this policy. MVT shall not permit any employee who refuses to submit to such tests to perform or continue to perform any safety-sensitive functions.

6.2 Alcohol Use/Hours of Compliance

No safety-sensitive employee should report for duty or remain on duty when his or her ability to perform assigned functions is adversely affected by alcohol or when his or her blood alcohol concentration is 0.02 or greater. No employee shall use alcohol while on duty or while performing safety-sensitive functions. No employee shall have used alcohol within four hours of reporting for duty. After an accident employees shall refrain from alcohol use for eight (8) hours or until an alcohol test has been administered.

No safety-sensitive employee shall use alcohol during the hours that they are on call. On call employees have the opportunity to acknowledge the use of alcohol at the time he/she is called to report to duty and the inability to perform his/her safety sensitive function.

6.3 Compliance with Testing Requirements

Any safety-sensitive employee who refuses to comply with a request for testing, who fails to remain readily available for post-accident testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be removed from duty immediately. Refusal can include an inability to provide a specimen or breath alcohol sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

6.4 Refusal to Submit to a DOT Alcohol or Controlled Substance Test

As an employee, you have refused to take a drug or alcohol test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer.
- (2) Fail to remain at the testing site until the testing process is complete; provided, that an employee who leaves the testing site before the testing process commences (for a pre-employment test this is not deemed to have refused to test; *unless the cup was handed to the donor*)
- (3) Fail to provide a urine specimen for any drug test or fails to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations; provided, that an employee who does not provide a urine specimen/breath alcohol test because he or she has left the testing site before the testing process commences (for a pre-employment test is not deemed to have refused to test; *unless the cup was handed to the donor*)
- (4) In the case of a directly observed or monitored urine drug collection, fail to permit the observation or monitoring of your provision of a specimen
- (5) Fail to provide a sufficient amount of urine or breath specimen when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure. **It is MVT's policy that any employee that does not provide a valid specimen during a collection for a test will remain off duty until the employee is cleared from the MRO that the employee had a valid medical reason.**
- (6) Fail or decline to take a second test the employer or collector has directed you to take;
- (7) Fails to sign the certification at step 2 of the breath alcohol testing form (ATF).
- (8) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment; or
- (9) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector or behave in a confrontational way that disrupts the collection process).
- (10) If the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
- (11) Employee admits to the collector or MRO that he or she adulterated or substituted their specimen.

(12) Employee fails to follow the observer's instructions to raise and lower their clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process

(13) Employee possesses or wears a prosthetic or other device that could be used to interfere with the collection process.

(14) Employee refuses to wash his or her hands – after being directed to do so.

As an employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing any safety-sensitive functions.

6.5 Compliance with Treatment Requirements

All employees are encouraged to make use of the available resources for treatment for alcohol and substance abuse problems.

6.6 Notify MVT of Criminal Drug Conviction

Every employee must notify MVT of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to do so shall subject said employee to disciplinary action up to and including termination, or satisfactory participation in a rehabilitation program, at the employee's expense.

6.7 Improper Application of the Policy

MVT is dedicated to assuring fair and equitable application of this “Zero Tolerance” substance abuse policy. Therefore, supervisors and managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor and manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

7.0 Testing for Prohibited Substances

7.1 General

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). Testing for prohibited drugs and alcohol on safety-sensitive employees shall be conducted in accordance with the procedures set forth in 49 CFR Part 40 as amended. See attached Testing Procedures for detailed procedures on all required types of drug and alcohol testing.

Medical Review Officer (MRO)- All drug testing results shall be interpreted and evaluated by an MRO who meets all applicable requirements of Part 40, who shall be responsible for receiving laboratory results generated by an employer's drug testing program and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result. The MRO shall comply with the drug testing procedures set forth in 49 CFR Part 40. The MRO will not review alcohol test results. When a confirmed positive test is reported from the testing laboratory, it is the responsibility of the MRO to: (a) review the individual's medical history, including any medical records and biomedical information provided; (b) contact the employee and afford the employee the opportunity to discuss the test results with him/her; (c) determine whether there is a legitimate medical explanation for the result, including legally prescribed medication. The MRO shall not convey test results to MVT until the MRO has made a definite decision that the test result was positive or negative, or refusal to test. If the employee provides an adequate explanation, the MRO verifies the test as negative and no further action is taken. When the MRO reports the results of the verified positive test to MVT, the MRO will disclose the drug(s) for which there was a positive test. If the MRO declares a drug test to be invalid for any reason, the test is considered canceled, and neither positive nor negative. However, a re-collection under direct observation may be ordered by the MRO.

The Medical Review Officer conducting MRO services for MVT is Dr. Stephen Kracht, M.D., D.O. in Overland Park, Kansas.

7.2 Testing for Prohibited Drugs

MVT shall collect or have collected urine samples from safety-sensitive employees to test for Prohibited Drugs. An assigned Collection Site will split each urine sample collected into a primary and a split sample. (see testing procedures) The urine samples will be sent under seal, with required chain of custody forms, to a laboratory certified by the DHHS. Currently MV Transportation is under contract with Clinical Reference Laboratory (CRL) in Lenexa, Kansas for its initial testing and confirmation testing. An initial drug screen will be conducted on each primary specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GS/MS) test will be performed. The test will be considered positive if the amounts present are at or above the minimum thresholds established in 49 CFR Part 40 as amended, as set forth in the attached Exhibit A (Threshold levels of testing).

Split Specimen Testing- If the test result of the primary specimen is positive or a refusal to test due to adulteration or substitution, the employee may request the MRO to direct his/her split specimen be tested in a different DHHS-certified laboratory. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive or refusal to test result. This does

not delay MVT from taking any action consistent with this policy for positive tests and the employee will be removed immediately from any safety-sensitive functions regardless if he/she is having his/her split specimen tested by a different laboratory. However, if the split specimen (bottle B) produces a negative result, or for any reason the second portion is not available, the test is considered cancelled and no sanctions are imposed. However, a re-collection under direct observation shall be ordered by the MRO.

If an employee requests a split sample to be tested and the split specimen test is confirmed positive by the second laboratory the employee will be responsible for all payments associated with the test of the split specimen. The cost for the split specimen will not be required up front or at the time the employee makes the request with the MRO but only after the split test comes back from the second lab and the split is also confirmed positive.

Cancelled Test - A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this part otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.

7.3 Alcohol Testing

Tests for alcohol concentration on safety-sensitive employees will be conducted with a National Highway Traffic Safety Administration (NHTSA) - approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). In order to maintain quality assurance, EBT's must be externally calibrated in accordance with the plan developed by the manufacturer of the device. If the initial test on an employee indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. For summary of applicable alcohol threshold levels, see Exhibit A.

8.0 Types of Testing

49 CFR Part 655 and 382 requires the following types of testing for Prohibited Substances for safety-sensitive employees: Pre-employment or transfer, reasonable suspicion, post-accident, random.

8.1 Pre-employment, Transfer Testing or Return to Work Testing

All applicants for safety sensitive positions shall undergo urine drug testing prior to employment. Receipt by MVT of a verified negative test result from the MRO is required prior to performing ANY safety sensitive functions for the first time. If an applicant or employee's drug test is cancelled or negative-dilute the employee or applicant shall be required to immediately take another pre-employment drug test.

Existing employees who are being considered for transfer to a safety-sensitive position from a NON-safety-sensitive position will be required to

undergo a DOT pre-employment drug test. Any existing safety-sensitive employee who is simply transferring to a different division for another safety-sensitive position is NOT required to undergo another DOT pre-employment drug test.

8.1.1 Non-Safety-Sensitive Positions

All applicants applying for any non safety-sensitive positions will have to take and pass a pre-employment NON-DOT urine drug test prior to being hired.

8.1.2 Return to Work after 30 Days (DOT-FMCSA Policy)

MVT has some contracts that are subject to the Federal Motor Carrier Safety Regulations and NOT (FTA) regulations. Therefore, if the employee has a commercial license and has been out for 30 days or more AND the employee has been out of the random testing pool the covered employee will be required to take a DOT pre-employment drug test before he/she can return to his/her safety-sensitive position.

8.1.3 Return to Work after 90 Days (DOT-FTA Policy)

If a covered employee has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, AND the employee has not been in the random pool during that time, the employee must take and pass a DOT Pre-Employment drug (NOT a return-to-duty) test before he/she can perform a safety-sensitive function.

8.1.4 Return to Work after 30 Days (MVT Policy)

It is MVT's policy that any time a Non-DOT safety-sensitive employee has not performed a MVT non-DOT safety sensitive function for 30 or more consecutive days (regardless of reason) the employee will be required to take a NON-DOT Pre-Employment drug test (as permitted or required by applicable state or federal law) before he/she can return to his/her safety-sensitive position. **Please contact Director of Drug & Alcohol Compliance for confirmation of what mode of transportation your division falls under******

8.1.5 Previous Employer Request Requirement

As an employer we are required to verify previous violations of DOT drug and alcohol regulations within the last two years of employment with a DOT regulated agency or employer.

An employer must obtain and review the information listed below from any DOT-regulated employer the employee performed safety-sensitive functions for in the previous two years. The information must be obtained and reviewed prior to the first time an employee performs

safety-sensitive functions. If not feasible, the information should be obtained no later than thirty (30) days after the first time an employee performs safety-sensitive functions. The information obtained must include:

1. Information of the employee's alcohol test in which a breath alcohol concentration of 0.04 or greater was indicated.
2. Information of the employee's controlled substance test in which a positive result was indicated.
3. Any refusal to submit to a required alcohol or controlled substance test. (including verified adulterated or substituted drug test results)
4. Other violations of DOT agency drug and alcohol testing regulations

As the applicant or employee if you have violated any of the DOT drug and alcohol regulations, you must also obtain documentation of your successful completion of the DOT return-to-duty requirements (including proof of follow-up tests administered).

Furthermore, all applicants will be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years.

8.1.6 Pre-employment Breath Alcohol Testing

MV Transportation contracts with many cities and states and several of our contracts require MV Transportation to conduct breath alcohol testing in addition to the required drug test. Divisions that are subject to this requirement will have to take a pre-employment breath alcohol test. Breath alcohol testing will be in accordance with DOT Part 40 and §655.42.

8.2 Reasonable Suspicion Testing

All safety-sensitive employees shall be subject to reasonable suspicion testing, to include appropriate urine and/or breath testing when there is reasonable suspicion to believe that a covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered employee. Reasonable suspicion tests for the presence of alcohol shall be authorized by observations made just prior, during or immediately after the performance of a safety-sensitive function. If an alcohol test is not administered within two hours following the determination to test the employee, the employer shall prepare and maintain

on file a record stating the reasons the alcohol test was not promptly administered. If the alcohol test is not administered within eight hours following the determination, MVT shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

Reasonable suspicion determination will be made by a supervisor, or other company official who has had the required Reasonable Suspicion training to detect and document the signs and symptoms of drug use and alcohol use and who reasonably concludes that an employee may be under the influence of a prohibited substance. **Any employee who is required to take a Reasonable Suspicion test will remain off duty until a negative alcohol and drug test is received.**

8.3 Post-Accident Testing

Fatal Accidents

As soon as practicable following an accident involving the loss of human life, MV Transportation will conduct drug and alcohol tests on each surviving covered employee operating the mass transit vehicle at the time of the accident. Post accident drug and alcohol testing of the operator is not required under this section if the covered employee is tested under the fatal accident testing requirements of the Federal Motor Carrier Safety Administration rule 49 CFR 382.303 (a)(1) or (b)(1). MV Transportation shall also test any other covered employee whose performance could have contributed to the accident as determined by investigating staff using the best information available at the time of the decision.

Non-Fatal Injury Accidents

As soon as practicable following an accident not involving the loss of human life in which a mass transit vehicle is involved, MV Transportation will drug and alcohol test each covered employee operating the mass transit vehicle at the time of the accident unless investigating staff determine, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident.

MV Transportation shall also test any other covered employee whose performance could have contributed to the accident as determined by investigating staff using the best information available at the time of the decision. (For exact testing criteria -See Post Accident Testing Procedures)

MV Policy: When to conduct a NON-DOT Post accident/incident test

If the accident does not meet the FTA/FMCSA testing criteria, MVT will reserve the right to test any safety sensitive employee after any accident/incident regardless of the severity of the

accident/incident. Additionally, MVT will test any other safety-sensitive employee whose performance MVT determines could have contributed to the accident.

Any tests done under these circumstances must be explained to the employee that the drug and alcohol tests will be done under M.V. Transportation authority, and should be done on NON-DOT drug and alcohol chain of custody forms.

Any employee who takes a post accident test will remain off duty until a negative alcohol and a negative drug test is received from the MRO.

8.4 Random Testing

Employees performing safety-sensitive functions will be subject to unannounced, random drug and alcohol testing in accordance with FTA regulations. The random drug and alcohol testing rates will be, at a minimum, based on the current FTA and FMCSA requirements at all times. Each such employee shall have an equal chance at selection and shall remain in the pool even after being tested. The basis for random selection shall be by a scientifically valid random number generation method initiated by computer. The dates for administering unannounced testing of randomly-selected covered employees shall be spread reasonably throughout the calendar year, month, week, and all hours that safety-sensitive functions are performed. This ensures that employees would have a reasonable expectation that they might be called for a test on any day they are at work. A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

9.1 Positive Alcohol Test

- (a) A safety-sensitive employee who has a confirmed alcohol concentration of 0.02 or greater but less than 0.04 will be removed from his or her duties for eight hours unless a confirmation test results in a concentration measure of less than 0.02. (For a test result which is less than 0.04 no other action will be taken except that which is described in this paragraph.)
- (b) An alcohol concentration of 0.04 or greater or a test refusal will be considered a positive alcohol test. The employee will be immediately removed from duty and referred to a Substance Abuse Professional (SAP) and terminated from employment.

9.2 Positive Drug Test

The consequences of a positive drug test or a test refusal are as follows: the employee will immediately be removed from safety sensitive duties, referred to a SAP and terminated from employment.

10.0 MRO Report of a Negative Dilute Specimen

If the MRO informs MVT that a negative drug test was dilute, the employee will be directed to take another test immediately. In some cases the MRO may require the retest to be performed under "Direct Observation." Each employee directed to take another test, will be given the minimum possible advance notice that he or she must go to the collection site to take another test.

Any employee that is directed to take another test, the result of the second test – not that of the original test – becomes the test of record which MVT will rely on for purposes of this policy. Any employee who takes another test and the second test is also negative and dilute will not be required to take a third test because the second test was also dilute. Any employee who is directed to take another test and the employee declines to do so, shall be considered that the employee has refused the test for purposes of this policy and DOT agency regulations.

Dilute Specimen- A specimen with creatinine and specific gravity values that are lower than expected for human urine.

11.0 Substance Abuse Professional (SAP)

A SAP must meet all of the credential, basic knowledge, qualification training, continuing education, and documentation requirements of 49 CFR Part 40, Subpart O, §40.281 (a-e). The SAP will evaluate the employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or alcohol misuse. The SAP will also determine whether or not an employee has successfully completed a program of rehabilitation. MV Transportation has contracted with:

National Counseling Resource
11622, Fair Oaks Blvd, Suite 103, CA 95628
Duncan McPherson, NCAC II, SAP
1-800-607-1010

This firm is a national company that contains a large network of qualified SAPs throughout the United States. Employees simply call the toll-free number and provide the SAP their city and zip code and the SAP will find them one or more qualified SAPs closest to their area.

12.0 Training and Education

All employees shall participate in a minimum one-hour training session designed to meet FTA requirements by learning about the effects and consequences of drug use on personal health, safety and the work environment. For those supervisors participating in reasonable suspicion determination testing, there will be at least two hours of training to explain the criteria for reasonable cause testing, including at least an hour on the physical, behavioral and performance

indicators of probable drug use and another hour on the physical, behavioral, speech and performance indicators of probable alcohol misuse. Initial training sessions will be re-enforced with educational materials and meetings. Further, employees shall be provided with a community hot-line telephone number.

13.0 Employee Assistance Community Service Hot-Line

The Center for Substance Abuse Treatment maintains a toll-free Referral Helpline for locating substance abuse treatment in your area:

1-800-662-HELP

National Clearinghouse on Family Support and Children's Mental Health 800-628-1696

National Foundation for Depressive Illness 800-239-1265

SAMHSA's Center for Substance Abuse Treatment
800-662-HELP (4357), 800-487-4889 (TDD), 877-767-8432 (Spanish)

14.0 Records, Confidentiality

A safety-sensitive employee is entitled, upon written request, to review and obtain copies of any records relating to the employee's drug and alcohol testing. MVT must maintain records of its substance abuse program in a secure location with controlled access.

15.0 System Contact

Any questions regarding this policy or any other aspect of MVT's Substance Abuse Management Program should be directed to the office of the following:

Name: Esther Avalos, Director of Drug & Alcohol Compliance
Address: 4620 Westamerica Dr., Fairfield, Ca 94534
Phone Number: (707) 863-8768

16.0 Local Authority

Local Division Managers are authorized to receive test information from the MRO as well as confirmation test results from the Certified B.A.T.

17.0 Revisions to the Policy and Program

This policy and program are subject to revision in accordance with the Department of Transportation regulations as amended.

18.0 Zero Tolerance Policy

MVT's "Zero" Tolerance Policy means that any employee or applicant that tests positive for any drug or alcohol test (in accordance with the thresholds of DOT Part 40) will be immediately terminated and/or not hired so there is no follow up required by MVT with the SAP. Any applicant or employee who tests positive for drugs alcohol or refuses to test will not be hired and/or terminated and the applicant and/or employee can never reapply for a position with MV Transportation indefinitely.

EXHIBIT A

Pursuant to the Federal Department of Transportation regulations, the following are the drugs to be tested for, and the threshold levels of each test which MV Transportation is required to accept:

Drug or Metabolite	Urine Initial Test Cutoff (ng/mL)*	Confirmatory (GC/MS) Test Cutoff (ng/mL)*
1. Marijuana	50	15
2. Cocaine	150	100
3. Opiates (morphine, codeine)	2,000	2,000
Heroin	10	10
4. Amphetamine (includes methamphetamine and MDMA-Ecstasy, MDA, MDEA)	500	250
5. Phencyclidine (PCP)	25	25

* nanograms per milliliter

ALCOHOL

(Includes ethanol, methanol, isopropanol)

Breath Alcohol Concentration

(expressed in terms of grams of alcohol per 210 liters of breath)

Initial Screen

Under 0.02

Confirmatory

(given if 0.02 or greater on initial
screen)

0.02 to less than .04 employee may
not perform safety-sensitive function

EXHIBIT B

The following is a list of Safety-Sensitive Job Functions at MV Transportation:

21	VP Fleet Maintenance	335	Dispatch Supervisor	420	BTW Trainer	562	Mechanic B (specify Union Class)
45	Director of Operations	336	Drive Cam Supervisor	425	BTW Instructor	563	Mechanic C (specify Union Class)
49	Maintenance Training Manager	340	Lead Dispatcher	450	Classroom Instructor	564	Technician A Mechanic
50	Regional Maintenance Manager	345	Dispatcher	451	Classroom Trainer	565	B Mechanic
57	Special Projects Manager	346	Window Dispatcher	470	Parts Manager	566	Technician C Mechanic
62	Manager in Training	349	Scheduling Manager	471	Assistant Parts Manager	567	Technician Apprentice
172	Operations Admin Asst	350	Scheduler	475	Parts Clerk	568	Technician
300	General Manager	352	Scheduling Coordinator	500	Maintenance Manager	569	Mechanic Helper
301	General Manager 1	353	VA Coordinator	510	Assistant Maintenance Manager	570	Cleaners
302	General Manager 2	354	Operations Supervisor	512	Maintenance Technician	575	Service Worker
303	General Manager 3	355	Road Supervisor	514	Bus Stop Maintenance	580	Utility Crew
304	General Manager 4	359	Lead Supervisor	515	Maintenance Clerk	590	Bus Aide
310	Division Manager	371	Admin Ferry	516	Maintenance Supervisor	600	Driver Trainer
315	Assistant Division Manager	399	Call Center Manager	517	Service Employee	610	Driver
320	Operations Manager	400	Safety and Training Manager	518	Advanced Service Employee		
321	Shift Supervisor	405	Training Manager	519	Entry Level Mechanic		
322	Assistant Operations Manager	406	Training Supervisor	520	Shop Foreman		
323	Operations supervisor	410	Safety Trainer	530	Lead Mechanic		
330	Dispatch Manager	415	Assistant Safety Manager	550	Mechanic		
332	Reservations Manager	416	Safety Manager	561	Mechanic A (specify Union Class)		

Any MVT employee who has a non-safety-sensitive position, but who may perform a safety sensitive function at any time while they are working must be subject to the DOT regulations including random testing and will be included in the DOT random testing pool.

Testing Procedures

Note: Testing and collection procedures will be conducted as set forth by 49 CFR Parts 40 (as amended) & 655 & 382. The information on the following pages is meant for general information only for MV Transportation employees. Any questions regarding reference to the regulations should be directed to the policy section of this handbook. A copy of 49 CFR Part 40 is available for review to each employee upon request to their local manager.

This is a “Zero Tolerance” policy and any reference to return to work after a positive test result does not apply to employees affected by this policy. The FTA does not mandate “Second Chance”.

Pre-Employment Testing

1. The FTA regulations require that all applicants for employment in safety-sensitive positions or individuals being transferred to safety-sensitive positions from NON- safety-sensitive positions must be given a pre-employment drug test.
2. Applicants may not be assigned to safety-sensitive functions unless they pass the drug test.
3. Applicants must be informed in writing of the testing requirements prior to conducting the test. **MVT will require applicant to sign a form acknowledging that they know that their urine will be tested for Cocaine, PCP, Amphetamines, Marijuana, and Opiates.**
4. Appropriate personnel at each location will schedule appointments for collection. The employee must be made aware that their placement into a safety sensitive position is contingent upon a negative test result.
5. It is the responsibility of the applicant to report to the collection site at the time and day scheduled.
6. Positive test results must be reviewed by the MRO.
7. Applicants are notified by the MRO and are given an opportunity to discuss the results.
8. Applicants who test positive will not be hired into a safety-sensitive position.
9. An applicant whose pre-employment test results are negative will continue through the safety-sensitive hiring process.
10. Applicants will be asked whether he or she has tested positive, or refused to test on a pre-employment drug or alcohol test while trying to obtain safety sensitive transportation work from an employer covered by DOT agency during the past two years. If applicant admits that he or she had a positive test or a refusal to test, MV will not allow the applicant to perform

safety sensitive duties unless and until applicant provides documents showing the successful completion and release from a SAP.

Random Testing Procedures

The FTA regulations require random testing for prohibited drugs and alcohol for all safety-sensitive employees. Random testing identifies those who are using drugs or misusing alcohol but are able to use the predictability of other testing methods to escape detection. More importantly, it is widely believed that random testing serves as a strong deterrent against employees beginning or continuing prohibited drug use and misuse of alcohol at MVT. MV Transportation has developed procedures for notification and collection to best implement the requirements of the federal rules.

These procedures answer common questions regarding random testing: Who is tested? Why are only some individuals tested? When and how do the tests occur?

1. Random drug and alcohol testing applies only to safety-sensitive employees. Identification numbers for all safety-sensitive employees will be included in a selection pool.
2. Random drug and alcohol testing is accomplished by a scientifically valid, tamper-proof, computer-generated selection process. A random list for testing of employee numbers will be generated every month.
3. Employees are chosen in an unannounced, unpredictable manner. No employee will be removed from the random pool's following selection, and every employee will continue to be subject to random selection throughout the year. Every employee in the random pool has an equal chance of being selected every time. Employees are only removed from the random pool when they are in rehabilitation programs, terminated or permanently transferred to a non safety-sensitive position, or expected to be out for at least 90 days or more.
4. Random testing will be conducted on all shifts, all times of day, and all days of the week throughout the calendar year. No shift is exempt from testing.
5. Random drug testing may be conducted concurrently with random alcohol testing or at any time during an employee's shift. Random alcohol testing will be conducted just before the employee is scheduled to perform a safety-sensitive function, while the employee is performing safety-sensitive duties or just after the employee performs a safety-sensitive function. The employee must proceed to the test site immediately after being notified that he or she has been selected for testing in the allotted time given.
6. For both Maintenance and Operations (Drivers) the Divisional Manager in each location will be notified which employees have been selected for testing. Once an employee is notified of his/her selection. He/she must report immediately for the test. Failure to report after notification

- constitutes a refusal to test. (see procedures for random test notification)
7. Employees will be notified where to report for collection, when to stop work and report to the collection site and who will relieve them, if necessary.
 8. The employee must submit to a drug and/or alcohol test, and sign all necessary forms. Failure to cooperate with the collection procedure in any way constitutes a refusal to test which has the same consequences as a positive test result.
 9. The employee is in a paid status throughout the random testing procedure. Employees will be removed from duty if the results are positive **and employee will be terminated.**
 10. If both alcohol and drug tests are being given, the breath alcohol test will be performed first. Immediately thereafter, the urine sample will be collected for the drug test.
 11. If there is a confirmed breath alcohol test of between .02% and .039%, the employee will be relieved from duty immediately for a minimum of eight (8) hours.
 12. If there is a confirmed positive breath alcohol test (.04% or above), the employee will be given the name of a Substance Abuse Professional (SAP) **and terminated.**

Procedures for Random Test Notification

1. The Human Resource Department triggers the selection list of the month's safety-sensitive employees to be scheduled for testing.
2. The local manager will review work schedules, including planned absences when known, to develop a best available time to perform the tests. The local manager will coordinate the testing schedule with the collector.
3. In developing testing times, the goal will be to minimize the impact in service. Testing will be conducted using the following priority periods:
 - Before work,
 - During split time,
 - After work/shift is completed
 - During work, with standby personnel relief.
4. During work, without relief (if no other time is possible).
5. Notification of Employees- The Human Resources Department triggers notification to each location's designated employer representative (DER) via electronic mail. The DER will notify each safety-sensitive employee selected and thus notified. Each employee who is selected is to report to the test site immediately

5. The employee cannot "go off sick" or on vacation or leave of absence after notification.
6. Collection site personnel shall report "unreasonable delays" to the local DER as employees are required to immediately report to the collection site following notification. Failing to report to the collection site within a reasonable allotted time constitutes a refusal to test.
7. The DER shall confirm with the Regional, Divisional, or Operations Manager that the employee was notified.
8. The DER shall notify the proper management official if an employee fails to report for testing after notification.
9. An employee who fails to report for testing shall be removed from duty immediately. If employee is determined to have "refused to test" he/she face the same consequences as testing "positive" for drugs/alcohol and will be given the name and number of a SAP and **terminated from employment**.

Collection Procedures for All Tests

All collection procedures shall be performed in accordance with Part 40. Upon notification of a test under this policy;

1. The employee must report to the collection site immediately after notification.
2. The employee shall provide photo identification to collection site personnel. Supervisors will verify the identification of employees without photo identification and may photograph the employee if necessary.
3. The employee must comply with all collection procedures including signing correctly all required federal urine and breath forms.
4. The employee must follow the directions of the collection staff to ensure that an unadulterated urine specimen is collected and/or the breath alcohol test is completed.
5. The employee will be in a private enclosure and unobserved unless a direct observed collection is determined to be needed by the local DER or the collector.
6. The employee must supply at least 45 ml of urine (approx. 1 ½ oz). If the employee gives an inadequate amount of urine or if the employee is unable to give a sufficient urine sample collection site staff shall provide the individual with no more than 40oz of fluid to drink during a period of up to 3 hours. The employee will then attempt to provide a complete sample using a fresh container. If the required amount is provided, the collection staff will continue with collection process. If the employee is still unable to provide an adequate specimen within three hours of the first unsuccessful attempt to provide the specimen, the collection staff must discontinue the collection, note the facts on the "remarks" line of the CCF, and

immediately notify the DER.

Shy Bladder - The term “shy bladder” refers to a situation when the employee does not provide a sufficient amount of urine (45 ml) for a DOT required drug test. If an employee tells the collector, upon arrival at the collection site, that he or she cannot provide a specimen, the collector must still begin the collection procedure regardless of the reason given and direct the employee to make the attempt to provide the specimen.

The employee must be monitored during this time, and the collector must specifically tell the employee that they are not to leave the collection site. If the employee leaves the collection site or refuses to make the attempt to provide a sufficient urine specimen, this is considered a refusal to submit to a test.

Failure to produce a sample of urine will result in an immediate referral for an evaluation from a licensed physician within 5 days who can determine in his or her reasonable judgment the safety-sensitive employee’s inability to provide an adequate amount of urine. If no medical reason is found substantiating an inadequate sample, the incident will be treated as a “refusal to test” and will carry the same consequences as a positive test result.

It is MVT’s policy that any employee who does not provide a valid specimen during a collection for a test will remain off duty until the employee is cleared from the MRO that the employee had a valid medical reason.

7. If the employee fails to provide an adequate amount of breath for the breath alcohol test, a second attempt will be made. Failure to produce a sample, the Breath Alcohol Technician (BAT) shall so note in the “Remarks” section of the breath alcohol testing form and immediately inform the DER. The DER will instruct the employee to obtain, as soon as possible but within 5 days after the attempted provision of breath, an evaluation from a licensed physician who is acceptable to the employer concerning the employee’s medical ability to provide an adequate amount of breath.
8. Whenever there is reason to believe that a particular individual has altered or substituted the urine specimen, a second specimen shall be obtained as soon as possible under direct observation of a same gender collection site person. Reasons may include; temperature of the specimen out of normal range, bluing agent in the specimen.

Substituted Specimen- A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Adulterated Specimen- A specimen that contains a substance that is not expected to be present in human urine, or contains a substance

expected to be present but is at a concentration so high that it is not consistent with human urine.

9. If the breath alcohol screening is 0.02 or greater, the breath alcohol technician will wait at least 15 minutes and a maximum of 30 minutes before administering the confirmation test. Even if more than 30 minutes have passed the BAT will still conduct the confirmation test.
10. To ensure that the test results are attributed to the correct covered employee; both specimen bottles must be sealed and labeled in the presence of the donor. The labels must be printed with the same specimen identification number as the custody control form and are attached to the specimen bottles. The donor initials the labels on the vials verifying that the specimen is his or hers.

Reasonable Suspicion Testing Procedures

1. Supervisors and managers receive training in order to identify behaviors that might be indicators of drug use and/or alcohol misuse. Training includes the procedures for how to deal with employees suspected of drug use and/ or alcohol misuse.
2. If a supervisor observes an appearance, behavior, speech pattern, or body odor of the covered employee that might be indicative of drug use and/or alcohol misuse, he/she directs the employee to stop work and escorts the employee to an area to be questioned and observed in private.
3. The supervisor completes the Reasonable Suspicion Incident Report. The supervisor must ensure that the employee does not continue to operate in a safety-sensitive function after identified for reasonable suspicion testing.
4. If there is a decision to test based on observable symptoms, the employee is ordered to submit to a drug and alcohol test and is escorted to the collection site.
5. The employee is on paid status until the test collection is completed. **Employee will remain off duty until a negative drug and alcohol test is received.** To the greatest extent possible, arrangements shall be made to have him/her transported home and employee should not be allowed to leave on his/her own recognizance.
6. If there is a confirmed breath alcohol test of between .02% and .039%, the employee will be relieved from safety-sensitive duty immediately for a minimum of eight (8) hours. If there is a confirmed positive breath alcohol test (.04% or greater) and/or confirmed positive drug test, or refusal to test, the employee shall be provided the name and number of a SAP **and the employee will be terminated.**
7. If the employees drug test is confirmed negative by the MRO or the BAT test is below 0.02 the employee will be allowed to return to work and will be paid for any time missed.

Post-Accident Testing Procedures

The FTA regulations require testing for prohibited drugs and alcohol in the case of certain mass transit accidents. Post-accident testing is mandatory for accidents where there is a loss of life and for other non-fatal accidents.

1. The supervisor ensures that all injured people receive proper medical care. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.
2. The supervisor determines whether the accident meets FTA criteria using MVT's "Post Accident Decision Checklist Form".
3. If the accident meets the FTA/DOT criteria a DOT post accident drug and alcohol test will be conducted immediately. The employee will be taken to the collection site and tested as soon as practicable following the accident. The employee should remain readily available for alcohol testing up to 8 hours and for drug testing up to 32 hours after the accident, including notifying his/her supervisor of his/her location or he/she may be deemed to have refused to submit to testing if he/she does not make him/herself readily available for testing.
4. **Once the tests have been completed the employee will remain off duty until a negative drug and alcohol test is received.**
5. If the employee is not tested within two hours for alcohol, the supervisor must document the reason for the delay, and if test is not conducted in 8 hours, the DER shall cease all further attempts and update the records as to the reason(s) why the test was not completed. If the 32 hours have passed the DER shall cease all further attempts to complete the drug test.
6. If the employee refuses to be tested or if the drug test is confirmed positive, the employee is removed from duty, provided the name and number of a SAP, **and will be terminated.**

Post Accident Testing Criteria

It should be noted that a post-accident test is given because the incident meets the criteria listed below. It is NOT a probable cause or reasonable suspicion test. An accident (§ 655.4) is defined as an occurrence associated with the operation of a vehicle in which:

1. An individual dies.
2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident.
3. With respect to an occurrence in which the mass transit vehicle involved is a bus, van or automobile, one or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, “disabling damage” means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs.

(Inclusions) Disabling damage includes damage to vehicles that could have been operated, but would have been further damaged if so operated.

(Exclusions) damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, tail-lights, turn signals, horn, or windshield wipers that makes them inoperative.

4. With respect to an occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus, or vessel, the mass transit vehicle is removed from operation.
5. The FTA has determined that “**LIFTS**” constitute equipment used in revenue service and their operation is essential to the operation of the vehicle and protection of public safety, their operation shall now be included in the accident definition.

To determine if a test should be administered under this section, always use MV Transportation’s “Post Accident Decision Checklist”. This form should be used for all accidents in determining whether a test will be done under DOT authority.

Prohibited Drugs and Alcohol Misuse

MVT is required to ensure that all covered employees receive at least 60 minutes of training and discussion on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use. The information below shall assist in providing statistics and examples of substance abuse in the work force and the signs and symptoms of such use.

A study conducted showed 75 percent of illicit drug users 18 and older are employed, which amounts to about 10 million U.S. workers. On a daily basis, based on 250 work days in a year, at least 42,000 Americans are coming to work stoned or are getting “high” while on the job.

Studies and statistics show that:

1. Every 23 minutes a death occurs as a result of a drug or alcohol related accident.
2. A typical abuser is:
 - a. Late to work 3 times more often
 - b. Requests twice as much time off
 - c. Is absent 2 1/2 times more than average
 - d. Uses 3 times as many sick benefits
 - e. Collects 5 times as much worker’s comp
 - f. Has 300% higher medical costs/benefits

If these statistics haven’t convinced you that the problem is serious, let’s look at a few more.

A national survey once reported that:

1. 19% of all children over the age of 12 had used some type of illegal drug
2. 65% of 18 to 25 year olds had used some type of illegal drug
3. 30 to 40 million Americans stated they had used cocaine
4. By age 17, 70% of American teenagers had tried alcohol

As you can see, drug and alcohol abuse is a serious problem, having a major effect on all our lives. Even though you may not be abusing drugs or alcohol, your are affected by the results of drug and alcohol abuse in our society. You pay higher medical costs to help cover the costs for abusers who cannot afford the cost of treatment. You pay higher insurance costs to help fund the drug and alcohol abuse programs paid for by insurance companies. The material and services you buy cost more because of decreased worker productivity, as well as increased cost to employers.

This section is designed to provide you with a brief overview of the seriousness of using controlled substances and alcohol. It also provides education on the signs, symptoms and effects of the illicit drugs that you will be tested for. Your employer has taken great measures to assure you of a safe working environment. Please review this booklet in its entirety to educate yourself on drug and alcohol in the workplace. When you have completed reading this material, you will better understand the need for a drug-free workplace.

The drugs that you will be subject to testing include:

- Amphetamine
- Cocaine
- Marijuana
- Opiates
- Phencyclidine (PCP)
- Alcohol (by evidential breath testing device only)

Facts about Amphetamines

Amphetamines (methamphetamine, MDMA-ecstasy) are central nervous system stimulants. They tend to make people “hyper” and “jumpy”. They can be taken either orally or injected. They are often used by people to stay awake and to counteract the effects of drowsiness. They are especially dangerous to take while performing safety-sensitive tasks or driving.

Ecstasy, MDMA (3,4 methylenedioxymethamphetamine), is a synthetic, psychoactive drug that is chemically similar to the stimulant methamphetamine and the hallucinogen mescaline. MDMA causes an increase in serotonin which plays an important role in the regulation of mood, sleep, pain, appetite, and other behaviors.

Some heavy MDMA users experience long lasting confusion, depression, and selective impairment of working memory and attention processes. Ecstasy users make extremely dangerous drivers. They can exhibit the same impairments as amphetamine, heroin, cocaine, and hallucinogen users.

Signs and Symptoms of Amphetamine Use

- ◆ Hypersensitivity
- ◆ Exhaustion
- ◆ Dilated Pupils
- ◆ Grinding teeth
- ◆ Loss of appetite and immediate weight loss
- ◆ Dry mouth
- ◆ Excessive talking

Effects on Person

- ◆ More likely to take risks
- ◆ Impaired judgement
- ◆ Delayed reaction time

Facts about Cocaine

Cocaine also stimulates the central nervous system. It gives the user an intense feeling of well-being, or euphoria, known as a “high”. The “high” will last for 10 to 60 minutes. A more potent form of the drug called “crack” cocaine is especially addicting and dangerous. Although it’s “high” lasts only about 5 to 8 minutes, “crack” cocaine can be addicting after only one use, and cause death the first time it is used. Cocaine can be injected, snorted, or free-based. Snorting is sniffing the drug up the nose, and free-basing is done by heating the drug and inhaling the vapors.

Signs and Symptoms of Cocaine Use

- ◆ Mood swings
- ◆ Weight Loss
- ◆ Restlessness: Difficulty sitting or standing in one place
- ◆ Depression
- ◆ Nose bleeds
- ◆ Irritable, angry, nervous, angers easily
- ◆ Bad breath
- ◆ Euphoric feeling
- ◆ Running nose, uncontrollable sniffing

Effects on Person

- ◆ Slowed reaction time
- ◆ Distorted vision and depth perception
- ◆ Slow to make decisions
- ◆ Unable to correctly measure time and distance

Facts about Marijuana

Marijuana is a depressant and mind altering drug. Marijuana does not depress the central nervous system’s reaction, it works on the brain. Mind altering means it causes hallucinations. It can be eaten or smoked. Street names for marijuana are “dope”, “grass”, “joint”, “hash”, or “hooch”.

Tests have shown that people’s reflexes and thought processes are slower under the influence of marijuana. The effects of this drug are

longer lasting than first thought. In fact, impairment can last more than 24 hours after using marijuana. The body actually stores the drug for days, weeks, and in some cases, months, depending on the frequency of use.

Signs and Symptoms of Marijuana Use

- ◆ Dilated pupils
- ◆ Slowed reflexes
- ◆ Giddiness
- ◆ Slowed thinking
- ◆ Moodiness
- ◆ Trance-like state
- ◆ Impaired vision
- ◆ Reduced feeling of pain
- ◆ Odor of burning
- ◆ Short-term memory loss
- ◆ Loss of concentration
- ◆ Unable to sleep after prolonged use

Signs To Look For

- ◆ Cigarette rolling paper
- ◆ Dried plant material, either crumbled or pressed
- ◆ Roach clip (device to hold joint)
- ◆ Hash pipe (very small pipe)

Facts about Opiates

Opiates are classified as a narcotic analgesic. They tend to have a sedating, calming effect, and act as a depressant to the central nervous system. Opiates are more commonly known as morphine, codeine, and heroin. Street names for opiates are “junk”, “smack”, “horse”, and “brown sugar”. Opiates are prescribed by doctors to relieve pain, but they are used by the abuser to relax or “escape the real world”. They can either be taken orally, injected or smoked.

When the drug is injected, the user feels an immediate “rush”, usually followed by a very relaxed and soothing feeling. However, some opiates can cause very unpleasant side effects such as nervousness, nausea, and restlessness, and if taken in excess, may cause coma or death.

Signs and Symptoms of Opiate Use

- ◆ Mental confusion

- ◆ Slurred speech
- ◆ Unsteadiness
- ◆ Hostility
- ◆ Memory loss
- ◆ Drowsiness
- ◆ Excess talking
- ◆ Euphoria
- ◆ Depression
- ◆ Short attention span
- ◆ Cold, moist or bluish skin
- ◆ Reduced feeling of pain

Effects on Person

- ◆ Lack of concentration – Day dreaming
- ◆ Distorted sense of time and distance
- ◆ Distorted vision

Facts about Phencyclidine (PCP)

Phencyclidine, commonly called “Angel Dust”, is known as a dissociative anesthetic. Users of PCP may experience hallucinations and signs of intoxication. They may not be able to focus their attention or will experience confusion and lack of coordination.

Although PCP has immediate short term effects, it is also known for its long term effect of causing psychotic behavior often associated with violent acts. Other street names for PCP include “hog”, and “crystal”. PCP may be smoked, snorted or injected.

Signs and Symptoms of PCP Use

- ◆ Delusions
- ◆ Confusion
- ◆ Panic
- ◆ Increased blood pressure
- ◆ Anxiety
- ◆ Flashbacks

Effects on Person

- ◆ More likely to take risks

- ◆ Impaired coordination
- ◆ Aggressive actions

Facts about Alcohol

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- ◆ Dulled mental processes
- ◆ Lack of coordination
- ◆ Odor of alcohol on breath
- ◆ Possible constricted pupils
- ◆ Sleepy or stuporous condition
- ◆ Slowed reaction rate
- ◆ Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12oz], whiskey[1oz], or wine[6oz glass] over time may result in the following health hazards:

- ◆ Decreased sexual functioning
- ◆ Dependency (up to 10% of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
- ◆ Fatal liver diseases
- ◆ Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma.
- ◆ Kidney disease
- ◆ Pancreatitis
- ◆ Spontaneous abortion and neonatal mortality
- ◆ Ulcers
- ◆ Birth defects (up to 54% of all birth defects are alcohol related).

Social Issues

- ◆ Two-thirds of all homicides are committed by people who drink prior to the crime.
- ◆ Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- ◆ Two-thirds of all Americans will be involved in an alcohol related vehicle accident during their lifetimes.
- ◆ The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- ◆ Forty percent of family court cases are alcohol problem related.
- ◆ Alcoholics are 15 times more likely to commit suicide than the general population.

More than 60 % of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol related.

The Annual Toll

- ◆ 24,000 people will die on the highway due to the legally impaired driver.
- ◆ 12,000 more will die on the highway due to the alcohol affected driver.
- ◆ 15,800 will die in non-highway accidents.
- ◆ 30,000 will die due to alcohol-induced brain disease or suicide.
- ◆ 10,000 will die due to alcohol-caused liver disease.
- ◆ Up to another 125,000 will die due to alcohol-related conditions or accidents.

Workplace Issues

- ◆ It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- ◆ Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- ◆ A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Appendix C

Maintenance Plan

**(No Maintenance Plan Attached -
Maintenance Performed by JTA)**

Appendix D

Preventative Maintenance Guidelines

**(No Preventative Maintenance
Guidelines Attached -
Maintenance Performed by JTA)**

Appendix E

Medical Examination Form 725-030-011

FLORIDA DEPARTMENT OF TRANSPORTATION MEDICAL EXAMINATION REPORT FOR BUS TRANSIT SYSTEM DRIVER

1. DRIVER'S INFORMATION Driver completes this section.						
Driver's Name (Last, First, Middle)		Birthdate / / MM/DD/YY	Age	Sex <input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> Preemployment <input type="checkbox"/> Biennial <input type="checkbox"/> Follow Up <input type="checkbox"/> Return to Duty	Date of Exam / /
Address	City, State, Zip Code	Work Tel: () - Home Tel: () -	Driver License No.		Date Issued / /	
			License Class <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> Other			

2. HEALTH HISTORY Driver completes this section indicating any below described illness, medical condition, or injury that currently exists or has occurred. The medical examiner is encouraged to discuss with driver.																																																																																																																																
<table border="0"> <tr><td>YES</td><td>NO</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td colspan="2">Head/Brain injuries, disorders or illness</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td colspan="2">Seizures, epilepsy</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td colspan="2">Eye disorders or impaired vision (except corrective lenses)</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td colspan="2">Ear disorders, loss of hearing or balance</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td colspan="2">Heart disease or heart attack; other cardiovascular condition</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td colspan="2">Heart surgery (valve replacement/by pass, angioplasty, pacemaker)</td></tr> <tr><td><input 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Narcotic or habit forming drug use																																																																																																																																
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Any illness or injury not described by this section																																																																																																																																
For any YES answer, indicate onset date, diagnosis, treating physician's name and address, and any current limitation. List all medications (including over-the-counter medications) used regularly or recently.																																																																																																																																

I certify that the above information is complete and true. I understand that inaccurate, false or missing information may invalidate the examination and qualification by the Medical Examiner.

Driver's Signature

Date

Medical Examiners Comments on Health History (The medical examiner must review and discuss with the driver any "yes" answers and potential hazards of medications, including over-the-counter medications, while driving.)

TESTING (Medical Examiner completes Section 3 through 7)

3. VISION Standard. A person is qualified if that person meets the vision standard established by the State of Florida for a Class A, B, C, or D driver license, as applicable. The use of corrective lenses should be noted by the Medical Examiner.		
INSTRUCTIONS: When other than the Snellen chart is used, give test results in Snellen-comparable values. In recording distance vision, use 20 feet as normal. Report visual acuity as a ratio with 20 as numerator and the smallest type read at 20 feet as denominator. If the applicant wears corrective lenses, these should be worn while visual acuity is being tested. If the driver habitually wears contact lenses, or intends to do so while driving, sufficient evidence of good tolerance and adaptation to their use must be obvious.		
Numerical readings must be provided.		
ACUITY	UNCORRECTED	CORRECTED
Right Eye	20/	20/
Left Eye	20/	20/
Both Eyes	20/	20/
Applicant can recognize and distinguish among traffic control signals and devices showing standard red, green, and amber colors? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Applicant meets visual acuity requirement only when wearing: <input type="checkbox"/> Corrective Lenses		
Monocular Vision: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Complete next line only if vision testing is done by an Ophthalmologist or Optometrist		

Date of Examination Name of Ophthalmologist or Optometrist (print) Tel No. License No./State of Issue Signature

4. HEARING Standard: a) Must first perceive forced whispered voice ≥ 5ft., with or without hearing aid, or b) average hearing loss in better ear ≤ 40dB		
<input type="checkbox"/> Check if hearing aid used for tests. <input type="checkbox"/> Check if hearing aid required to meet standard.		
INSTRUCTIONS: To convert audiometric test results from ISO to ANSI, -14 dB from ISO fro 500 Hz, -8.5 dB for 2,000 Hz. To average, add the readings for 3 frequencies tested and divide by 3.		
Numerical readings must be recorded.		

a) Record distance from individual at which forced whispered voice can first be heard.	Right Ear	Left Ear	b) If audiometer is used, record hearing loss in decibels. (acc. To ANSI Z24.5-1951)	Right Ear			Left Ear		
	Feet	Feet		500 Hz	1000 Hz	2000 Hz	500 Hz	1000 Hz	2000 Hz
				Average:			Average:		

5. BLOOD PRESSURE EVALUATION / PULSE RATE				Numerical readings must be recorded.	
Blood Pressure	Systolic	Diastolic	Driver qualified if \leq 160/90 on initial exam.	Pulse Rate	<input type="checkbox"/> Regular <input type="checkbox"/> Irregular
On initial exam			Within 3 months		
If 161 – 180 and/or 91 – 104. qualify 3 mos. only.			If \leq 160 and/or 90, qualify for 1 yr. Document Rx & control the 3 rd month		
If > 180 and/or 104, not qualified until reduced to < 181/105. Then qualify for 3 mos. only.			If \leq 160 and/or 90, qualify for 6 mos. Document Rx & control the 3 rd month		
					Certify
					Annually if acceptable BP is maintained
					Biannually

Medical examiner should take at least 2 readings to confirm blood pressure.

6. LABORATORY AND OTHER TEST FINDINGS				Numerical readings must be recorded.				
Urinalysis is required. Protein, blood or sugar in the urine may be an indication for further testing to rule out any underlying medical problem.				URINE SPECIMEN	SP.GR.	PROTEIN	BLOOD	SUGAR
				Diabetes. Pre-employment Medical Examination: If, during a pre-employment examination, it is noted that a driver applicant has a medical history or clinical diagnosis of diabetes mellitus requiring insulin for control, the person shall not be qualified to drive a bus. Biennial Medical Examination: If diabetes is noted for an existing driver at the time of his or her examination, excluding pre-employment, and the diabetic condition is stabilized or controlled by insulin, oral medication and/or diet that can be obtained while the driver is on duty, then the driver may be qualified. Notwithstanding, the driver must remain under medical supervision as determined by the medical examiner. Other Testing (Describe and record)				

7. PHYSICAL EXAMINATION		Height: _____(in.)	Weight: _____(lbs.)
The presence of a certain condition may not necessarily disqualify a driver, particularly if the condition is controlled adequately, is not likely to worsen or is readily amenable to treatment. Even if a condition does not disqualify a driver, the medical examiner may consider deferring the driver temporarily. Also, the driver should be advised to take the necessary steps to correct the condition as soon as possible particularly if the condition, if neglected, could result in more serious illness that might affect driving.			
Check YES if there are any abnormalities. Check NO if the body system is normal. Discuss any YES answers in detail in the space below, and indicate whether it would affect the driver's ability to operate a bus safely. Enter applicable item number before each comment. If organic disease is present, note that it has been compensated for. See <u>Instructions To The Medical Examiner</u> for guidance.			

BODY SYSTEM	CHECK FOR:	YES	NO	BODY SYSTEM	CHECK FOR:	YES	NO
1. General Appearance	Marked overweight, tremor, signs of alcoholism, problem drinking, or drug abuse.	<input type="checkbox"/>	<input type="checkbox"/>	7. Abdomen and Viscera	Enlarged liver, enlarged spleen, masses, bruits, hernia, significant abdominal wall muscle weakness.	<input type="checkbox"/>	<input type="checkbox"/>
2. Eyes	Pupillary equality, reaction to light, accommodation, ocular motility, ocular muscle imbalance, extraocular movement, nystagmus, exophthalmos, strabismus uncorrected by corrective lenses, retinopathy, cataracts, aphakia, glaucoma, macular degeneration.	<input type="checkbox"/>	<input type="checkbox"/>	8. Vascular system	Abnormal pulse and amplitude, carotid or arterial bruits, varicose veins.	<input type="checkbox"/>	<input type="checkbox"/>
3. Ears	Middle ear disease, occlusion of external canal, perforated eardrums	<input type="checkbox"/>	<input type="checkbox"/>	9. Genito-urinary system	Hernias.	<input type="checkbox"/>	<input type="checkbox"/>
4. Mouth and Throat	Irremediable deformities likely to interfere with breathing or swallowing	<input type="checkbox"/>	<input type="checkbox"/>	10. Extremities-Limb impaired	Loss of impairment of leg, foot, toe, arm, hand, finger. Perceptible limp, deformities, atrophy, weakness, paralysis, clubbing, edema, hypotonia. Insufficient grasp and prehension in upper limb to maintain steering wheel grip. Insufficient mobility and strength in lower limb to operate pedals properly.	<input type="checkbox"/>	<input type="checkbox"/>
5. Heart	Murmurs, extra sounds, enlarged heart, pacemaker.	<input type="checkbox"/>	<input type="checkbox"/>	11. Spine, other musculoskeletal	Previous surgery, deformities, limitation of motion, tenderness.	<input type="checkbox"/>	<input type="checkbox"/>
6. Lungs and chest, not including breast examination.	Abnormal chest wall expansion, abnormal respiratory rates, abnormal breath sounds including wheezes or alveolar rates, impaired respiratory function, dyspnea, cyanosis. Abnormal findings on physical exam may require further testing such as pulmonary tests and/or xray of chest.	<input type="checkbox"/>	<input type="checkbox"/>	12. Neurological	Impaired equilibrium, coordination or speech pattern; paresthesia, asymmetric deep tendon reflexes, sensory or positional abnormalities, abnormal patellar and Babinski's reflexes, ataxia.	<input type="checkbox"/>	<input type="checkbox"/>

COMMENTS:

Note certification status here and on the Medical Examination Certificate. See Instructions to the Medical Examiner and qualification criteria for guidance.

<input type="checkbox"/> Meets standards (Re-examine in 2 years)	<input type="checkbox"/> Wearing corrective lenses
<input type="checkbox"/> Does not meet standards	<input type="checkbox"/> Wearing hearing aid
<input type="checkbox"/> Meets standards, but periodic evaluation required.	
Due to _____ driver qualified only for:	<input type="checkbox"/> Temporarily disqualified due to (condition or medication):
<input type="checkbox"/> 3 months <input type="checkbox"/> 6 months <input type="checkbox"/> 1 year <input type="checkbox"/> Other	

Return to medical examiner's office for follow up on:	Please provide a completed Medical Examination Certificate to the driver's employer in accordance with 14-90.0041.
Driver may request a copy of his/her completed Medical Examination Report from the medical examiner.	Medical Examiner's Signature: _____ Medical Examiner's Name (print): _____ <input type="checkbox"/> MD <input type="checkbox"/> DO <input type="checkbox"/> Physician Assistant <input type="checkbox"/> Advanced Registered Nurse Practitioner Address: _____ Telephone Number: _____

MEDICAL EXAMINATION CERTIFICATE

for Bus Transit System Driver

I certify that I have examined _____ in accordance with the requirements in Rule 14-90.0041, Florida Administrative Code, and referenced FDOT Form 725-030-11, and with knowledge of driving duties, I find that this person:

Note certification status here and on the medical examination form.

If applicable, only when:

<input type="checkbox"/> MEETS STANDARDS (RE-EXAMINE IN 2 YEARS)	<input type="checkbox"/> Corrective Lenses
<input type="checkbox"/> DOES NOT MEET STANDARDS	<input type="checkbox"/> Wearing hearing aid
<input type="checkbox"/> MEETS STANDARDS, BUT PERIODIC EVALUATION REQUIRED	<input type="checkbox"/> Temporarily disqualified due to:
DRIVER IS QUALIFIED ONLY FOR:	
<input type="checkbox"/> 3-MONTHS	<input type="checkbox"/> 6-MONTHS
<input type="checkbox"/> 1 YEAR	<input type="checkbox"/> OTHER

Return to medical examiner's office for follow-up on _____

The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachments embodies my findings completely and correctly, and is on file in my office.

Medical Examiner's Signature:	Telephone:	Date:
Medical Examiner's Name: (Print)	Medical Examiner's License or certificate number	
Issuing State:	Issuing State:	
<input type="checkbox"/> MD	<input type="checkbox"/> Physician Assistant	<input type="checkbox"/> Advanced Registered Nurse Practitioner
<input type="checkbox"/> DO		
Office Address: (Print)	COUNTY	STATE
		ZIP
Name of Driver: (Print)	Driver License No.	Issuing State:
Signature of Driver:		Date:

INSTRUCTIONS TO THE MEDICAL EXAMINER

General Information

The purpose of this examination is to determine a driver's physical qualification to operate a bus according to the requirements in Rule 14-90.0041, Florida Administrative Code, and referenced Department Form 775-030-11, including the qualification criteria set forth below. The medical examiner must be knowledgeable of these requirements and instructions to assist the medical examiner in making the qualification determination. The medical examiner should be familiar with the driver's responsibilities and work environment. In addition to reviewing the Health History section with the driver and conducting the medical examination, the medical examiner should discuss common prescriptions and over-the-counter medications relative to the side effects and hazards of these medications while driving and educate the driver to read the warning labels on all medications. History of certain conditions may be cause for rejection, as determined by the medical examiner. The medical examiner may indicate the need for additional laboratory tests or more stringent examination perhaps by a medical specialist. These decisions should be made in light of the driver's job responsibilities, work schedule, and potential for the conditions to render the driver unsafe. Medical conditions should be recorded even if they are not cause for denial, and they should be discussed with the driver to encourage appropriate remedial care. This advice is especially needed when a condition, if neglected, could develop into a serious illness that could affect driving. If the medical examiner determines that the driver is fit to drive, the medical examiner signs and dates the Medical Examiner's Certificate. The certificate is valid for two years, unless the driver has a medical condition that does not prohibit driving but does require more frequent monitoring. In such situations, the medical examiner shall determine if the medical certificate should be issued for a shorter length of time. The medical examination should be done carefully and at least as complete as indicated by the indicated advisory and qualification criteria.

Advisory and Qualification Standards

Extremities. Carefully examine upper and lower extremities. Note any and all deformities, the presence of atrophy, semi-paralysis or paralysis, or varicose veins. Record the loss or impairment of a hand or finger which interferes with prehension or power grasping; or an arm, foot, or leg which interferes with ability to perform normal tasks associated with operating a bus; or any other significant limb defect or limitation which interferes with ability to perform normal tasks associated with operating a bus. If a hand or finger deformity exists, determine whether sufficient grasp is present to enable the driver to secure and maintain a grip on the steering wheel. If a leg deformity exists, determine whether sufficient mobility and strength exist to enable the driver to operate pedals properly. Particular attention should be given to and a record should be made of, any impairment or structural defect that may interfere with the driver's ability to operate a bus safely.

Diabetes. Pre-employment Medical Examination: If, during a pre-employment examination, it is noted that a driver applicant has a medical history or clinical diagnosis of diabetes mellitus requiring insulin for control, the person shall not be qualified to drive a bus. Biennial Medical Examination: If diabetes is noted for an existing driver at the time of his or her examination, excluding pre-employment, and the diabetic condition is stabilized or controlled by insulin, oral medication and/or diet that can be obtained while the driver is on duty, then the driver may be qualified. Notwithstanding, the driver must remain under medical supervision as determined by the medical examiner.

Cardiovascular Condition. A person is qualified if that person has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse or congestive heart failure. The term "has no current clinical diagnosis of" is specially designed to encompass: "a clinical diagnosis of" (1) a current cardiovascular condition, or (2) a cardiovascular which has not fully stabilized, regardless of the time limit. The term "known to be accompanied by" is defined to include a *clinical diagnosis* or cardiovascular disease (1) which is accompanied by symptoms of syncope, dyspnea, collapse or congestive cardiac failure; and/or (2) which is likely to cause syncope, dyspnea, collapse or congestive cardiac failure. The subjective decision of whether the nature and severity of an individual's condition will likely cause symptoms of cardiovascular insufficiency is on an individual basis and qualification rests with the medical examiner and the bus transit system. In those cases where there is an occurrence of cardiovascular insufficiency (myocardial infarction, thrombosis, etc.), it is suggested before a driver is certified that he or she have a normal resting and stress electrocardiogram (ECG), no residual complications and no physical limitations, and is taking no medication likely to interfere with safe driving. Coronary artery bypass surgery and pacemaker implantation are remedial procedures and thus, not disqualifying. Coumadin is a medical treatment that can improve the health and safety of a driver and should not, by its use, medically disqualify the driver. The emphasis should be on the underlying medical conditions that require treatment and the general health of the driver.

Respiratory Dysfunction. A person is qualified if that person has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with the ability to control and drive a bus safely. Since a driver must be alert at all times, any change in his/her mental state is in direct conflict with highway safety. Even the slightest impairment in respiratory function under emergency conditions (when greater oxygen supply is necessary for performance) may be detrimental to safe driving. There are many conditions that interfere with oxygen exchange and may result in incapacitation, including emphysema, chronic asthma, carcinoma, tuberculosis, chronic bronchitis and sleep apnea. If the medical examiner detects a respiratory dysfunction, which is in any way likely to interfere with the driver's ability to safely control and drive a bus, the driver must be referred to a specialist for further evaluation and therapy. Anticoagulation therapy for deep vein thrombosis and/or pulmonary thromboembolism is not disqualifying once optimum dosage is achieved, provided lower extremity venous examinations remain normal and the treating physician gives a favorable recommendation.

Hypertension. A person is qualified if that person has no current clinical diagnosis of high blood pressure likely to interfere with the ability to operate a bus safely. A blood pressure of greater than 161-180 and/or 91-104 diastolic is considered mild hypertension, and the driver is not necessarily unqualified during evaluation and institution of treatment. The driver is given a 3-month period to reduce his/her blood pressure to less than or equal to 160/90; the certifying physician should state on the medical certificate that it is only valid for that 3-month period. If the driver is subsequently found qualified with a blood pressure less than or equal to 160/90, the certifying may issue a medical certificate for a 1-year period, but should confirm blood pressure control in the third month of this 1-year period. The individual should be certified annually thereafter. The expiration date must be stated on the medical certificate. A blood pressure greater than 180 systolic and/or greater than 104 diastolic is considered moderate to severe. The driver may not be qualified, even temporarily, until his/her blood pressure has been reduced to less than 181/105. The examining physician may temporarily certify the individual once the individual's blood pressure is below 181 and/or 105. For blood pressure greater than 180 and/or 104, documentation of continued control should be made every 6 months. The individual should be certified biannually thereafter. The expiration date must be stated on the medical certificate. Drivers with normal blood pressure who are taking medications for hypertension should be certified on the same basis as individuals with blood pressure in the mild or moderate to severe range. Annual re-certification is recommended if the medical examiner is unable to establish the blood pressure at the time of diagnosis. An elevated blood pressure finding should be confirmed by at least two subsequent measurements on different days. Inquiry should be made regarding smoking, cardiovascular disease in relatives, and immoderate use of alcohol. An electrocardiogram (ECG) and blood profile, including glucose, cholesterol, HDL cholesterol, creatinine and potassium, should be made. An echocardiogram and chest x-ray is desirable in subjects with moderate and severe hypertension.

Since the presence of target damage increases the risk of sudden collapse, group 3 or 4 hypertensive retinopathy, left ventricular hypertrophy not otherwise explained (echocardiography or ECG by Estes criteria) evidence of severely reduced left ventricular function, or serum creatinine of greater than 2.5 warrants the driver being found unqualified to operate a bus. Treatment nonpharmacologic and pharmacologic modalities as well as counseling to reduce other risk factors. Most anti-hypertensive medications also have side effects, the importance of which must be judged on

an individual basis. Individuals must be alerted to the hazards of these medications while driving. Side effects of somnolence or syncope are particularly undesirable in bus drivers. A driver who has normal blood pressure 3 or more months after a successful operation for pheochromocytoma, primarily aldosteronism (unless bilateral adrenalectomy has been performed), renovascular disease or unilateral renal parenchymal disease, and who shows no evidence of target organ may be qualified. Hypertension that persists, despite surgical intervention, should be evaluated and treated following the guidelines set forth in this section.

Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular or Vascular Disease. A person is qualified if that person has no established medical history or clinical diagnosis of Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular or Vascular Disease, which interferes with the ability to control and operate a bus safely. Certain diseases are known to have acute episodes of transient muscle weakness, poor muscle coordination (ataxia), abnormal sensations (paresthesia) decreased muscular tone (hypotonia) visual disturbances and pain which may be suddenly incapacitating. With each recurring episode, these symptoms may become more pronounced and remain for longer periods of time. Other diseases have more insidious onsets and display symptoms of muscle wasting (atrophy) swelling and paresthesia which may not suddenly incapacitate a person but may restrict his/her movement and eventually interfere with the ability to drive safely. In many instances these diseases are degenerative in nature or may result in the deterioration of the involved area. Once the individual has been diagnosed with having Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular or Vascular Disease, then he/she has an established history of that disease. The physician when examining the individual should consider the following: (1) the nature and severity of the individual's condition (such as sensory loss or loss of strength); (2) the degree of the limitation present (such as range of motion); the likelihood of progressive limitation (not always present initially, but may manifest itself over time); and (4) the likelihood of sudden incapacitation. If severe functional impairment exists, the driver does not qualify. In cases when more frequent monitoring is required, a certificate for a shorter time period may be issued.

Epilepsy. A person is qualified if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a bus. Epilepsy is a chronic functional disease characterized by seizures or episodes that occur without warning, resulting in loss of voluntary control that may lead to loss of consciousness and/or seizures. Therefore, the following drivers cannot be qualified: (1) a driver who has a medical history of epilepsy; or (2) a driver who has a current clinical diagnosis of epilepsy; or (3) a driver who is taking anti-seizure medication. If an individual has had a sudden episode of non-epileptic seizure or loss of consciousness of an unknown cause which did not require anti-seizure medication, that decision as to whether the person's condition will likely cause loss of consciousness or loss of ability to control a bus is made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual complete a neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified. In those individual cases where a driver has a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g. drug reaction, high temperature, acute infectious disease, dehydration or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition and has no existing residual complications, and not taking anti-seizure medication.

Mental Disorders. A person is qualified if that person has no mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with ability to drive a bus safely. Emotional or adjustment problems contribute directly to an individual's level of memory, reasoning, attention and judgment. These problems often underlie physical disorders. A variety of functional disorders can cause drowsiness, dizziness, confusion, weakness or paralysis that may lead to uncoordination, inattention, loss of functional control and susceptibility to accidents while driving. Physical fatigue, headache, impaired coordination, recurring physical ailments and chronic "nagging" pain may be present to such a degree that certification for driving is inadvisable. Somatic and psychosomatic complaints should be thoroughly examined when determining an individual's overall fitness to drive. Disorders of a periodical incapacitating nature, even in the early stages of development, may warrant disqualification. Many bus drivers have documented that "nervous trouble" related to neurotic, personality, emotional or adjustment problems is responsible for a significant fraction of their preventable accidents. The degree to which an individual is able to appreciate, evaluate and adequately respond to environmental strain and emotional stress is critical when assessing an individual's mental alertness and flexibility to cope with the stresses of driving a bus. When examining the driver, it should be kept in mind that individuals who live under chronic emotional upsets might have deeply ingrained maladaptive or erratic behavior patterns. Excessively antagonistic, instinctive, impulsive, openly aggressive, paranoid or severely depressed behavior may greatly interfere with the drivers ability to drive safely. Those individuals who are highly susceptible to frequent states of emotional instability (schizophrenia, affective psychoses, paranoia, anxiety or depressive neuroses) may warrant disqualification. Careful consideration should be given to the side effects and interactions of medications in the overall qualification determination.

Vision. A person is qualified if that person meets the vision standard established by the State of Florida for Operator and Commercial Driver License, as applicable. The current standards are as follows: Must have visual acuity of 20/40 (Snellen) (or better) in one eye, must have 20/40 (or better) vision in the other eye, with or without corrective lenses. If 20/70 (or better) vision in either eye separately, or in both eyes together, the worst eye must have vision screening better than 20/200, with or without corrective lenses. Referral to an eye doctor is recommended. If an individual meets the criteria by use of glasses or contact lenses, the following statement shall appear on the Medical Examiner's Certificate: "Qualified only if wearing corrective lenses."

Hearing. A person is qualified if that person first perceives a forced whispered voice in the better ear not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average of hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz and 2,000 Hz, with or without a hearing aid or audiometric device calibrated to American National Standard (formerly ASA standard) Z24.5-1951. The prescribed standard is under the American Standards Association (ANSI), therefore it may be necessary to convert the audiometric results from the ISO standard to the ANSI standard. Instructions are included on the Medical Examination report form. If an individual meets the criteria by using a hearing aid, the driver must wear the hearing aid and have it in operation at all times while driving. For the whispered voice test, the driver should be stationed at least 5 feet away from the examiner with the ear being tested towards the examiner. The other ear is covered. Using the breath which remains after a normal expiration, the examiner whispers words or random numbers such as 66, 18, 23, etc. The examiner should not use only sibilants (s-sounding test materials). The opposite ear should be tested in the same manner. If the individual fails the whisper test, the audiometric test should be administered. If the individual meets the criteria by use of a hearing aid, the following statement shall appear on the Medical Examiner's Certificate: "Qualified only when wearing a hearing aid".

INSTRUCTIONS FOR PERFORMING AND RECORDING MEDICAL EXAMINATIONS

The medical examiner should review these instructions before performing the medical examination. Answer each question yes or no, where appropriate. The examiner should be aware of the rigorous physical demands and mental and emotional responsibilities placed on the bus transit system driver. In the interest of public safety, the examination shall ensure that the driver does not have any physical, mental, or organic defect of such a nature as to affect the driver's ability to operate safely a bus according to the criteria on the Medical Examination Report and any additional requirements established by the bus transit system.

General Information. The purpose of this history and medical examination is to detect the presence of physical, mental, or organic defects of such a character and extent as to affect the applicant/driver's ability to operate a bus safely according to these criteria and any additional physical requirements established by the bus transit system. The examination should be made carefully and at least as complete as indicated by these criteria and instructions. History of certain defects may be cause for rejection or indicate the need for making certain laboratory tests or a further, and more stringent, examination. Defects may be recorded which do not, because of their character or degree, indicate that medical qualification should be denied. However, these defects should be discussed with the driver/applicant and he/she should be advised to take the necessary steps to insure correction, particularly those of which, if neglected, might lead to a condition likely to affect his/her ability to drive safely.

General Appearance and Development. Note marked overweight. Note any posture defect, perceptible limp, tremor, or other defects that might be caused by alcoholism, thyroid intoxication, or other illnesses. Federal Transit Administration regulations prohibit use of controlled substances by a driver.

Head - Eyes. When other than the Snellen chart is used, the results of test must be expressed in values comparable to the standard Snellen test. If the applicant/driver wears corrective lenses, these should be worn while applicant/driver's visual acuity is being tested. In recording distance vision use 20 feet as normal. Report all vision as a fraction with 20 as numerator and the smallest type read at 20 feet as denominator. Note ptosis, discharge, visual fields, ocular muscle imbalance, color blindness, corneal scar, exophthalmos, or strabismus, uncorrected by corrective lenses. If the applicant/driver habitually wears contact lenses, or intends to do so while driving, there should be sufficient evidence to indicate that he/she has good tolerance and is well adapted to their use. The use of contact lenses should be noted on the record.

Ears. Note evidence of mastoid or middle ear disease, discharge, symptoms of aural vertigo, or Meniere's Syndrome. When recording hearing, record distance from patient from which a forced whispered voice can first be heard. If audiometer is used to test hearing, record decibel loss at 500 Hz, 1,000 Hz, and 2,000 Hz.

Throat. Note evidence of disease, irremediable deformities of the throat likely to interfere with eating or breathing, or any laryngeal condition which could interfere with the safe operation of a bus.

Thorax - Heart. Stethoscopic examination is required. Note murmurs and arrhythmias, and any past or present history of cardiovascular disease, of a variety known to be accompanied by syncope, dyspnea, collapse, enlarged heart or congestive heart failures. Electrocardiogram is required when findings so indicate.

Blood Pressure. Record with either spring or mercury column type sphygmomanometer. If the blood pressure is consistently above 160/90 mm. Hg., further tests may be necessary to determine whether the driver is qualified to operate a bus.

Lungs. If any lung disease is detected, state whether active or arrested; if arrested, your opinion as to how long it has been quiescent.

Gastrointestinal System. Note any diseases of the gastrointestinal system.

Abdomen. Note wounds, injuries, scars, or weakness of muscles of abdominal walls sufficient to interfere with normal function. Any hernia should be noted if present. State how long and if adequately contained by truss.

Abnormal Masses. If present, note location, if tender, and whether or not the applicant/driver knows how long they have been present. If the diagnosis suggests that the condition might interfere with the control and safe operation of a bus, more stringent tests are recommended.

Tenderness. When noted, state where most pronounced, and suspected cause. If the diagnosis suggests that the condition might interfere with the control and safe operation of a bus, more stringent tests are recommended.

Genito - Urinary. Urinalysis is required. Acute infections of the genito-urinary tract, as defined by local and State public health laws, indications from urinalysis of uncontrolled diabetes, symptomatic albumin-urea in the urine, or other findings that may indicate health conditions likely to interfere with the control and safe operation of a bus.

Neurological. If positive Romberg is reported, indicate degrees of impairment. Pupillary reflexes should be reported for both light and accommodation. Knee jerks are to be reported absent only when not obtainable upon reinforcement and as increased when the foot is actually lifted from the floor following a light blow on the patella, sensory vibratory and positional abnormalities should be noted.

Extremities. Carefully examine upper and lower extremities. Record the loss of impairment of a leg, foot, toe, arm, hand, or fingers. Note any and all deformities, the presence of atrophy, semiparalysis or paralysis, or varicose veins. If a hand or finger deformity exists, determine whether sufficient grasp is present to enable the driver to secure and maintain a grip on the steering wheel. If a leg deformity exists, determine whether sufficient mobility and strength exist to enable the driver to operate pedals properly. Particular attention should be given to and a record should be made of, any impairment or structural defect which may interfere with the driver's ability to operate a bus safely.

Spine. Note deformities, limitation of motion, or any history of pain, injuries or disease, past or presently experienced in the cervical or lumbar spine region. If findings so dictate, radiologic and other examinations should be used to diagnose congenital or acquired defects; or spondylolisthesis and scoliosis.

Recto - Genital Studies. Disease or conditions causing discomfort should be evaluated carefully to determine the extent to which the condition might be handicapping while lifting, pulling or during periods of prolonged driving that might be necessary as part of the driver's duties.

Laboratory and Other Special Findings. Urinalysis is required; as well as such other tests as the medical history or findings upon medical examination may dictate are necessary. A serological test is required if the applicant/driver has a history of luetic infection or present physical findings indicate the possibility of latent syphilis. Other studies deemed advisable may be ordered by the examining physician.

Diabetes. Pre-employment medical examination: If, during a pre-employment examination, it is noted that a driver applicant has a medical history or clinical diagnosis of diabetes mellitus requiring insulin for control, the person shall not be qualified to drive a bus. Biennial medical examination: If diabetes is noted for an existing driver at the time of his or her examination, excluding pre-employment, and the diabetic condition is stabilized or controlled by insulin, oral medication and/or diet that can be obtained while the driver is on duty, then the driver may be qualified. Notwithstanding, the driver must remain under medical supervision as determined by the medical examiner.

Upon completion of the examination, the examiner must date and sign the form and certificate and also provide his/her full name, and address of the examination office.

Appendix F

Radio Operating Procedures

10-1



- 10-1 Unable to copy, receiving poorly
- 10-2 Receiving loud and clear
- 10-4 Message acknowledged
- 10-5 Angry or irate passenger
- 10-6 Standing by at -----
- 10-7 Break/restroom/lunch stop, out of service
- 10-8 Clear, in service/ back in service
- 10-9 Repeat message
- 10-10 Status report on last client activity
- 10-11 No show
- 10-17 Assisting passengers
- 10-18 Fuel vehicle/require fuel
- 10-19 Return to base/nothing for you
- 10-20 Location, what's your location
- 10-21 Telephone the office
- 10-33 Clear the air-emergency radio traffic only!
- 10-36 Time check
- 10-45 Backing up at -----
- 10-49 Vehicle broken down at -----
- 10-50 Backing completed
- 10-98 Assignment completed/end of route
- 10-200 **NEED TO BE USED ONLY IN EMERGENCIES!**

Appendix G

Internal Safety Audit Checklist



LOCATION:	DATE:
-----------	-------

SAFETY MANAGEMENT PRACTICES	Yes	No	N/A	Comments
Maintains MVT standardized Accident Log updated and current				
Performs New Hires 45/75 day assessments as required				
Division's instructors (class and BTW) are properly ICP certified				
Division utilizes the standard MVT training program (AVATAR)				
Division follows minimum training program requirements (hours, protocols, materials, etc.)				
Division manages DriveCam Program per DC Program Management Plan				
> # Vehicles Out Of Service				
> # Vehicles Overdue for Download				
> # DC events overdue for coaching/retraining				
Division follows disciplinary requirements outlined in Handbook/CBA				
Safety Meetings attendance tracked and documented on Form SF-6 and filed				
Drivers retrained per Safety Retraining Policy (Policy #12)				
Exterior				
Are exterior lights functioning properly?				
Landscaping well maintained				
Trash not overflowing from dumpster				
Park lot free of debris				
Park lot in good repair and free of trip hazards				
Building and fencing free of graffiti				
Does fuel island have spill kit (if applicable)				
Is fuel island free of leaks (if applicable)				
Fuel hose hung properly (if applicable)				
Fuel nozzle trigger lock removed (if applicable)				
Vehicles				
Exterior of vehicle clean (wheels, windows ect)				
Interior free of trash, debris and graffiti				
DVIs properly filled out				
Current insurance and registration located in vehicle				
Maintenance Area				
Is Facility clean?				
Is the maintenance floor clear of free oil spills or slick spots?				
Are maintenance personnel wearing safety glasses?				
Is proper footwear being worn?				
Are all machinery fitted with proper guards?				
Electrical cords intact and free of cuts/repair?				
Electrical Panels / Breaker Boxes have unobstructed access				
Electrical Panels / Breaker Boxes have not been modified and have no uncovered openings.				
Inventory stored properly and organized				
Are hoses rolled up when not in use?				
Are Lockout/Tagout procedures in place?				
Is waste area clean and orderly?				
Are aerosol cans stored in fire proof cabinets?				
Are oily rags disposed of in their proper container (covered metal waste cans)?				

Are safety glasses for visitors provided in accessible an area?			
Are all facility/shop lights operational and functional?			
Are exits properly marked?			
Is first aid kit properly stocked?			
Eyewash installed and inspected monthly			
Electrical panel area free of clutter (3x3)			
Are facility / shop areas free of "trip & falls" hazards?			
Are all storage drums covered and labeled?			
Are all air / water hoses clean, free of defects and properly stored?			
Are all drop lights clean, serviceable, and properly stored?			
Is signage permanently mounted?			
Are locker room floors free of debris and uniforms?			
Are there accurate "Days without an Injury" and "Days without Incident" signs posted?			
Is proper personal protective equipment (PPE) used by employees in the shop areas?			
Tools and Equipment			
Jack stand in good condition			
Jack stand being used when applicable			
Tires and wheels secure			
Batteries secured and stored with secondary containment			
Vehicle lifts in good condition			
Vehicle wash area clean and organized			
Water hoses rolled up when not in use (wash area)			
Pit area clean and organized (where applicable)			
Are fire extinguishers inspected monthly basis			
Appropriate signs posted for PPE, fire ext. restricted area ect			
Office Administrative Areas			
Are floor clean and free of clutter?			
Are exits properly marked?			
Electrical cords not daisy chained?			
Restrooms clean and sanitary?			
Are restrooms clean, orderly, and stocked?			
Pluming fixtures functioning properly			
Tables and chairs serviceable, functional and free of hazards?			
Driver bulletin board current not cluttered			
Is all necessary signage required by customer, local, state or federal regulations posted?			
Are evacuation maps posted in conspicuous area?			
Are employees aware of designated assembly?			
Are stairwells and stairways clear with serviceable handrails & treads			
OSHA 300 log up to date (includes light duty report).			
Site Specific Equipment/Areas			
General Manager's Name (Print):			

General Manager's Signature:	Date:			
Safety Inspection Comments / Remediation action(s) taken:				

Appendix H
Bus Transit System
Annual Safety and Security Certification
Form



Bus Transit System Annual Safety and Security Certification

*Certifying Compliance with Rule 14-90, FAC to the
Florida Department of Transportation (FDOT)*

Certification Date (Current): 2016

Certification Year: (Previous): 2015

Name and Address of Bus Transit System: Jacksonville Transportation Authority,
121 West Forsyth Avenue,
Jacksonville, Florida

The Bus Transit System (Agency) named above hereby certifies the following:

- 1. The Agency has adopted a System Safety Program Plan (SSPP) and a Security Program Plan (SPP) pursuant to the standards set forth in Rule Chapter 14-90, Florida Administrative Code.*
- 2. The Agency is in compliance with its adopted SSPP and SPP.*
- 3. The Agency has performed annual safety inspections on all operational vehicles in accordance with Rule Chapter 14-90, Florida Administrative Code.*
- 4. The Agency has conducted reviews of SSPP and SPP and the plans are up to date.*

Blue Ink Signature: *Nathaniel P. Ford, Sr.* Date: 1.25.16
(Individual Responsible for Assurance of Compliance)

Name: Nathaniel P. Ford, Sr. Title: Chief Executive Officer, JTA

Name and address of entity which has (have) performed bus safety inspections and security assessments:

Name: Colin Mulloy, Safety and Security Manager

Address: 100 North Myrtle Avenue, Jacksonville, Florida 32204

Name of Qualified Mechanic who Performed Annual Inspections:

Name: Randy Brewer, Sr. Manager, Maintenance

Address: 100 North Myrtle Avenue, Jacksonville, Florida 32204



Annual Grant Self Certification

Certifying compliance with United States Code Section 5309, 5310, 5311/ARRA, 5316, 5317, and 5339 Programs to the Florida Department of Transportation

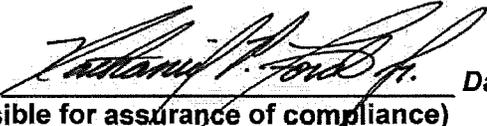
Certification Date (Current): 2015

Certification Year: (Previous): 2016

Name and Address of Bus Transit System: Jacksonville Transportation Authority,
121 West Forsyth Avenue,
Jacksonville, Florida

The Bus Transit System (Agency) named above hereby certifies the following:

1. The grant funded vehicles continue to be used for the purpose for which the grants were awarded.
2. The vehicles have not been sold, damaged or otherwise taken out of service. The Agency has notified the Department of all accidents and casualties within 24 hours of such events.
3. The Agency carries adequate insurance to maintain, repair, or replace the vehicles and equipment in the event of loss or damage due to an accident or casualty.
4. The Agency's Preventative Maintenance Plan is current and the agency is in compliance with the Plan. The vehicles and equipment are maintained in good working condition. Annual vehicle and wheelchair safety inspections have been performed on all operational buses.

Blue Ink Signature: 

(Individual responsible for assurance of compliance)

Date: 1.25.16

Name: Nathaniel P. Ford, Sr.

Title: Chief Executive Officer

Name and address of entity which has (have) performed bus safety inspections:

Name: Colin Mulloy, Safety and Security Manager

Address: 100 North Myrtle Avenue, Jacksonville, Florida 32204

Name of qualified mechanic who performed annual inspections:

Name: Randy Brewer, Sr. Manager, Maintenance

Address: 100 North Myrtle Avenue, Jacksonville, Florida 32204

Name and address of entity which has (have) performed wheelchair inspections:

Name: Colin Mulloy, Safety and Security Manager

Address: 100 North Myrtle Avenue, Jacksonville, Florida 32204

Name of qualified mechanic who performed annual inspections:

Name: Randy Brewer, Sr. Manager, Maintenance

Address: 100 North Myrtle Avenue, Jacksonville, Florida 32204

SYSTEM SAFETY PROGRAM PLAN

Section 1: Policy Statement & Authority

JACKSONVILLE TRANSPORTATION AUTHORITY

CHIEF EXECUTIVE OFFICER'S POLICY STATEMENT

SYSTEM SAFETY PROGRAM PLAN

Safety is paramount in all our activities. The Jacksonville Transportation Authority is committed to developing, implementing, and improving strategies, management systems and processes to ensure that all our public transportation activities uphold the highest level of safety performance and meet or exceed national and industry standards.

JTA is committed to:

- ❑ Develop, embrace and embed a safety culture in all our multi-modal public transportation activities that recognizes the importance and value of effective safety management and acknowledges that safety is the first priority in everything we do;
- ❑ Clearly define for all staff their accountabilities and responsibilities for the development and delivery of public transportation safety strategy and performance;
- ❑ Minimize the risks associated with our transit system operations to a point that is as low as reasonably practicable/achievable;
- ❑ Ensure that externally supplied equipment, systems and services that impact the safety of our operations meet appropriate safety standards;
- ❑ Actively develop and improve our safety processes to conform to national and industry standards;
- ❑ Comply with and, wherever possible, exceed national and industry requirements and standards;
- ❑ Ensure that all staff are provided with adequate and appropriate safety information and training, are competent in safety matters and are only assigned tasks that fit their skills;
- ❑ Ensure that resources including skilled and trained staff are available to implement our organization's safety strategy and policy;
- ❑ Establish performance metrics and measure our safety performance against realistic targets;
- ❑ Continually improve our safety performance;
- ❑ Conduct safety and management reviews and ensure that relevant corrective actions are taken; and
- ❑ Ensure that the application of effective safety management systems is integral to all our multi-modal public transportation activities, with the objective of achieving the highest levels of safety standards and performance.



Nathaniel P. Ford, Sr.
Chief Executive Officer

Date: 1.25.16

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
CERTIFICATE OF COMPLIANCE

725-030-10
TRANSIT
12/01

for a
SECTION 5311 SUBRECIPIENT
(Certifying compliance with 49 CFR Parts 40, 655)
To
Florida Department of Transportation

DATE 1/20/2016

Section 5311 Subrecipient Information:

AGENCY NAME: JTA

ADDRESS: 121 West Forsyth, Jacksonville,

PHONE: 904 633 8549

FDOT District Office Information:

NAME: Doreen Joyner-Howard, AICP

ADDRESS: 2198 Edison Avenue, Jacksonville, FL

PHONE: 904-360-5650

I, Cami Haynes, Assistant Vice President, Safety and Compliance
(Name) (Title)

hereby certify that Jacksonville Transportation Authority and its applicable
(Name of Subrecipient)
contractor(s) (listing attached hereto) for MV Transportation
(Name of Subrecipient)

has (have) established and implemented an anti-drug and alcohol misuse prevention program in accordance with the provisions of 49 CFR Parts 40 and 655 as amended. I further certify that the employee training conducted under this part meets the requirements of 49 CFR Parts 40 and 655 as amended.

Cami Haynes
Signature

Attachment: (Applicable Contractor(s) - Name, Address, Phone #, Contact Person)

SECURITY SENSITIVE INFORMATION (SSI)

Chief Executive Officer's
Policy Statement on Security

To All JTA Employees:

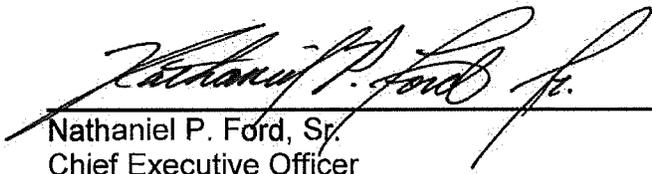
The Jacksonville Transportation Authority (JTA) is on a mission to improve Northeast Florida's economy, environment and quality of life providing safe, reliable and efficient multimodal transportation services and facilities.

The security portion of JTA's task is of paramount concern. The operation and maintenance of JTA requires a continual emphasis on security, from the procurement of new systems along with equipment, through the hiring and training of employees, to the management of the agency and the provision of service. As a result, all JTA personnel and contractors are charged with the responsibility of ensuring the security of passengers, employees, property and those who come in contact with the system.

JTA's management will provide leadership in promoting safety, security and emergency preparedness throughout the organization. The Chief Executive Officer and the Executive Staff will be continually and directly involved in formulating, reviewing and revising security and emergency preparedness policies, goals and objectives.

Each Vice President, in coordination with Safety and Security, is directed and empowered to devise, implement, and administer a comprehensive and coordinated Security Program Plan (SPP) with a specific security plan and activities to prevent, control, and resolve unsafe conditions. This combined authority includes the right to stop any operation deemed to be unsafe.

Managers and Supervisors shall actively participate in all activities regarding security and emergency preparedness; shall fully cooperate with the policies and objectives specified in this Plan; and shall receive the full cooperation and support of executive management in their activities for improved security and emergency preparedness. Each JTA employee and contractor is responsible for fulfilling their role and duties as defined in the Security Program Plan (SPP).



Nathaniel P. Ford, Sr.
Chief Executive Officer

1.25.16
Date

Warning: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

Appendix I
SSPP Addendums
(Placeholder for future updates)



Appendix J
Text Formatting Palette

Formatting/Styles

Report margins:

Top margin = 1"
Bottom margin = 1"
Left margin = 1.25"
Right margin = .75"

Heading levels:

Heading One

Arial 18 pt bold; centered; paragraph spacing = 20 pt after

Heading 2

Arial 12 pt bold; left-aligned; line spacing-single; paragraph spacing = 6 pt before, 14 pt after
Body Text: Arial 11, single spaced, one blank line between paragraphs.

- Bulleted List: Arial 11 pt; line spacing-single; paragraph spacing = 6 pt before

General Instructions

How to Update Table of Contents:

Right click on table of contents and choose ***update field***—you will then have the option of updating the entire table of contents or just the page numbers.

How to Add New Section:

Under ***Page Layout Menu***, choose ***Breaks***, then ***Section Break***, then ***Next Page***. Heading numbers should update automatically in new section.

Appendix K

**Accident Investigation and Reporting
Procedure**

MV TRANSPORTATION, INC. CORPORATE POLICY STATEMENT

General policies of MV Transportation, Inc. are issued from time to time and are designed to provide general guidance to company managers in the conduct of the business. Policies may, from time to time, become dated or may no longer apply. In the event of questions, the policy should be referred to the General Counsel for interpretation. In the event a policy conflicts with the law, regulation or the terms of a contract with a customer, the policy will be subordinate to such law, regulation or contract term. Policies are only effective on the written approval of the Chief Executive Officer, and the endorsement of the Bridges Committee.

Policy #	Safety Policy S-32
SUBJECT	Accident/Incident Reporting Procedures
POLICY	<p>SCOPE: This policy affects all MV employees who operate company vehicles/buses, as well as managers and supervisors who investigate incidents.</p> <p>POLICY: It is the policy of this Company to minimize injury, damages, pain and suffering for people involved in vehicular mishaps involving MV vehicles, to promptly report and to thoroughly investigate these occurrences.</p> <p>PURPOSE: The guidelines in this policy designate the procedures for all employees to follow when an incident occurs and to ensure accurate and timely incident reporting.</p> <p>An Incident is any MV mishap involving a MV employee, MV passenger, MV vehicle, MV equipment, or the environment. An incident may or may not result in injury or death to a person, damage to vehicles or property, or damage to the environment. This includes alleged incidents which are claimed to be caused by a MV employee, vehicle, or equipment; even though the MV employee, vehicle, or equipment is not affected.</p> <p>PROCEDURE:</p> <p>This procedure applies to all MV losses (<u>other than Workers' Compensation</u>) to include:</p> <ul style="list-style-type: none"> • Vehicular collision with any person, vehicle, or object • Passenger/Customer/Client Incident/Injury • MV Vehicle Physical Damage (including unknown yard physical damage) • MV Property (buildings/contents) Losses (fire, tornado,

flood, hurricane, vandalism, break-in, etc.).

- Environmental Exposures (i.e. fuel, oil, antifreeze, or other spills)
- Theft of MV vehicles, equipment, or property

When an incident could have been avoided, it was a preventable loss. MV Safety investigates "major" preventable incidents (see below for definition) to determine cause; and monitors preventable incidents to spot trends and to determine the trends' root causes. This includes examining driving and work procedures and revising them if found faulty; and identifying violations of MV, OSHA, DOT, FTA, or other procedures, rules or regulations.

INCIDENT TYPES

Major: An incident involving a transit vehicle or occurring on MV property involving one or more of the following:

- Fatality
- Pedestrian or Bicyclist incident/injury
- Passenger incident/injury involving lift
- Passenger incident/injury while entering/exiting vehicle
- Passenger incident/injury involving improper wheelchair securement
- MV Operator is cited for a moving violation
- Any injury (including to MV Operator) requiring immediate medical attention away from the scene
- Property damage equal to or exceeding \$5,000
- Environmental spills
- Vehicle roll-over/lay-over
- Vehicle fire
- Incidents with Operator allegation of equipment and/or maintenance failure
- Events with potential for negative public relations and/or news media coverage
- Incidents where Operator drug and/or alcohol use may be involved
- Incidents where fault is in question

Minor: All other incidents that do not meet the definition of a "major" incident.

INCIDENT REPORTING PROCEDURE:

1. All MV incidents shall be immediately reported from the scene.
2. Operator at scene shall immediately contact Dispatch and provide incident details.
4. Immediately Call Auto Hotline at (866) 688-7475
5. Complete the Initial Accident/Incident Claim Line Information Sheet to assist with gathering the details and to aid in the verbal phone notification.
6. After the phone notification, immediately scan and e-mail this report to claims@mvtransit.com. If unable to e-mail, fax to (707) 863-8162.

MAJOR INCIDENTS PROCEDURES:

In case of major incidents, in addition to the above, managers shall take the additional steps outlined below:

1. Obtain the following basic information:
 - a. Time and Place of incident
 - b. Driver name and Date of Hire
 - c. Vehicle number and type (cut-away, van, bus, sedan, etc.)
 - d. Injuries, if transported from scene –where to and by whom.
 - e. Damage description
 - f. Basic facts of collision, accident or incident.
2. Call and notify the following persons:
 - a. Director of Safety and/or
 - b. Vice President of Safety
 - c. Regional Vice President
3. General Manager or designee submits a “High Priority Event Notification: Go to “Lawson Portal/Procedures and Forms/Safety/Report a Serious Incident” and enter the required information.
4. Director of Safety and/or the Regional Vice President will continue the phone tree to the senior executives listed on a need to know basis.

5. If the Director of Safety and/or the Regional Vice President or Vice President of Safety is not available, please contact the Sr. VP of Safety, or in his absence, the President of Operations. If the President of Operations is not available, contact another Corporate Officer or Director who will then continue the phone tree as necessary.

NOTES:

- ***The only information given by MV employees should be to Police Officers present at the scene of the incident.*** Operator does not discuss incident/loss with witnesses – Operator only discusses with police, MV Safety personnel, MV Risk Management personnel, and/or MV Third-Party Claims Administrator personnel.
- ***Refer all other parties to Risk Management to handle any public and/or media questions.*** For these situations, please make sure you can provide Risk Management with the name and phone number of the inquiring party. If necessary, Risk Management will involve the Director of Media Relations to communicate to the public and/or media.

INCIDENT/ACCIDENT/LOSS PROCEDURES

1. Pre-Planning:

- a. General Managers/Dispatchers must be aware of all sources of assistance in handling incidents/losses. Before an incident/loss occurs, have contacts on hand for:
- Operator's family and/or emergency notification
 - Local police department and/or local sheriff department
 - Highway patrol/state police
 - Local fire department and local ambulance service
 - Tow truck, heavy equipment, and construction companies

MV Risk Management staff and MV Safety staff are excellent sources for help. Have their telephone numbers available.

- b. General Managers post their home telephone numbers and cell phone numbers so they can be called when an emergency occurs. Emergency Telephone Numbers shall be posted next to all MV telephones and shall be available at all supervisors' home telephones. This should include a list of local and MV telephone numbers used in controlling emergencies.
- c. Prominently place "reporting" decals in MV vehicles. The decals read, "**Should you be involved in an accident or should any other incident occur, immediately contact Dispatch who shall immediately communicate with you and the 24-Hour ClaimLine, (866) 688-7475.**" Place these stickers on the dash and on the driver-side sun visor.
- d. Equip MV vehicles with the following items:
 - 1. Three (3) bi-directional emergency reflective triangles (not flares).
 - 2. Incident Reporting Packets and color disposable flash cameras.
 - 3. Fire extinguisher having an Underwriters' Laboratories rating of 5 B:C or more.

To order replacement incident reporting packets and cameras, go onto Portal, under Procedures and Forms, and under Risk Management – there is an Incident Reporting Packets bullet point. Click on that bullet point, complete your order information, and submit your order.

2. Incident/Loss Occurs:

- A. **MV Operator: If involved in an incident with an unattended vehicle,**
 - a) Try to locate the owner.
 - b) If the owner cannot be located, Operator securely leaves a note on the vehicle with his/her name and address, and the company/division's name, address and phone number.
 - c) Operator obtains the vehicle identification number and license plate number of the other vehicle, and includes that information when reporting the incident.
 - d) An Incident Reporting Packet which includes a color disposable flash camera is supplied to Operator. Operator takes pictures of damages.
 - e) Operator delivers used camera to General

Manager/Dispatcher.

- A. **If involved in a Hit and Run Incident** while on the job or in a company-owned vehicle and you record/obtain the adverse vehicle's license plate number or capture picture of adverse vehicle via camera or Drive Cam, it is mandatory that the police are called and an incident report is filled out and filed with them. Once this is completed, please forward this information to Risk Management.
- B. **If otherwise involved in a vehicular incident**, Operator exercises on-scene emergency control until properly relieved by a supervisor or company official. Control will be directed to prevent further threat to human life, damage to the environment, and/or damage to property. For traffic control and to protect others:
1. Stop immediately and shut down vehicle (shift transmission into park, or neutral, shut off engine and set parking brakes).
 2. Turn on four-way flashers.
 3. **Place emergency reflective triangles as soon as possible, but in any event within ten minutes.**
 4. Detour non-essential traffic.
 5. Notify police/fire/ambulance. If necessary, direct a passerby to notify the proper authorities. Be sure to indicate if there are injured people at the emergency scene. Do not leave the scene except in an extreme emergency.
 6. Do not move MV vehicle (unless there is a fire or spillage that may spread) until authorities arrive.
 7. Do not allow any other vehicles to be moved until someone in authority arrives to verify the positions of the vehicles and the lengths and positions of skid marks. Calm down. Try to detach yourself from what has happened so you can be as objective and unemotional as possible. Don't smoke and caution others to not smoke; as there may be fumes that could cause an explosion or fire.
 8. If safe, extinguish any controllable fire and/or shut off any leak.
 9. Assist injured or endangered persons, but do not move them or permit them to get up unless absolutely necessary. Keep them warm and quiet until emergency help arrives.

10. Prevent fires by turning off ignitions, disconnecting battery cables, prohibiting smoking, or taking any other indicated action.
11. Prevent contact with spilled materials.
12. Do not touch (or permit others to touch) vehicles/objects in contact with downed power lines. Keep occupants in vehicles.
13. Keep sightseers back/away from emergency scene.
14. **Follow the Incident Handling Procedure/Instructions contained in the Incident Reporting Packet.**

3. Report incident/loss to dispatch and 24 hour Claim Line:

MV Operator at scene shall immediately contact Dispatch who shall immediately communicate with the Operator and 24-Hour Claim Line, (866) 688-7475 (See Incident reporting procedures above).

- Operator should never try to handle things alone.
- Call while the emergency is small and controllable.
- Dispatch shall provide a telephone number at which the Operator can be contacted. Usually this is the Dispatch number.
- Dispatch and Operator shall stay in telephone contact with the 24-Hour Claim Line until released.

4. Operator Takes Pictures of Scene and Damages:

MV vehicles are equipped with color disposable flash cameras:

- a. Photograph the causes of the incident.
- b. Photograph the incident scene before vehicles are towed or moved. Include surrounding landmarks / reference points in the pictures.
- c. If skid marks are long, start photographing 150 feet before skid marks begin and continue as you walk closer to the vehicle.
- d. Photograph vehicles, including points of impact, damaged areas, undamaged areas, and spilled materials.
- e. Do **not** photograph bloody or gory details.

f. Make a sketch of the scene before any vehicles are moved. The important thing is to show the positions of the vehicles as they approached the scene and where they were following the collision.

5. **Equipment Recovery:** Division ensures proper damaged equipment handling and securement.

6. **Operator Identifies Himself/Herself:** Operator gives any other involved party his/her name, division name, division address, and division phone number; and if requested, insurance information from Insurance Identification Card located in glove box.

7. **Operator Provides Local Authorities and Emergency Responders Details of Incident/Loss:**

a. Operator obtains any reports from authorities/police or emergency responders that must be completed.

b. Operator cooperates with police officials, but does not admit any responsibility to anyone except MV Risk Management personnel, MV Safety personnel, and/or MV Third-Party Claims Administrator personnel.

c. Operator does not give a formal statement (written or recorded) to anyone until Operator has contacted MV Risk Management, and then, not unless approved by MV Risk Management. Operator never discusses incident with reporters. Supervisor who may respond will support this.

d. Operator always notifies the police, no matter how minor an incident or collision may seem to be, even if it's just a minor "fender bender." Always report it to the police. If other party just wants to exchange information and not call the police, Operator calls in a report anyway.

8. **Operator Obtains Names and Addresses of Witnesses:**

a. Operator gets names and addresses of all witnesses to the incident using Courtesy Information Cards contained in Incident Reporting Packet.

b. Operator does not discuss incident with witnesses – Operator only discusses with police, MV Safety personnel, MV Risk Management personnel, and/or MV Third-Party Claims Administrator personnel.

9. **Operator Completes Incident Report:** Operator completes "Incident Report" before leaving the incident scene.

This report is critical, as it captures MV information, third-party claimant information, client/passenger information, police information, an incident description, an incident diagram, etc.

10. **Operator Delivers:** Incident Report, Used Camera, Courtesy Information Cards, and any other Incident Reporting Packet Items to General Manager/Dispatcher.

Operator gives General Manager/Dispatcher Incident Report, Courtesy Information Cards, used camera, diagrams, sketches, etc.

11. **General Manager/Dispatcher Forwards Items to MV Risk Management:**

1. General Manager/Dispatcher immediately scans and e-mails items to claims@mvtransit.com.
 - If unable to e-mail, fax to (707) 863-8162.
 - General Managers retain originals for his/her records.
 - Several other reports may be completed from the information on these items, so it is important that the information is complete and accurate.
2. General Manager gets camera film developed as soon as possible.
 - General Manager forwards via overnight mail the prints and film negatives to MV Risk Management, 2024 College Street, Elk Horn, IA 51531.
3. General Manager/Dispatcher ensures that safety items in MV vehicles are immediately replaced/recharged prior to next dispatch: Incident Reporting Packet with color disposable flash camera, fire extinguisher, 3 bi-directional emergency reflective triangles, etc.

12. Loss Handling:

- a. MV Risk Management directs loss handling. General Managers ensure that all losses are immediately and properly reported. MV Risk Management or MV's Third-Party Claims Administrator initiates all claim filings. Except for thefts, break-ins, and stolen vehicles, General Managers shall not file reports or other information with local, state or federal authorities.
- b. Whenever there is any possibility of serious liability, the General Manager:
 - 1. Sends complete maintenance file on the vehicle to MV Risk Management
 - 2. Sends Operator's logs/time sheets to MV Risk Management
 - 3. Prints electronic control module data (if applicable) and sends to MV Risk Management
 - 4. Risk Management ensures Drive Cam event (if applicable) is obtained

13. Damaged Equipment:

- A. **Probable Total Losses:** General Manager obtains repair estimate and scans and e-mails it to claims@mvtransit.com.
 - 1. If unable to e-mail, fax to **(707) 863-8162**. MV Risk Management contacts Fixed Assets and determines if MV vehicle is a total loss.
 - 2. If MV vehicle is deemed a total loss, General Manager has any valuable/usable parts removed and then obtains salvage bids.
 - 3. General Manager obtains approval from MV Risk Management before selling salvage.
 - 4. General Manager processes Fixed Asset Action Form and forwards for required approvals.
 - 5. When General Manager receives salvage proceeds, General Manager faxes copy of check to MV Risk Management and forwards check to Accounts Receivable utilizing the applicable MV Lockbox Remittance Form.

B. **Repairable Losses:** General Manager contacts Maintenance Manager. Maintenance Manager authorizes and controls all repairs following maintenance protocols.

MV Risk Management distributes weekly reports that include its internal claim number for the damaged or total loss vehicle.

General Manager approves all MV vehicle repair invoices. General Manager codes vehicle repair invoices to **GL#7090 or GL#6150**. General Manager forwards approved and coded MV vehicle repair invoices to Accounts Payable.

C. The following information explains what GL code to assign and what additional information will be required to avoid delaying payment.

1. **7090 Collision** – This GL number should be used for all MV vehicle repairs made and/or parts purchased due to some type of collision. The MV Risk Management internal claim number is required to be on each invoice that is assigned this GL number. Failure to provide the claim number will prevent Risk Management from approving the invoice for payment and will delay timely payment to the vendor.
2. **6150 Outside Services** – This GL number should be used for all MV vehicle body repairs made and/or parts purchased due to wear and tear over time. Examples would be rusted areas and faded paint. Repairs made to a vehicle that was purchased with pre-existing damage can also be coded to this GL number. An explanation will be required for each vehicle body repair invoice that is coded to this GL number. **Invoices coded “6150” do not require a MV Risk Management internal claim number.**

D. MV vehicle repairs (MV Damage):

Effective 1/1/08, the division is responsible for the full amount of the repairs. These invoices must be approved for payment by Risk Management.

E. MV Damage Subrogation:

If it is possible that MV can collect for damages caused by a responsible third party, General Manager scans and e-mails all information related to the incident to claims@mvtransit.com. If unable to e-mail, fax to (707) 863-8162.

1. Obtain a repair estimate and submit the estimate and photographs of the damage to Risk Management. These items will be used as documentation for MV's subrogation demand.
2. In addition to the damages, MV Risk Management will also attempt to collect "loss of use" from the responsible third party.
3. MV Risk Management compiles a formal claim for damages for submission to the responsible party. MV Risk Management follows up on collection. Damages and/or loss of use recovered through subrogation efforts will be credited to the division.
4. If an insurance company or its representative requests repair cost information, General Manager refers that person to MV Risk Management. *Do not release cost information.*

14. Alleged Equipment/Maintenance Failure:

Claims of equipment or maintenance failure are always referred to as "alleged" failure until an inspection of suspect systems by qualified personnel verifies or denies such claims. The following steps are followed in instances of alleged equipment or maintenance failure:

1. If Operator alleges a failure, contact MV Risk Management immediately.
2. Arrange to have vehicle towed to nearest MV division or area where vehicle can be secured. Do not let

vehicle be driven.

3. Secure vehicle. Don't let anyone tamper with vehicle, including MV personnel.
4. Call MV Risk Management to direct investigation activity.
5. MV Risk Management will set up inspection with manufacturer's representative, expert (if applicable), and MV personnel.
6. Notify and coordinate inspection with field personnel.
7. Assist in the inspection of vehicle at formal inspection.
8. Send complete maintenance file on vehicle to MV Risk Management.
9. Send Operator's logs/time sheets to MV Risk Management.
10. Print electronic control module data and send to MV Risk Management.
11. Risk Management ensures Drive Cam event (if applicable) is obtained.

15. Stolen MV Vehicle.

- A. General Manager/Dispatcher immediately reports loss to MV Risk Management.
- B. General Manager/Dispatcher immediately reports the loss to local police authorities. Direct the police authorities to enter the stolen vehicle on the NCIC. Note: If vehicle is ultimately recovered, General Manager/Dispatcher immediately reports recovery to local police authorities, and directs them to remove from the NCIC; and General Manager/Dispatcher immediately reports recovery to MV Risk Management.
- C. General Manager obtains a copy of police report and faxes it to MV Risk Management.
- D. Instruct MV Operators on the following: a) If anyone tries to take a vehicle, let them have it. Do not get into an altercation with them. b) If a vehicle is taken or is missing, immediately phone MV Risk Management. c) Report any suspicious activity to General Manager/Dispatcher.
- E. Depending on the circumstances regarding the

missing vehicle, MV Risk Management may notify FBI, appropriate state Highway Patrol, FTA, and Federal DOT.

16. Break-Ins and other Property Losses.

- A. General Manager/Dispatcher immediately reports loss to MV Risk Management.
- B. General Manager/Dispatcher immediately reports loss to local police authorities.
- C. General Manager obtains a copy of police report and faxes it to MV Risk Management.

17. Post-Loss Procedures, Reports, and Correspondence.

- A. General Manager forwards all correspondence relating to an incident/loss to MV Risk Management. General Manager identifies the correspondence to MV Risk Management by indicating the Operator's name and the date of the loss.
- B. If lawsuit papers are received, General Manager immediately telephones MV Risk Management at (707) 646-8866. General Manager forwards the papers via overnight mail to: EVP, c/o MV Risk Management, 2024 College Street, Elk Horn, IA 51531, with a memo stating the person served and the date and time of service. The EVP of Risk Management can also be reached by telephone at (707) 646-8866.

18. Post-Accident Alcohol and Controlled Substances Testing

- a. **Fatal Accidents:** As soon as practicable following an accident involving the loss of human life, an employer shall conduct drug and alcohol tests on each surviving covered employee operating the transit vehicle at the time of the accident. The employer shall also drug and alcohol test any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

- b. **Non-Fatal Accidents:** As soon as practicable following an accident not involving the loss of human life in which a transit vehicle is involved, the employer shall drug and alcohol test each covered employee operating the transit vehicle at the time of the accident unless the employer determines, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident. The employer shall also drug and alcohol test any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.
- c. **"Accident" Definition:** "Accident" means an occurrence associated with the operation of a vehicle (including operation of its lift), if as a result:
- A Fatality; or
 - An individual suffers bodily injury and immediately receives medical attention away from the scene of the accident; or
 - With respect to an occurrence in which the transit vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
 - with respect to an occurrence in which the transit vehicle involved is a rail car, trolley car, trolley bus, or vessel, the transit vehicle is removed from operation.
- d. **MV Division Management coordinates/arranges post-accident testing.** If reasonable suspicion is suspected, all reasonable suspicion testing guidelines will be followed.
- e. **Test Results Obtained.** Test results are obtained by Elk Horn Qualification and reported to MV Division Management, or vice versa. General Manager contacts MV Management concerning disposition of Operator.

Effective Date	9/1/09	
Review Date	7/1/09	
RELATED TOPICS		
FORMS		
BRIDGES ENDORSEMENT	Jack Hempstead	Date: June 2009
APPROVED BY	Kevin Klika	Date: June 2009

Appendix L

Driver's Annual Review of Driving Record Procedure

MV TRANSPORTATION, INC. CORPORATE POLICY STATEMENT

General policies of MV Transportation, Inc. are issued from time to time and are designed to provide general guidance to company managers in the conduct of the business. Policies may, from time to time, become dated or may no longer apply. In the event of questions, the policy should be referred to the General Counsel for interpretation. In the event a policy conflicts with the law, regulation or the terms of a contract with a customer, the policy will be subordinate to such law, regulation or contract term. Policies are only effective on the written approval of the Chief Executive Officer, and the endorsement of the Bridges Committee.

Policy #	Safety Policy S-13
SUBJECT	DRIVER'S ANNUAL REVIEW OF DRIVING RECORD
POLICY	<p>SCOPE: This policy applies to all drivers for MV Transportation, Inc., including road call mechanics.</p> <p>PURPOSE: The purpose of this policy is to achieve compliance with the Federal and State Motor Carrier Safety Regulations.</p> <p>POLICY: It is the policy of this Company that all drivers submit, on an annual basis, a record of all violations of traffic laws committed while operating any type vehicle, other than parking violations, for which the driver has been convicted or forfeited bond during the preceding twelve (12) months, and that such record be reviewed by the Division General Manager and compared with the driver's Motor Vehicle Record.</p> <p>PROCEDURE:</p> <p>The General Manager will request each driver's Motor Vehicle Record at least annually and review it with the annual driving record review form submitted by each driver to determine whether the driver meets the minimal requirements for safe driving and be certain the driver is not disqualified from operating a motor vehicle.</p> <p>The General Manager will review each driver's entire record including accident experience, road and ride observations, and the Driver Record of Violations submitted for the previous twelve months. The review will be completed by August 15 each year and the record retained in the driver's DOT qualification file.</p> <p>The driver's manager/supervisor will conduct interviews with drivers whose records warrant counseling and corrective measures including refresher training. In considering counseling, great weight must be given to violations such as speeding, following too closely, reckless driving and improper or erratic lane changes. This counseling process will be properly and thoroughly documented.</p> <p>Drivers convicted of two serious traffic violations as defined by the FMCSR, in a three-year period will be advised that they are subject to disqualification by the State issuing their drivers' licenses.</p>

	Supervisors will remind drivers that they are to notify the company of any moving violation they receive during the year, whether on or off-duty.	
Effective Date	9/1/09	
Review Date	7/1/09	
RELATED TOPICS		
FORMS	Annual Driver Record Review	
BRIDGES ENDORSEMENT	Jack Hempstead	Date: June 2009
APPROVED BY	Kevin Klika	Date: June 2009

Appendix C
CTC
Request for Proposal
(Sample)

JACKSONVILLE TRANSPORTATION AUTHORITY

REQUEST FOR PROPOSALS

FOR

Paratransit Services For Jacksonville Transportation Authority

PROPOSAL RETURN DATE: Thursday, November 15, 2012, 2:00 P.M.

PROPOSAL NUMBER:

P-13-005

A Mandatory Pre-Proposal meeting will be conducted on Monday, October 22, 2012 at 10:00 A.M. at the following location:

**Jacksonville Transportation Authority
Board Room
100 N. Myrtle Avenue
Jacksonville, FL 32204**

Proposers cannot copy and/or re-distribute this document for use by other Proposers. In order to submit a proposal for this project and be considered for evaluation, the prime vendor must have received this RFP from the Jacksonville Transportation Authority and be listed as the official RFPn holder on the official Jacksonville Transportation Authority Plan Holders List. **If you have requested and received a copy of the Request for Proposal from the Jacksonville Transportation Authority, you are an official plan holder.** If you submit a proposal for this project and you have not received this RFP from the Jacksonville Transportation Authority and are not listed on the official plan holders list maintained by the Jacksonville Transportation Authority your proposal will be deemed non-responsive and will not be opened or evaluated.

Date Advertised: Tuesday, October 9, 2012

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NOTE TO ALL BIDDERS:

Contact with Selection Panel/Authority Board Members

From release of this RFP and until final contract awards are made by the Authority, all contacts, which must be specifically related to questions or queries for clarifications in response to this RFP, are to be directed to the JTA Project Manager. With the exception of contact with the listed Project Manager for posing specific questions regarding responses to this RFP, Consultants and subconsultants responding to the work covered by this RFP will not solicit nor contact any other employee of the Authority, including any members of the Authority's Board of Directors and the Authority's Executive Director, from the release date of this RFP through the date of contract award by the Authority, for purposes of discussing the merits of any specific response or response team or firm proposing on work listed within this RFP. Any such contact shall immediately disqualify the offending consultant or subconsultant from any consideration for selection to provide any services sought by this RFP.

There is an established DBE Goal for this Agreement

The proposer shall make a Good Faith Effort to subcontract at least 30% of the dollar value of the total amount of this agreement to certified DBE Subconsultants (Race Conscious). Please read and adhere to all instructions in Attachment No. 18. Failure to adhere to these statements will deem your proposal and being non-responsive.

Required Forms

Proposers are required to complete and return all forms (see section VII) and addendum(s) with a signature line or blank space requesting information.

Please note the FTA Required Contractor Certifications contained in Section VII. These FTA forms can not be marked "N/A" and returned with the proposal as an effort to comply with proposal requirements. These FTA forms **MUST** be completed, signed and returned with your proposal based on dollar amount referenced below.

If the JTA determines that a proposer has failed to return a completed and signed required form(s) and/or addendum(s) the vendors proposal will be rejected as non compliant. The dollar amount, type of proposal and DBE requirements are examples of circumstances that determine if a form is applicable to your RFP.

The dollar amount for the Government Wide Debarment and Suspension is \$25,000.00 and over. Most of the other Federal forms have a dollar amount requirement of \$100,000.00 and over.

Mandatory Pre-Proposal Meeting

A Mandatory Pre-Proposal Meeting will be conducted on October 22, 2012 at 10:00 A.M. at the following location:

Jacksonville Transportation Authority
Administration Building Board Room
100 N. Myrtle Avenue
Jacksonville, FL 32204

No questions concerning this proposal will be accepted after 5:00 P.M. on October 26, 2012. Submit all questions to Purchasing in writing at purchasing@jtafla.com.

Sign-In sheet from the Mandatory Pre-Proposal Meeting will be made available in an addendum, as will with the answers to the questions received prior to the posted deadline for questions.

Proposers cannot copy and/or re-distribute this document for use by other Proposers. In order to submit a proposal for this project and be considered for evaluation, the prime vendor must have received this RFP from the Jacksonville Transportation Authority and be listed as the official RFPn holder on the official Jacksonville Transportation Authority Plan Holders List. **If you have requested and received a copy of the Request for Proposal from the Jacksonville Transportation Authority, you are an official plan holder.** If you submit a proposal for this project and you have not received this RFP from the Jacksonville Transportation Authority and are not listed on the official plan holders list maintained by the Jacksonville Transportation Authority your proposal will be deemed non-responsive and will not be opened or evaluated.

SECTION I **INTRODUCTION**

The Authority

The Jacksonville Transportation Authority (the “Authority”) is a public body politic and corporate and an agency of the State of Florida created under Chapter 349, as amended, Florida Statutes. The Authority is a transit and transportation facilities provider in North Florida, constructing and improving roadways as well as constructing, equipping and operating transit services. The Authority operates in Duval County, Florida (the “County”), including in the City of Jacksonville, Florida (the “City”), and surrounding areas.

Request for Proposals

Under this Request for Proposals (this “RFP”), the Authority is seeking proposals for paratransit carrier services (and under certain options set forth in this RFP, additional management and operations services) for its paratransit operations.

Eligible Proposers (General)

Corporations, limited liability companies, limited partnerships, limited liability partnerships, partnerships, sole proprietors and joint ventures (Florida or otherwise) are eligible to submit proposals in response to this RFP. If the proposer is a joint venture, the Authority will treat the entity as a general partnership for all purposes, and the joint venture must submit, in addition to the other submissions required by this RFP, evidence of the authority of the individual(s) submitting the venture’s response that such individual(s) is duly authorized to bind the venture. Each other entity submitting a proposal shall cause its proposal to be signed by a senior executive officer, manager, or general partner. Submitting a proposal in response hereto is deemed to be a representation and warranty by the entity and individual submitting it that such entity has duly authorized the proposal and the individual(s) signing such proposal have the authority to do so on behalf of the entity.

SECTION II **SCOPE OF RFP**

1. SCOPE OF SERVICES

1.1. GENERAL

The scope of services described in this section ("Scope of Services") is a general guide and is not intended to be a complete list of all work and materials necessary to complete the project or supply goods or services. The Scope of Services contains work tasks believed necessary for Paratransit Services that meets JTA needs.

1.2. PURPOSE OF THE SOLICITATION

JTA is seeking to contract with a Contractor for carrier and other operations and management services for JTA's Connexion paratransit transportation. As detailed in the rest of this section of the RFP, the selected Contractor will provide one of the following service models (Proposers are required to submit on all three models—will be referred to as Service Models):

1. Operations Only Service Model (Service Model 1): The Contractor shall provide drivers (hiring and training), vehicle operations, road supervision, insurance and claims management, and service monitoring. The selected Contractor also shall prepare reports on service delivery. This option is similar to how JTA is currently contracting its paratransit service. JTA will be responsible for overall administration of the contract and services, including provision of vehicles, establishing service policies, managing public information, managing contracts with funding agencies, determining rider eligibility for certain programs, reservations of trips, scheduling of trips, dispatching, carrying out maintenance of vehicles, cleaning and washing of vehicles, providing vehicle fuel and managing the rider comment and complaint process.
2. Operations, Dispatching and Scheduling Services Model (Service Model 2): The Contractor shall provide all services in the Operations Only Service Model, and will also perform and manage trip scheduling and vehicle dispatching. JTA will be responsible for overall administration of the contract and services, including provision of vehicles, establishing service policies, managing public information, managing contracts with funding agencies, determining rider eligibility for certain programs, reservations of trips, carrying out maintenance of vehicles, cleaning and washing of vehicles, providing vehicle fuel and managing the rider comment and complaint process.
3. Full-Service Model (Service Model 3): A full-service, "turnkey" operation. The Contractor shall provide all services in the Operation, Dispatching and Scheduling Services Model, and will also perform and manage trip reservations, customer service (defined as assisting riders with information about scheduled rides and the status of pickups), maintenance of vehicles, providing fuel and fueling vehicles, and cleaning and washing vehicles.

The following table summarizes the responsibilities of the Contractor and JTA under each of the three service delivery options described above:

Entity	Trip Reservations	Trip Scheduling	Riders' Info.	Dispatching	Hiring & Training Drivers	Vehicle Operations	Road Supervision	Service Monitoring	Maintenance	Fueling	Service Reports	Cleaning & Washing	Operational & Parking Facility
Service Model 1: Operations Only Service Option													
Contractor					√	√	√	√			√		
JTA	√	√	√	√					√	√		√	√
Service Model 2: Operations, Dispatching and Scheduling Services Option													
Contractor		√		√	√	√	√	√			√		
JTA	√		√						√	√		√	√
Service Model 3: Full-Service Option													
Contractor	√	√	√	√	√	√	√	√	√	√	√	√	√
JTA													

Due to fleet replacement schedule, JTA is requiring that the vendor provide (as an option and priced on a per vehicle basis) up to twenty-five (25) new vehicles. However, the final number of required vehicles, if any, will be determined during negotiations.

The selected Contractor shall provide all services directly with employees of the company and through selected subcontractors. Notwithstanding subcontracting of portions of the work, the selected Contractor remains fully liable for the delivery of all services under the contract. Where subcontractors are utilized, they must meet all driver, vehicle, maintenance, operating, and reporting requirements. If the Full Service Model is selected by JTA, the selected “turnkey” Contractor also must retain full scheduling and dispatch control of all subcontracted operations. All vehicles operated directly by the selected Contractor must be fully dedicated to JTA services. Any subcontracted operations also must fully dedicate vehicle hours during the time they are utilized.

As detailed in the “Billing and Payment” section of this RFP, the selected Contractor will be compensated on a bi-monthly basis. Variable operating. Incentives and penalties related to service performance and contract compliance will also be applied to billings for services provided as set out in the “Incentives and Penalties” section of this RFP.

A contract term under this RFP will be one four- year base term with two (2) two-year options to extend.

For Service Models 1 and 2, JTA will provide an operations and maintenance facility. The facility for vehicles, to include parking, maintenance, fueling, cleaning and washing will be at

JTA's main campus at 100 N. Myrtle Ave. Contractor's administrative staff (i.e. dispatching, scheduling and reservations) will be housed at 5711 Richard Street. For Service Model 3, the Contractor shall be responsible to obtain and outfit appropriate facilities for the work to be performed.

Proposers also are requested to identify all vehicles needed for the portion of the services which will be directly operated.

1.3. TYPES OF SERVICES TO BE PROVIDED

JTA administers and coordinates different types of paratransit and Transportation Disadvantaged (TD) transportation programs for residents of Duval County. As part of regional coordination efforts, JTA may also provide paratransit and TD trips within the surrounding counties. The selected Contractor will assist JTA by managing and operating services required under each of these programs. The following types of services are currently administered under the Connexion contract.

1.3.1. ADA Complementary Paratransit Service

This service is provided by JTA as required by USDOT regulations implementing the Americans With Disabilities Act of 1990 (ADA). As required by these regulations (49 CFR Parts 27, 37 and 38), individuals with disabilities who are unable to use the fixed route JTA system and who are determined "ADA Paratransit Eligible" by JTA are eligible to use this service. Information about rider eligibility is maintained by JTA in a master rider file. ADA rider eligibility information is therefore easily accessed as part of the automated reservations and scheduling process. All types of trip purposes are served, without prioritization, under this program, and the service must be operated without "capacity constraints" as detailed in the regulations.

1.3.2. Transportation Disadvantaged (TD) Service

This service is provided using funding made available to JTA by the Florida Commission for the Transportation Disadvantaged (CTD) under Florida Statute 427. Certain seniors, persons with disabilities, low-income individuals, and others who meet the definition of "transportation disadvantaged" under Florida Statute 427 are eligible to use this service. JTA makes determinations of TD eligibility and maintains this eligibility information as part of a master rider file. TD rider eligibility information is therefore easily accessed as part of the automated reservations and scheduling process. Service policies, including trip purposes, days and hours of service, service area, fares, and other policies are established through a Local Coordinating Board (LCB) and detailed in contracts that JTA has with the state CTD. Currently, TD funding is used to provide trips for TD eligible riders who are not ADA Paratransit Eligible or who are traveling outside of the fixed route area (defined as $\frac{3}{4}$ mile corridors around all fixed routes).

Because TD funding is limited, requests are served on a first-come, first-served basis and are prioritized by JTA as follows: (1) critical care medical trips, (2) other medical trips, (3) employment trips, (4) education trips, and (5) other trips.

1.4. SERVICE POLICIES

The following is a summary of key operating policies for the services to be provided under this RFP. In some cases, the policies vary by type of service/program. Where these differences exist,

they are noted. The selected Contractor must develop written operating procedures to effectively implement these policies, and ensure implementation through training, service monitoring and retraining. Throughout the term of the contract, service policies may be revised to meet regulatory requirements or contract requirements of funding agencies. The selected Contractor must work with JTA to implement revisions, when required.

1.4.1. Service Area

Federal ADA regulations only require ADA paratransit service within $\frac{3}{4}$ of a mile of fixed routes. JTA may in the near future amend its fare policy to distinguish between trips with origins and destinations that are within $\frac{3}{4}$ of a mile of fixed routes and those that have origins or destinations outside the $\frac{3}{4}$ -mile corridors around fixed routes. TD transportation service is mainly provided throughout Duval county area only for trips where the origin, the destination, or both are outside the $\frac{3}{4}$ mile corridors that define the formal ADA service area.

1.4.2. Days and Hours of Operation

ADA and TD are provided seven days a week commensurate with fixed route transit service hours, which may include some overnight service. As indicated in the “Key Service Statistics” section of this RFP, though, most trips are provided between 5:00 A.M. and 7:00 P.M.

1.4.3. Fares

ADA riders pay \$2.00 per trip and TD riders pay \$2.50 per trip. On April 30, 2013, the ADA fare increases to \$2.50; and TD to \$3.00. On April 30, 2014, the ADA fare increases to \$3.00; and TD to \$3.50. Trips outside the ADA service area are \$6.00 per trip. Trip deviations on JTA’s Community Shuttle are waived for ADA and TD eligible clients.

All fares are paid in cash or cash value on STAR smartcards.

All riders are expected to have exact change and drivers are not required to make change.

Drivers are not allowed to accept or solicit tips. As part of its internal service monitoring function, the selected Contractor will be required to monitor to ensure that drivers are not soliciting or accepting tips from riders.

1.4.4. Reservations Policies

Trips are scheduled by telephone reservation currently; pick-up times are negotiated with callers and scheduled pick-up times are provided at the time of the call.

Trip reservations for all types of services are taken in person from 8:00 A.M. until 5:00 P.M., seven days a week.

ADA trip requests can be made from seven days in advance. TD trip requests are only accepted one day in advance. Same day service (defined as making new reservations on the day of service) is not provided under any program, with the exception of hospital discharges.

Riders under all programs are limited to making up to three (3) round-trip requests per call.

Standing orders (subscription service) can be requested by riders if they are traveling to and from the same locations at the same times and days each week. Standing order trip privileges can be revoked if a rider changes a standing order trip more than once per month. Standing orders can be suspended and then reinstated by riders if they know they will not be using the service for one or more days.

1.4.5. Changes to Return Times, No-Strand Policy, and “Will-Call” Requests

Riders who are ready more than two hours earlier than the originally scheduled return pick-up time may call to request that the return time be adjusted. These requests are to be accommodated if possible as long as they do not negatively impact other riders. Changes to pick-up times on the day of service are not guaranteed.

Riders who are unable to keep a scheduled return time pick-up and either call in advance to alert Contractor of their situation or no-show the return and then call to request a later pick-up time are not to be stranded. A revised return trip pick-up time shall be arranged within 90 minutes, or as soon as is possible without negatively impacting other riders.

For medical trips only, if riders are unable to estimate a return trip pick-up time, the return trip may be entered into the system as a "will call return." For all other trip purposes, riders must specify a requested return trip pick-up time. For “will-call return” trips, the return trip pick-up time will be left open in the system and the rider will be instructed to call the Call Center when they are ready to be picked-up. Riders will also be informed of the will-call service policy if the trip is booked this way, so they are aware of the potential wait/response time. Will-call return trip pick-ups shall be made within ninety (90) minutes of the Call Center receiving notification from the rider that they are ready to be picked-up. The selected Contractor shall monitor and manage the number of will-call trips scheduled to ensure that this response time can be provided.

1.4.6. Trip Purposes

For ADA eligible riders, all trip purposes are serviced without any prioritization.

TD service is limited and is therefore provided on a first-come, first-served basis. TD trips also are accepted based on the following prioritization: (1) critical care medical trips; (2) other medical trips; (3) employment trips; (4) education trips; (5) other trips. The selected Contractor shall work with JTA on an ongoing basis to analyze TD service demand, available funding and to determine the types and number of trips to be accepted by JTA.

1.4.7. Capacity Constraints

All eligible ADA trips are to be accepted and provided without trip denials, trip caps or waiting lists. TD service is capacity constrained, accepted on a first-come, first-served basis, and is subject to the trip prioritization policies noted above.

The amount and limits on local agency trips is specified by the contracting agencies.

1.4.8. Rider Assistance

For all Paratransit services, service is door-to-door. Drivers shall assist riders onto and off of vehicles, to and from seats or securement areas, and with the securement of wheelchairs and

passenger restraint systems. Riders are to be assisted when needed and when appropriate from the exterior door of the origin to the vehicle and from the vehicle to the exterior door of the destination. At large medical facilities with waiting rooms and lobbies, this may include announcing a vehicle's arrival in the lobby/waiting room area. In no case will drivers go into private residences or beyond the exterior door or lobby of apartment buildings ("through the door") or to waiting rooms or lobbies not in the immediate area of an exterior, ground-level door of a facility. Assistance to and from the exterior-most door will be provided only if there is an accessible path-of-travel that can be safely negotiated by the rider with driver assistance. Assistance is provided up or down one step or curb. Drivers shall never lose effective control of the vehicle or passengers on a vehicle to provide door-to-door assistance. This includes traveling more than 100 feet from a vehicle or losing sight of a vehicle. Where issues arise regarding the path-of-travel or ability to provide door-to-door service, the selected Contractors will have trained staff review the circumstances on a case-by-case basis, including site visits to origins and destinations where needed, to determine if the assistance can be safely provided. The selected Contractor shall be required to have established operating procedures consistent with this policy and driver training that ensures effective implementation of the policy.

Some riders may have a disability that requires that they not be left unattended at a destination. This will be determined in the eligibility determination process and an appropriate notation will be entered into the rider file. The selected Contractor will be required to ensure that this information is then provided on run manifests or via digital trip information transmission to drivers and dispatchers so that appropriate service is provided. The selected Contractor will be required to have written operating procedures for effectively implementing this policy.

The selected Contractor shall notify JTA if there is no special notation in a rider file, but it appears that the rider should not be left unattended. JTA will then investigate these situations and will amend rider files as appropriate.

1.4.9. Bags and Parcels

For all programs, riders may bring as many bags (e.g., grocery bags) as they can personally handle. Riders may also bring onboard a two-wheel collapsible cart. Riders are responsible for loading and unloading all bags, parcels and personal items.

1.4.10. Accommodating Common Wheelchairs

Riders using "common wheelchairs," defined as three or four-wheeled devices, usable indoors, not exceeding 30 inches in width or 48 inches in length as measured two inches above the ground, and not weighing more than 600 pounds when occupied, are to be accommodated. Mobility aids exceeding these standards are not to be accommodated.

1.4.11. Accommodating Service Animals

Service animals are to always be accommodated. The use of service animals will be determined through the eligibility determination process by JTA and will be noted in the master rider file and noted on manifests. Service animals include 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, providing minimal protection or rescue work, pulling a wheelchair, or fetching items.

1.4.12. Accommodating Life Support Equipment

Portable respirators and oxygen equipment designed for personal use, and not containing hazardous materials as defined by USDOT rules, are to be accommodated. The equipment must be small enough so that drivers do not have to assist with loading or unloading. The safety and use of this equipment is the responsibility of the rider.

1.4.13. Companions, Attendants, Escorts, and Children

For ADA service, Personal Care Attendants (PCAs), also referred to as Escorts, are to be accommodated at no fare. Riders must be pre-registered as eligible to travel with a PCA and this information will be contained in the master rider file maintained by JTA and noted on manifests. Riders shall not be required to travel with an attendant unless this specific condition is contained in their file.

Also for ADA service, one companion is always to be accommodated at the same fare as the eligible rider. Additional companions are to be accommodated on a space-available basis, also at the same fare as the rider.

On TD services, one additional rider (which could be a PCA or a companion) is to always be accommodated at the same fare as the eligible rider.

For all programs, PCAs, escorts, and companions must be traveling from the same origin to the same destination at the same time as the eligible rider, with the exception of one local agency contracted service.

For all programs, minors (defined as children under age 15) must be accompanied by an adult.

1.4.14. Wheelchair Securement and Use of Seat Belts

For safety purposes, drivers shall ensure that all customers and mobility aids are secured inside the vehicle. Each passenger seat shall be equipped with a seat belt and each wheelchair securement position shall be equipped with a securement device meeting ADA standards and a seat belt and shoulder harness. All mobility aids located in the wheelchair securement area shall be secured using the provided system. All passengers shall also be required to wear the provided seat belt. If a passenger refuses to wear her/his seat belt, the driver shall inform the passenger that they cannot be transported. The driver shall then immediately report the passenger to the dispatcher. Reports of this nature shall be logged by the dispatcher and the driver and forwarded to JTA for customer education. Riders who use wheelchairs shall be required to use seat belts and shall be offered the use of the shoulder harness but shall have the right to refuse its use if other passengers on the vehicle are not required to use a shoulder harness. Riders who use three wheeled scooters shall be strongly encouraged to transfer to a passenger seat. Scooter users shall be permitted to remain in the scooter, but drivers shall notify dispatchers if riders who use scooters refuse to transfer to a seat.

1.4.15. Child Car Seats

State law requires that all children five (5) years of age or under be transported in a child car seat. Car seats are the responsibility of and must be provided by the parent/guardian traveling with the child. Car seats cannot be left on-board vehicles after riders are dropped-off at a

destination. *The selected Contractor must ensure that all car seats are properly secured in vehicles.*

1.4.16. No-Show Policies

For all programs, vehicles will wait for passengers for at least a five-minute period within the on-time pick-up window (defined as being from 15 minutes before to 15 minutes after the pick-up time negotiated with riders for “going” trips, and zero minutes before to 30 minutes after the pick-up time negotiated with riders for return trips). Drivers also are required to make reasonable attempts to locate and alert riders who may not be able to see or identify a waiting vehicle. Riders who may have difficulty seeing or identifying vehicles will be identified through the eligibility determination process and notations will be included in the master rider file. The selected Contractor also will assist JTA in identifying riders who may have difficulty seeing or identifying vehicles based on actual service experiences. The selected Contractor will ensure that the special instructions for alerting riders are included on run manifests or electronic trip transmissions and are available to drivers and dispatchers. If riders do not appear for boarding within the five minute vehicle wait time, drivers will notify dispatchers who will make reasonable efforts to locate and alert the riders (including contacting them by phone if a phone number is available). If the rider cannot be contacted, dispatchers may instruct drivers to leave the pick-up location and record the rider as a “no-show.”

Riders who are located or contacted by drivers or dispatchers and who indicate they will not be ready within the five-minute vehicle wait time or will not be traveling as scheduled also shall be recorded as no-shows. Dispatchers must enter notes into the trip record related to each no-show approved.

Riders who do not call and cancel at least three hours prior to the negotiated pick-up time also shall be recorded as “late cancels,” which will be considered a form of no-show.

The selected Contractor shall assist JTA in tracking and contacting riders who no-show. This may include leaving “door hangers” at pick-up locations, and/or calling or sending letters to riders who are frequent no-shows. JTA shall review cases where riders may have a pattern or practice of no-showing and may propose suspensions of service as appropriate. The selected Contractor shall not refuse service to a rider for no-shows or late cancellations unless this action is specifically authorized by JTA.

1.4.17. Late Vehicle Arrivals

If pick-ups are (or are projected to be) more than 15 minutes after the pick-up time negotiated with riders (and therefore outside of the on-time pick-up window), dispatchers shall make an effort to contact riders, notify them of the delay, and provide an estimated pick-up time. The selected Contractor shall have adequate dispatch or dispatch assistant staff to make these contacts.

1.4.18. Protecting “Negotiated” Pick-Up Times

Pick-up times negotiated with riders are to be protected throughout the scheduling, dispatching and service delivery process. Under service Model 3, if pick-up times negotiated with riders need to be adjusted for scheduling purposes, or any other purpose, the Contractor must contact and

renegotiate pick-up times with riders. Documentation of these contacts must be maintained in trip records. Renegotiated pick-up times shall not be counted as either late or missed trips.

1.4.19. Refusing Service

The selected Contractor shall not refuse service to any eligible ADA riders except when riders cannot safely get to or from vehicles as detailed in the “Rider Assistance” section above, or the rider’s behavior (or that of a service animal in the control of the rider) is violent, illegal, or seriously disruptive. Service to TD riders may be refused for capacity reasons as noted in the “Capacity Constraints” section above. Dispatchers shall take appropriate actions to handle any of these situations when they arise. Locations encountered that are felt to be inaccessible shall be brought to the attention of JTA. JTA then may review the situation and make a final determination about future service to that site. Incidents of violent, illegal or seriously disruptive driver behavior shall immediately be brought to the attention of JTA, which shall then investigate the incident and determine the course of action concerning future service to any riders involved.

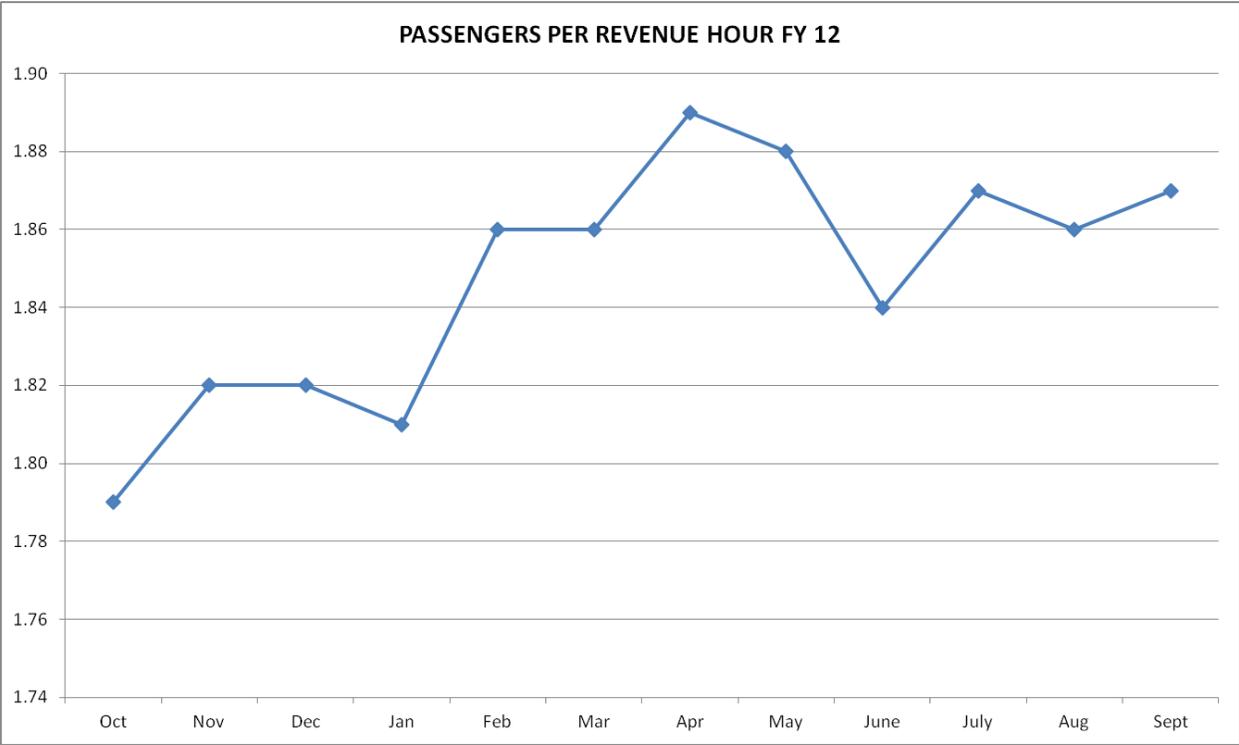
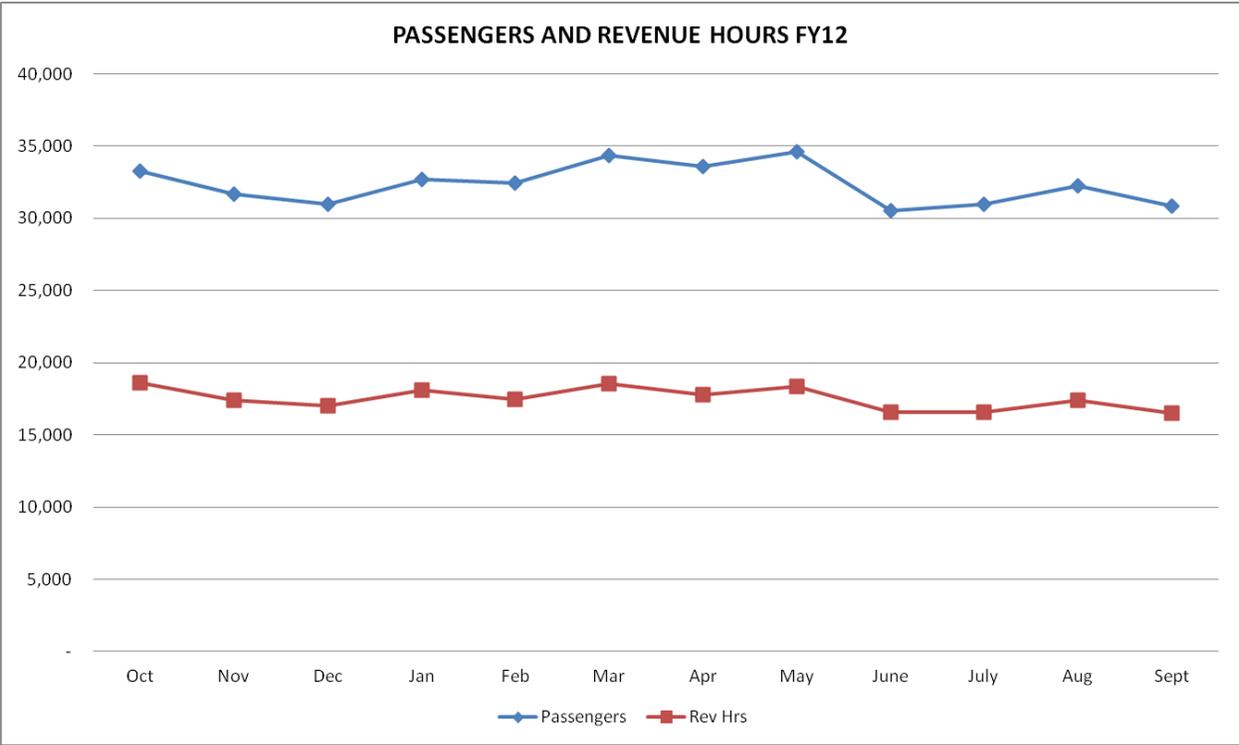
1.4.20. Emergency Services

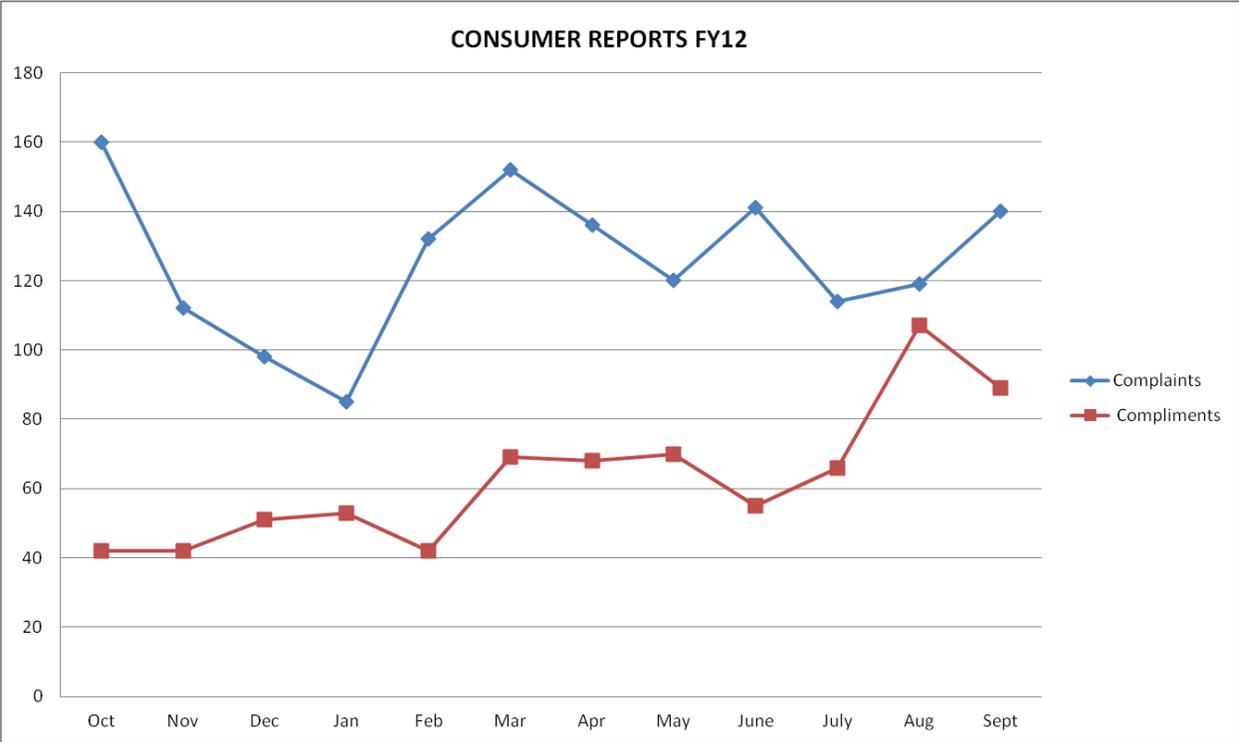
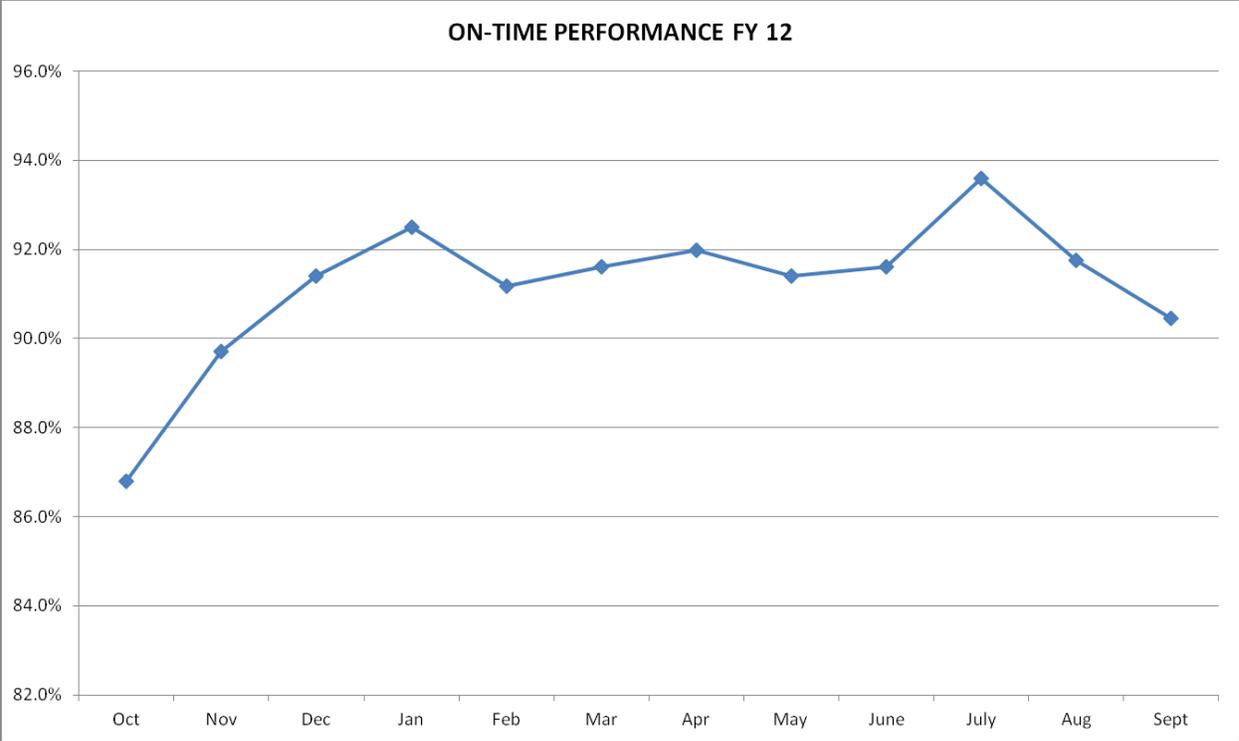
The selected Contractor shall support the City of Jacksonville Emergency Preparedness Plan that establishes a framework through which the JTA prepares for, responds to, recovers from and mitigates the impacts of a wide variety of disasters that could adversely affect the health, safety, security and/or general welfare of the residents of the *Consolidated City of Jacksonville (Duval County, Florida including the municipalities of: Atlantic Beach, Jacksonville Beach, Neptune Beach and Baldwin)*. This includes marshaling all drivers, road supervisors, vehicle service and administrative staff, to ensure temporary, extended hour (including around the clock if necessary), radio dispatched paratransit services with all available vehicles (including additional vehicles obtained for emergency response purposes).

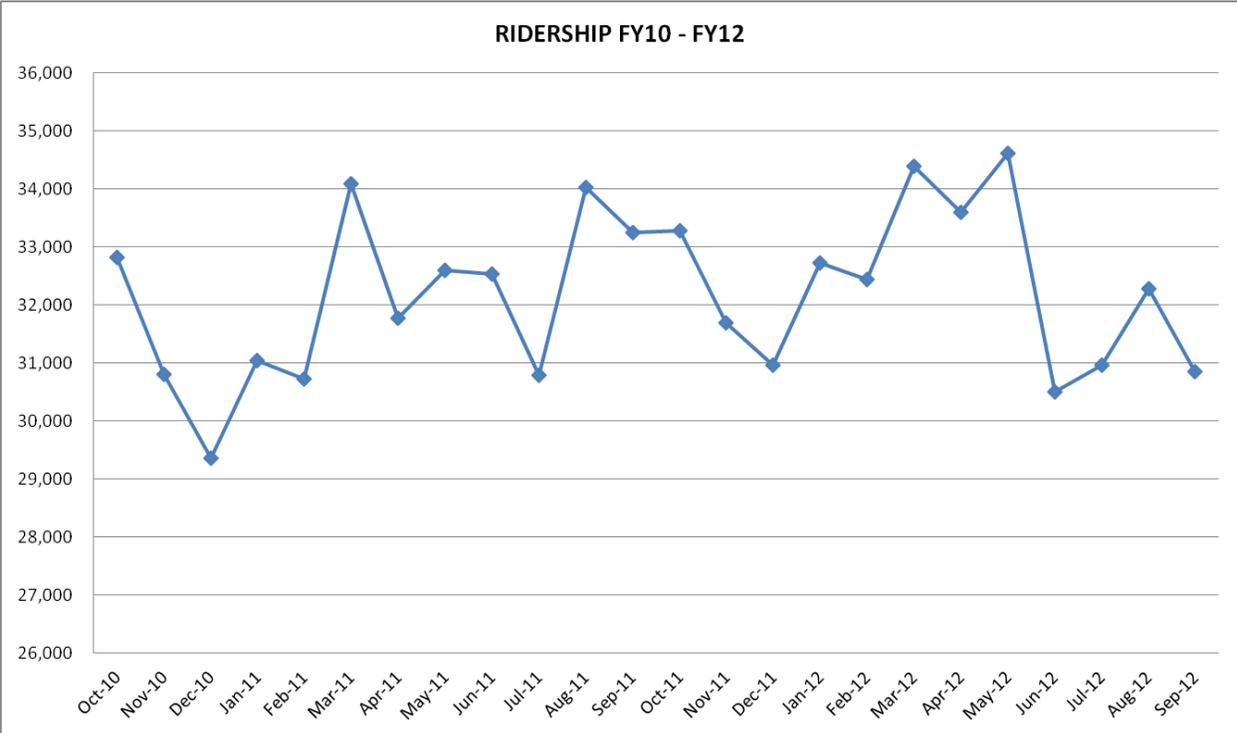
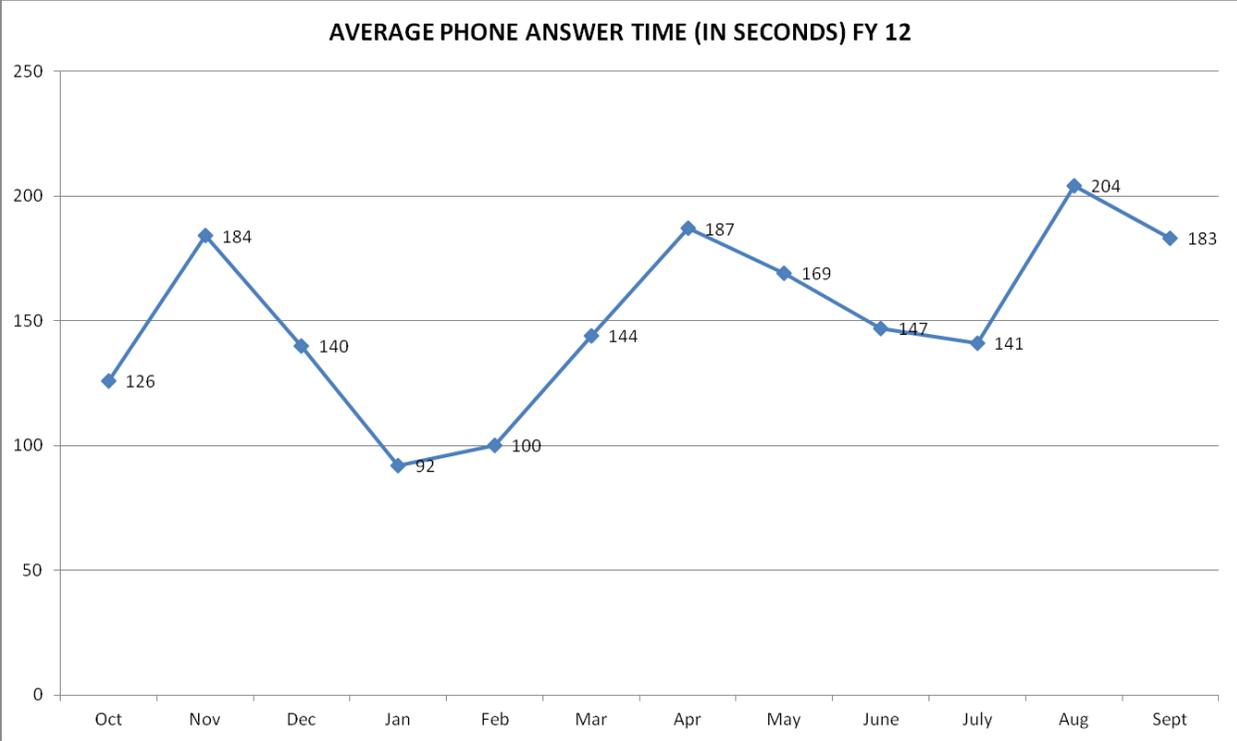
1.4.21. Current Service Statistics

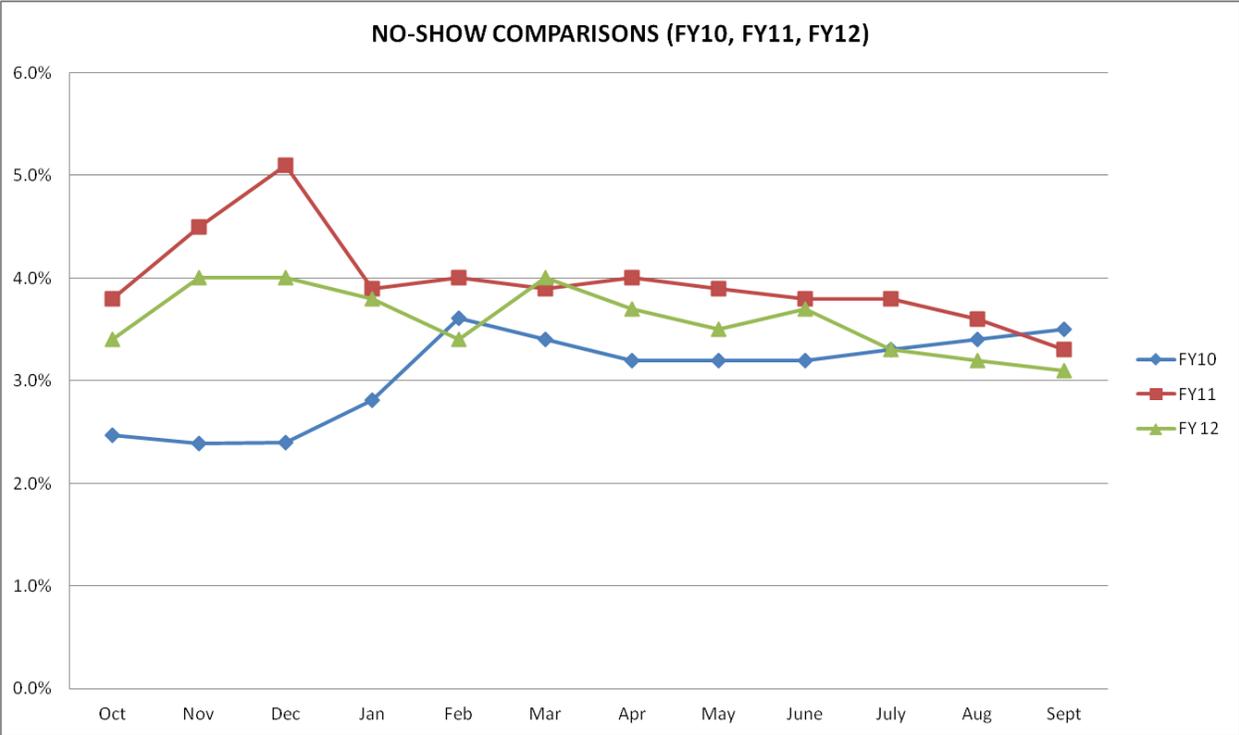
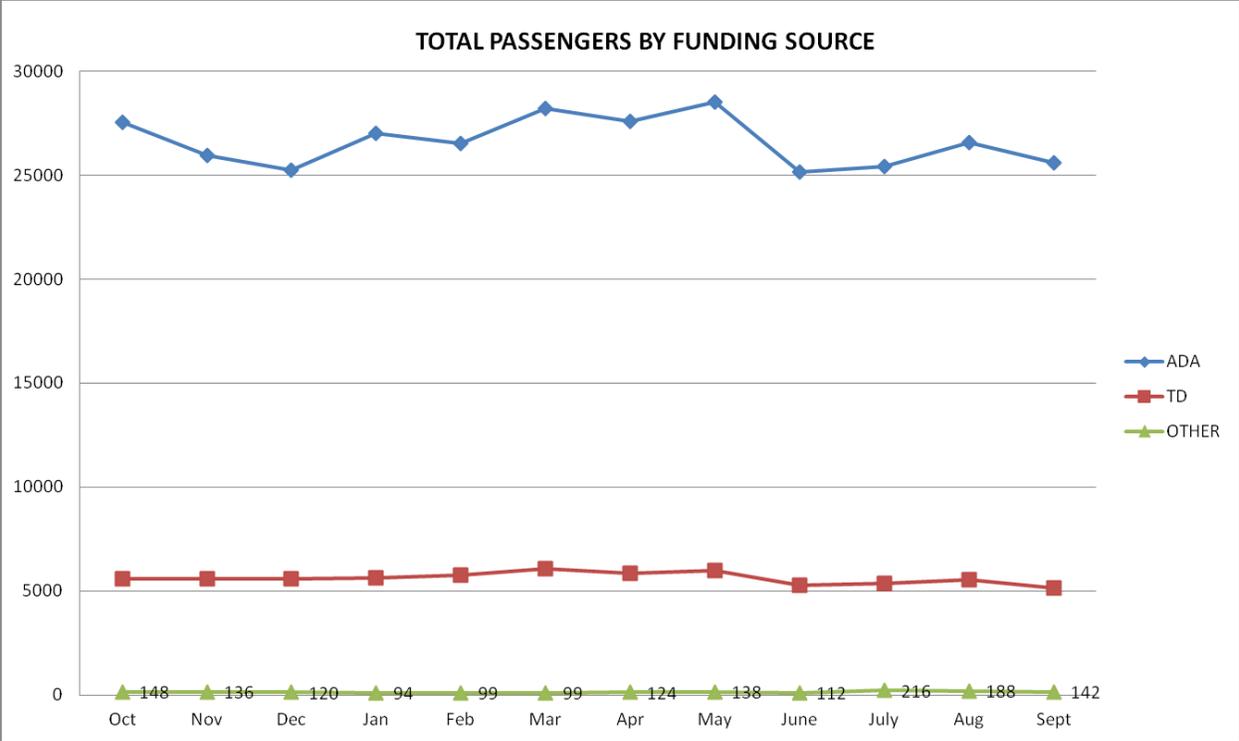
Key service statistics for during a twelve month period ending July 31, 2012 for all JTA’s Connexion programs are provided below. These statistics are totals for all types of paratransit services (ADA and TD). A table showing the estimated distribution of trips by time of day for a typical weekday, Saturday, and Sunday is provided on the following page.

period: 08/01/11 - 07/31/12		
Annual Ambulatory Trips (passengers)	258,673	
Annual Wheelchair Trips (passengers)	129,841	
Average Trips per Weekday	1,290	
Average Trips per Sunday	390	
Average Trips per Saturday	581	
Unduplicated Riders Served	4,258	
Average Trip Length in Miles	7.8	
Average Trips/Vehicle Hour	1.67	(avg. monthly trips/average monthly rev.hr)
Average Pass/Vehicle Hour	1.84	(avg. monthly passengers/average monthly rev.hr)









PASSENGERS AND REVENUE HOURS FY12

	Passengers	Rev Hrs	OTHER
Oct	33,272	18,614	148
Nov	31,691	17,393	136
Dec	30,960	17,012	120
Jan	32,730	18,073	94
Feb	32,438	17,455	99
Mar	34,386	18,523	99
Apr	33,597	17,792	124
May	34,607	18,360	138
June	30,510	16,555	112
July	30,966	16,559	216
Aug	32,284	17,391	188
Sept	30,858	16,493	142

ON-TIME PERFORMANCE FY12

Oct	86.8%
Nov	89.7%
Dec	91.4%
Jan	92.5%
Feb	91.2%
Mar	91.6%
Apr	92.0%
May	91.4%
June	91.6%
July	93.6%
Aug	91.8%
Sept	90.5%

PASSENGERS PER REVENUE HOUR FY12

Oct	1.79
Nov	1.82
Dec	1.82
Jan	1.81
Feb	1.86
Mar	1.86
Apr	1.89
May	1.88
June	1.84
July	1.87
Aug	1.86
Sept	1.87

CONSUMER REPORTS FY12

	Complaints	Compliments
Oct	160	42
Nov	112	42
Dec	98	51
Jan	85	53
Feb	132	42
Mar	152	69
Apr	136	68
May	120	70
June	141	55
July	114	66
Aug	119	107
Sept	140	89

AVERAGE PHONE ANSWER TIME (IN SECONDS) FY12

Oct	126
Nov	184
Dec	140
Jan	92
Feb	100
Mar	144
Apr	187
May	169
June	147
July	141
Aug	204
Sept	183

RIDERSHIP FY10 - FY12

Oct-10	32,811
Nov-10	30,804
Dec-10	29,362
Jan-11	31,041
Feb-11	30,719
Mar-11	34,085
Apr-11	31,777
May-11	32,592
Jun-11	32,536
Jul-11	30,781
Aug-11	34,019
Sep-11	33,242
Oct-11	33,272
Nov-11	31,691
Dec-11	30,960
Jan-12	32,730
Feb-12	32,438
Mar-12	34,386
Apr-12	33,597
May-12	34,607
Jun-12	30,510
Jul-12	30,966
Aug-12	32,284
Sep-12	30,858

TOTAL PASSENGERS BY FUNDING SOURCE FY12

	ADA	TD
Oct	27542	5582
Nov	25966	5589
Dec	25236	5604
Jan	27000	5636
Feb	26546	5783
Mar	28211	6076
Apr	27603	5860
May	28505	5962
June	25133	5265
July	25405	5342
Aug	26563	5533
Sept	25592	5126

NO-SHOW COMPARISONS (FY10, FY11, FY12)

	FY10	FY11	FY 12
Oct	2.5%	3.8%	3.4%
Nov	2.4%	4.5%	4.0%
Dec	2.4%	5.1%	4.0%
Jan	2.8%	3.9%	3.8%
Feb	3.6%	4.0%	3.4%
Mar	3.4%	3.9%	4.0%
Apr	3.2%	4.0%	3.7%
May	3.2%	3.9%	3.5%
June	3.2%	3.8%	3.7%
July	3.3%	3.8%	3.3%
Aug	3.4%	3.6%	3.2%
Sept	3.5%	3.3%	3.1%

1.5. PROJECTED SERVICE GROWTH

Based on past trends, JTA estimates that demand for paratransit is likely to remain the same or slightly decline as recent ridership figures show.

Month	Passengers
Aug-11	34,019
Sep-11	33,242
Oct-11	33,272
Nov-11	31,691
Dec-11	30,960
Jan-12	32,730
Feb-12	32,428
Mar-12	34,386
Apr-12	33,587
May-12	34,605
Jun-12	30,510
Jul-12	30,963

1.6. GENERAL SERVICE PROVISION STANDARDS

Through the awarded Contractor's services, JTA seeks to meet the following objectives:

- A) To serve the customer.
- B) To provide safe, quality, efficient, and cost-effective mobility services to eligible recipients of paratransit services, as well as coordination of other mobility services; such as fixed route.
- C) To fulfill all requirements of the American's with Disabilities Act relating to complementary paratransit services comparable to levels of service on the JTA fixed route bus service.
- D) To meet all policies, procedures, and standards in providing eligible trips prescribed by JTA, the Florida Commission for the Transportation Disadvantaged (CTD), and other local sponsor agencies.

Notwithstanding any of the specific, desired requirements set forth in any section of this RFP or in any subsequent contract provisions, the selected Contractor shall ensure that all vehicles are *purchased (if this option is executed)*, inspected and *maintained (under service Model 3)*, all operations are conducted, all employees are hired, trained, tested and supervised, and all other aspects of service provision and management are conducted in compliance with Rule 14-90 of the Florida Administrative Code, Chapter 427 of the Florida Statutes, Chapter 41-2 of the Florida Statutes, requirements of the ADA (49 CFR Parts 27, 37, and 38), and other applicable state and federal laws, rules, regulations and requirements. The selected Contractor and its personnel, including all subcontractors, must be familiar with these requirements for services operated in the State of Florida. Failure of JTA to specifically cite or repeat any required service operations standard shall not relieve the Contractor of its responsibility to operate services in full compliance with all applicable requirements. Further, if any specific operating requirements desired by JTA conflict with other federal or state laws and requirements, the Contractor shall bring this discrepancy to the attention of JTA immediately.

1.7. SPECIFIC SERVICE GOALS AND STANDARDS

Following are minimum service standards which shall be met or exceeded under this RFP. Incentive payments and penalty assessments as detailed in the “Incentives and Penalties” section of this RFP shall be used to enforce compliance with many of these standards. JTA reserves the right to require changes in staffing, operating procedures, service design or other aspects of the operation should the selected Contractor fail to meet these service standards over an extended period of time. Should the selected Contractor fail to cooperate in making requested changes and/or continue to operate below these standards, JTA will consider this to constitute a breach of contract and reserves the right to alter the service design, terminate the contract, or implement any other changes necessary to ensure that quality and cost effective service is provided to riders and to the system. Imposition of penalty assessments does not remedy any failure of performance by the Contractor, and JTA retains the right to take additional remedial action under the contract, including contract termination, damages for default, and all other remedies available at law or in equity, all of which shall be cumulative.

All Proposers should therefore design and price their proposals to ensure that these minimum standards will be met or exceeded. Particular emphasis should be given to being able to attract and maintain a quality, experienced workforce to be able to carry out all of the aspects of the required services. Recruitment and retention of an adequate number of qualified, experienced drivers, dispatchers, schedulers and other staff must be considered. Adequate training and retraining of this staff and monitoring of performance and compliance with all service requirements are also paramount.

1.7.1. Complaints

Complaints shall be received by JTA. If riders call the Contractor to register a comment/complaint, Contractor staff shall politely refer the caller to the appropriate JTA office and shall provide the appropriate JTA telephone number. Copies of all written correspondence from riders regarding the service shall also be forwarded to JTA within two (2) business days of its receipt.

JTA enters complaints into a central database. The Contractor then has access to the database via PC to add information about its investigation and corrective actions. The Contractor shall thoroughly investigate complaints and shall provide a detailed response of findings and proposed corrective actions within three (3) business days of receipt. JTA will then review the complaint, results of the investigation, proposed corrective action and shall decide and communicate to the Contractor the required corrective action.

Proposers must detail in their proposals the process that will be used to address complaints and the staff that will be responsible for forwarding any written complaints to JTA and to responding to complaints forwarded from JTA.

The applicable performance standard is fewer than three (3) valid complaints for every 1,000 one-way passenger-trips provided.

One meeting each quarter will be held with the Contractor and JTA customer relations team to discuss concerns, suggestions, and various processes and goals.

1.7.2. Accidents and Incidents

Drivers shall notify dispatch immediately upon the occurrence of any accident or incident involving a vehicle used in Connexion JTA service or passenger injury. Following immediate telephone notification, the Contractor shall, as soon as possible, but not more than 24 hours following the accident or incident, provide a written report to JTA. The Contractor shall, within 24 hours, provide JTA with written notification and copy of any claim or action for damages on account of bodily injury or property damage resulting from the Contractor's operation or maintenance of any vehicle. This notice will include the date and time such notification was received, the individual or entity making the claim, the basis of the claim, and, if applicable, the name of any individuals or other entities claimed against. Post-accident, all vehicles must be inspected by JTA before returning to service.

The Contractor is to maintain an accident/incident file, which shall include:

- 1) Copy of the driver's report.
- 2) Copy of the completed JTA standardized accident report.
- 3) Copy of the supervisor's report with Drug and Alcohol Addendum.
- 4) Copy of law enforcement reports.
- 5) Documentation of repairs performed as a result of an accident.
- 6) Documentation of any actions taken against drivers.

Proposers must detail in their proposals the process that will be used and the staff responsible for handling accident records and reporting.

The applicable performance standard is less than one (1) preventable accident for every 100,000 vehicle-miles of service provided.

1.7.3. Trip Denials

In accordance with ADA requirements, reasonable scheduling options (under service Models 2 and 3) are to be provided to all ADA paratransit eligible riders for all eligible trip requests made. *Reasonable trip offers shall be made within one hour of the requested pick-up or drop-off time and shall also meet the underlying purpose of the trip and any appointment times indicated*The applicable performance standard is 100% of all ADA eligible trip requests be accommodated.

TD trip requests are subject to available resources and stated program trip priorities. Reasonable trip offers may be negotiated with TD eligible riders beyond one hour of the requested pick-up or drop-off time so long as the offers meet the underlying purpose of the trip.

1.7.4. Trip Caps and Waiting Lists

Trip caps and waiting lists shall not be employed for ADA eligible trip requests. However, JTA may require that trip caps or waiting lists be implemented for TD trips only.

1.7.5. On-Time Performance

The selected Contractor shall strive to conduct operations to be able to perform all pick-ups and drop-offs on-time. All pick-ups and drop-offs shall be completed on time or as close to on time as possible. Pick-up trips will be considered “late” if drivers arrive at the pick-up location more than fifteen (15) minutes after the time negotiated with and given to riders.

In any given month, the performance standard is no more than 5% of pick-ups shall be late (i.e., at least 95% on-time or early is required). It also is desired that no more than 5% of pick-ups shall be late (i.e., 95% on-time or early is desired).

Early pick-ups shall be reported to JTA as part of the regular monthly reporting process but shall not be included in the application of incentives and penalties. Early pick-ups are to be made only if riders agree to travel early and riders must not be pressured to travel before agreed upon pick-up times. JTA will track the number and percentage of early pick-ups each month and may communicate with riders to ensure that they are not pressured to travel early.

Trips booked as “will-call” returns will be considered to be performed on-time if the pick-up is made no more than ninety (90) minutes after the receipt of the call from the rider indicating that they are ready to be picked-up. The Contractor shall record the times of calls from riders as part of the trip record to allow for the calculation of on-time performance for will-call trips. Renegotiated will-call trip times within the ninety minute window shall not be reported as late trips.

1.7.6. Protection of Negotiated Pick-Up Times

Once a pick-up time is negotiated with a rider, this time, along with the related on-time window, shall be protected throughout the scheduling and dispatch process. Nothing shall be done in the scheduling or dispatching processes to change the negotiated time unless it is done at the rider’s request or with the rider’s willing consent. In particular, trips shall never be cancelled and rebooked by schedulers or dispatchers with different negotiated times in a way that would cause the vehicle to arrive at a time not agreed with and expected by the rider. Cancellations and rebookings by dispatchers of trips that are running late, which would tend to obscure the actual on-time performance, will be treated by JTA as falsification of records and will subject the dispatcher and Contractor to appropriate actions. If trips are cancelled and rebooked based on rider requests, the request shall be adequately documented in the trip record.

1.7.7. Software Parameter Settings

Parameters shall be set in the automated reservations, scheduling and dispatch software to be consistent with service policies and standards. Parameter settings in the system will be done in coordination with JTA. If changes in parameter settings are desired or needed, the changes shall be communicated by the selected Contractor to JTA along with reasons and supporting documentation. The selected Contractor will work with JTA to fine-tune settings to allow the system to develop schedules that accurately reflect real operations. This shall include gathering actual vehicle travel speeds by area and time of day and using this information to fine-tuning speed settings. The selected Contractor also shall assist with testing of new parameter settings and “what if” scenario testing to fine-tune parameters in the system.

All trips shall then be scheduled to allow for compliance with service policies and standards (on time pick-ups and arrivals, travel times, etc.) given the parameter settings in the system. If schedulers override the system and manually add trips to runs that result in system violations, a notation shall be added to the trip record explaining the reasons for the scheduling action.

1.7.8. Unscheduled Trips

The performance standard is that 99% of all trips requested in advance by riders be scheduled onto vehicle runs that are part of the Contractor's adopted run structure (meaning runs for which drivers have been scheduled). Further, trips shall be scheduled onto runs in a way that will allow them to be performed on-time and without excessive on-board travel time under normal, expected operating conditions. No more than 1% of all scheduled trips shall be left on an "Unscheduled" list or run. Further, if the Contractor leaves trips on an "Unscheduled" list, these shall be the shorter trips and/or trips within the core service area which have the greatest likelihood of being placed on a run in a timely way on the day of service. Longer trips or trips that are in more remote areas shall not be left unscheduled, as they are likely to be difficult to assign on the day of service. Also, any unscheduled trips shall not all be at the same peak operating time. Within the 1% allowance, the Contractor shall leave trips on an "Unscheduled" list only if there is a very high likelihood that they will be able to be served in a timely way.

If throughout the operating day it becomes necessary to temporarily transfer trips to an unscheduled list, dispatchers shall reassign these trips to runs in time for them to be performed on-time. It is JTA's standard that all unscheduled trips be placed on a scheduled run at least 60 minutes before the scheduled pick-up time.

1.7.9. Run Coverage

It is JTA's goal that all scheduled runs be covered and that all runs pull-out on-time. The Contractor must maintain an adequate pool of drivers to ensure run coverage and on-time pullouts. The Contractor also must have spare drivers scheduled and on duty at pull-out times to ensure coverage of scheduled absences and same day call-outs. Road Supervisors or other staff also should not be relied on to regularly serve as spare drivers.

For this contract, JTA has established a standard of having 100% of all scheduled runs pullout within three (3) minutes of the scheduled time. Late or cancelled runs shall be subject to performance disincentives as detailed in the "Incentives and Disincentives" section of this RFP. Persistent, ongoing issues with driver availability, run coverage or pull-out will be grounds for termination of the contract.

1.7.10. Missed Trips

A missed trip shall be defined as a scheduled trip not made by the rider where the vehicle showed up at the pick-up location outside of the on-time "window." When missed trips occur, dispatchers shall include detailed reasons for the occurrence in the trip record.

The Contractors shall strive and conduct operations to have no missed trips. For the purposes of this RFP, JTA has established a performance standard of having no more than 0.3% of scheduled trips missed.

Vehicle Wait Time

Drivers shall be required to wait up to five (5) minutes within the pick-up on-time performance window described in the “On-Time Performance” section above for passengers to come out to the vehicles. Failure to wait a full five (5) minutes, unless there is clear communication indicating that the rider will not be traveling as planned, will be considered a violation of JTA policies. If the passenger does not board the vehicle within the five minute wait time, the drivers shall notify a dispatcher, who shall attempt to call or notify the passenger. The driver may not depart without the scheduled passenger until instructed by the dispatcher. Dispatchers shall be required to add notes to the trip record for all “no shows.” This shall include a brief description of the residence or a nearby landmark as described by the driver as a way to ensure that the driver was at the correct location.

1.7.11. On-Board Ride Time

95% of scheduled trips shall be completed in accordance with the following standards:

1. If a passenger’s straight line, point to point trip distance is ten miles or less, maximum on-board ride time shall not exceed 60 minutes.
2. For trips 10-20 miles, the maximum on-board time shall not exceed 90 minutes.
3. For trips over 20 miles, the maximum on-board ride time shall not exceed 120 minutes.

Drive time may exceed these standards for cross-country or out of county trips.

Circuitous routing that causes excessive on-board ride times or miles also shall not be employed. In general, routing will be considered circuitous if the actual on-board miles exceeds one and a half times the direct, shortest path miles.

To implement these desired goals, the scheduling system parameters shall be set at the outset of the contract so that trips with a direct (shortest-path) travel distance of ten (10) miles or less do not exceed sixty (60) minutes duration. For trips of longer mileage, the parameter setting shall allow a maximum travel time of ninety (90) minutes.

In-vehicle time will be calculated from the departure time at the pick-up location to the arrival time at the destination. During the first 90 days of the contract, the selected Contractor will work with JTA to refine these parameter settings to create a more varied gradation of distances and maximum times that achieves the stated travel time goals while still allowing for ride sharing and for meeting productivity goals.

Travel time standards can also be exceeded if the trips in question are local agency contracted group subscription trips and longer ride times are acceptable to riders and agencies.

The selected Contractor will also periodically review paratransit trips with relatively long ride times (particularly first pick-ups on grouped trips) and will compare these times to travel by fixed route service or by auto. If the paratransit times are significantly longer than fixed route times (allowing for walking times to and from stops), the selected Contractor will split the runs or make other adjustments to reduce the travel times for these riders.

The selected Contractor shall strive to conduct operations to have no trips exceed the maximum in-vehicle ride times. For the purposes of this RFP, JTA has set a performance standard of having no more than 5% of all performed trips exceed the in-vehicle ride time standards.

1.7.12. Productivity

The Contractor shall create a run structure, and shall set driver shifts and conduct reservations, scheduling and dispatching in a way that achieves maximum productivity within the service quality standards established. JTA has established a *minimum* productivity requirement of 2.0 one-way passenger-trips per vehicle-revenue-hour and a *goal* of 2.3 one-way passenger-trips per vehicle-revenue-hour. A review of Contractor policies and practices will be undertaken if productivity below this minimum persists for more than two consecutive months.

For purposes of measuring productivity, a “one-way passenger trip” is defined as travel from a pick-up point to a destination point by one eligible rider. The count of one-way passenger trips will not include PCAs, companions, or escorts. Also, for purposes of calculating productivity, vehicle-revenue-hours shall be counted as the time on each run from first pick-up to last drop-off minus scheduled breaks.

1.7.13. Telephone Service Performance

It is JTA’s goal to have average telephone hold times of no more than two (2) minutes for any given hourly period of the day. This two minute standard is to be achieved for 95% of the hourly time periods that a phone line in question is in operation, measured monthly. So, for example, if there are 30 operating days in the month and the reservations call group/line is open nine hours each day, there are 270 hourly period that month for the reservations line/call group. Average hold times should be two minutes or less for 95% of these hourly periods (or 257 of these time periods).

Further, there should be no pattern of long hold times for certain hours of the day, even if less than 5% of the hourly time periods have hold times in excess of two minutes. For example, there should not be a pattern of average hold times exceeding two minutes for the dispatch or customer service call group(s) during peak operating hours each day.

1.7.14. Driver and Staff Professionalism

All drivers and staff shall maintain a pleasant, courteous, professional demeanor. Rudeness or unprofessional behavior by drivers or other staff shall be considered unacceptable. If a Contractor or subcontractor employee is not serving customers appropriately, and this is documented through telephone tape recording, JTA may require that the employee be disciplined and/or provided refresher training. If unprofessional conduct continues, JTA may require that the employee be removed from direct service to customers.

1.7.15. Uniforms

Drivers will be required to wear official uniforms. Uniforms must fit well, be clean, wrinkle free, and in good repair. Shirts must be tucked in. Shoes must have rubber soles, closed toe and laces. JTA is not responsible for providing driver uniforms.

1.7.16. Vehicle Cleanliness/Appearance

No vehicles shall be placed in service unless they are approved by JTA. The Contractor shall be responsible for vehicle cleaning and appearance. Vehicles shall be clean and free of dirt and litter.

Drivers and passengers shall not eat, drink, or smoke in any vehicle. Passengers who will be away from home for an extended period of time may bring a snack, drink or medications with them, but shall not be permitted to eat or drink in transit. The interior of each vehicle shall be swept clean each day, vehicle exteriors shall be washed at least twice each week, and interiors shall be thoroughly cleaned once each month.

1.8. PERFORMANCE INCENTIVES AND PENALTIES

During each monthly billing period, the Contractor shall meet the service performance standards as specified in this section of the RFP. Exceeding certain performance standards shall result in the payment of incentives as specified below. Failure to meet certain standards shall result in the application of disincentives against Contractor's billing-period invoice(s) as specified below. If disincentives are assessed, the Contractor shall be notified in writing at the time that payment is made.

Performance incentives and disincentives that shall apply to this Contract shall be as follows:

1.8.1. On-Time Performance

JTA's goal is for 95% of all pick-ups to be on-time or early (not late) and 95% of all drop-offs to be on-time. For each whole percentage point, when rounded, above 95% for pick-up on-time performance for a given month, an incentive payment equal to \$1,000 shall be paid to the Contractor. For each whole percentage point, when rounded, above 95% for drop-off on-time performance for a given month, an incentive payment equal to \$1,000 shall also be paid to the Contractor. For each whole percentage point, when rounded, below 94% for pick-up on-time performance for a given month, a disincentive equal to \$1,000 shall be deducted from the Contractor invoice for that month. For each whole percentage point, when rounded, below 94% for drop-off on-time performance for a given month, a disincentive equal to \$1,000 shall also be deducted from the Contractor invoice.

1.8.2. Missed Trips

If the Contractor fails to arrive at a scheduled pick-up address, or arrives at a pick-up location outside of the on-time window and the rider does not make the trip, a disincentive of \$50 per trip shall be deducted from the Contractor invoice. This disincentive may be waived by JTA at the written request of the selected Contractor for each trip that is "missed" for any reason outside the control of the Contractor. Situations outside the control of the Contractor shall include extreme weather, extreme and atypical traffic delays, vehicle breakdown (unless it is determined that required preventive maintenance has not been performed on the vehicle involved), and on preventable vehicle accidents. The missed trip disincentive will be applied by JTA unless adequate documentation of circumstances outside of the Contractor's control are included in the dispatcher comment field associated with the trip in question and entered by the dispatcher within two hours of the time of the trip in question.

Trips coded as “missed” because the vehicle arrived outside the on-time pick-up window and the rider did not travel, but where the vehicle arrived only 1-29 minutes after the window will not be subject to a disincentive. These trips will, however, be considered in evaluating on-time performance and assessing appropriate disincentives under that standard.

1.8.3. Excessively Long Trips

A disincentive of \$25 per trip shall be deducted from the Contractor invoice for each 0-10 mile trip in excess of the 60 minute maximum and each longer trip in excess of the 90 minute maximum ride times. The \$25 disincentive shall not be imposed for long ride times where circumstances are beyond the Contractor’s control and adequate documentation is contained in the trip notes, where an analysis of comparable fixed route ride time by the Contractor shows the time to be reasonable, or where group subscription trips have been arranged with riders and agencies as long as the circumstances are adequately documented in scheduler/dispatch notes associated with the trips in question.

Very long regional rides may exceed the ninety (90) minute maximum ride time if an analysis shows that these ride times are comparable to fixed route ride times for similar trips or are no more than one and a half times the direct (shortest path) travel time. Travel time standards can also be exceeded if the trips in question are agency group subscription trips and longer ride times are acceptable to riders and agencies.

1.8.4. Productivity

A disincentive consisting of a 2% decrease in the rate per vehicle service hour shall be deducted from the Contractor’s invoice for every 0.1 decrease in productivity below the 2.0 minimum, when rounded to the nearest tenth.

1.8.5. Telephone Service

If in any month the Contractor does not meet the “Telephone Performance Standards” as detailed in the “Specific Service Goals and Standards” section of this RFP, for all call groups (i.e., reservations, customer service, and dispatch), a \$2,000 disincentive shall be deducted from the monthly billing.

1.8.6. Driver Uniforms

If an on-street inspection by JTA or an authorized agent of JTA documents that a driver is out of uniform or wearing a dirty or damaged uniform, while in revenue service, the Contractor shall be assessed \$25 per driver for each occurrence.

1.8.7. Driver Qualifications

If an audit or inspection by JTA, or an authorized agent, documents that a driver has been used in service who does not meet the qualifications set forth in this RFP or has not received training required by this RFP (or there is inadequate documentation of such training or qualifications), the Contractor shall be assessed \$100 per driver, per day, commencing from the day the driver was placed in service. The driver shall be immediately removed from service and shall not be permitted to drive again until JTA is satisfied that the driver is properly qualified and/or has been properly trained.

1.8.8. Failure to Respond to Complaints

Contractors shall continuously scan the central JTA complaint database for new complaints that require their response. Contractors shall have five (5) business days from the date the complaint is added to the database to conduct an investigation and add required finding and corrective action information into the database. Failure to add thorough responses into the database within five (5) business days shall result in a disincentive of \$50 per incident, per day beyond five (5) days that the complaint remains unresolved.

1.8.9. Accident Reporting

If the Contractor fails to report an accident within the required period, the Contractor shall be charged \$500 per accident, per day that the report is late for accidents that did not involve passenger injury and \$1,000 per accident per day for accidents that did involve a passenger injury.

1.8.10. Unauthorized Use of Vehicles

Use of all vehicles under the contract for any purpose other than that described in this RFP, or as directly authorized in writing by JTA, shall result in an assessment of \$2000 per vehicle per incident and/or termination of the contract.

1.9. JTA RESPONSIBILITIES (Service Models 1 & 2)

JTA will be responsible for the following aspects of the Connexion JTA paratransit service program (in addition to providing services listed under section 1.2):

- Setting service policies and standards and communicating these to the Contractor and to the riders;
- Providing public information on the paratransit service to the community;
- Carrying out eligibility functions;
- Entering certified rider information into the Trapeze system and maintaining an up-to-date database of eligible riders;
- Making determinations of trip eligibility and entering this information into the system;
- Reviewing rider no-shows and late cancellations and implementing any suspensions of service;
- Reviewing service incidents involving riders and determining any conditions or suspensions of service to be imposed;
- Setting the maximum number of vehicle-revenue-hours to be operated by the contractor;
- Reviewing the run structure, scheduled runs, and subcontracted runs to determine if additional vehicle-hours are needed to meet all trip requests;
- Reviewing the run structure and vehicle productivity to ensure that resources are used efficiently before additional vehicle-hours are authorized;
- Providing funding to support the authorized level of service capacity;
- Providing and installing on vehicles any MDTs and AVL technologies to be used, and providing related servers associated with these systems;
- Providing the contractor with sufficient licensed copies of the Trapeze PASS software system to allow for efficient service operation;
- Providing the application servers for the Trapeze PASS, DRI CAD/AVL systems, a Citrix Terminal server and access to CRM;

- Purchasing annual support and maintenance services for the Trapeze PASS software;
- Purchasing periodic technical services from the Trapeze Group to evaluate and refine parameter settings within the system;
- Maintaining appropriate parameter settings within the Trapeze PASS system, responding to Contractor requests for parameter adjustments, and working with the Contractor to fine-tune parameter settings;
- Handling and processing all customer comments and complaints regarding the paratransit service;
- Monitoring the performance of the Contractor and providing incentive bonuses or assessing performance penalties as called for in the contract with the contract provider; and
- Provide access to telephone system for reservations.
- Providing a two-way mobile communications system that meets service performance requirements detailed in this RFP;

1.10. CONTRACTOR RESPONSIBILITIES

The Contractor shall be responsible for the following aspects of the paratransit service programs, as well as other responsibilities detailed throughout this RFP:

- Providing a facility and office equipment that will accommodate the full operation, including safe vehicle parking, vehicle maintenance (optional, depending on Service Model selected), and offices for all operations and management staff;
- Maintaining all vehicles in accordance with accepted industry standards (optional, depending on Service Model selected);
- Handling all aspects of trip reservations, scheduling, dispatching, vehicle operations and service oversight and management in accordance with the requirements detailed in this RFP;
- Providing an adequate number of trained staff to handle all aspects of trip reservations, scheduling, dispatching, vehicle operations and service oversight and management;
- Provide for the initial training, periodic updated training, and periodic retraining of reservations, scheduling, dispatch, and management staff in the use of the Trapeze PASS software system and other systems;
- Hiring and training drivers and other employees in accordance with the standards set forth in this RFP;
- Providing an adequate number of regularly scheduled and extra board drivers on all days of service to ensure 100% coverage of all scheduled runs plus same day service back-up as specified in this RFP;
- Providing on-street supervision and conducting on-street service monitoring to ensure that service is performed according to standards set forth in this RFP;
- Collecting the appropriate fares from riders as specified in this RFP;
- Recording actual service information (arrival and departure times and mileages at pickups and drop-offs, cancellations, no-shows, etc.);
- Data entry and reconciling of actual trip information with the trip information in the Trapeze PASS system;

- Documenting same day service issues and adding same day dispatch notes into the Trapeze PASS system;
- Preparing and providing billings and service reports as required by JTA.
- Assign a Maintenance Quality Assurance Manager who will act as a liaison with JTA maintenance staff ensuring that the vehicle fleet is continually service ready, maintained to the highest safety standards and all preventative maintenance is completed in accordance contract requirements.
- Ensure service provision and management are conducted in compliance with all applicable state and federal laws, rules, regulations and requirements.

1.11. OTHER ASSISTANCE

In addition to the specific duties and responsibilities noted above and other responsibilities detailed within this RFP, the Contractor shall, in good faith, assist JTA in meeting its obligations to provide Connexion JTA paratransit service in accordance with federal and state regulations and requirements and the requirements of grantee and funding contracts. Changes may be required from time to time to meet these requirements or to refine the method of operation. The Contractor shall assist and advise JTA with managing the Connexion JTA services in areas such as, but not limited to, procurement of capital items; effective reservations, scheduling and dispatch; safety adherence; accident investigation; general administration; reporting, and cost allocation.

1.12. SAFETY

The Contractor shall consider the safety of passengers, employees and the public as being of paramount importance in all aspects of service management and operations. Specific efforts to ensure safety shall include employee hiring, training and retraining to proficiency, effective safety programs, and effective service monitoring. The Contractor shall maintain written operating policies and procedures for each functional area of operation, and shall use these policies and procedures in training and day-to-day operations. The policies and procedures shall address and comply with all applicable federal, state and local laws and regulations, the requirements of the Connexion JTA service and this RFP, and shall cover any other aspect of service operation deemed necessary by the Contractor for safe operations.

1.13. NO ASSIGNMENT

The Contractor may not assign any work under this RFP to other parties without the express written authorization of JTA.

1.14. SUBCONTRACTING

All work will be performed and services delivered directly by the selected Contractor with its own employees except as provided for in this section.

The selected Contractor may subcontract the following work and services:

- vehicle interior cleaning and exterior washing and waxing;
- facility cleaning and janitorial services;
- office equipment maintenance and warranty services;

The selected Contractor may also subcontract dedicated vehicle operations. Subcontractors for dedicated vehicle operations may provide vehicles, and hire and supervise drivers. Vehicles and drivers providing subcontracted operation must provide service that is fully dedicated to Connexion JTA for the hours of operation being assigned/purchased by the Contractor. Subcontractors must meet all of the employee, vehicle, training, drug testing, maintenance, insurance, and other operating and management requirements of this RFP that would otherwise apply to the Contractor if they were to provide the services. Vehicles used by subcontractors must also meet all requirements of the RFP and drivers must report to the Contractor's central dispatch operation. The subcontractors shall perform schedules as assigned by the Contractor and shall not change the schedules. The Contractor shall be fully responsible for the services provided by subcontractors and for collecting data and reporting on subcontractor services and activities in the same way as would be done if the services were directly provided by the Contractor.

The Contractor shall include the requirements of this RFP and the subsequent contract in any subcontracts and will be fully responsible for the performance and provision of service of all subcontractors.

1.15. FACILITY (for Service Model 3)

The Contractor shall provide a single facility suitable for the full operation of the service, including reservations, scheduling, customer service, dispatch, vehicle operation, vehicle storage and service monitoring and management. The facility must meet ADA accessibility requirements. The facility should be capable of housing the full operation over the four-year term of the contract plus optional extension years, and should be able to accommodate future needs. The proposed facility must be located within Duval County. To minimize deadheading, JTA recommends that Proposers consider a location in proximity to the junction of major highways that extend to all parts of the service area.

The selected Contractor shall be responsible for all modifications necessary to make the selected facility ready for operations. The selected Contractor also shall be responsible for providing all furnishings, office equipment and supplies needed for the full operation.

Proposers shall identify the proposed facility in their Proposals along with a diagram of the proposed layout, with each space marked by function. Proposals must also contain a description of how the proposed facility and layout will meet the requirements of this section and support an efficient operation. Proposers must provide documentation of facility availability by way of a signed lease, binding offer to lease, or documentation of ownership.

To facilitate efficient call center operation, the facility shall be designed to allow the Call Center Supervisor to be able to visually monitor all reservations activity. A separate area for dispatching shall be provided so that the activity of dispatch does not disrupt the reservations process. The reservations area should be in close proximity to dispatching, however, to allow for efficient communications between these functions. Separate, quiet space shall also be provided for schedulers.

The facility also shall include administrative office space and space for computer and telephone equipment. Space for the computer servers shall be climate controlled. One office shall be reserved for JTA for times when staff is on-site observing and monitoring the operation. The facility must be equipped with a back-up generator capable of running all lights, computer room climate control system, telephone system, and computer systems. Proposers must provide a description of the back-up system, including how long it is able to maintain all systems, in their Proposals.

The proposed facility shall include secure (fenced, lighted, and camera monitored) parking for all Connexion JTA vehicles. If on-site vehicle washing is proposed, environmentally approved drainage shall be provided. The Contractor shall have access to vehicle washing facilities in close proximity to the facility if none are provided at its storage facility and shall indicate in its Proposal where off-site cleaning will be performed.

The Contractor shall comply with all OSHA regulations. The Contractor will be responsible for disposal of any hazardous waste generated by its operation in compliance with all E.P.A., State of Florida, and other applicable regulations. The Contractor shall comply with all applicable storm water runoff regulations and requirements.

The Contractor shall ensure that all parts of the facility are maintained and cleaned on a regular basis to ensure a safe, professional, hygienic and attractive working environment which is in compliance with all federal, state and local regulations. Janitorial service shall be provided for all office, administrative, restroom and public areas at a minimum frequency of three times per week.

NOTE: Prior to the start of services, or at any time during the term of the contract, JTA may elect to provide a facility to the selected Contractor for use in operating the service. If option is exercised, JTA shall enter into negotiations with the selected Contractor to make adjustments to proposed or negotiated costs.

1.16. FUEL AND ON-SITE FUELING CAPABILITY

JTA will be responsible for providing fuel and fueling paratransit vehicle (under Service Models 1 and 2). During the term of the contract, for Service Model 3, JTA requires on-site fueling at the selected Contractor facility. The facility site should therefore either have existing fuel storage and fueling capability or should have the potential for fuel storage and fueling to be added.

Once on-site fueling capabilities are available, JTA may facilitate bulk fuel delivery (gasoline and/or diesel) for the contractor to receive the lowest possible price due to the volume of fuel JTA purchases.

JTA may procure the fuel for the Contractor, arrange for bulk fuel delivery to the Contractor's fueling site, provide the Contractor copies of the fuel invoices for the volume delivered to their facility, and deduct the cost of the fuel, taxes, and delivery charges from the Contractor's monthly invoice. Contractor will have no right to state or federal fuel tax credits.

1.17. OFFICE EQUIPMENT AND SERVICES

The Contractor shall provide all copiers, fax machines and other equipment necessary to facilitate its operation. A mid-range copier and state-of-the art fax machine also shall be provided by Contractor to allow for reliable and efficient copying of run manifests and other documents and transmission of documents. The Contractor also shall be responsible for the maintenance of all office equipment and shall have maintenance agreements that provide for same day servicing should equipment breakdown.

1.18. COMPUTER SOFTWARE

JTA currently uses the Trapeze PASS Version 10 for reservations, scheduling and management of the service. JTA has purchased licenses for several installations of the software needed in reservations, scheduling, and dispatch, as well as administration. JTA has an ongoing service and maintenance contract with Trapeze for needed maintenance and support of the system as well as periodic review and refining of the system's parameter settings. The Contractor will communicate directly with Trapeze for support of PASS. The Contractor will contact Trapeze Customer Care in the event of application trouble on the PASS application, the PASS SQL and Scheduling Servers, and the PASS client running on the workstations.

JTA will be responsible for working with Trapeze for any required final customization to the system needed to meet the terms of this RFP and subsequent contract. JTA shall have full access to all aspects of the system and operations. The Contractor shall have read-only access to customer eligibility files. The Contractor shall also have only limited access to key system settings and parameters as determined by JTA.

The Contractor will be responsible for all costs associated with training employees to proficiency on the use of the Trapeze system. This shall include initial training of at least five days per employee, semi-annual refresher training of at least two days every six months, and updated training, as needed, should there be system upgrades.

1.19. COMPUTER HARDWARE

JTA will provide the main on-site servers for the Trapeze PASS, DRI CAD/AVL system, and Citrix Terminal Server. The Contractor shall provide all other hardware needed to run the Trapeze PASS system in the operating environment proposed. This shall include the required workstations (desktop computers, monitors, printers, etc.) to meet the needs of the staff proposed in all areas of operation and management. The hardware shall have the technical ratings and capabilities to fully utilize all of the functionalities of the Trapeze PASS system without causing delays in reservations, scheduling or dispatch operations for the full term of the contract.

The Contractor shall also have a service agreement for maintenance and repair of all provided computer hardware. The agreement shall provide for same-day service, seven days a week.

Proposers shall detail in their proposals the exact hardware that will be provided and the servicing agreement that will be in place.

1.20. VEHICLE CLEANING AND WASHING (Service Model 3 only)

Vehicle Cleanliness Standards

Vehicle interior cleaning will be done on a daily basis. The daily cleaning will consist of, at minimum:

1. Cleaning inside of all windows, removing all dust, fingerprints and head prints.
2. Removing all dust from seats, dashboards, wheel wells, rails, ledges.
3. Sweeping all floor areas; mopping all liquid spills.
4. Ensuring bus is free of all paper, gum and debris, etc.
5. Repairing all damaged seats.
6. Daily removal/repair of graffiti.

Exterior washing shall be done at least two times a week, and daily washing should be performed following storms or at other times when weather conditions require daily washing to keep vehicles free of excessive dirt build-up.

Monthly Major Cleaning Standards

At minimum, every 30 days, the interior of the vehicle will receive a complete, major cleaning which shall be documented in writing listing the coach number and date of major cleaning. This documentation shall be submitted to JTA.

The monthly major cleaning shall consist of all the items included in daily cleaning standards, as well as:

1. Cleaning the ceiling, sidewalls, windows, ledges and dash.
2. Cleaning all seats.
3. Mopping the floor; removing all gum and applying light coat of wax, after stripping old wax from the floor.

Under no circumstances shall running water from a hose, sprayer, etc., be used to clean the interiors of JTA paratransit vehicles.

Additional, Periodic Cleaning

Vehicles shall be periodically fumigated, as needed, to prevent insect or rodent infestation. Vehicles also shall be fumigated following any spills or incidents resulting in unsanitary conditions or strong odors.

Daily Pre-Trip Inspection, Vehicle Defect Cards (All Service Models)

The Contractor shall require each driver to complete a pre-trip inspection prior to the beginning of any shift and submit a written report indicating the condition of the vehicle and listing all defects and deficiencies likely to affect safe operation or cause mechanical malfunctions. In accordance with 14-90, FAC, the inspection must include and test the following parts and devices to ascertain that they are in safe condition and good working order:

- Service brakes;
- Parking brake;
- Tires and wheels;
- Steering;

- Horn;
- Lighting devices;
- Windshield wipers;
- Rear vision mirror;
- Passenger doors;
- Exhaust system;
- Equipment for transporting wheelchairs;
- Safety, security, and emergency equipment;
- Emergency exit hatch in ceiling; and
- Communications equipment, including two-way radios, MDTs and AVL also shall be tested prior to each shift.

Each driver shall inspect his/her assigned vehicle before pulling out of the yard in accordance with state requirements. If there are any defects, the driver must enter the defects on a vehicle defect card. If there are no defects, the driver must sign and date the vehicle defect card prior to leaving the yard. Vehicle defect cards shall remain with the vehicle for the duration of the day and shall be replaced on a daily basis.

Any identified defects must be brought to the attention of the Pull-out Supervisor and maintenance staff on duty. Defects must be inspected and appropriate action taken and documented. Any required work shall be transferred to a Shop Work Order.

Vehicle defect cards showing defects shall be dated at the upper right front corner and filed in chronological order for inspection and verification purposes. Once this is completed, defect cards become a permanent record and must be available for review/inspection at all times.

1.21. ROAD CALLS

In the event of a vehicle failure while in service, the Contractor shall deploy a vehicle immediately upon notification to replace the failed vehicle to ensure as little disruption to service as possible and as little inconvenience to the passenger as possible.

1.22. SERVICE OPERATIONS

Notwithstanding any of the specific requirements set forth in this RFP, all vehicle operations shall be in compliance with Rule 14-90 of the Florida Administrative Code, Chapter 427 of the Florida Statutes, Chapter 41-2 of the Florida Statutes, requirements of the ADA, and other applicable state and federal laws, rules, regulations and requirements. The selected Contractor and its staff and personnel, including all subcontractors, must be familiar with these requirements for services operated in the State of Florida. Failure of JTA to specifically cite or repeat any required service operations standard shall not relieve the Contractor of its responsibility to operate services in full compliance with all applicable requirements. Further, if any specific operating requirements desired by JTA conflict with other federal or state laws and requirements, the Contractor shall bring this discrepancy to the attention of JTA immediately.

1.22.1. Call-Handling and Trip Reservations (Service Model 3 only)

The trip reservations center shall be staffed seven (7) days a week from 8:00 AM until 5:00 PM. Trip reservations shall be accepted from seven days in advance until 5:00 PM on the day before service.

The Contractor shall employ an adequate number of reservationists to ensure that the “Telephone Service Performance” standards identified in the “Specific Service Goals and Standards” section of this RFP are met.

Reservationists shall be trained to proficiency in all aspects of the job in a simulated setting before being placed in actual operations.

Call Center staff, customer service staff, and dispatch staff must be fully trained in all applicable Connexion JTA service policies and procedures. They also must be trained to proficiency in the use of the Trapeze system and the MDT/AVL systems. Periodic training also must be provided to keep staff current with any changes or upgrades to the software. The Contractor must develop detailed “script” that indicates how calls of various types are to be handled (i.e., trip reservations, trip changes, trip cancellations, late ride calls) and what features of the Trapeze system are to be used when handling each type of call. This script should then be used in training.

All staff must also be trained to proficiency in telephone etiquette and the provision of quality customer service. Periodic retraining will be provided as needed.

Staff assigned to take TDD calls must also be trained to proficiency in the use of the TDD and in TDD call jargon and etiquette.

The reservations staff shall take and schedule new trip requests, and changes to existing reservations (changes in reservations and trip cancellations) placed one or more days in advance. Callers seeking information about the status of trips scheduled for that day or canceling trips on the day of service shall be transferred to the dispatch assistant(s). Reservationists shall also handle calls seeking general information about the service. If callers are seeking information about eligibility for the service, an application form, or assistance completing an application form, and have not made the correct telephone option selection, reservationists shall transfer them to the appropriate call group. Callers who are looking to comment on the service and who have made the incorrect phone option selection also shall be transferred to the correct call group to be put in touch with JTA staff.

Reservationists shall always check the current eligibility of riders calling to place trip requests. Where riders have multiple eligibilities, reservationists shall book trips based on a funding priority protocol that will be established by JTA and communicated to the selected Contractor.

Reservationists shall schedule trips in “real time” as often as possible. That is, when a trip request is received, reservationists shall use the Trapeze system to search for run options on which to place the request. The selection of the “best run” to serve the trip shall be done considering the travel needs of the rider, the efficiency of the service, and impacts of adding the trip to other existing trips on the run. Reservationists shall review the details of the various options generated by the Trapeze system and shall use the features in the system to examine the actual run before an option is selected and the trip is scheduled.

The Contractor shall ensure that all reservationists are proficient in using the trip reservations and scheduling functions of the Trapeze system. This shall include initial, as well as periodic training, by Trapeze trainers. Updated training shall be provided if new versions of the software become available and are installed.

As appropriate, reservationists shall schedule trips based on either a requested pick-up time or desired arrival time. The “Latest Drop-Off Time” scheduling feature within the Trapeze system shall be used where riders indicate a desire to schedule based on the drop-off. The “Earliest Departure Time” feature of the Trapeze system shall be used when booking return trip pick-ups.

Reservationists shall negotiate requested pick-up times and desired arrival times with riders in accordance with ADA regulations. Trip times shall be negotiated up to an hour before or after the requested times. These negotiations shall consider the travel needs of the rider. For example, if a rider requests a 5:15 P.M. pick-up to return home from work and indicates she finishes work at 5:00 P.M., reservationists shall negotiate for a pick-up between 5:15 P.M. and 6:15 P.M. but not earlier than 5:15 P.M. if that would require the person to leave work early. Such trips shall be scheduled using the “Earliest Departure Time” feature within the Trapeze system. Similarly, if a rider requests a ride to work and indicates he needs to be there no later than 9:00 A.M., the reservationists shall offer trip times that will get the rider to work between 8:00 A.M. and 9:00 A.M., but not later than 9:00 A.M. Such trips shall be scheduled using the “Latest Drop-Off Time” feature in Trapeze.

Reservationists shall not offer trips that are more than an hour from the requested times. If riders are calling and no trip options within an hour are generated by the Trapeze system, reservationists shall place the trip requests on a “holding run” and code the trips as “Unscheduled.” As noted below, schedulers will then constantly scan the system for these “Unscheduled trips” and will manually place them on either regular runs or “overflow runs.” Riders will then be called back and given the scheduled times of their trips.

In accordance with ADA regulations, the Contractor shall work with JTA to ensure that adequate capacity exists within the system to fully meet expressed demand. Information about the number and exact times of unscheduled trips and trips that vary occasionally cannot be met shall be recorded, tracked and brought to JTA’s attention on an ongoing basis. The Contractor will then work with JTA to plan for the capacity needed to ensure that adequate capacity is provided throughout the term of the contract.

Reservationists shall record trips offered within an hour of the requested times and negotiated to meet rider needs, but still not accepted by riders, as “refusals.”

Finally, reservationists shall include trips that cannot be accommodated because they are beyond the scope of the service provided (e.g., outside the area or outside the established hours) as “eligibility denials.”

Reservationists shall follow a thorough process for verifying the accuracy of trip information. This shall include repeating and verifying the origin and destination addresses, gathering specific additional address information as appropriate, repeating and verifying the date, day and time of

trip requests, verifying mobility aids used, and verifying information about companions/attendants traveling with the eligible rider. In addition to repeating and verifying this information throughout the reservations/scheduling process, reservationists shall repeat key trip information back to riders in a final “confirmation” after trips have been booked. In addition, reservationists shall inform riders during each call of the on-time window associated with their trips.

Reservationists shall record and confirm telephone information with riders as they place trip requests. This shall include confirmation of the home/origin phone number that appears in the system, as well as a request for a phone number at the destination (should the rider need to be contacted on the day of service).

The Contractor shall establish a procedure, with JTA input and approval, for accepting, reviewing and acting on rider requests for standing order/subscription trips. Reservationists shall record such requests and forward them to the appropriate scheduling staff for review and implementation. Until final action is taken on subscription trip requests, reservationists will accommodate riders’ ongoing travel needs.

Reservationists shall handle advance cancellations (made more than one day in advance) as well as any changes to existing trips. Any calls for same day cancellations erroneously directed to the reservation lines shall be promptly transferred to the dispatch assistant/radio dispatcher lines and riders should be informed of the appropriate phone option they should select when calling for this purpose in the future.

The Contractor shall create a script for reservationists to follow and shall periodically review and refine this script to ensure that it meets JTA’s needs. The script shall be developed and presented for JTA review 60 days before the start of a contract resulting from this RFP. JTA will review and approve the script no later than 30 days before the commencement of service. The Contractor shall then ensure that all reservationists are proficient with the script prior to commencement of operations.

1.22.2. Scheduling (Service Models 2 and 3 only)

The Contractor shall designate adequate dedicated staff capacity to ongoing scheduling duties. These duties shall include, at a minimum:

- Ongoing review of all runs being created by the reservationists. This review shall begin six days in advance of the day of service and shall be conducted each day up to the day of service. In this way, the runs will constantly be refined and improved as new trips are added.
- Ongoing review and handling of all “unscheduled trips.” Schedulers shall constantly scan all trip requests placed by reservationists on the “unscheduled” list/run and shall act on and accommodate these requests promptly so that riders do not wait long periods to receive final scheduled times for trip requests they have placed. For trip requests placed more than a day in advance, schedulers shall handle and call riders back on unscheduled trips within 24 hours of the time of the request. For all unscheduled trips placed one day in advance, schedulers shall handle and respond to riders by 5:30 PM that day.

- Ongoing review of standing order/subscription trips. Scheduler(s) shall take subscription trip request information from reservationists, shall review options for meeting these requests and shall then communicate final actions on requests to riders.
- Final “clean-up” of run manifests the evening before each day of service. Schedulers shall review each run and make final adjustments, as needed, to ensure that runs are drivable, as well as efficient. This final review shall include a review of any parameter violations indicated by the Trapeze software system. It shall also include a review of apparent “long rides” (i.e., rides that have long on-board times relative to the direct travel distance). “Exception reports,” long-ride reports and other tools available in the Trapeze system shall be utilized by scheduler(s) during this final clean-up process.
- Development of close/ongoing working relationships with dispatchers and road supervisors to review the run schedules being created and to refine them to be as operationally sound and efficient as possible.

Schedulers and dispatchers must be proficient in using all of the scheduling features of the Trapeze system. For schedulers, this must include features related to managing the run structure, managing subscription trips, managing the “unscheduled trip” list, using the batching features, and running “exception” reports to check the workability of scheduled. For dispatchers, this must include using the “dispatch” screen to efficiently manage all runs, the dispatch notes feature, trip coding features, and use of the AVL system to check on vehicle locations. Scheduler and dispatcher training must include specific instruction on how to ensure that negotiated pick-up times are protected throughout the scheduling and dispatching process and on procedures for contacting riders if scheduled times need to be negotiated. Dispatchers also shall be trained to proficiently handle all types of accidents and incidents and must have a full knowledge of Connexion JTA accident and incident policies and procedures.

Scheduler(s) shall be responsible for constantly reviewing the run and driver shift structure and developing alternative structures for the Contractor’s managers and JTA’s consideration.

Scheduler(s) shall constantly review the performance of the Trapeze system and shall identify possible issues for management/JTA review. This shall include things such as adequate boarding and disembarking time, adequate travel time, travel time allowances by time of day and time of the year, etc. Possible improvements shall periodically be brought to the attention of the Contractor’s managers for consideration by JTA.

JTA will contract with Trapeze for at least three days of technical services per year to review and refine parameter settings within the system. The Contractor shall provide input to JTA on reservations and scheduling issues observed to guide JTA in arranging for needed system reviews. The Contractor will not have access to system parameter settings, but shall bring needed changes to JTA’s attention.

Scheduler(s) (as well as all other operations staff) shall ensure that the pick-up times negotiated with and promised to riders are “honored” and “protected” throughout the scheduling and service delivery process. If adjustments are made to the initially negotiated times that are outside the established on-time window, riders shall be notified of the change in times. Schedulers and/or reservationists shall enter notes into trip files whenever such changes in negotiated times are made. These notes shall indicate when riders were contacted and the result of the contact (e.g.,

spoke with rider, left message with another person, left message on answering machine, etc.). The Contractor staff shall make two attempts (at a minimum) to contact riders about changes in times that fall outside the original on-time/pick-up window and shall not make any changes if the revised information cannot be successfully communicated to riders.

1.22.3. Dispatching (Service Models 2 and 3 only)

The Contractor shall employ an adequate number of dispatchers and dispatch assistants to ensure that radio dispatchers are on duty during all hours that vehicles are in service and that no radio dispatcher is handling more than 30 runs at any time. Dispatchers shall monitor the status of each run, shall make changes to runs as needed to ensure on-time service and quality service to riders, and shall respond to driver needs and provide assistance as appropriate. Dispatch assistants shall be available during peak hours of operation (i.e., weekdays from 7 AM to 6 PM and weekends from 8 AM to 5 PM) to take calls from riders inquiring about the status of a ride or making a same-day cancellation. During off-peak hours, dispatchers can be assigned the responsibility of communicating directly with riders as long as this responsibility does not adversely impact the dispatchers' ability to fully manage runs and drivers and as long as this assignment does not result in excessive hold times to riders calling dispatch.

Dispatch assistants shall use the Trapeze system to confirm rides with callers. Dispatch assistants shall also attempt to first check on the status of rides using the Trapeze system so that calls can be handled whenever possible without disturbing the dispatchers. If the automated system does not provide clear information about the status of a ride and drivers need to be contacted, the dispatch assistant shall make the inquiry to the appropriate dispatcher. The dispatch assistant shall then relay the information back to the caller. The main purpose of the dispatch assistant(s) shall be to respond to rider inquiries to allow radio dispatchers to manage runs with as little interruption as possible.

The Contractor shall staff the dispatch assistant and dispatch functions to ensure that "Telephone Service Performance" standards identified in the "Specific Service Goals and Standards" section of this RFP are met. If the standards established by JTA are not met for two consecutive months, JTA reserves the right to take appropriate action, including the withholding a portion of monthly payments, until adequate staffing is provided or other changes are made to bring phone performance within the established standard.

Dispatchers shall remain current on the status of every run assigned. Prior to the full implementation of MDTs and AVL, this shall be accomplished by either having drivers call-in each pick-up and drop-off or by regularly polling all drivers for run status (together with instructions to drivers to notify dispatch promptly if they estimate that upcoming trips cannot be performed in a timely way). After the full implementation of MDTs and AVL, this shall be done by monitoring performed times as they are entered by drivers and contacting drivers when pickups or drop-offs do not appear to have been performed correctly.

Dispatch procedures adopted shall ensure that actions on potential late trips are "proactive" rather than reactive. Trips shall be reassigned/rescheduled far enough in advance to ensure that they will be handled on-time to the maximum extent possible.

Dispatchers shall ensure that drivers follow vehicle wait time policies and no-show policies. All drivers shall alert dispatchers to potential no-shows while at the pick-up location. Dispatchers shall verify the pick-up address with drivers and shall attempt to contact the rider if a phone number is available as part of the trip record. If no contact can be made, dispatchers shall collect “landmark” information from drivers to verify that they were at the correct location, should riders subsequently call indicating that they were waiting and the vehicle did not arrive as scheduled. Dispatchers shall request arrival time information from drivers and shall ensure that a no-show is not authorized until the driver has waited at least five (5) minutes within the established on-time window. Dispatchers shall then enter arrival times, authorized no-show times, and landmark information into the no-show documentation screens provided by the Trapeze system.

Once the new AVL technology is employed, dispatchers shall use this technology to verify that drivers are at the correct locations before authorizing no-shows.

Dispatchers shall constantly be aware of the negotiated/promised time given to riders for pickups. Negotiated pick-up times shall not be changed unless specifically requested by riders. If pick-up times are changed at the request of riders (e.g., for earlier than anticipated returns), dispatchers shall enter documentation into the trip notes file indicating the time of the call and the person calling making the trip time change request. Dispatchers shall never change the scheduled pick-up times of trips that are running late or that are transferred to another run.

If pick-ups are running late, dispatchers or dispatch assistants shall attempt to contact the rider to inform them that the vehicle will be late and of the expected new pick-up time.

If drivers are at a pick-up location early and request a “call-out,” dispatchers shall make “callouts” in a way that lets riders know they do not have to board the van early if they are not ready or do not want to leave early. Dispatchers shall let riders know the van has arrived early, ask if they might be ready to go, and make it clear that the van will wait (telling the rider the time equal to five minutes within the on-time window) if that is more convenient.

Dispatchers shall ensure proper implementation of JTA’s “no strand” policy. If riders “no-show” for a return trip, a vehicle will be sent back at a later time to transport the rider home. Riders will be asked to call dispatch when they are ready and shall be served by the next available vehicle.

Accommodating riders who no-show on a going trip shall be at the discretion of the dispatcher and shall take into consideration the ability of the system to accommodate the rider without adversely impacting other riders.

Dispatchers shall ensure that all radio communications are professional and in keeping with FCC regulations.

1.22.4. Vehicle Operations

The Contractor shall provide an adequate pool of drivers and scheduled extra board drivers to ensure that all scheduled runs are covered and pull-out on-time. The Contractor shall provide

staff (Pull-out and Pull-in Supervisors), separate from reservationist or dispatch staff, to manage the driver check-in and check-out process and the assignment of vehicles and runs.

Drivers shall be required to review run manifests and shall be encouraged to ask for any clarifications or raise any issues should there be questions about the way the run should be performed.

Run manifests shall be designed in a way that keeps drivers and riders “on the same page” in terms of pick-up times. The run manifests shall be structured to make it clear to drivers what time riders have been promised in terms of pick-ups, any pertinent appointment times, as well as the times estimated by schedulers and the software system. Drivers shall be thoroughly trained to understand the differences between times promised/negotiated with riders, the on-time pick-up window around these negotiated times, and estimated times of arrival (ETAs) generated by schedulers and the software system.

Manifests shall show pick-ups and drop-offs in a logical, sequential order.

Drivers shall be thoroughly trained to understand the vehicle wait time policy and no-show procedures.

Drivers shall be instructed to wait “around the corner” should they be early and to never pressure riders to leave earlier than the scheduled times. Drivers may request early call-outs from dispatch should this be appropriate.

Any fines incurred in the operation of the vehicle, including parking violations, shall be the sole responsibility of the Contractor. The Contractor shall hold JTA harmless for any fines, penalties, or citations imposed because of operation of the vehicle and any expense incurred by JTA because of them.

The Contractor shall not allow an employee to drive, move, or cause to be driven or moved, on any street or highway, any vehicle which is in such unsafe condition as to endanger any person or property, which does not contain those safety parts or is not at all times equipped with safety equipment and devices in proper condition and adjustment. This does not apply to personnel to temporarily drive, move, or road test a vehicle to perform repairs or maintenance services and it has been determined that such temporary operation does not create an unsafe operating condition or create a hazard to public safety.

1.22.5. Fare Collection

The Contractor shall collect the fare as set by JTA. The monthly invoice for services provided to JTA’s passengers, as described herein in this RFP and as conveyed to the Contractor in the daily manifest, shall be reduced by the total cash fares collected. The Contractor shall not make change. **The Contractor and its employees shall not solicit or accept tips or gifts of any kind.**

Pennies are not accepted on board vehicles as fare payment.

1.22.6. Service Interruptions, Suspensions and Emergency Stand-by Service

The Contractor may suspend, with the written approval of JTA, all or a portion of services, when said performance is made impossible by inclement weather, earthquake, fire, flood, cloudburst, cyclone, or other natural phenomenon of a severe and unusual nature; act of a public enemy; epidemic; quarantine restriction; embargo, or any other foreseeable cause beyond the control and without the fault of the Contractor.

The Contractor will immediately inform JTA, in writing and by telephone, of such suspension and the same will be subject to the written approval of JTA, which approval will not be unreasonably withheld. The Contractor will not be compensated for time that is suspended.

In the event of a declared public emergency or disaster situation, the Contractor will be called upon to provide evacuation to post-disaster transportation. Once a Contractor is selected, JTA will enter into negotiations with the selected Contractor to establish a variable vehicle-hour rate of reimbursement appropriate to these situations. A contract amendment detailing the agreed upon payment and detailing the procedures and protocols in these situations will be executed.

1.23. Vehicle Maintenance (Service Model 3 only)

All maintenance, repairs and inspections shall be in compliance with manufacturers' requirements, Rule 14-90 of the Florida Administrative Code, as well as any requirements included by JTA in this section.

All vehicle maintenance shall be provided by the Contractor. Vehicle cleaning, daily and monthly inspections, preventive maintenance, light repair, body work, tire work, and heavy repairs shall be provided by either Contractor staff or subcontractors. All subcontractors involved in vehicle maintenance shall be approved by JTA.

The Contractor shall maintain vehicles in such a way as to, at all times, protect the safety of customers and ensure the most reliable service possible.

The Contractor shall comply with all OSHA regulations. The Contractor shall dispose of any hazardous waste and regulated waste generated by its operation in compliance with all applicable federal and state environmental rules and regulations. The Contractor shall comply with the all state Storm Water Runoff Act requirements under the Federal Clean Water Runoff Act. Contractor must provide above ground transmission fluid and oil tanks.

Maintenance and repairs of vehicles shall be in accordance with manufacturers' standards as well as JTA specified standards, whether performed by the Contractor or authorized subcontractors. Maintenance shall be done at a time that will ensure maximum availability of vehicles for service. It is not the intent of this requirement to preclude necessary maintenance during normal hours; it is only to ensure that the maximum number of vehicles will be available for service during the service day.

JTA or its designee, may inspect, unannounced and announced, the vehicles at any time, either at the Contractor's location or while the vehicle is in service. If, in the opinion of JTA, a vehicle does not meet safety standards, it may be "flagged". A vehicle that has been "flagged" shall not go into service and/or shall be immediately removed from service. A "flagged" vehicle may not

be released for service until such time as the problems associated with it have been rectified by the Contractor and verified by JTA. Following are examples (not all inclusive) of reasons why a vehicle may be "flagged":

- (a) Safety equipment missing;
- (b) Wheelchair lift inoperative;
- (c) Wheelchair lift brake interlock inoperative;
- (d) Wheelchair lift restraints missing/inoperative;
- (e) Inadequate A/C cooling output;
- (f) Tires: Flat, worn, embedded objects/bald;
- (g) Customer door interlock inoperative;
- (h) Headlights out;
- (i) Taillights out;
- (j) Turn signals out or inoperative;
- (k) Horn not working;
- (l) Windshield wipers not working;
- (m) Engine smoking excessively;
- (n) Brake lining too thin;
- (o) Fluid leaks;
- (p) Coolant leaks;
- (q) Exhaust system leaking or damaged;
- (r) Steering with excessive play;
- (s) Loose or missing lug nuts; and
- (t) Any noncompliance with Federal Motor Vehicle Safety Standards and other governing agency safety or vehicle operation regulations

Customer compartments shall be free from torn upholstery and torn or excessively worn floor covering. Seats shall not be broken, damaged, or have protruding sharp edges. Any vehicle with these deficiencies shall immediately be removed from service. **Any body or accident damage must be repaired and inspected by JTA before the vehicle is returned to service.** If vehicles are inspected by JTA staff and found not in compliance with vehicle cleanliness/aesthetic requirements, written notice will be served.

1.23.1. Preventive Maintenance

To maximize the number of vehicles available for service, the Contractor shall perform routine preventive maintenance at off-peak times to the maximum extent possible.

Preventive maintenance shall be performed in accordance with manufacturer recommendations for all vehicles and after-factory systems and subsystems. A comprehensive preventive maintenance program shall be established that ensures compliance with all manufacturer's recommendations, but which, at a minimum, ensures that a complete Preventive Maintenance Inspection (PMI) shall be performed on each vehicle at no more than 5,000 mile intervals. The 5,000 mile window shall not be exceeded. It is recommended that the Contractor establish a window of 1,000 miles prior to the 5,000 mile limit to ensure the interval is not exceeded (not less than 4,000 or more than 5,000 miles between PMI's).

Preventive maintenance reports must be kept in the individual vehicle file as reference for future PMIs. PMI reports are subject to change by JTA when necessary.

A vehicle shall not be placed in service if it has traveled more than 5,000 miles since the last Preventive Maintenance Inspection. If a vehicle has not met preventive maintenance standards, it shall be removed from service.

The Contractor shall use quality materials when doing any repairs to the vehicles. The lubricants used shall meet or exceed the manufacturer's standards.

1.23.2. Vehicle and Component Warranty Maintenance

The Contractor shall be responsible for the conduct of all warranty work on vehicles and the administration of all warranty paperwork with the manufacturer. The Contractor shall obtain manufacturer authorization to perform warranty maintenance or shall transport vehicles at the Contractor's cost to an authorized warranty service provider.

1.24. STAFFING REQUIREMENTS

The Contractor shall provide the necessary management and administrative personnel whose expertise will ensure efficient operation of all paratransit services. JTA recognizes that a high quality operation begins with key personnel. Therefore, a minimum level of required staffing is described below and staffing will be a key consideration in the awarding of a Contract.

The Contractor agrees that personnel assigned to provide Paratransit services pursuant to this Contract are employees of the Contractor only, and not employees or agents of JTA. The Contractor will serve as the sole contact with JTA and will be fully responsible for all of the employees' performance.

The Contractor shall be solely responsible for the provision and satisfactory work performance of all employees as described by this Request for Proposals. A criminal background check shall be performed on each applicant to determine whether each is suitable for the job in which they might be employed. The Contractor shall be solely responsible for payment of all employee and/or subcontractor wages and benefits. Without any additional expense to JTA, the

Contractor shall comply with the requirements of employee liability, Worker's Compensation, employment insurance, Social Security, drug and alcohol testing and all other applicable local, state and federal laws. JTA shall have the right to demand removal from the project, for reasonable cause, any personnel furnished by the Contractor.

The Contractor shall ensure that all personnel of any subcontractors meet the pre-hire qualifications and post-hire training and testing requirements set forth in this RFP. The Contractor shall obtain JTA's written consent before entering into any subcontract affecting the service.

1.24.1. Project Manager

The Project Manager shall be the person in charge of all management and day-to-day operations of the Contractor. The Project Manager shall maintain consistent and sufficient contact and communications with JTA's paratransit service project manager.

The Project Manager shall have a minimum of five (5) years supervisory and managerial experience in paratransit services of similar scope. The Project Manager shall spend 100% of their time assigned to this JTA project. The Contractor shall not, absent prior written notice to JTA, remove or reassign the Project Manager any time before or after execution of the Contract. The Project Manager will be expected to sign an agreement to remain in that position for not less than one year. Should the Project Manager be reassigned by the Contractor to any other contract or position within the company within this one-year period, absent the express written agreement and approval of JTA, a one-time disincentive of \$25,000 shall be assessed to the Contractor. If the Project Manager is replaced, the Contractor shall submit a resume to JTA for any proposed replacement candidate and an interview of the proposed replacement candidate may be required by JTA and JTA approval of the replacement Project Manager will be required.

The Project Manager shall demonstrate, by decision and action, competency in all aspects of JTA's paratransit service. The Project Manager shall function as line supervisor of all project staff and manage accounts and operating records for the JTA service.

The Project Manager shall be trained to be proficient in report generation and special report writing using the Trapeze system and Crystal Reports.

The Project Manager shall be identified and a detailed resume shall be furnished in the respondent's proposal. This person shall be available to be interviewed by the Proposal Evaluation Team. If the respondent has not selected a proposed project manager, resumes of likely candidates shall be submitted. The proposed Project Manager shall be present at the interview.

The phone numbers of the Project Manager and the Assistant Project Manager shall be made available to JTA so that, in the event of an after-hours emergency, they can be contacted on a 24-hour basis. The Contractor shall respond in person to any emergency or accident involving extensive property damage or injuries or as requested by JTA during or after the operational hours of the system.

1.24.2. Assistant Project Manager

The Assistant Project Manager shall be assigned to general supervision, investigation and response to customer comments and ensuring that drivers maintain a high level of service quality. The Assistant Project Manager will act as back up for the project management functions. The Assistant Project Manager shall also maintain consistent and sufficient contact and communications with JTA's paratransit project manager. The Assistant Project Manager should have at least three (3) years supervisory and managerial experience in providing similar transportation services.

The Assistant Project Manager shall serve as the direct supervisor of the reservations, scheduling and dispatching functions and shall be proficient in all aspects of the Trapeze system related to these functions.

1.24.3. Maintenance Quality Assurance Manager

The Maintenance Quality Assurance Manager shall be assigned in a full-time capacity reporting directly to the Project Manager and serves as a liaison with JTA project oversight and the JTA Maintenance Department. Primary responsibilities will be to monitor JTA maintenance performance with regard to vehicle safety, preventative maintenance schedules and the adherence thereof and the quality of repairs performed by the JTA maintenance department.

1.24.4. Safety Officer

A full-time Safety Officer shall be assigned to the project by the contractor. The Safety Officer will implement the safety program required under this RFP. The Safety Officer also will review onboard camera data and use this data in driver evaluations and retraining. The Safety Officer will investigate all accidents and be responsible for accident reporting to JTA. The Safety Officer also will develop and implement programs and training to improve safety within the operation. This person will also work with the Road Supervisors on monitoring of on-street operations. Information from on-street monitoring activities will be used in retraining and driver evaluations.

The Safety Officer will also review and investigate all complaints related to safe service operation and will track and use complaint information in monitoring, retraining and driver evaluations. The Safety Officer will have a complete knowledge of all federal and state transportation regulations. This person must have at least two years working in a similar position in a similar operation.

1.24.5. Trainer(s)

Experienced and qualified trainer(s) shall be provided who are fully licensed and certified to conduct the classroom training of paratransit drivers, as well as behind-the-wheel driver training, refresher training programs and other training as determined necessary by the Contractor or JTA.

Trainer(s) shall have a minimum of three (3) years' experience providing such training in similar paratransit systems.

1.24.6. Road Supervisors

The Contractor shall provide Road Supervisory staff in a sufficient number to ensure Road Supervision at all times when vehicles are in passenger service. Road Supervisors shall satisfy the Driver requirements specified below and have a minimum of three (3) year experience, with an exemplary record, as a driver in similar paratransit services.

1.24.7. Drivers

All driver hiring, pre-qualifications, testing, and training shall be in accordance with 14-90, FAC, and other applicable state and federal requirements, in addition to the requirements specified in this section.

All drivers must maintain a bi-annual FDOT physical examination and have pre-employment, post-accident, for cause, and random drug and alcohol testing, by a JTA approved testing facility; the statistical results of which shall be reported to JTA. Proof of satisfactory completion

of a physical examination and drug test of each driver shall be maintained in a driver file, along with other information as may be required by JTA, at the Contractor's operating facility.

Drivers in JTA service shall:

- Pass a full pre-employment physical examination, including drug and alcohol testing, certifying that they are physically capable to do the job.
- Be properly licensed in the State of Florida to provide this type of service;
- Be at least 21 years of age;
- Have been a licensed driver for a minimum of three (3) years;
- Be able to fluently speak and understand English, read and write in English, and pass a standardized, written English proficiency test. A second language skill in Spanish is considered a plus;
- Possess a safe driving record;
- Have received no more than two moving violations within the last three (3) years prior to application for this program;
- Have received no more than one moving violation within the last twelve (12) months;
- Have three full subsequent years with no violations, if license has ever been revoked.

The Contractor shall maintain a file on each driver and provide a signed employee certification form that includes the following requirements:

- An Employment Application;
- A copy of their Connexion JTA photo ID;
- A copy of a valid State of Florida driver's license appropriate for the size of vehicle to be operated showing a non-expired expiration date;
- Copies of Motor Vehicle Records, obtained at least every six months, for a prior four (4) year period.
- Verification the driver is physically capable of safely operating a motor vehicle. Verification shall be a DOT physical exam done by a State of Florida licensed physician in accordance with 14-90.0041 Medical Examinations for Bus Transit System Drivers. DOT physicals are required every two years.
- Verification that a pre-employment drug screen has been performed by a JTA specified DHHS certified laboratory.
- Verification that pre-employment drug and alcohol testing records have been obtained from previous employers as required by 49 CFR Part 40.
- Verification that a criminal background check as been completed.
- Complaints, commendations, and accident/incident reports.
- Documentation of all training received including types of vehicles or special equipment that the driver can operate, documentation of on the road training, documentation of drug abuse and alcohol misuse training.

JTA will respond to the Contractor within 24 hours of receipt that a driver has been accepted or denied to provide service to the Connexion JTA program. Employee files must separate confidential information from non-confidential information.

1.25. STAFFING POLICIES

1.25.1. Vacancy of Key Positions

If, during the course of normal employee turnover, any of the following positions remain unfilled by a permanent candidate for a period in excess of 30 calendar days, JTA may deduct the salary and benefits (per the final negotiated Offer), plus a disincentive of \$100.00 per day for any month or portion thereof in which the position remains unfilled beyond the first 30 days:

- Project Manager
- Assistant Project Manager

1.25.2. Employee Turnover

JTA recognizes the expense and negative effect of employee turnover. Therefore, the Contractor shall demonstrate it has an acceptable recruitment and hiring program, which is intended to minimize driver turnover and retain a high quality driver work force. The Contractor shall offer a reasonable wage and compensation package, coupled with a supportive work environment.

Information about the compensation that will be provided to all staff shall be detailed in the proposal to allow JTA to judge the adequacy of the compensation. The information to be provided in the proposal shall include:

- Training wage;
- Starting wage;
- Schedule of wage increases;
- A complete description of all fringe benefits and required employee match associated with these benefits;
- Incentive programs.

This compensation information will be used by the JTA selection committee to rate each proposal. As indicated in this RFP, significant importance will be given in the evaluation to the likely ability of the Contractor to attract and retain a qualified workforce and to minimize turnover.

For this contract, JTA has established a goal of having no more than 25% annual turnover of drivers, reservationists and dispatch assistants, and no more than 15% annual turnover of schedulers, dispatchers and road supervisors. If a higher turnover rate is documented for a period of more than six months, JTA reserves the right to require the Contractor to make changes to bring the turnover rate in-line with these standards. If changes to the satisfaction of JTA are not made, JTA reserves the right to withhold payments due until appropriate adjustments in levels of compensation or other changes, acceptable to JTA, are made.

A \$500 per month disincentive will be charged to the contractor for each whole percentage point when rounded that the contractor's turnover rate is greater than the annual goals of 25- and 15-percent as stated above. This monthly disincentives will be based on the previous three month period.

1.25.3. Dress and Appearance Standard

Contractor shall provide a uniform to be worn by all drivers when operating a vehicle in revenue service for JTA as detailed in the "Uniform" section of the "Specific Service Goals and

Standards” section of this RFP. Contractor shall submit a sample uniform for JTA’s approval prior to start of contract. The following list is the suggested uniform issue for a full-time driver:

<u>Uniform Item</u>	<u>Quantity</u>
Uniform Shirt	3
Trousers/slacks	2
Shorts	2
Belt	1
Socks	3
Jacket	1

The Contractor shall see that driver’s uniforms remain in good repair and do not appear old or worn out. Uniforms that are not in good repair shall be replaced at the Contractor’s expense. JTA may require all drivers to have new uniforms upon awarding a new contract.

Drivers shall follow the grooming and appearance standards established by JTA:

- Uniforms shall be neat, clean and pressed, and in good condition and proper fitting. All shirts/blouses shall be tucked in and only the top button may be left unbuttoned;
- Hair and facial hair shall be clean and neatly trimmed;
- Uniforms shall be worn only when providing service for JTA and shall not be worn in any other service which may be provided by the Contractor.

1.26. DRIVER TOOLS

The Contractor shall provide all necessary operating equipment to the drivers and office personnel. Driver equipment shall include, but is not limited to, a current map book of the operating area, manifests (trip sheets), clipboards, and pens. Drivers shall also be equipped with an operable and accurate timepiece at all times.

1.27. PERSONNEL POLICIES

The Contractor shall have in effect personnel policies that conform to all state and federal laws including, but not limited to, all regulations concerning Equal Employment Opportunities, Federal Transit Administration (FTA) Drug and Alcohol Regulations, Worker’s Compensation, and other regulations as appropriate.

The Contractor shall maintain at all times a current list of personnel assigned to JTA’s contract and provide JTA with an updated roster of all drivers each month.

When working for the JTA paratransit program, employees shall not have weapons in their possession or on vehicles operated for JTA services.

Purchasing or consuming illegal substances or alcoholic beverages while in uniform shall not be allowed. It shall be the Contractor’s responsibility to terminate any employee observed doing so. The policies for addressing such incidents shall be included in the Contractor’s Drug and Alcohol Policies, as required by the FTA, and in compliance with the FTA Drug and Alcohol Regulations.

JTA promotes and supports a smoke free work environment. There is no smoking allowed on vehicles used to provide JTA service or anywhere in facilities used for JTA services.

The Contractor shall have established standards for recruitment and hiring of drivers. These standards shall be detailed and submitted for approval by JTA.

JTA retains the right to review the Contractor's personnel policies and the list of personnel assigned to JTA's contract. Proposed changes in key personnel incumbents and/or job duties shall be subject to review and approval by JTA.

1.28. REMOVAL OF EMPLOYEES

JTA may require that any employee be removed from providing service to JTA program customers for excessive complaints, rudeness, or other inappropriate behavior or appearance.

Any employee receiving two or more valid customer complaints within a rolling 30-day period shall be subject to a thirty (30) day probation period. During this period, JTA will evaluate whether the employee is suitable for service.

JTA will notify the Contractor, in writing, of any employee determined unsuitable. Within ten days of receipt of such notice, the Contractor shall, at its sole discretion, either propose to replace the employee or present to JTA a plan for correcting the employee's performance deficiencies within a 30-day period thereafter. If either JTA rejects the plan or the driver's performance deficiencies are not corrected to JTA's satisfaction within the 30-day plan period, the Contractor shall immediately replace the employee.

1.29. DRIVER FEEDBACK

Since drivers are the first line out in the field, driver feedback about schedules, customer needs, vehicle maintenance and working conditions is imperative. The Contractor shall have on-going mechanisms, including monthly driver meetings, to capitalize on driver feedback. JTA shall be allowed to participate in monthly driver meetings.

1.30. TRAINING AND SAFETY PROGRAMS

1. Proposers must provide detailed information about employee training programs as part of their proposals. All training programs are subject to review and approval by JTA.
2. All training must be to proficiency and must include testing to verify employee proficiency.

1.30.1. Training Requirements

Management, Reservations, Scheduling and Dispatching Staff

All management and operations staff shall be trained to proficiency in JTA paratransit transportation service policies and procedures, other contract requirements, use of hardware and software appropriate to the job, and quality customer service.

Vehicle Operator Training

The Contractor shall design, schedule and conduct ongoing training procedures which train and prepare all drivers, including any subcontractor drivers, assigned to the JTA contract in a manner that conforms to all state and local laws and assures JTA's operational objectives below are met.

- Provide paratransit service which is safe and reliable;
- Provide paratransit service which will maximize customer service; and
- Provide paratransit service in a manner which will maximize productivity.

The driver training course shall, at a minimum, provide 56 hours of classroom instruction as follows:

- A review of applicable laws and regulations;
- JTA Service Requirements and Policy and Administrative Procedures;
- 14-90.004(3)(d) Training and testing to demonstrate and ensure adequate skills and capabilities to safely operate each type of bus or bus combination before driving on a street or highway unsupervised. As a minimum requirement, drivers shall be given explicit instructional and procedural training and testing in the following areas:
 - 1. Bus transit system safety and operational policies and procedures.
 - 2. Operational bus and equipment inspections.
 - 3. Bus equipment familiarization.
 - 4. Basic operations and maneuvering.
 - 5. Boarding and alighting passengers.
 - 6. Operation of wheelchair lifts and other special equipment.
 - 7. Defensive driving.
 - 8. Passenger assistance and securement.
 - 9. Handling of emergencies and security threats.
 - 10. Security and threat awareness.
 - 11. Driving conditions.
- Vehicle Orientation - Pre and Post Trip Inspections;
- Eight (8) hours of defensive driving and safe vehicle operations;
- Sensitivity Training - Minimum six (6) hours classroom and two (2) hours “hands-on” (including respectful language, passenger assistance, working with riders with various types of disabilities, driving techniques, special consideration, loading, tie down training and role playing). This training shall include empathy training, which will have drivers experience first-hand what riders experience when using the service (e.g., riding up and down on a lift, entering and exiting a vehicle blindfolded, etc.). The sensitivity training shall also involve individuals with disabilities talking about their particular needs when traveling on the paratransit service;
- Lift/wheelchair tie-down techniques and procedures for the transport of passengers with wheelchairs and other mobility devices;
- Operation of radio equipment and MDT equipment in accordance with federal, state and local regulations;
- A minimum of four (4) hours of customer service training;
- Accidents and Emergencies - Avoiding Accidents; Emergencies; Completing Accident Reports;

- Fare collection and trip classification and counting;
- Policies related to sexual harassment;
- Regulations and policies regarding rider privacy and health care information;
- A minimum of four (4) hours of orientation to the service area and street network and Thomas Brothers guide map reading; and
- A minimum of four (4) hours of schedule reading, route planning and run completion.

The Contractor also is encouraged to provide First Aid Training, including cardiopulmonary resuscitation (CPR).

In addition, all drivers shall receive a minimum of forty (40) hours of behind-the-wheel (BTW) training in all types of vehicles to be operated under this contract. BTW training shall be an appropriate mix of observing the operation of service by a driver-trainer or trainer and actual operation of vehicles while being observed by a driver-trainer/trainer. BTW training also shall familiarize drivers with key pick-up and drop-off locations in the service area and major highways and streets. BTW training shall be integrated with map reading training to ensure that drivers can apply map reading skills on the road. A complete evaluation of driving skills and proficiency with all driver requirements shall be conducted at the end of BTW training. Additional training shall be provided if deemed necessary by the trainer. Evaluation of driving skills shall also be conducted on an ongoing basis using on-board camera systems, annually, and after any chargeable or non-chargeable accident.

Training requirements shall not be waived or reduced based on employment by other companies. Prior training for employees previously employed as drivers by the Contractor shall only be used as “credits” if the prior employment was within the past 12 months.

The Contractor shall provide the following training and safety support, at no extra cost to JTA:

- A safe driving awards program;
- Monitoring and inspection of drivers’ Motor Vehicle Records at least every six (6) months;
- Ensuring the availability and delivery of vehicle(s) as required for training programs; and
- Promotion and reinforcement of driving and safety principles by the Contractor’s management and supervisory staffs, policies and programs.

JTA reserves the right to revise the Contractor’s training program(s) in order to comply with federal, state, or local laws regarding driver certification or level of training requirements.

Refresher training shall be required for all drivers on an annual basis. More frequent retraining shall be required, as necessary. Mandatory refresher training shall be provided for drivers with repeated and accumulated minor infractions or complaints. The Contractor shall maintain documentation and proof of successful completion of all training and retraining in each employee’s file.

No driver shall provide service for the Connexion JTA program until such driver has been reported to JTA, through a certification of compliance form, of their motor vehicle record, criminal background check, pre-employment drug test results, valid driver’s license, DOT

physical, and documentation of all training. With submission of required documentation, each driver will be issued a Connexion JTA driver number. The driver shall receive, from the Contractor or JTA, a name tag in the form prescribed by JTA that must be worn at all times while on duty. The name tag shall include the driver's "head shot" photo, driver's name, Connexion JTA driver ID number, provided by Connexion JTA, and Contractor name.

1.30.2. Incentive and Safety Programs

The Contractor shall begin a continuing program of driver safety and instructions to be maintained in a Policy/Procedure Manual. Details of the program shall be included in Proposers' proposals and a final copy of the Policy/Procedure Manual shall be provided to JTA within sixty (60) days after the Notice to Proceed letter is issued.

The Contractor shall maintain an incentive and safety program to support JTA's goal of providing a high quality paratransit services for customers. These programs shall be detailed in writing and implemented routinely. Incentives should be awarded at regular driver meetings to ensure high visibility among other employees.

1.31. MINIMUM DRUG AND ALCOHOL POLICY STANDARDS

Contractor shall establish and implement a drug and alcohol testing program that complies with 49 CFR Parts 653 and 654, produce any documentation necessary to establish its compliance with Parts 653 and 654, and permit any authorized representative of the United States Department of Transportation its operating administrations or JTA to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR Parts 653 and 654 and review the testing process. Contractor must certify annually its compliance with Parts 653 and 654 before the date required by law and to submit the Management Information System (MIS) reports before March 1 to the designated JTA officer. To certify compliance Contractor shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements", which is published annually in the Federal Register. Contractor must further to submit upon request of JTA a copy of the Policy Statement developed to implement its drug and alcohol-testing program.

1.32. MINIMUM SYSTEM SAFETY PROGRAM PLAN STANDARDS

The Contractor shall adopt the JTA standardized System Safety Program Plan prior to beginning work under the contract. The SSPP includes management, vehicles and equipment, operational functions, driving requirements, maintenance, equipment for transporting wheelchairs, and training sections.

The SSPP requires all Connexion JTA vehicles to be inspected at least annually in accordance with vehicle inspection procedures within Chapter 14-90, FAC. Preventative Maintenance inspections shall be more comprehensive than daily inspections, as required by Chapter 14-90, FAC.

1.33. SERVICE MONITORING, DATA COLLECTION, REPORTING AND ACCOUNTING

The Contractor shall cooperate with JTA in monitoring service through activities such as passenger surveys, contract compliance, annual System Safety Program Plan compliance, Quality Assurance and Management Reviews. All Contractor staff must be fully cooperative in all interactions with JTA.

All records, vehicles, and drivers may be inspected daily through spot checks, monthly through reporting, and quarterly through full audits. Inspections will be made without notice and all records must be current and readily available at all times. The Contractor must maintain a self-monitoring program to assure compliance between audits.

The Contractor shall provide reports as detailed by JTA in this RFP. The Contractor shall provide JTA with additional information and reports required during the term of the contract. Requests for additional reports by JTA and the Contractor's obligation to provide such reports shall consider the reporting capabilities of the automated reservations, scheduling, dispatch and management system provided to the Contractor under this contract and a reasonable level of effort by the Contractor's staff. Contractor's staff shall be proficient in using the capabilities of the automated system provided to generate special data and reports.

The Contractor shall maintain a "Run Pull-Out Log" that indicates all runs scheduled for the day and the drivers originally assigned to cover those runs. The "Run Pull-Out Log" shall also list all scheduled extra board and back-up drivers for that day and the hours that each are available. Changes to original driver assignments shall be tracked on the log, use of extra board drivers shall be clearly indicated and final assignments and run coverage, as well as remaining extra board capacity throughout the day shall be detailed.

The Contractor shall also maintain a list of all drivers properly qualified and trained to operate paratransit services. This list shall include each driver's name, JTA ID#, date of birth, and Social Security Number. An updated list shall be provided to JTA each time a driver is added or removed from the workforce. This list shall be used by JTA for on-street spot inspections of drivers, complaint investigations, and periodic on-site audits of the Contractor's records and compliance with contract requirements.

Individual employee files shall be maintained for each employee. These files shall include all documentation of required qualifications and training. They shall also include documentation of all commendations, reprimands, and evaluations. A written record from the State of Florida Motor Vehicles Department shall be obtained every six (6) months for each driver for the duration of the contract and this record shall be included in the driver's personnel file.

Prior to and during the implementation of new MDT and AVL systems and technology, the Contractor shall maintain paper run manifests. Once MDT and AVL systems and technology have been fully implemented and JTA deems that the data is reliable and accurate, it may authorize the Contractor to discontinue use of paper run manifests. This decision will be at the sole discretion of JTA.

Each trip, including those sent to backup service, must have actual pickup/drop-off times and mileage. Drivers shall complete a run summary sheet for each run performed. The run sheet shall identify the driver, the vehicle, the run number, the scheduled pull-out and pull-in times of the run, the actual pull-out and pull-in times, the pull-out and pull-in mileage, and shall indicate any breakdowns. The run summary sheet shall be attached to corresponding completed run manifests.

The run manifests shall include the run number and date. Separate lines shall then be included for each pick-up and drop-off. The pick-ups and drop-offs shall be in the final time sequence to be performed by the driver. Each pick-up and drop-off line shall include the scheduled pick-up or drop-off time, the address, the rider's name, any special rider or directional notes, time of the pick-up, any applicable appointment or desired drop-off time, the pick-up time promised to the rider (or the on-time window calculated from the promised time), the number of PCAs and companions, mobility aids used by the rider, and the fare to be collected. Each line shall also provide space for the driver to enter the actual arrival time and boarding time or the actual drop-off time, and the mileage at each pick-up or drop-off. Drivers shall also record no-shows, cancellations, transferred trips and other service information and changes to the schedule.

Drivers shall be provided with a supply of blank "add-on" forms for entering information about trips added to the run by dispatchers. All information on scheduled trips noted above shall be recorded on these add-on sheets, including the original scheduled and negotiated times. The add on sheets shall also provide a space for drivers to record the time that the trip is assigned to them by the dispatcher.

Information from vehicle operations shall be recorded by the drivers on these run manifests. The information recorded on these forms shall then be reviewed by Contractor staff for errors and completeness and entered into the Trapeze system. Information from the drivers' run manifests shall be added to the trip scheduling information already in the system to provide for a complete reconciled record of the scheduling, handling and delivery of all requested trips.

The Contractor shall provide staff for data entry and reconciliation of completed driver manifests with information in the Trapeze system. Reconciliation shall be completed within three (3) days of the date of service. The reconciled trip files shall then be used to generate regular, required reports, as well as special reports and data runs.

Contractors shall also maintain a daily record of total fares actually collected and fares that should have been collected.

On a monthly basis, the Contractor shall prepare a Monthly Operating Report which shall be submitted to JTA with the monthly invoice on or before the 15th business day of the following month. The Monthly Operating Report shall include, at a minimum, the following data:

Operating Report Data

- 1) Total one-way eligible passenger trips requested
- 2) Total capacity denials
- 3) Total eligibility denials

- 4) Total trips refused
- 5) Total trips scheduled
- 6) Total trips scheduled more than 60 minutes from requested time
- 7) Total advance cancellations
- 10) Total late cancellations
- 11) Total no-shows
- 12) Total missed trips
- 13) Total trips provided to eligible riders
- 14) Total PCAs transported
- 15) Total companions/escorts transported
- 16) Total passengers (eligible riders, PCAs, companions)
- 17) Total eligible rider will-call trips
- 18) Total vehicle hours (pull-out to pull-in)
- 19) Total vehicle-revenue-hours (first pick-up to last drop-off less scheduled breaks)
- 20) Total deadhead vehicle-hours
- 21) Total Vehicle Miles
- 22) Number and percent of going trips picked-up on-time
- 23) Number and percent of going trips picked-up early
- 24) Number and percent of going trips pick-up late
- 25) Number and percent of going trips picked-up very late
- 26) Number and percent of return trips picked-up on-time
- 27) Number and percent of return trips picked-up early
- 28) Number and percent of return trips pick-up late
- 29) Number and percent of return trips picked-up very late
- 30) Number and percent of trips dropped-off on-time
- 31) Number and percentage of trips dropped-off too early
- 32) Number and percentage of trips dropped-off late
- 33) Number and percent of trips picked-up very late
- 34) Number and percentage of trips up to 10 miles with travel time of 60 minutes or less
- 35) Number and percentage of trips up to 10 miles with travel time of more than 60 minutes
- 36) Number and percentage of trips over 10 miles with travel times of 90 minutes or less
- 37) Number and percentage of trips over 10 miles with travel times of more than 90 minutes.

All rider and passenger information (items 1-17) shall be by type of service (ADA or TD). All other information shall be provided separately for total paratransit (ADA,TD) service transportation.

1.33.1. National Transit Data Base Reporting (NTD)

The Federal Transit Administration requires public transit operators to annually report specified operating, performance and vehicle data as a condition of federal funding. Additionally, operators of purchased transportation (PT) services that provide public transportation services under contract to recipients or beneficiaries of Urbanized Area Funds (UAF) must report data to the public transit agency for inclusion in the public transit agency's NTD report.

The Contractor shall therefore provide JTA with all data needed to complete required NTD reports. The Contractor shall assist JTA with the completion of all required NTD reports including the Paratransit Survey (PS) trip-sheets and all other NTD forms. All information shall be complete and accurate, as a low error ratio is also part of the reporting requirement. The Contractor shall comply with all NTD Program requirements and any future changes in reporting requirements, including reports inspection and retention.

1.33.2. Monthly Management Reports

Monthly management reports shall be prepared and submitted along with monthly operations reports. The management reports shall detail accomplishments and goals related to the operation, administration and maintenance of services. These reports shall also include required DBE reports and shall outline DBE participation relative to planned participation and JTA goals. Existing and anticipated problems, with recommendations for resolution, shall be described. A complete accounting of all accidents, incidents and unusual events shall be included.

1.33.3. Project Status Meetings and Advisory Council Meetings

Project status meetings shall be scheduled as needed. The Contractor is expected to attend meetings relevant to the operation of this service. JTA anticipates weekly and monthly meetings will be held for discussing current or potential service problems and proposed solutions. The Contractor shall also attend meetings of the JTA's Transit Advisory Committee (JTAC) and consumer advisory committee, as requested by JTA. Occasionally, additional meetings may be required, particularly during the beginning of the contract. Unless otherwise notified, the Project Manager or another employee with decision-making authority shall attend all meetings.

1.33.4. Accounting

The Contractor will maintain complete and accurate books of account that accurately and thoroughly reflect all fares and other revenues collected, and all expenditures made by the Contractor in connection with services at their local office. Such records will include the degree of detail and notations that are required by JTA to comply with local, state, and federal reporting requirements. All service costs incurred in the performance of this Agreement shall be recorded in an account separate from those used for other business activities of the Contractor.

The successful Contractor shall be required to instruct its personnel assigned to this project to maintain a daily log identifying the names of personnel working on the project, the tasks they are working on and timesheets that meet Federal and State requirements showing working hours charged to the project. The log and timesheets shall be made available to the JTA Project Manager during all normal work hours.

The Contractor must maintain a record of each driver's work period which shall include total days worked, on-duty hours, driving hours, and time of reporting on and off duty each day. Driver work hours must follow the requirements of Chapter 14-90, FAC.

1.33.5. Record Retention and Inspection

The Contractor shall maintain all operational and financial records, including required reports, for a period of at least five (5) years following the service date. Such records shall include vehicle manifests, dispatch records, billing records, timesheets, accident and incident reports, and

any other paper, magnetic or digital records relating to the operation of the service. These records shall be surrendered, on demand, and at no additional cost to JTA.

JTA or any of their duly authorized representatives shall have access to any books, documents, papers and records of the selected Contractor, which are directly related to the project.

1.33.6. Confidentiality of Client Information

The Contractor agrees to comply with, and assures the compliance of its employees with, the information restrictions and other applicable requirements of the Privacy Act of 1974, 5 U.S.C. § 552a and the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The Contractor shall ensure that all employees and subcontractors understand that the requirements of the Privacy Act and HIPAA, including the civil and criminal penalties for violation of that Act, and that failure to comply with the terms of the Privacy Act may result in termination of the underlying contract.

The Contractor also agrees to include these requirements in each subcontract to administer any system of records related to this RFP and contract.

1.34. BILLING AND PAYMENT

During the Contract period, the Contractor shall submit to JTA monthly invoices with full and appropriate documentation. The Contractor shall submit the original invoice and one copy to the JTA designated official.

JTA shall then pay the Contractor for the services rendered minus actual passenger cash revenues collected (or should have been collected), plus any incentive payments as identified in the “Incentives and Disincentives” section of this RFP, minus any penalties as identified in the “Incentives and Disincentives” section of this RFP.

The Contractor’s invoice shall be submitted by the 15th and last calendar day of the month following the month of service and shall include:

1. Contract Number
2. Invoice Number
3. Billing Period
4. Total Non-Vehicle Fixed Costs Billed
5. Total Vehicle Fixed Costs Billed
6. Total Variable Costs Per Vehicle-Revenue-Hour Billed
7. Total Cost Billed
8. Amount of Passenger Cash Fares Actually Collected
9. Net Amount Billed
10. DBE Participation Amount (if applicable)

Documentation accompanying monthly invoices shall include:

1. A list of all approved vehicle runs by day, the scheduled pull-out and pull-in times for each run, the actual pull-out and pull-in times (as documented on the Vehicle Summary Sheets attached to run manifests), the first pick-up and last drop-off times for each run,

total scheduled break time for each run, the mechanical/accident downtime for each run, and the total vehicle-revenue-hours for each run. A total of vehicle-revenue-hours for the month should then be shown and this total should tie into the actual vehicle service-hours included in the invoice.

2. The number of eligible rider trips provided, the number of companions/PCAs/Escorts transported, by type of service, the amount of fares that should have been collected, the actual amount of cash fares collected, and the cash value of pre-paid fare tickets collected. This information should tie into the Monthly Operating Reports submitted.
3. The Monthly Operating Report required in this RFP.
4. The Monthly Management Report required in this RFP.

Payments shall be made by JTA bi-monthly within thirty (30) days of verification and acceptance of the invoices and required service and management reports by JTA. If any portion of the invoice is disputed by JTA, JTA agrees to reimburse the Contractor for its undisputed costs. Disputed costs will be resolved in 30 days and shall be included in the subsequent month's payment to the Contractor.

1.35. COST TABLES

The proposers shall submit their price proposals and fill the following four cost tables. All lines shall be completed and no lines shall be left blank.

JTA is exempt from federal excise, federal transportation and state sales tax and such taxes shall not be included in price quotations.

Proposers should clarify entries so that all costs are included

It is understood that the prices in the below tables constitutes the proposers total price for completing the work described in the RFP for the option selected. JTA will not incur other additional costs for any additional equipment, services, shipping, handling or installation.

Unit prices provided in the tables below will be used as a basis for cost adjustments during the project. It is understood that these unit prices will hold for the duration of the project (until final system acceptance).

Operations Only Model (Service Model 1)			
Services	Cost per Hour of Service	Cost per Trip performed	Comments
Hire and manage drivers	\$	\$	
Train drivers and supervisors	\$	\$	
Operate vehicles	\$	\$	
Provide road supervision	\$	\$	
Monitor service	\$	\$	
Annual Expected Total	\$	\$	

Operations, Dispatching and Scheduling Services Model (Service Model 2)			
Services	Cost per Hour of Service	Cost per Trip performed	Comments
Hire and manage drivers	\$	\$	
Train drivers and supervisors	\$	\$	
Operate vehicles	\$	\$	
Provide road supervision	\$	\$	

Monitor service	\$	\$	
Carry out trip scheduling	\$	\$	
Perform vehicle dispatching	\$	\$	
Annual Expected Total	\$	\$	

Full-Service Model (Service Model 3)			
Services	Cost per Hour of Service	Cost per Trip performed	Comments
Hire and manage drivers	\$	\$	
Operate vehicles	\$	\$	
Provide road supervision	\$	\$	
Monitor service	\$	\$	
Handle trip reservations	\$	\$	
Carry out trip scheduling	\$	\$	
Carry out customer service activities	\$	\$	
Perform vehicle dispatching	\$	\$	
Vehicle Maintenance	\$	\$	
Fueling	\$	\$	
Vehicle Cleaning and Washing	\$	\$	
Administrative Offices and Other Facilities	\$	\$	
Annual Expected Total	\$	\$	

Optional Services			
Services	Annual Total Cost	Average Cost per Vehicle	Comments
25 Vehicles	\$	\$	

SECTION III

GENERAL RESPONSE REQUIREMENTS

Proposal Return Date

Sealed proposals will be received in **one (1) original** and **eleven (11) copies** at Jacksonville Transportation Authority, Administration Building, ATTN: Receptionist, 100 N. Myrtle Avenue, Jacksonville, FL 32204. The proposals should be submitted in sealed envelope marked **"RFP #P-13-005, PROPOSALS FOR Paratransit Services For Jacksonville Transportation Authority, DUE no later than 2:00 P.M. on November 15, 2012.**

Proposal Submission

A proposer may not submit more than one main proposal. Response to the RFP should follow the format described in this section. The required elements should be presented in clear, factual statements and supported by any necessary attachments regarding individual components. The proposal should be typed on 8 1/2 x 11 inch paper with binding on the left hand side. Unnecessarily elaborate presentations beyond those sufficient to present a complete and effective response to this solicitation are not desired and may be construed as an indication of the offeror's lack of cost consciousness.

Proposers are advised to adhere to proposal requirements. Proposals shall be tabbed based on the major sections in the table of contents.

Cover Letter

This is to be a document which details your firm's understanding of the purpose of the requested systems. The cover letter must be signed by a representative of the proposing firm, authorized to negotiate with JTA. The document must include a brief statement of understanding and approach of work not to exceed two (2) pages.

Proposal

The Proposal shall be organized with the following sections:

- a) **Cover Letter**
- b) **Understanding of Requirements** – proposer will clearly describe their understanding of JTA's services and operational objectives related to proposed services;
- c) **Qualifications of Firm** – proposer will clearly and specifically describe relevant qualifications of firm or team to undertake the requested services;
- d) **Relevant Firm Experience** - proposer will clearly and concisely document similar projects successfully operated by the firm or team. Proposer must identify project name, client contact, services performed, and date.
- e) **Project Staffing and Management** - proposer will identify the key personnel who will be assigned to the project. For each person, the proposer will identify number of years of relevant experience, role on this project, and experience and role on similar projects. Proposer will provide a project management organization chart identifying the project manager, QA/QC responsibility and show the roles proposed for key staff;

- f) **Approach and Implementation Proposal** – proposer will clearly and concisely describe their approach and implementation philosophy, process and procedures .
- g) **Staff Experience** – proposer will provide resumes for all staff assigned to the project;
- h) **Price Proposal** – the proposer will complete the price proposal sheets attached and submit same with proposal; and
- i) **Required Forms and Certifications** – the proposer must complete and submit all required certifications and forms identified herein.

It is required that sections (a) through (f), above, do not exceed fifty (50) pages in the submitted proposals. Substantial number of points will be deducted from any proposal's evaluation scores that exceed the 50-page limit.

Addenda to RFP

If any addenda are issued to this RFP, a good faith attempt will be made to bring any changes in this RFP to the attention of each of the prospective proposers who either picked up or were mailed a RFP. However, **PRIOR TO SUBMITTING THEIR PROPOSAL, IT SHALL BE THE RESPONSIBILITY OF EACH PROPOSER TO CONTACT THE JACKSONVILLE TRANSPORTATION AUTHORITY** to determine if addenda were issued and, if so, to obtain such addenda. If any addenda are issued, in order to acknowledge receipt of the addenda, proposers must either submit a copy of the addenda with their proposal or include a written acknowledgment of such receipt in their proposal. Unless the proposal either contains a written acknowledgment of receipt of the addenda, or the addenda are submitted with the proposal, the proposal will be considered irregular and may result in disallowance of consideration of the proposal.

Proposer Identification/Authorized Signatories

Proposals shall clearly indicate the legal name, address, and telephone number of the proposer (corporation, firm, partnership, joint venture, individual). Proposals shall be signed above the typed or printed name and title of the signer.

Proposals must be signed by an individual with the authority to bind the proposer, and the underwriter to the submitted proposal. The Signature of Authorized Representative on the Proposal Forms must be made by an officer of the proposer if the proposer is a corporation, by a partner or co-venturer if the firm is a partnership or joint venture, by a manager if a limited liability company, or by the proprietor, if the firm is a sole proprietorship.

Method of Acceptance

The proposals received will be ranked by the Authority on the basis of the criteria herein provided, unless the Authority determines to abandon the project prior to ranking. Unless the project is abandoned, the Authority will attempt to enter into negotiations with the highest-ranked proposer, and if negotiations are successful (including those involving compensation), the Authority will attempt to enter into a contract with that proposer. Failing the execution and

delivery of a contract with the highest-ranked proposer, the Authority (if it has not then abandoned the project) will attempt to enter into negotiations with the second-ranked proposer, etc. In consideration of the Authority's allowing the proposers to make a proposal (offer), each proposer agrees that a contract shall arise solely upon execution and delivery to the proposer of a written contract in respect of this RFP by the Authority, and that no posting of a ranking of proposals or proposers, or commencement of negotiations with a proposer, binds the Authority in any manner whatsoever or gives rise to any contractual or quasi-contractual responsibilities of the Authority.

Irrevocability of Proposal; Responsibility for Subcontractors

In consideration of the Authority's allowing the proposer to make a proposal (offer), each proposer agrees by offering a proposal (offer) that such proposal (offer) shall remain open and not subject to revocation and shall be subject to the Authority's acceptance as provided above for a period of 90 days after the date on which such proposals are due, whether or not the Authority has commenced negotiations with another proposer. Proposers must undertake to advise their respective subcontractors of all of the terms of this RFP, including but not limited to the foregoing requirements. Proposers are fully responsible for the performance or failure of performance of their subcontractors, whether or not any such subcontractor has been approved or acknowledged by the Authority.

Waiver and Rejection

The Authority reserves the right to waive informalities or irregularities in any proposals, to reject any and all proposals in whole or in part, with or without cause, and to accept that proposal, if any, which in its judgment will be in its best interest. The Authority reserves the right to terminate negotiations with any or all proposers at any time prior to execution and delivery of a written contract by the Authority, without liability of any kind to a proposer.

Non-Warranty of RFP Information

Due care and diligence has been exercised in the preparation of this RFP and all information contained herein is believed to be substantially correct. However, the responsibility for determining the full extent of the exposures to risk and verification of all information herein shall rest solely with those making proposals. The Authority and its representatives and consultants shall not be responsible for any error or omission in the RFP..

Conformity to Applicable Laws

The proposer must comply with all applicable federal, state and local laws, rules and regulations as the same exist and as may be amended from time to time, including, but not limited to, the "Public Records Law", Chapter 119, Florida Statutes (the Public Records Act) and Section 286.011, Florida Statutes, (the Florida Sunshine Law). If any of the obligations of this Agreement are to be performed by a subcontractor, the provisions of this Section shall be incorporated into and become a part of the subcontract.

Contingency Fees Prohibited

By submitting a proposal in response to this RFP, the proposer warrants that it has not employed or retained a company or person, other than a bona fide employee or subcontractor, working in its employ any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award of making a contract with the Authority.

Audit Provisions

The Authority may at any time during normal business hours, with or without prior notice and by or through its employees or its consultants, inspect, copy and audit all of the books and records of the provider (and its subcontractors, if any) selected to perform the services sought hereunder, if any, including all work papers and correspondence and financial records related to such services. The selected provider shall include this provision in each subcontract entered into in respect of such services.

Insurance/Safety Requirements

The Contractor shall, at its own expense, procure and maintain during the duration of this contract, with insurers acceptable to the Authority, the types and amount of insurance conforming to the minimum requirements set forth herein.

The Contractor shall not commence work until the required insurance is in force and a Certificate of Insurance or, at the option of JTA, a copy of the policies and endorsements, which verifies inclusion of the Authority as an Additional Insured in the General Liability and Commercial Auto policies and includes a thirty (30)-day written notice of cancellation to the Authority for all coverages or other evidence of insurance satisfactory to the Authority, has been provided to and approved by the Authority. Until such insurance is no longer required by this Contract, the Contractor shall provide the Authority with renewal or replacement evidence of insurance at least thirty (30) days prior to the expiration or termination of such insurance. The requirements contained herein, as well as JTA's review or acceptance of insurance maintained by Contractor, is not intended to and shall not in any manner limit or qualify the liabilities or obligations assumed by Contractor under the contract.

A. MINIMUM INSURANCE LIMITS

Contractor shall maintain limits no less than:

1. Commercial General Liability Insurance: Coverage is to be provided on an occurrence basis. The minimum limits of insurance shall include the following:

Commercial General Liability, including

- a) Premise/Operations
- b) Personal and Advertising Injury
- c) CGL policy not endorsed with exclusion – Products/Completed Operations Hazard (CG2104)
- d) CGL policy not endorsed with exclusion –Damage to Work performed by Subcontractors on Your Behalf (CG2294 or CG2295)
- e) CGL policy not endorsed with exclusion – Explosion, collapse and underground property damage (CG2142 or CG2143)
- f) CGL policy not endorsed with Contractual Liability Limitation Endorsement (CG2139) or Amendment of Insured Contract Definition (CG 2426)
- g) CGL policy not endorsed with Exclusion – Damage to Premises Rented to you (CG2145)

\$2,000,000	General Aggregate
\$1,000,000	Products/Completed Operations Aggregate
\$1,000,000	Personal and Advertising Injury
\$1,000,000	Each Occurrence
\$ 50,000	Fire Damage

2. Business Automobile Liability Insurance: The minimum limit of \$1,500,000 (seating capacity of 15 passenger or less) or \$5,000,000 (seating capacity 16 or greater) per accident for bodily injury or property damage. The insurance shall include coverage for the following:

- a. Owned/Leased Autos
- b. Non-Owned Autos
- c. Hired Autos
- d. Physical Damage coverage for JTA owned vehicles while in the care, custody and control of the Contractor.

3. Workers' Compensation and Employer's Liability Insurance: Workers' Compensation statutory limits as required by Chapter 440, Florida Statutes and any applicable Federal or State Law.

Part Two of the Standard Workers' Compensation Policy shall include the following minimum limit of liability:

- \$500,000 Each Accident Bodily Injury by Accident
- \$500,000 Policy Limit Bodily Injury by Disease
- \$500,000 Each Employee Bodily Injury by Disease

4. Umbrella/Excess Liability: Umbrella/Excess Liability coverage, on an occurrence and follow form basis, that applies in excess of the required General Liability, Business Automobile Liability and Employers' Liability limits, in an amount not less than \$5,000,000 per occurrence limit.

B. DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductibles or self-insured retentions must be declared to and approved by the Authority and clearly stated on the certificate of insurance. At the option of the Authority, the insurer shall eliminate such deductibles or self-insured retentions as respects the Jacksonville Transportation Authority, members of its Board of Directors, committees, officers, agents, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses, related investigation, claim administration and defense expenses. Evidence of financial responsibility must be provided at the request of the Authority if Contractor maintains excessive self-insured retentions.

C. OTHER INSURANCE PROVISIONS

1. Commercial General Liability, Automobile Liability Coverages:

- a. The Jacksonville Transportation Authority, members of its Board of Directors, committees, officers, agents, employees and volunteers are to be included as additional insureds with respect to: liability arising out of activities performed by or on behalf of the Contractor; products and completed operations of the Contractor, premises owned, leased or used by the Contractor or premises on which Contractor is performing services on behalf of the Authority. The coverage shall contain no special limitations on the scope of protection afforded to the Jacksonville Transportation

- Authority, members of its Board of Directors, committees, officers, agents, employees and volunteers.
- b. The Contractor's insurance coverage shall be primary insurance as respects the Jacksonville Transportation Authority, members of its Board of Directors, committees, officers, agents, employees and volunteers. Any insurance or self-insurance maintained by the Jacksonville Transportation Authority, members of its Board of Directors, committees, officers, agents, employees and volunteers shall be excess of Contractor's insurance and shall not contribute with it.
 - c. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Jacksonville Transportation Authority, members of its Board of Directors, committees, officers, agents, employees and volunteers.
 - d. Coverage shall state that Contractor's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.
2. Workers' Compensation and Employer's Liability, General Liability and Automobile Liability Coverages:
The insurer shall agree to waive all rights of subrogation against the Jacksonville Transportation Authority, members of its Board of Directors, committees, officers, agents, employees and volunteers for losses arising from activities and operations of Contractor for performance of services under this Agreement.
3. All Coverages:
- a. Each insurance policy required by this Agreement shall be endorsed to state that no material alteration or cancellation, including expiration and non-renewal, of coverage shall be effective until after thirty (30) days prior written notice has been given to: Jacksonville Transportation Authority, ATTN: Purchasing Division, 100 N. Myrtle Ave., P.O. Drawer "O", Jacksonville, Florida 32203.
 - b. Failure to maintain a current certificate of insurance, or other evidence of the insurance required, on file with the Jacksonville Transportation Authority will be grounds for withholding or rejecting payment of invoices.
 - c. Until such time as the insurance is no longer required to be maintained by the Contractor, the Contractor shall provide the Authority with renewal or replacement evidence of the insurance in the no less than thirty (30) days before the expiration or termination of the insurance for which previous evidence of insurance has been provided.
 - d. Notwithstanding the prior submittal of a Certificate of Insurance, if requested by the Authority, the Contractor shall, within thirty (30) days after receipt of a written request from the Authority, provide the Authority with a certified complete copy of the policies providing the coverage required.

- e. If Contractor, for any reason, fails to maintain insurance coverage which is required pursuant to this requirement, it shall be deemed a material breach of contract. The Authority, at its sole option, may terminate the contract and obtain damages from the Contractor resulting from said breach, or force place such insurance, at the sole discretion of the Authority and at the sole expense of the Contractor.
- f. This coverage is required of the Contractor. If subcontractors are to be used, the Contractor will be required to provide evidence of subcontractor insurance acceptable to JTA.
- g. Neither approval by the Authority nor failure to disapprove the insurance furnished by the Contractor shall relieve the Contractor of the Contractor's full responsibility to provide the insurance as required by this Contract.
- h. Depending upon the nature of any aspect of this project and its accompanying exposure and liability, the Authority may, at its sole option, require additional insurance coverages in amounts responsive to those liabilities which may or may not require the Authority also to be named as an additional insured.
- i. Compliance with the insurance requirements of this Contract shall not limit the liability of the Contractor. Any remedy provided to the Jacksonville Transportation Authority, members of its Board of Directors, committees, officers, agents, employees and volunteers by the insurance shall be in addition to and not in lieu of any other remedy available under this contract or otherwise.
- j. Contractor's insurance coverage requirements apply to the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work or services hereunder by the Contractor, his agents, representatives, employees or subcontractors. The cost of such insurance shall be included in the Contractor's fees.
- k. Contractor shall procure and maintain during the life of the contract and until such insurance is no longer required by this Contract, insurance of the types and minimum amounts stated. Said insurance shall be written by an insurer holding a current certificate of authority pursuant to Chapter 624, Florida Statutes, and having a most recently published rating by A.M. Best Company of A X or better.

If, during the period when an insurer is providing the insurance required by the Contract Documents, an insurer shall fail to comply with the foregoing minimum requirements, as soon as the Contractor has knowledge of any such failure, the Contractor shall immediately notify the JTA and shall immediately replace the insurance provided by the insurer with an insurer meeting the requirements. Until the Contractor has replaced the unacceptable insurer with one acceptable to the JTA, the Contractor shall be in default under the Contract.

Required Program of Insurance

Without limiting Contractor's indemnification of JTA, the Contractor will be required to provide and maintain at its own expense throughout the contract term, a program of insurance that includes general liability, endorsed for premises, operations, products and completed operations, independent Contractors and personal injury, and that covers all events occurring during the Contract term.

Indemnification. Contractor hereby indemnifies and holds harmless the JTA and its officers, board members and employees (collectively, the "Indemnified Parties") from and against any and all claims, actions, suits, proceedings, costs, expenses, damages or liabilities (including attorneys' fees and expenses and court costs, "Losses") arising out of, connected with, or resulting from the provision of the services provided under the contract or any breach or default under the contract, by Contractor or its subcontractors, agents or employees. . Contractor also indemnifies and holds harmless the Indemnified Parties from and against any and all claims, actions, suits, proceedings, costs, expenses, damages or liabilities (including attorneys' fees and expenses and court costs) which any Indemnified Party may incur as a result of the actions or omissions of the Contractor, its employees or agents, while on JTA's premises or during the provision of services, wherever located. The premises of JTA referred to in the preceding sentence shall include all space and real property owned, leased or subleased by JTA, or in which JTA has easement rights. Notwithstanding the foregoing, there shall be no indemnification hereunder by Contractor as to any Losses caused by the sole negligence or fault of the JTA. The provisions of this paragraph shall survive the termination of this Agreement. The indemnification obligation hereunder shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable under workers' compensation acts, disability benefits acts or other employee benefit acts.

This indemnification provision is separate and apart from, and in no way limited by, any insurance provided pursuant to the contract or otherwise. This indemnification by the Contractor shall extend for any claims arising in whole or in part from a breach of or default under the contract.

SAFETY REQUIREMENTS

This section is intended for Construction Contracts. However, all other Contractors are required to comply with any and all State, Federal and Local and JTA Safety rules and regulations. All employees of the contractor or anyone working on behalf of the contractor is required to participate in the MANDATORY Contractor Orientation Program prior to accessing the facility.

A. INTRODUCTION

These construction safety requirements are one of the construction contract documents. All contractors are required to ensure that they and their employees, subcontractors, suppliers, vendors, and visitors, while on the job site, comply with the provisions of this manual. The provisions of these requirements shall be strictly enforced.

Noncompliance with safety requirements shall be treated the same as non-compliance with any contract item. Any non-compliance will result in work stoppage or employee dismissal; willful or repeated non-compliance will result in Contractor dismissal.

The Federal Occupational Safety and Health Act as well as JTA's System Safety Program Plan and other federal, state, local and project codes, or regulations publicized in the interest of safety shall be enforced and defined by the contract.

The Project Safety Requirements are a supplementary document to all governmental rules, codes and regulations, and does not negate, repeal, alter or otherwise change any provisions of these rules, codes and/or regulations. It is intended to supplement and enforce the individual program of each trade Contractor and to coordinate the overall safety effort. It is understood that the ultimate responsibility for providing a safe place to work rests with each individual trade contractor.

Safety Will Not Be Sacrificed For Production. Safety will be considered an integral part of quality control, cost reduction, and job efficiency. Every level of management and supervision shall be held accountable for the safety performance demonstrated by the employees under their supervision.

B. STATEMENT OF POLICY

It is the policy of all Contractors and JTA that a safe work place is provided. JTA and all others employed on the project will conduct their work in a safe manner consistent with good construction safety practices in addition to all written requirements.

The JTA shall require all contractors and sub contractors to fully comply with safety requirements, with all federal, state and local laws, statutes, ordinances, rules, regulations, requirements and guidelines of government authorities, agencies and any other authorities having control or responsibilities bearing on the performance of work.

Management and supervision are charged with the responsibility of preventing the occurrence of events or conditions that could lead to injuries or illness. The ultimate success of this safety program depends fully upon the total cooperation of every individual employee. It is management's responsibility to ensure that safety rules and procedures are enforced and to further ensure that effective training and education programs are employed. Work will be performed in a safe manner to protect all employees, visitors, the public and adjacent property.

C. OBJECTIVES

To control the exposures and prevent the failures that causes fatalities, injuries, illnesses, equipment damage and/or fire, and damage or destruction of property at the JTA work site.

D. GOALS

Totally eliminate events that cause or could cause injuries or illness, achieve zero fatalities, zero permanent disabling injuries, and zero lost workday cases.

ADMINISTRATION AND ORGANIZATION

JTA **will not** assume the responsibility for or relieve any Contractor of their direct responsibility for employee and public safety.

The objective of these requirements is to identify how the program will be administered, identify responsibilities, and ensure control.

The effectiveness of the safety program depends upon the active participation and sincere cooperation of all Contractors and their employees and the coordination of their efforts in carrying out the following basic responsibilities:

- A. Plan all work to eliminate personal injury, property damage, and the loss of productive efforts in accordance with the Safety Hazard Analysis Procedure.
- B. Establish and maintain a system for early detection and correction of unsafe practices and conditions by following the Safety Hazard Analysis Procedure for each work activity.
- C. Provide adequate protection for adjacent public and private properties and to ensure the safety of the public at all times.
- D. Establish and conduct safety education programs designed to gain, stimulate and maintain the interest and active participation of all employees through:
 - 1) Safety meetings and communication.
 - 2) Investigation of incidents that have caused or could cause injuries and potential safety incidents to determine the root cause and the taking of necessary corrective actions.
 - 3) Use of proper work procedures, personal protective equipment and mechanical guards (Safety Job Hazard Analysis).
 - 4) Safety instruction for individual employees and safety training programs.
 - 5) Maintenance of records of incidents and losses and development of injury/losses experience summaries.

All Contractors are responsible for the implementation of the project safety requirements. These requirements will be administered by each Contractor and will include maintaining and auditing individual sub-contractors' safety performance for compliance with all applicable federal, state, local, and established project safety requirements, including, but not limited to, the Contractors' individual safety and hazard communication programs. General Contractors are responsible for ensuring all subcontractors are safety pre-qualified by JTA prior to the resource beginning assigned work.

Sub-contractors are held to the same requirements and standards of safety performance as the general contractor. General contractors shall ensure that subcontractors are properly trained and work in accordance with this document. Sub-contractors are also subject to work site assessment and training verification.

The Contractors Field Superintendent or designee will conduct daily inspections with Contractor safety personnel. When a violation of job safety is observed, the Contractor shall be notified either verbally or in writing and immediate corrective action shall be taken. Contractor safety personnel shall audit their company's safety performance continually throughout the entire workday and during non-scheduled work activities.

Daily inspections shall be conducted by all Contractors' field superintendents in conjunction with sub-contractors' site supervision. When unsafe acts, conditions or fire hazards are noted, immediate corrective action shall be taken. Where immediate corrective action cannot be obtained, the Contractor shall be notified verbally and in writing of the unsafe act or condition and the Contractor will be required to correct the situation and notify the Contractors Designated Safety Representative of action taken in writing before the end of that workday. Failure to correct a problem shall result in the immediate stopping of all work in the related area and work shall not be permitted to resume until unsafe conditions are corrected.

Under the terms and conditions of the contract documents, each Contractor is required to administer their own activities and those of their Subcontractors. Each Contractor and Subcontractor is responsible for the safety of his or her employees. Each Contractor will be required to provide JTA with a copy of their company safety program and hazard communication program.

Where the programs differ, the JTA safety guideline will be the governing factor. Prior to commencement of work at the site, the Contractor, his safety supervisor, and Subcontractor(s) for the project shall attend a pre-construction safety conference with the JTA Project Manager and JTA Safety & Emergency Officer or designee. The purpose of the meeting shall be to review procedures, forms, record keeping, reports, etc. and to clarify any misunderstandings about the project safety program.

LEGAL REQUIREMENTS

System Safety Program Plan (SSPP) and Security Program Plan (SPP) to comply with Florida Statute Chapter 341.061, Florida Statutes for Public Transportation and Florida Administrative Code 14-90.

SECTION IV
TERM OF CONTRACT; COMPENSATION; CERTAIN PERFORMANCE
REQUIREMENTS

Term of Contract

The term of the contract, if one is awarded, shall be for one four-year base term with two (2) two-year options to extend. By submitting a response to this RFP, the proposer acknowledges that the Authority will have the right at any time, and for any reason, to terminate the contract unilaterally upon five (5) days written notice, with or without cause. Payment for services rendered prior to such termination (and, in the case of Service Model 3, for unavoidable costs of early termination of facilities leases in the event of termination by JTA without cause) shall be made by the Authority, subject to any damages, losses or other amounts owing to Authority by the provider.

Performance Bond Requirement

At the time of contract award, the selected Contractor will furnish to the Authority a performance bond or similar security (ex. letter of credit) in favor of the Authority in the sum of 15% of the estimated total compensation under the contract for the first twelve month period. Such performance bond or security shall be issued by a nationally-recognized financial institution whose credit ratings are acceptable to the Authority, and shall be in form and substance satisfactory to the Authority. At a minimum, such performance bond or security shall provide for payment to the Authority of the sum of such instrument upon the failure of performance of the Contractor for any reason.

Prompt Payment to Subcontractors and Suppliers

Prime Contractors and Subcontractors who have contracted portions of their work to small business, as defined by the Small Business Administration in Title 13 Code of Federal Regulations, Part 121 are subject to the following regulations:

1. All small businesses acting in a Subcontractor or Sub-Subcontractor relationship must be paid for services rendered no later than seven (7) business days after the Prime Contractor has received payment for the work from JTA.
2. All retainage amounts held from the aforementioned small business Subcontractors and Sub-Subcontractors, where applicable, must be returned to those entities no more than thirty (30) days after the Subcontractor or Sub-Subcontractor has completed its portion of the contracted work. Subcontractors and Sub-Subcontractors who fail to correct substandard work discovered after the release of retainage under this requirement are subject to suspension and debarment proceedings by JTA.

Failure to comply with these procedures on the part of the Prime Contractor or Subcontractor, constitutes a default of the contracted relationship with JTA and may result in the withholding of

payment to these parties and/or commencement of suspension or debarment proceedings. Any delay in or postponement of payment to the aforementioned Subcontractors or Sub-Subcontractors requires good cause and must receive written approval from JTA.

SECTION V
SELECTION CRITERIA

It is the sole responsibility of each proposer to address in its proposal each of the selection criteria described herein. Provide with your proposal any other information which would be relevant to the application of the selection criteria to your proposal.

Requirements for Respondents

- A. Proposers shall submit one (1) original and eleven (11) copies of their response to this Request for Proposals. The Authority may request additional copies of those proposals, which are selected for the short-list of qualified proposers.
- B. Proposals shall contain no more than fifty (50) pages (excluding staff resumes), exclusive of the covers, required attachments, and tab sheets. Text and figures shall be printed on one side of the paper only. Proposals shall be on 8 ½ x 11 paper bound on one side. Proposals should be prepared in the order of the evaluation criteria detailed below, and tabs should be used to separate and label the sections according to criteria. Information included in a letter of transmittal may not be taken into consideration while reviewing proposals. Resumes should not be included for staff who are not material to the project work.

The final page of the vendors proposal shall contain the following:

- a. Legal name of the vendor.**
 - b. Primary location. (Physical address)**
 - c. Local address if any.**
 - d. Telephone number, FAX number and e-mail address.**
 - e. Name of contact person.**
 - f. Authorized signature of contact person.**
- C. Proposals must contain an organizational chart and brief resumes of all initial key staff as well as key staff of sub-proposers.
 - D. Clear statements of experience related to the attached scope of work of management, staff and of the firm along with a list of references should be included. The list of references must include a contact person and telephone number.
 - E. A list of all sub-proposers that are an integral part of the proposal from a technical aspect must be included with detailed information as required in "C" and "D" above.
 - F. The proposer must submit an overall schedule of availability of personnel as such exists at that time. Any significant commitment of listed personnel which could conflict with their availability for this project should be clearly shown, including all personnel who are not locally based.

MINIMUM REQUIREMENTS

- A. Three years experience for the work being proposed.
- B. The attainment of the DBE goal or documentation of good faith effort submitted with proposal.

Proposers Responsible for Addressing Criteria

Proposers should be aware that the proposal will be evaluated in accordance with the criteria prescribed herein and accordingly would be advised to structure their proposal in a manner to properly address each of the evaluation criteria.

Evaluation Criteria

The evaluation criteria are set forth below.

The Evaluation Committee shall determine qualifications, interest and availability by reviewing the written responses received, and, when deemed necessary, by conducting formal interviews of selected proposers that are determined to be best qualified based upon the evaluation of written responses. The determinations shall be based upon the following evaluation criteria, the relative importance of which shall be indicated in the RFP:

Evaluation Criteria

The evaluation criteria are set forth below.

Each of the following criteria will be scored accordingly:

1. Rates/Fees (35 points):

The proposer shall define those classifications (Section 1.35) which fit under the following categories and indicate rates for each category. The rates and fees, along with unit price quotations, including, without limitation, hourly rates, fee or other charges that will ultimately be used during contract negotiations to calculate or determine total compensation shall be included. Any cost used in evaluating any criteria shall be based on a four year cost.

- a. Fixed Cost Per Hour
- b. Variable Cost Per Hour
- c. Startup Expense (startup expenses to be invoiced separately during the initial contract year)
- d. Cost of employee turn over, see Section 1.25.2

Note: A best and final offer process may be requested at the sole discretion of JTA

2. Qualification and Financial Stability related to this proposal (5 points)

Includes technical education and training in the kind of project to be undertaken, including and with emphasis on proposed staff qualifications.

Qualities and indicators that will receive consideration include the quality and continuity of experience of the proposer (and proposers proposed staff) with the coverage of service being proposed or with similar services. Special emphasis should be given to paratransit operations.

a. Service Management

- 1) Describe your staffing plans for regular service days and holiday service. Describe your approach to vehicle and route assignments, how you will maintain flexible driver schedules, and the methods you will use to achieve the appropriate mix of full-time and part-time driver shifts. Describe how you will ensure equivalent performance standards on weekends and holidays.
- 2) Describe how you will establish and maintain organizational and programmatic relationships with agencies providing other services to the riders of Connexion. Provide examples of how your firm has established such relationships in other contracts, and how your firm was able to improve its service to riders as a result.
- 3) Describe the quality improvement programs you have implemented under other contracts and the program you propose for this contract.

b. Administrative Data

- 1) List the names, titles, address, telephone and fax numbers of persons authorized to conduct contract negotiations with JTA.
- 2) If the Proposer is a certified Disadvantaged Business Enterprise, please attach a copy of your letter of certification from the state of Florida.
- 3) JTA reserves the right to request other business and administrative information necessary to the conduct of this procurement.

c. Proposer Financial Statement

Provide evidence of adequate financial stability. The Proposer must submit the following financial reports in a separate envelope:

- 1) A copy of the most recent two full years of audited financial reports and financial statements (and current years internally compiled financial statements) with the name, address and telephone number of a responsible person in the company's principle financial or banking organization and its auditor.
- 2) All such financial reports shall be detailed, not condensed or summarized version(s) of the report.
- 3) JTA reserves the right to request such other information or reports necessary to establish evidence of adequate financial stability. JTA recognizes that these

reports contain proprietary material and will treat them as confidential. Please submit proof of insurability to the prescribed limits listed in the proposal. Insurance Requirements and disclose deductibles and self-insured retainers. Please identify your insurance agent(s) and underwriting company(s).

3. Approach to Plan, Schedule, Service Provision & Operations (30 points):

Qualities and indicators that will receive consideration, include the company's performance in converting the Scope of Services in to a work plan, the detail and clarity as to the respondent's approach to undertaking the project, company's ability to identify any special problems or concerns associated with the project and ideas how these obstacles should be addressed, including any approach which are designed to save time and money.

a. Start-up Plan

1. Describe your start-up plan. Identify all tasks to be completed between the date of contract award and the service start date. In your plan identify your assumptions, projections, estimations and key dates to accomplish the following:

a. Hiring timelines, specific functions of staff hired and the estimated cost (unit rate, benefits, and total estimated hours of staff hired prior to service operation beginning).

2. Estimated amount of time spent on each task and estimated completion dates for each task.

3. Identification and cost of materials and equipment including identification of all equipment to be purchased to accomplish the identified tasks and prepare for service operation.

4. Specify the rationale for each task. Clearly identify what you intend to accomplish and how you will accomplish each task within the time lines.

5. Describe your plan for a smooth transition from the prior Contractor to your firm that ensures the least amount of disruption to the rider. How will you coordinate and facilitate vehicle transfers?

6. Percentage of current JTA employees who will be absorbed by the contractor (under service Models 2 and 3).

b. JTA-wide Service Area

1. Describe how you will ensure that all drivers and other operations staff will gain familiarity with the entire JTA and its traffic patterns.

2. Describe your plan for responding to increases and decreases in the allocation of Vehicle Service Hours (VSH). Indicate how such increases or

decreases will impact staffing and other aspects of your operation and the reasons for such impacts.

c. Facilities and Equipment (under service Model 3)

1. Describe your anticipated facility and equipment requirements including building and parking lot footage, that will be used in the performance of this contract, including preferred locations(s). If your company has available sites please describe. Indicate your control (own, lease, etc.) of each facility. Include in your description all administrative, operating, maintenance and fueling facilities owned and or leased that could be available for this contract.

2. Describe your storage and security plan for vehicles during non-service hours.

3. Describe your proposed telephone system and equipment. Describe how your system will ensure that two lines are dedicated and are able to be used in case of power failures, and how the system will ensure there is a dedicated line for the fax machine. Include a description of the system capacity and any special features.

4. Describe your experience with Mobile Data Terminals, two-way mobile radio service or similar radio communication system.

5. Describe your plan for maintenance and replacement of communications equipment. Describe your back-up service communication plan. Include the quantity and type of equipment to be purchased and describe how the equipment will meet the criteria of being able to interface with the existing mobile radio system.

6. Describe your and your proposed staff's experience with the computerized dispatch and scheduling system TRAPEZE or similar system. Please identify the system(s) you have operated.

7. Describe your experience with receiving manifests at a remote site from centralized scheduling and dispatching location.

8. Describe how you will ensure the reliability of your computer hardware, software and local area network.

9. Describe your proposed computer preventative maintenance and repair plans.

10. In the event of a power outage or other circumstances that prevent the transmission of manifests from the Call Center describe your plan for obtaining manifests.

d. Vehicles and Maintenance (under service Model 3)

1. Describe your plan to ensure that the vehicle preventive maintenance inspections will be completed in a timely manner.
2. Describe the qualifications, training and experience of your vehicle maintenance manager and mechanics.
3. Describe your plans for inspecting, monitoring and replacing equipment that was originally supplied with the vehicles. Describe your plan for ensuring that vehicles are kept clean according to the standards in this RFP.
4. Describe your plan to ensure the driver's pre-shift vehicle inspection and other maintenance inspections occur according to the standards in this RFP.
5. Describe how you will ensure that a driver will not operate a vehicle that is not in safe and good operating condition.
6. Describe your experience with vehicle maintenance software and how you will implement and use it.
7. Describe how you will prepare a vehicle(s) for transfer to another Service Provider.

e. Recruitment and Retention of Drivers

1. Describe your plan for recruitment and retention of drivers. Include in this plan the use of existing drivers
2. Describe how you will coordinate with the prior Contractor for recruiting and training to ensure the least disruption to service delivery.
3. Provide your proposed wage scale(s) for drivers. Describe in detail your benefit plan for drivers, including the degree of employee financial participation. List each proposed benefit. If you plan to hire drivers at different steps or pay grades, please identify the criteria you will use to determine at which step or level a driver will be started at. As this is a multi-year contract, how will you update your wage and benefit plan?
4. Describe your plan for tracking information on drivers, such as traffic violations, when their license, certificates and training dates need to be renewed.
5. If you presently use a computer-assisted system to track driver information, describe the hardware and software, and how you will meet all requirements of this RFP to maintain and track records and data.
6. Describe your hiring practices and procedures (include procedures for determining English proficiency and sensitivity in working with persons with

disabilities), training, safety and emergency operation procedures for drivers. Describe how you will determine if a driver is physically fit to perform the job. If your program exceeds the guidelines as stated in this RFP, please describe where your program exceeds the standards stated in this RFP. Describe how your training program will prepare drivers for their first day of service. Describe the training plan to ensure drivers are able to provide transportation services during periods of snow and ice. Include the names and describe the qualifications of other organizations to be used in the driver training and any services that will be subcontracted.

7. Describe your plan for monitoring initial and ongoing driver performance, and performing regular driver performance reviews.

8. Describe your procedures for conducting criminal history checks, drug testing and driver license checks and your processes and procedures for actions resulting from such checks and tests. If you are presently conducting drug testing screening, describe your process for complying with Federal drug testing policies including time-frames, and at what point checks are accomplished in the hiring process.

9. Describe your driver corrective action plan and procedures/criteria for determining preventive and non-preventive accidents.

10. Describe how you will ensure that drivers report back after being charged with a felony offense or serious traffic violations.

f. Other Operator Staff

1. Identify and describe the job duties, hiring standards and proposed qualifications of staff, other than drivers and the project manager that will be assigned duties under this contract, such as dispatchers, trainer, maintenance manager, road supervisors, clerical etc.

2. Describe the procedure that you will use to notify the Control Center of vehicle unavailability prior to the day that the vehicle would be scheduled. Describe procedures for notification of the Control Center, when a vehicle, due to accident or other unforeseen event, is not available for scheduling of service.

3. Describe your backup plan for ensuring that service will be provided, if you are unable to schedule a driver(s) for an assigned route(s) on the day of service.

4. Describe your plan to ensure compliance with the standards for maintaining communications with the Control Center throughout the service day.

5. What is your procedure for responding to a vehicle breakdown/road call?

6. What is your procedure for responding to vehicle accidents or other incidents that may delay the delivery of service? Describe your proposed accident/incident investigation procedures. State your proposed policy and procedures for handling emergencies and comply with response and notification requirements in this RFP.

7. Describe your plan for fueling vehicles.

8. Describe your procedure to ensure that all rides are delivered on-time.

9. Describe your inclement weather plan. How will you ensure that resources including communication systems are available.

10. Describe your transportation safety record.

g. Customer Contacts and Complaints

1. Describe your proposed customer contact and complaint handling and complaint resolution procedures. Include copies of policies that will be used. Describe how you will ensure timely response and resolution?

2. Describe how you will incorporate customer comments into improved service.

3. Describe how your personnel policies integrate responses to employee concerns in areas such as customer service, on time performance and safety.

4. Ability and capacity to manage, monitor and measure service and comply with regulations and operations policies (25 points):

a. Record Keeping and Data Collection

1. Describe how your procedure to collect operations data will check for completeness and accuracy.

b. Transportation Policies

1. Describe your proposed policies and procedures to ensure that non-English speaking persons, persons with disabilities, people; of all sexual orientations and people of color receive equal treatment from your firm while utilizing services.

2. Describe your proposed policies and procedures to ensure client confidentiality.

3. Include training policies and procedures related to a diver's response to a rider's action(s) that may lead to the endangerment of staff or other riders. State how the policy and procedures comply with the ADA, and how will you

communicate to the Control Center (Dispatch) issues and problems with riders that may require service denial.

4. Describe your emergency response and notification procedures for handling vehicle or other types of emergencies. (i.e. 911 emergencies, medical emergencies, fire, accident and accident reporting, freeway emergencies, assaults, earthquake, inclement weather, nauseous or unsightly messes on the van, animal collisions etc.)

c. Fare Accountability

1. Describe in detail your procedures for fare collection, accounting and auditing of the fare collected. Include policies related to missing fares. Describe steps that will be taken to insure that fares are kept in a secured location and procedures for handling fares.

d. General Information

1. Name, address and telephone number of legal entity with whom contracts are to be written.
2. Name, address and telephone numbers of principle officers. (President, Vice President, Treasurer, Chairperson of the Board of Directors and other executive officers.)
3. Legal status of the Proposer.
4. Federal Tax ID number and Florida or other state business license number.
5. Is your firm a licensed auto transportation carrier, a certified passenger charter carrier or a certified private non-profit transportation provider. Provide evidence of your status or a copy of your application for certification.

e. Insurance/Claim Handling

1. Describe your procedures for handling complaints, accidents or incidents including your notification procedures to ensure the insurance company is notified of each and every potential claim. Detail the roles and responsibilities of personnel responsible for same.

2. Describe your litigation management procedures in response to litigation, depositions, and other court related matters.

Describe your file handling procedures for any and all claims.

Safety

1. Describe your standard operating guidelines and/or procedures to facilitate compliance with the SSPP.

f. Organization

1. Provide an organizational chart of your firm as it will be involved in this Contract, including parent company, all related operating company(ies) and or subsidiaries. Indicate the lines of authority for personnel directly involved in performance of this contract and relationships of these staff to other programs or functions of the firm.
2. Indicate positions of staff who will be involved with the performance of this contract. This will include administrative, management and direct line staff who are responsible for providing transportation services under contract to JTA. For each staff (if known at this time) assigned to this contract, describe their familiarity with the requirements of the Americans with Disabilities Act and its requirements on providers of public transportation.
3. For any personnel who will be shared with another Contract or corporate function, identify the percent of FIE assigned to this Contract.
4. Identify the individual who will serve as the on-site Project Manager, as well as key staff who will provide management or consulting support on-site or at a home office. For each person, describe their qualifications and experience, their role in providing the required service and the number of hours per month they will work on this service on average. Describe their experience with operational startups. Include a resume for each person identified.
5. Describe your plan for ensuring that a responsible decision making individual shall be available during all hours that service is provided.
6. If applicable, attach company name, contact, address, and phone and anticipated role of any proposed management subcontractor and/or consultant. Describe how you will use any subcontractor(s) and/or consultant(s) in the provision of this service.

5. Experience & References (5 points):

Please submit references from three (3) clients currently under contract with your company. Additional, references will be accepted from either existing clients or past clients whereby your company provided services within the past three (3) years.

a. Experience

- 1) Experience (both company and proposed staff) with operating and managing the provision of paratransit services; indicate specifically those contracts you have held with JTA or other entities doing business in Florida and other contracts within the United States. Include Contract and/or project title, dates of performance.
- 2) Scope and complexity of contract, including the average daily one-way trip numbers and the total dollar amount over the period of the contract.
- 3) Contract or project manager reference(s), including current telephone numbers, for each contract or project.
- 4) Indicate whether your firm has had any contract (transportation or other) terminated for default within the last five years, whether or not the issue of performance was litigated.

(NOTE: If the Proposer has had a contract terminated for default in this period, then the Proposer shall submit full details including the other party's name, address and telephone number. JTA will evaluate the facts and may, at its sole discretion, reject the proposal on the grounds of the Proposer's past experience.)

b. References

Proposers must submit references for similar type service operations of current transportation customers. There should be at least three (3) references. In the place of current users, use of past references may be allowed, instead. The format of each reference shall be:

- 1) References
- 2) Customer's Company name
- 3) Business address of customer
- 4) Name and title of customer contact
- 5) Current telephone number of customer contact
- 6) initial Contract cost. Total additional cost of changes
- 7) Description of work performed by the Proposer
- 8) Period of performance of the contract
- 9) Date of federal certification and certification identification number, if application.

JTA reserves the right to use any current or prior contractor and or client evaluation in its evaluation of references. Failure to provide complete and accurate information will result in lower score on evaluation.

Failure to provide complete and accurate information will result in lower score on evaluation.

References:

Please submit references from three (3) clients currently under contract with your company. Additionally, references will be accepted from either existing clients or past clients whereby your company provided services within the past three (3) years.

The following information is required as part of your proposal:

1. Name of Client _____
Address _____
Contact Person _____
Telephone # _____
Brief description of services performed: _____

2. Name of Client _____
Address _____
Contact Person _____
Telephone # _____
Brief description of services performed: _____

3. Name of Client _____
Address _____
Contact person _____
Telephone # _____
Brief description of services performed: _____

Failure to provide complete and accurate information will result in lower score on evaluation.

SECTION VI
PROPOSAL PROTESTS

All protest concerning this solicitation and any award hereunder shall comply with and be governed by the Authority's Solicitation and Award Protest Rule (the "Rule"), a copy of which is available from the Authority's website at www.jtafla.com, or from the Authority's administrative offices at 100 North Myrtle Avenue, Jacksonville, Florida. Under the Rule, any person who wishes to protest the contents of this solicitation, including addenda, shall file with the Authority's Executive Director a notice of protest, in writing, no less than five (5) business days before the RFP, proposal or qualifications due date, and comply with the other requirements of the Rule. Under the Rule, any person who is adversely affected by the Authority's decision or intended decision with respect to an award under this solicitation shall file with the Authority's Executive Director a notice of protest, in writing, within 72 hours after the posting of the notice of decision or intended decision, and comply with the other requirements of the Rule. Failure to timely file a notice of protest shall constitute a waiver of proceedings under the Rule.

SECTION VII
FORMS AND REQUIRED CLAUSES

Attachment 1	Non-Collusion Proposal Certification
Attachment 2	Public Entity Crime Information
Attachment 3	Proposer's Standard Assurances
Attachment 4	Certification of Eligibility
Attachment 5	Government-Wide Debarment and Suspension (non-procurement)
Attachment 6	Conflict of Interest Certificate
Attachment 7	Lobbying
Attachment 8	Access to Records and Reports
Attachment 9	Federal Change
Attachment 10	Copeland Anti-Kickback Act
Attachment 11	No Government Obligation to Third Parties
Attachment 12	Program Fraud and False or Fraudulent Statements and Related Act
Attachment 13	Privacy Act
Attachment 14	Civil Rights Requirements
Attachment 15	Incorporation of Federal Transit Administration (FTA) Terms
Attachment 16	Fly America
Attachment 17	Environmental Protection
Attachment 18	DBE Forms
Attachment 19	Bidders List

Attachment 1

Non-Collusion Proposal Certification

By submission of this proposal, each Proposal and each person signing on behalf of any Proposer certifies, and in the case of a joint proposal, each party certifies as to its own organization, under penalty of perjury, that to the best of his/her knowledge and belief:

- 1) The prices in the Proposal have been arrived at independently without collusion, consultation, communication or agreement, with any other Proposer or with any other competitor for the purpose of restricting competition as to any other matter relating to such prices.
- 2) Unless otherwise required by law, the prices which have been noted in this Proposal have not been knowingly disclosed by the Proposer and will not knowingly be disclosed by Proposer prior to opening, directly or indirectly, to any other Proposer or to any competitor and,
- 3) No attempt has been made or will be made by the Proposer to induce any other person, partnership, or corporation to submit or not to submit a Proposal for the purpose of restricting competition.

Date

Proposer's Signature

Attachment 2

Public Entity Crime Information

“A person or affiliate who has been placed on the State of Florida convicted vendor list following a conviction for a public entity crime may not submit a proposal on a contract to provide any goods or services to a public entity, may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit proposals on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or contractor under a contract with any public entity, and may not transact business with any public entity for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.”

Attachment 3

Proposer’s Standard Assurances

Name of Proposer:

At this time, we understand all requirements and state that as a serious proposer we will comply with all the stipulations included in the proposal package.

The above-named proposer affirms and declares:

- 1. That the Proposer is of lawful age and that no other person, firm, or corporation has any interest in this Proposal.
- 2. That this Proposal is made without any understanding, agreement, or connection with any other person, firm, or corporation making a Proposal for the same project, and is in all respects fair and without collusion or fraud.
- 3. That the Proposer has carefully examined the site of the work and that from his/her investigations has been satisfied as to the nature and location of the work, the kind and extent of the equipment and other facilities needed for the performance of the work, the general and local conditions, all difficulties to be encountered, and all other items which in any way affect the work or its performance.
- 4. That the Proposer is in full compliance with all federal, state, and local laws and regulations and intends to fully comply with same during the entire term of the contract.

In witness thereof, this Proposal is hereby signed by the duly authorized representative of the Proposer and sealed as of the date indicated.

PROPOSER:

ATTEST:

Signature

Witness

Type Name and Title

Date

Attachment 4

Certification of Eligibility

_____ hereby certifies that it is not included on the lists of persons or firms currently debarred for any reason, including but not limited to violations of various public contracts incorporating labor standards provisions, maintained by the United States Comptroller General, the United States Department of Transportation, the Florida Department of Transportation, the Jacksonville Transportation Authority, the City of Jacksonville, or any other transportation agency of any state.

Date: _____

Proposer: _____

Signature: _____

Attachment 5

GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

**Certification Regarding Debarment, Suspension, and Other Responsibility Matters
Lower Tier Covered Transactions (Third Party Contracts over \$25,000).
Instructions for Certification**

This contract is a covered transaction for purposes of 49 CFR Part 29, As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49CFR 29.995, affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.9440 and 29.945.

The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

By signing and submitting its RFP or proposal, the bidder or proposer certifies as follows:

The certification in this clause is a material representation of fact relied upon by the Jacksonville Transportation Authority. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to the Jacksonville Transportation Authority, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

The Primary Participant (applicant for an FTA grant or cooperative agreement, or Potential Contractor for a major third party contract), certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency,
2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction,- violation of Federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default. (If the primary participant (applicant for an FTA grant, or cooperative agreement, or potential third party

contractor) is unable to certify to any of the statements in this certification, the participant shall attach an explanation to this certification.)

THE PRIMARY PARTICIPANT (APPLICATION FOR AN FTA GRANT OR COOPERATIVE AGREEMENT, OR POTENTIAL CONTRACTOR FOR A MAJOR THIRD PARTY CONTRACT), _____ CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THE PROVISIONS APPLICABLE THERETO.

Signature of Contractor's Authorized Official

Date

Typed Name and Title of Contractor's Authorized Official

Attachment 6

Conflict of Interest Certificate

Proposer must execute either Section 1 or 2 hereunder relative to Florida Statute 112.313 (12). Failure to execute either section may result in rejection of this proposal.

Section 1

I hereby certify that no official or employee of the JTA requiring the goods or services described in these specifications has a material financial interest in this company.

_____ Name of Official (type or print)	_____ Company Name
_____ Signature	_____ Business Address
	_____ City, State, Zip Code

Section 2

I hereby certify that the following named JTA Official(s) and employee(s), having material financial interest(s) in excess of five percent (5%) in this company, have filed Conflict of Interest statements as required by law prior to proposal opening.

Name	Title or Position	Date of Filing
_____	_____	_____
_____	_____	_____

_____ Signature	_____ Company
_____ Print Name of Certifying Official	_____ Business Address
	_____ City, State, Zip Code

Attachment 7

LOBBYING

Contractors who apply or submit proposal for an award of \$100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the Jacksonville Transportation Authority.

CERTIFICATION REGARDING LOBBYING PURSUANT TO 49 CFR PART 20

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned [Contractor] certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. [Note: Pursuant to 31 U.S.C. § 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

(To be submitted with each proposal or offer exceeding \$100,000)

Attachment 8

ACCESS TO RECORDS AND REPORTS

Access to Records - The following access to records requirements apply to this Contract:

1. The Contractor agrees to provide the Purchaser, the FTA Administrator, the Comptroller General of the United States or any of their authorized representatives access to any books, documents, papers and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions. Contractor also agrees, pursuant to 49 C. F. R. 633.17 to provide the FTA Administrator or his authorized representatives including any PMO Contractor access to Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311.
2. Where the Purchaser enters into a negotiated contract for other than a small purchase or under the simplified acquisition threshold and is an institution of higher education, a hospital or other non-profit organization and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 19.48, Contractor agrees to provide the Purchaser, FTA Administrator, the Comptroller General of the United States or any of their duly authorized representatives with access to any books, documents, papers and record of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions.
3. Where any Purchaser which is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 U.S.C. 5325(a) enters into a contract for a capital project or improvement (defined at 49 U.S.C. 5302(a)1) through other than competitive proposal, the Contractor shall make available records related to the contract to the Purchaser, the Secretary of Transportation and the Comptroller General or any authorized officer or employee of any of them for the purposes of conducting an audit and inspection.
4. The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.
5. The Contractor agrees to maintain all books, records, accounts and reports required under this contract for a period of not less than three years after the date of termination or expiration of this contract, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case Contractor agrees to maintain same until the Purchaser, the FTA Administrator, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. Reference 49 CFR 18.39(i)(11).
6. FTA does not require the inclusion of these requirements in subcontracts.

Attachment 9

FEDERAL CHANGES

Contractor shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Agreement (Form FTA MA (2) dated October, 1995) between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

Attachment 10

COPELAND ANTI-KICKBACK ACT

The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract. Since there is no specific statutory or regulatory requirements for additional mandatory language, I would recommend that no additional clauses are necessary for this provision.

Attachment 11

NO GOVERNMENT OBLIGATION TO THIRD PARTIES

1. The Purchaser and Contractor acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations or liabilities to the Purchaser, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.
2. The Contractor agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

Attachment 12

PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS AND RELATED ACTS

1. The Contractor acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. § § 3801 *et seq.* and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its actions pertaining to this Project. Upon execution of the underlying contract, the Contractor certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract or the FTA assisted project for which this contract work is being performed. In addition to other penalties that may be applicable, the Contractor further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Contractor to the extent the Federal Government deems appropriate.
2. The Contractor also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 U.S.C. § 5307, the Government reserves the right to impose the penalties of 18 U.S.C. § 1001 and 49 U.S.C. § 5307(n)(1) on the Contractor, to the extent the Federal Government deems appropriate.
3. The Contractor agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

Attachment 13

PRIVACY ACT

The following requirements apply to the Contractor and its employees that administer any system of records on behalf of the Federal Government under any contract:

- (1) The Contractor agrees to comply with, and assures the compliance of its employees with, the information restrictions and other applicable requirements of the Privacy Act of 1974, 5 U.S.C. § 552a. Among other things, the Contractor agrees to obtain the express consent of the Federal Government before the Contractor or its employees operate a system of records on behalf of the Federal Government. The Contractor understands that the requirements of the Privacy Act, including the civil and criminal penalties for violation of that Act, apply to those individuals involved, and that failure to comply with the terms of the Privacy Act may result in termination of the underlying contract.
- (2) The Contractor also agrees to include these requirements in each subcontract to administer any system of records on behalf of the Federal Government financed in whole or in part with Federal assistance provided by FTA.

Attachment 14

CIVIL RIGHTS REQUIREMENTS

The following requirements apply to the underlying contract:

1. Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.
2. Equal Employment Opportunity - The following equal employment opportunity requirements apply to the underlying contract:
 - (a) Race, Color, Creed, National Origin, Sex - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
 - (b) Age - In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § § 623 and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
 - (c) Disabilities - In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the Contractor agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

3. The Contractor also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

Attachment 15

INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS

The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1E, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Contractor shall not perform any act, fail to perform any act, or refuse to comply with any **Jacksonville Transportation Authority** requests which would cause the **Jacksonville Transportation Authority** to be in violation of the FTA terms and conditions.

Attachment 16

FLY AMERICA

The Contractor understands and agrees that the Federal Government will not participate in the costs of international air transportation of any persons involved in or property acquired for the Project unless that air transportation is provided by U.S.-flag carriers to the extent services by U.S.-flag carriers is available, consistent with the requirements of the International Air Transportation Fair Competitive Practices Act of 1974f. as amended, 49 U.S.C. § 40118, and U.S. General Services Administration (U.S. GSA) regulations "Use of United States Flag Air Carriers." 41 C.F.R. §§ 301.131 through 301.143.

Attachment 17

ENVIRONMENTAL PROTECTION

The Contractor agrees to comply with all applicable requirements of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 *et seq.* consistent with Executive Order No. 11514, as amended, "Protection and Enhancement of Environmental Quality," 42 U.S.C. § 4321 note; FTA statutory requirements on environmental matters at 49 U.S.C. § 5324(b); Council on Environmental Quality regulations on compliance with the National Environmental Policy Act of 1969, as amended, 40 C.F.R. Part 1500 *et seq.*; and joint FHWA/FTA regulations, "Environmental Impact and Related Procedures," 23 C.F.R. Part 771 and 49 C.F.R. Part 622

Attachment 18

**SOLICITATION REQUIREMENTS
CONSULTANT**

**JTA’S DISADVANTAGED BUSINESS ENTERPRISE
PROGRAM**

It is the official policy of the U.S. Department of Transportation (DOT) and the Jacksonville Transportation Authority (JTA) that Disadvantaged Business Enterprises (DBEs) have a level playing field on which to participate in the performance of professional service agreements (“agreements”) financed in whole or in part with Federal funds. Federal Regulation 49 CFR Part 26 defines a DBE as a for-profit small business concern (also defined in Federal Regulation 49 CFR Part 26) that is subject to the following requirements:

1. At least 51% owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51% of the stock is owned by one or more such individuals **AND**
2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

In order to overcome the effects of discrimination and its past influence on DBEs, in compliance with DOT mandates, JTA establishes an annual overall goal for DBE participation. Attainment of this goal may be achieved through Race Neutral or Race Conscious means. *Race Neutral* means are aimed at achieving the participation of small businesses in JTA agreements without respect to the gender or race of the owner. A Race Neutral program is one that, while benefiting DBEs, is not solely focused on DBE firms. When the use of Race Neutral means do not substantially contribute towards the overall agency goal for DBE participation, JTA also utilizes Race Conscious means as a method of achieving a “level playing field” for DBEs seeking to participate in federal-aid transportation agreements. *Race Conscious* means are aimed at achieving the desired level of participation among certified DBE firms.

The Consultant and its Subconsultants for this project shall not discriminate on the basis of race, color, national origin, disability or sex in the performance of all JTA agreements. The Prime Consultant shall carry out applicable requirements of the DBE Program in the award and administration of the work associated with this project. Failure by the selected Consultant to carry out these requirements may result in the termination of this agreement or such other remedy as deemed appropriate by JTA.

Participation Goals

If a DBE participation goal has been established for this agreement, the level of DBE participation proposed will be a factor in determining the award. Although all proposers must

meet the required procedures specified by JTA, the Agency will only enter into agreement with the proposer who meets either of the following criteria:

1. Achieves the DBE participation goal as specified below **OR**
2. Submits documentation detailing the Good Faith Efforts made in researching potential DBE Subconsultants.

If a DBE participation goal has **not** been established for this project, JTA encourages the Prime Consultant to make every attempt to secure a level of DBE participation that contributes toward the achievement of JTA's overall DBE goal of 15%.

(X) **DBE Goal Established For This Agreement:** The proposer shall make a Good Faith Effort to subcontract at least 30 % of the dollar value of the total amount of this agreement to certified DBE Subconsultants (Race Conscious).

OR

() **No DBE Goal Established For This Agreement:** JTA encourages the proposer to make every attempt to obtain participation of certified DBEs and other small businesses in the completion of this agreement (Race Neutral).

Documenting Goal Initiatives

DBE language contained in all proposals should be used to document the proposer's achievement of the established DBE goal for this project or, if no goal is specified, information on DBE participation. This form should be as complete and accurate as possible and include all available information. Failure to comply with these requirements may be cause for rejection of any and all proposals as being noncompliant. Consultants who do not meet stated DBE goals, where assigned, must also submit Good Faith Effort documentation as part of their proposal packages (see the "Good Faith Efforts" section listed below). Proposers who do not address these requirements will be deemed non-responsive.

DETERMINING COMPLIANCE WITH DBE REQUIREMENTS FOR AGREEMENTS WITH A DBE GOAL

Forms

In order to be considered for projects commissioned by JTA, Consultants must acknowledge their commitment to achieving the DBE participation goals set by JTA. There are several required forms that are to be submitted as part of the proposal process which support this requirement:

- Schedule of Subconsultants – Identifies those Subconsultants whom the Consultant will utilize on this project – including the certified DBE businesses - and the scope of work to be performed by each Subconsultant.
- Consultant's List – Lists all Subconsultants contacted by the Consultant to obtain subcontracting services for this project.

- Intent To Perform As A Subconsultant – Submitted for each Subconsultant outlining the dollar value of the work to be performed.

If the Consultant is awarded the agreement from JTA, it must enter into formal written agreement with the DBEs featured in the *Schedule of Subconsultants* per the assignments developed and outlined in the *Intent To Perform As A Subconsultant*. The Consultant must maintain the aforementioned documents and make them available upon request for review by the JTA's DBE Office.

If the selected Consultant is a certified DBE and intends to perform a portion of the work with its own forces, the Consultant will be required to identify these responsibilities by type and percentage of work to be done. In order for the work to be counted towards the DBE goal assigned to the project, the Consultant must perform the work as specified and may **not** delegate or contract these responsibilities to other entities.

Certification

ALL PROSPECTIVE DBEs MUST BE CERTIFIED BY THE FLORIDA UNIFORM CERTIFICATION PROGRAM (UCP) AT THE TIME OF SUBMITTAL OF THE PROPOSAL. If a Subconsultant is not certified by the aforementioned entities at the time of submission, the Prime Consultant cannot report the non-certified business' participation, nor include that company's dollar value of work towards any established DBE goals. Applications for certification may be obtained from JTA's DBE Office or JTA's website at www.jtafla.com. In addition, the proposer may be asked to submit additional supporting documentation as requested by the certifying agency (JTA or FDOT) and are expected to fully cooperate with all such requests. In determining an applicant's eligibility for DBE status, JTA will generally rely upon the Federal Certification Process as described in 49 CFR Part 26. In addition, as a member of the Unified Certification Program (UCP) within the state of Florida, where FDOT is the host agency, JTA will accept DBEs certified by FDOT and may, on a case-by-case basis, accept a DBE certification decision made by another UCP or out of state DOT.

Good Faith Efforts

All proposers who are unable to meet the requested DBE participation goal, where established, are required to include, as part of their proposal, Good Faith Effort documentation detailing the attempts made to secure DBE participation. An important component in evaluating a proposer's Good Faith Efforts is the number of qualified DBEs expressing an interest in performing work under the agreement. Given the availability of such firms, a proposer cannot reject a DBE as unqualified unless the proposer has sound reasons to do so as determined through a thorough investigation of the DBE's capabilities.

The following list, which is neither exclusive nor exhaustive, provides examples of the actions and activities which would be considered Good Faith Efforts on the part of a proposer attempting to meet the prescribed DBE goal. The extent and type of actions required may vary depending on such factors as industry practice, time available for submitting a proposal and the type of agreement involved.

1. Attending planned pre-proposal meetings scheduled by JTA to review resources such as certified DBE vendor lists and to discuss, among other things, DBE participation opportunities;
2. Advertising in general circulation, trade association, and minority/women-focus media concerning subcontracting opportunities;
3. Soliciting the interest of a reasonable number of DBEs through written notices, allowing an adequate amount of time for response and inquiry from interested parties;
4. Contacting prospective DBE participants, in response to initial solicitations, to assess level of interest;
5. Utilizing subcontracting arrangements and other techniques to structure the project in a manner designed to increase the likelihood of participation of DBE firms;

6. Providing interested DBEs with adequate information about the plans, specifications, scope of work and requirements of the agreement;
7. Discussing with interested DBEs the required capabilities of the project and performing a thorough investigation of the DBEs qualifications to determine inherent competencies;
8. Using good business judgment to negotiate in good faith with interested DBEs regarding price and reviewing all reasonable quotes from interested DBE businesses;
9. Assisting interested DBEs in obtaining bonding, lines of credit, insurance, and other guarantees required by JTA and/or the proposer;
10. Supporting interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance and services; and
11. Effectively utilizing the services of various community and professional organizations to aid in identifying qualified DBEs. These organizations include, but are not limited, to minority and women-based community organizations, chambers, Consultant groups, local, State, and Federal business assistance offices, JTA and other organizations that provide assistance in the identification of DBEs.

These efforts are active steps, ones that may significantly increase the potential for sufficient DBE participation and the achievement of agreement DBE participation goals. Mere pro forma efforts that fall short of efforts such as those listed above will be deemed unacceptable and thereby be rejected by JTA.

Administrative Requirements

It is the Consultant's responsibility to ensure the intentions and interests of JTA's DBE program are implemented in all phases of the project. In order to make certain the policies are carried out in a responsible manner, the Consultant must appoint a high-level official to administer and coordinate the implementation of these policies. The provisions outlined in his document are applicable to all subcontracting arrangements relating to this project.

The Consultant must maintain the following records concerning DBE participation with respect to this project for at least three (3) years following the completion of the work:

- All Subconsultant/supplier awards, including awards to DBEs;
- Documentation developed during the identification and award of such agreements to DBE firms, including, but not limited to, copies of executed agreements enacted with project participants.

REPORTING REQUIREMENTS

Financial Reports

The Consultant shall submit monthly reports detailing payments to all Subconsultants and suppliers, both DBE and non-DBE, in a form as determined by the JTA. Proper financial record keeping during and after the project is important in verifying compliance with JTA goals for DBE participation. The selected Consultant will be subject to interim and post-agreement DBE audits. Failure to comply with these mandates, resulting in an unsatisfactory audit analysis, may have a bearing on future consideration for the receipt of JTA agreements.

DBE Participation

The Consultant's *Request for Payment Form* outlines the portion of JTA-distributed funds paid by the Prime Consultant to its Subconsultants. A copy of this form must be submitted for every invoice presented for progress or final payment showing the portion of such invoice due to each Subconsultant (DBE and Non-DBE). In addition, the Consultant must submit a report detailing the following information as it relates to invoices received from its DBE-certified Subconsultants:

1. The value of the work on the project actually performed by the DBE and applicable to the established DBE project goal; and
2. The entire amount of the DBE Subconsultant's portion of work actually performed by the DBE's employees and representatives. This includes, but is not limited to, the cost of supplies and materials obtained for work on the agreement, including supplies and equipment leased and/or purchased from sources other than the Prime Consultant and/or its affiliates.

The Prime Consultant should also report the entire amount of fees or commissions paid to each DBE for the following:

1. All bona fide services, including professional, technical, Consultant and/managerial services.
2. The costs of providing bonds or insurance specifically required for the performance of the JTA agreement, provided these fees do not exceed what is deemed reasonable and customary for services of this type.

Other Arrangements

At times, due to the size of a project, a DBE may choose to enter into alternate arrangements with other businesses. Reporting of work done and applied towards DBE goals for the project is limited by the following constraints:

- If a DBE subcontracts a portion of its contracted responsibilities to another business, that business must also be a DBE in order for the value of the work to be counted towards the DBE participation goals established by JTA.
- If the DBE participates in the project as part of a joint venture, only that portion of the

work done by the DBE should be reported towards DBE goals.

MODIFICATIONS AND SUBSTITUTIONS

JTA understands that over the course of a project, unforeseen incidents may arise requiring the development of new Subconsultant arrangements in order to bring the project to completion; nevertheless, JTA is committed to the honest and thorough achievement of DBE commitments as previously specified in this document. **For that reason, the modification, change or substitution of Subconsultants as outlined in the proposal submitted for this project without the knowledge and consent of JTA's DBE Office is expressly forbidden.** If a Prime Consultant desires to terminate or substitute a DBE Subconsultant listed in its *Schedule of Subconsultants* form and intends to perform the work of the terminated DBE Subconsultant with either its own forces or those of another Subconsultant, it must first submit to the DBE Office a *Request for Approval of Change to Original List of Subconsultants*, along with written documentation explaining the specific reasons for the change for approval prior to the substitution of the original DBE Subconsultant.

If a terminated DBE Subconsultant is substituted by another DBE Subconsultant, the Prime Consultant should include the name, address, certification number and principal office of the proposed DBE business.

The Consultant must make Good Faith Efforts to replace one DBE with another. In the event that the Prime Consultant is unable to contract with another DBE business, Good Faith Effort documentation must be provided to JTA describing the attempts to locate a substitute DBE. **In all situations, the Prime Consultant may not terminate or substitute a DBE Subconsultant without the prior written consent of JTA's DBE Office.**

JTA shall notify the Prime Consultant in writing of its decision as expeditiously as possible. If JTA approves the proposed substitution in writing, the selected Consultant shall enter into an executed agreement with the proposed DBE business upon receipt of the substitution approval.

If the change involves a modification to the original list of Subconsultants, the Prime Consultant must submit, if applicable, the *Intent to Perform as a Subconsultant* form specified for agreement modifications for any DBE Subconsultant affected by the change. This form may be obtained from JTA's Agreement Compliance Office.

COMPLIANCE AND ENFORCEMENT

As part of the agreement closeout procedures, the Prime Consultant shall provide the final accounting for DBE participation on the agreement. JTA may withhold payment of the Prime Consultant's retainage pending compliance with this closeout requirement.



SCHEDULE OF SUBCONSULTANTS/DBE UTILIZATION FORM

Reporting Period: _____

Consultant: _____

DBE*

NON-DBE

Description of Project: _____

Solicitation No.: _____

Contract No.: _____

Contract Date: _____

As part of the procedures for the submission of Proposals, all Consultants are required to identify **ALL** participating SUBCONSULTANTS. Please identify such areas for above project, if applicable. Use additional sheets if necessary.

Name of Business Performing Work	Certification Status (Check Applicable Status)		Description of Commodity, Material, or Service	Percentage Amount
	DBE	NON-DBE		
				%
				%
				%
				%
				%
Dollar Amount of Work to be Completed by Non-DBE Subconsultants				%
Dollar Amount of Work to be Completed by DBE Subconsultants				%
Total (The Total Amount shall equal the Amount Proposed on Summary of Proposal Page)				%

All **DBE** SUBCONSULTANTS must be certified as such by the Florida Uniform Certification Program (UCP). It is understood and agreed that, if awarded a Contract by the JTA, the Consultant will not make additions, deletions, or substitutions to this certified list without the consent of the JTA DBE Contract Compliance Manager or designee through the submittal of *Request for Approval of Change to Original Certified List of SUBCONSULTANTS*. It is understood that the JTA may audit any and/or all records of the Contract/vendor and conduct interviews of owners, principals, officers, employees and applicable Subconsultant/Consultant participating on the Contract. The JTA Contract Compliance Office reserves the right to ensure compliance with the JTA's **DBE** program to include status reports and audit of submitted **DBE** information as deemed necessary.

CONSULTANT'S CERTIFICATION

The above information is true and complete, to the best of my knowledge and belief. I further understand and agree that if awarded the Contract, this certification shall be attached thereto and become a part thereof. Failure to provide accurate information or exercise positive, good faith efforts (as defined by the JTA's **DBE** Program) in support of the JTA's **DBE**'s intent and objective may result in being considered non-responsive to the JTA's requirements. The Contract Compliance Office reserves the right to recommend an audit on the submitted **DBE** information as deemed necessary.

Name and Title: _____

(Please print or type)

Signature: _____

Date: _____

* As defined in 49 CFR Part 26

**JACKSONVILLE TRANSPORTATION AUTHORITY
INTENT TO CONTRACT AS A SUBCONSULTANT**

PROPOSAL/SOLICITATION NUMBER: _____

Pursuant to DBE policy, businesses participating in the JTA's DBE Program must be certified by the Florida Uniform Certification Program (UCP) prior to award of this contract. **DBE** certification of any business by the Florida UCP is effective for three (3) years from the date of written notification of certification.

1. Name of Prime Consultant _____
2. Address, City, State and Zip _____
3. Certified by which agency within the Florida UCP (for example JTA, FDOT) _____
4. The undersigned is prepared to perform the following described work and/or supply the material listed in connection with the above project (where applicable specify "supply" or "install" or both):

and at the following price \$ _____. With respect to the proposed subcontract described above, _____% of the dollar value of such subcontract will be sublet and/or awarded to non-**DBE** consultants.

_____ Name of DBE Firm	_____ Address, City, State and Zip	_____ Telephone
_____ Signature of Owner, President or Authorized Agent	_____ Printed Name of Signer	_____ /_____/_____ Date

DECLARATION OF PRIME CONSULTANT

I HEREBY DECLARE AND AFFIRM that I am the _____
(Title Declarant)

and a duly authorized representative of _____
(Name of Prime Consultant)

to make this declaration and that I have personally reviewed the materials and facts set forth in this Intent to Perform form. To the best of my knowledge, information and belief, the facts and representations contained in this form are true, the owner or authorized agent of the **DBE** business signed this form in the place indicated, and no material facts have been omitted.

Except as authorized by the JTA Contract Compliance Manager or his/her designee, the undersigned will enter into a formal agreement with the listed **DBE** business for work as indicated by this form after receipt of the contract executed by the JTA. The undersigned will, if requested, provide the JTA Contract Compliance Manager or his/her designee a copy of that agreement.

The Prime Consultant designated the following person as its **DBE** Liaison Officer:

_____ Please Print Name	_____ Phone
-----------------------------------	-----------------------

Pursuant to State Law, any person (entity) who makes a false or fraudulent statement in connection with participation of a DBE in any locally funded project or otherwise violates applicable program requirements may be referred for prosecution.

Name of Declarant

Signature

/_____/_____
Date

Attachment 19

BIDDER'S LIST

The Prime Consultant shall provide information on ALL prospective Subconsultants who submit bids in support of this solicitation.
 Attach additional copies of the form as necessary.

Project Description: _____ **Contract Number:** _____

NAME OF PRIME CONSULTANT: _____

NAME OF SUBCONSULT(S)	SCOPE OF WORK TO BE PERFORMED	CERTIFIED DBE FIRM? (Check all that apply)	PERVIOUS YEAR'S ANNUAL GROSS RECEIPTS	UTILIZING ON THIS RFP? (Please circle answer)
NAME: _____ ADDRESS: _____ _____ PHONE: _____ FAX: _____ CONTACT PERSON: _____ _____	SCOPE OF WORK: _____ _____ _____ _____ AGE OF FIRM: _____	YES: _____ NO: _____	___ Less than \$500K ___ \$500K-\$2 mil ___ \$2 mil - \$5 mil ___ more than \$5 mil.	YES or NO
NAME: _____ ADDRESS: _____ _____ PHONE: _____ FAX: _____ CONTACT PERSON: _____ _____	SCOPE OF WORK: _____ _____ _____ _____ AGE OF FIRM: _____	YES: _____ NO: _____	___ Less than \$500K ___ \$500K-\$2 mil ___ \$2 mil - \$5 mil ___ more than \$5 mil.	YES or NO
NAME: _____ ADDRESS: _____ _____ PHONE: _____ FAX: _____ CONTACT PERSON: _____ _____	SCOPE OF WORK: _____ _____ _____ _____ AGE OF FIRM: _____	YES: _____ NO: _____	___ Less than \$500K ___ \$500K-\$2 mil ___ \$2 mil - \$5 mil ___ more than \$5 mil.	YES or NO

Name/Title of person completing this form: _____

Signature: _____ **Date:** _____

APPENDIX
COPIES OF FTA REQUIRED CONTRACTOR CERTIFICATIONS

A-1 – Buy America Certification (Steel, Iron or Manufactured Products).....120
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A-1 – Buy America Certification (Steel, Iron or Manufactured Products)

Buy America Certifications

Certification Requirement for Procurement of Steel, Iron, or Manufactured Products.

Certificate of Compliance with 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. 5323(j)(1) and the applicable regulations in 49 CFR Part 661.

Date _____

Signature _____

Title: _____

Company Name _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(1), but it may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(B) or (j)(2)(D) and the regulations in 49 CFR 661.7.

Date _____

Signature _____

Company Name _____

Title _____

A-2 – Buy America Certification (Rolling Stock)

Buy America Certifications

Certification Requirement for Procurement of Buses, other Rolling Stock and Associated Equipment.

Certificate of Compliance with 49 U.S.C. 5323(j)(2)©.

The bidder or offeror hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j)(2)© and the regulations at 49 CFR Part 661.

Date _____

Signature _____

Company Name _____

Title _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(2)©

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(2)©, but may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(B) or (j)(2)(D) and the regulations in 49 CFR 661.7.

Date _____

Signature _____

Company Name _____

Title _____

A-3 – Bus Testing Certification

CERTIFICATION OF COMPLIANCE WITH FTA’S BUS TESTING REQUIREMENTS

The undersigned [Contractor/Manufacturer] certifies that the vehicle offered in this procurement complies with 49 U.S.C. A 5323© and FTA’s implementing regulation at 49 CFR Part 665.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with Federal financial assistance may subject the undersigned to civil penalties as outlined in the Department of Transportation’s regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

Date: _____

Signature: _____

Company Name: _____

Title: _____

A-4 Pre-Award and Post Delivery Certification

BUY AMERICA CERTIFICATE OF COMPLIANCE WITH FTA REQUIREMENTS FOR BUSES, OTHER ROLLING STOCK, OR ASSOCIATED EQUIPMENT

Certificate of Compliance

The bidder hereby certifies that it will comply with the requirements of 49 U.S.C. Section 5323(j)(2)©, Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended, and the regulations of 49 C.F.R. 661.11:

Date: _____

Signature: _____

Company Name: _____

Title: _____

Certificate of Non-Compliance

The bidder hereby certifies that it cannot comply with the requirements of 49 U.S.C. Section 5323(j)(2)© and Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended, but may qualify for an exception to the requirements consistent with 49 U.S.C. Sections 5323(j)(2)(B) or (j)(2)(D), Sections 165(b)(2) or (b)(4) of the Surface Transportation Assistance Act, as amended, and regulations in 49 C.F.R. 661.7.

Date: _____

Signature _____

Company Name _____

Title _____

Title:

(To be submitted with a RFP or offer exceeding the small purchase threshold for Federal assistance programs, currently set at \$100,000.)

Appendix D

Americans with Disabilities Act

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§ 32.655 Individual.

Individual means a natural person.

§ 32.660 Recipient.

Recipient means any individual, corporation, partnership, association, unit of government (except a Federal agency) or legal entity, however organized, that receives an award directly from a Federal agency.

§ 32.665 State.

State means any of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

§ 32.670 Suspension.

Suspension means an action taken by a Federal agency that immediately prohibits a recipient from participating in Federal Government procurement contracts and covered non-procurement transactions for a temporary period, pending completion of an investigation and any judicial or administrative proceedings that may ensue. A recipient so prohibited is suspended, in accordance with the Federal Acquisition Regulation for procurement contracts (48 CFR part 9, subpart 9.4) and the common rule, Government-wide Debarment and Suspension (Non-procurement), that implements Executive Order 12549 and Executive Order 12689. Suspension of a recipient is a distinct and separate action from suspension of an award or suspension of payments under an award.

PART 37—TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (ADA)

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APPENDIX D TO PART 37—CONSTRUCTION AND INTERPRETATION OF PROVISIONS OF 49 CFR PART 37

AUTHORITY: 42 U.S.C. 12101–12213; 49 U.S.C. 322.

SOURCE: 56 FR 45621, Sept. 6, 1991, unless otherwise noted.

Subpart A—General

§ 37.1 Purpose.

The purpose of this part is to implement the transportation and related provisions of titles II and III of the

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Americans with Disabilities Act of 1990.

§ 37.3 Definitions.

As used in this part:

Accessible means, with respect to vehicles and facilities, complying with the accessibility requirements of parts 37 and 38 of this title.

The Act or *ADA* means the Americans with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, 42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 611), as it may be amended from time to time.

Administrator means Administrator of the Federal Transit Administration, or his or her designee.

Alteration means a change to an existing facility, including, but not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, re-roofing, painting or wallpapering, asbestos removal, or changes to mechanical or electrical systems are not alterations unless they affect the usability of the building or facility.

Automated guideway transit system or *AGT* means a fixed-guideway transit system which operates with automated (driverless) individual vehicles or multi-car trains. Service may be on a fixed schedule or in response to a passenger-activated call button.

Auxiliary aids and services includes:

(1) Qualified interpreters, notetakers, transcription services, written materials, telephone headset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, closed and open captioning, text telephones (also known as telephone devices for the deaf, or TDDs), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;

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(3) Acquisition or modification of equipment or devices; or

(4) Other similar services or actions.

Bus means any of several types of self-propelled vehicles, generally rubber-tired, intended for use on city streets, highways, and busways, including but not limited to minibuses, forty- and thirty-foot buses, articulated buses, double-deck buses, and electrically powered trolley buses, used by public entities to provide designated public transportation service and by private entities to provide transportation service including, but not limited to, specified public transportation services. Self-propelled, rubber-tired vehicles designed to look like antique or vintage trolleys are considered buses.

Commerce means travel, trade, transportation, or communication among the several states, between any foreign country or any territory or possession and any state, or between points in the same state but through another state or foreign country.

Commuter authority means any state, local, regional authority, corporation, or other entity established for purposes of providing commuter rail transportation (including, but not necessarily limited to, the New York Metropolitan Transportation Authority, the Connecticut Department of Transportation, the Maryland Department of Transportation, the Southeastern Pennsylvania Transportation Authority, the New Jersey Transit Corporation, the Massachusetts Bay Transportation Authority, the Port Authority Trans-Hudson Corporation, and any successor agencies) and any entity created by one or more such agencies for the purposes of operating, or contracting for the operation of, commuter rail transportation.

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.

Commuter rail car means a rail passenger car obtained by a commuter authority for use in commuter rail transportation.

Commuter rail transportation means short-haul rail passenger service operating in metropolitan and suburban areas, whether within or across the geographical boundaries of a state, usually characterized by reduced fare, multiple ride, and commutation tickets and by morning and evening peak period operations. This term does not include light or rapid rail transportation.

Demand responsive system means any system of transporting individuals, including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including but not limited to specified public transportation service, which is not a fixed route system.

Designated public transportation means transportation provided by a public entity (other than public school transportation) by bus, rail, or other conveyance (other than transportation by aircraft or intercity or commuter rail transportation) that provides the general public with general or special service, including charter service, on a regular and continuing basis.

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1) The phrase *physical or mental impairment* means—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine;

(ii) Any mental or psychological disorder, such as mental retardation, or-

ganic brain syndrome, emotional or mental illness, and specific learning disabilities;

(iii) The term *physical or mental impairment* includes, but is not limited to, such contagious or noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease, tuberculosis, drug addiction and alcoholism;

(iv) The phrase *physical or mental impairment* does not include homosexuality or bisexuality.

(2) The phrase *major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and work.

(3) The phrase *has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) The phrase *is regarded as having such an impairment* means—

(i) Has a physical or mental impairment that does not substantially limit major life activities, but which is treated by a public or private entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such an impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public or private entity as having such an impairment.

(5) The term *disability* does not include—

(i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania;

(iii) Psychoactive substance abuse disorders resulting from the current illegal use of drugs.

Facility means all or any portion of buildings, structures, sites, complexes,

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equipment, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Fixed route system means a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule.

FT Act means the Federal Transit Act of 1964, as amended (49 U.S.C. App. 1601 *et seq.*).

High speed rail means a rail service having the characteristics of intercity rail service which operates primarily on a dedicated guideway or track not used, for the most part, by freight, including, but not limited to, trains on welded rail, magnetically levitated (maglev) vehicles on a special guideway, or other advanced technology vehicles, designed to travel at speeds in excess of those possible on other types of railroads.

Individual with a disability means a person who has a disability, but does not include an individual who is currently engaging in the illegal use of drugs, when a public or private entity acts on the basis of such use.

Intercity rail passenger car means a rail car, intended for use by revenue passengers, obtained by the National Railroad Passenger Corporation (Amtrak) for use in intercity rail transportation.

Intercity rail transportation means transportation provided by Amtrak.

Light rail means a streetcar-type vehicle operated on city streets, semi-exclusive rights of way, or exclusive rights of way. Service may be provided by step-entry vehicles or by level boarding.

New vehicle means a vehicle which is offered for sale or lease after manufacture without any prior use.

Operates includes, with respect to a fixed route or demand responsive system, the provision of transportation service by a public or private entity itself or by a person under a contrac-

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tual or other arrangement or relationship with the entity.

Over-the-road bus means a bus characterized by an elevated passenger deck located over a baggage compartment.

Paratransit means comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems.

Private entity means any entity other than a public entity.

Public entity means:

- (1) Any state or local government;
- (2) Any department, agency, special purpose district, or other instrumentality of one or more state or local governments; and
- (3) The National Railroad Passenger Corporation (Amtrak) and any commuter authority.

Purchase or lease, with respect to vehicles, means the time at which an entity is legally obligated to obtain the vehicles, such as the time of contract execution.

Public school transportation means transportation by schoolbus vehicles of schoolchildren, personnel, and equipment to and from a public elementary or secondary school and school-related activities.

Rapid rail means a subway-type transit vehicle railway operated on exclusive private rights of way with high level platform stations. Rapid rail also may operate on elevated or at grade level track separated from other traffic.

Remanufactured vehicle means a vehicle which has been structurally restored and has had new or rebuilt major components installed to extend its service life.

Secretary means the Secretary of Transportation or his/her designee.

Section 504 means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112, 87 Stat. 394, 29 U.S.C. 794), as amended.

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.

Small operator means, in the context of over-the-road buses (OTRBs), a private entity primarily in the business of transporting people that is not a Class I motor carrier. To determine whether an operator has sufficient average annual gross transportation operating revenues to be a Class I motor carrier, its revenues are combined with those of any other OTRB operator with which it is affiliated.

Solicitation means the closing date for the submission of bids or offers in a procurement.

Specified public transportation means transportation by bus, rail, or any other conveyance (other than aircraft) provided by a private entity to the general public, with general or special service (including charter service) on a regular and continuing basis.

Station means, with respect to intercity and commuter rail transportation, the portion of a property located appurtenant to a right of way on which intercity or commuter rail transportation is operated, where such portion is used by the general public and is related to the provision of such transportation, including passenger platforms, designated waiting areas, restrooms, and, where a public entity providing rail transportation owns the property, concession areas, to the extent that such public entity exercises control over the selection, design, construction, or alteration of the property, but this term does not include flag stops (*i.e.*, stations which are not regularly scheduled stops but at which trains will stop to board or detrain passengers only on signal or advance notice).

Transit facility means, for purposes of determining the number of text telephones needed consistent with section 10.3.1(12) of appendix A to this part, a physical structure the primary function of which is to facilitate access to and from a transportation system which has scheduled stops at the structure. The term does not include an open structure or a physical structure the primary purpose of which is other than providing transportation services.

Used vehicle means a vehicle with prior use.

Vanpool means a voluntary commuter ridesharing arrangement, using vans with a seating capacity greater than 7 persons (including the driver) or buses, which provides transportation to a group of individuals traveling directly from their homes to their regular places of work within the same geographical area, and in which the commuter/driver does not receive compensation beyond reimbursement for his or her costs of providing the service.

Vehicle, as the term is applied to private entities, does not include a rail passenger car, railroad locomotive, railroad freight car, or railroad caboose, or other rail rolling stock described in section 242 of title III of the Act.

Wheelchair means a mobility aid belonging to any class of three or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. A “common wheelchair” is such a device which does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied.

[56 FR 45621, Sept. 6, 1991, as amended at 58 FR 63101, Nov. 30, 1993; 61 FR 25415, May 21, 1996; 63 FR 51690, Sept. 28, 1998]

EFFECTIVE DATE NOTE: At 76 FR 57935, Sept. 19, 2011, §37.3 was amended by adding the definition “Direct threat” and revising the definition “Wheelchair”, effective Oct. 19, 2011. For the convenience of the user, the added and revised text is set forth as follows:

§ 37.3 Definitions.

* * * * *

Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, procedures, or by the provision of auxiliary aids or services.

* * * * *

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.

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§ 37.5 Nondiscrimination.

(a) No entity shall discriminate against an individual with a disability in connection with the provision of transportation service.

(b) Notwithstanding the provision of any special transportation service to individuals with disabilities, an entity shall not, on the basis of disability, deny to any individual with a disability the opportunity to use the entity's transportation service for the general public, if the individual is capable of using that service.

(c) An entity shall not require an individual with a disability to use designated priority seats, if the individual does not choose to use these seats.

(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.

(f) Private entities that are primarily engaged in the business of transporting people and whose operations affect commerce shall not discriminate against any individual on the basis of disability in the full and equal enjoyment of specified transportation services. This obligation includes, with respect to the provision of transportation services, compliance with the requirements of the rules of the Department of Justice concerning eligibility criteria, making reasonable modifications, providing auxiliary aids and services, and removing barriers (28 CFR 36.301–36.306).

(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. However, an entity shall not refuse to provide service to an individual with disabilities solely because

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the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons.

§ 37.7 Standards for accessible vehicles.

(a) For purposes of this part, a vehicle shall be considered to be readily accessible to and usable by individuals with disabilities if it meets the requirements of this part and the standards set forth in part 38 of this title.

(b)(1) For purposes of implementing the equivalent facilitation provision in § 38.2 of this subtitle, the following parties may submit to the Administrator of the applicable operating administration a request for a determination of equivalent facilitation:

(i) A public or private entity that provides transportation services and is subject to the provisions of subpart D or subpart E this part; or

(ii) The manufacturer of a vehicle or a vehicle component or subsystem to be used by such entity to comply with this part.

(2) The requesting party shall provide the following information with its request:

(i) Entity name, address, contact person and telephone;

(ii) Specific provision of part 38 of this title concerning which the entity is seeking a determination of equivalent facilitation.

(iii) [Reserved]

(iv) Alternative method of compliance, with demonstration of how the alternative meets or exceeds the level of accessibility or usability of the vehicle provided in part 38 of this subtitle; and

(v) Documentation of the public participation used in developing an alternative method of compliance.

(3) In the case of a request by a public entity that provides transportation services subject to the provisions of subpart D of this part, the required public participation shall include the following:

(i) The entity shall contact individuals with disabilities and groups representing them in the community. Consultation with these individuals and groups shall take place at all stages of

the development of the request for equivalent facilitation. All documents and other information concerning the request shall be available, upon request, to members of the public.

(ii) The entity shall make its proposed request available for public comment before the request is made final or transmitted to DOT. In making the request available for public review, the entity shall ensure that it is available, upon request, in accessible formats.

(iii) The entity shall sponsor at least one public hearing on the request and shall provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements.

(4) In the case of a request by a private entity that provides transportation services subject to the provisions of subpart E of this part or a manufacturer, the private entity or manufacturer shall consult, in person, in writing, or by other appropriate means, with representatives of national and local organizations representing people with those disabilities who would be affected by the request.

(5) A determination of compliance will be made by the Administrator of the concerned operating administration on a case-by-case basis, with the concurrence of the Assistant Secretary for Policy and International Affairs.

(6) Determinations of equivalent facilitation are made only with respect to vehicles or vehicle components used in the provision of transportation services covered by subpart D or subpart E of this part, and pertain only to the specific situation concerning which the determination is made. Entities shall not cite these determinations as indicating that a product or method constitute equivalent facilitations in situations other than those to which the determinations specifically pertain. Entities shall not claim that a determination of equivalent facilitation indicates approval or endorsement of any product or method by the Federal government, the Department of Transportation, or any of its operating administrations.

(c) Over-the-road buses acquired by public entities (or by a contractor to a public entity as provided in §37.23 of

this part) shall comply with §38.23 and subpart G of part 38 of this title.

[56 FR 45621, Sept. 6, 1991, as amended at 58 FR 63101, Nov. 30, 1993; 61 FR 25416, May 21, 1996]

§37.9 Standards for accessible transportation facilities.

(a) For purposes of this part, a transportation facility shall be considered to be readily accessible to and usable by individuals with disabilities if it meets the requirements of this part and the requirements set forth in appendices B and D to 36 CFR part 1191, which apply to buildings and facilities covered by the Americans with Disabilities Act, as modified by appendix A to this part.

(b) Facility alterations begun before January 26, 1992, in a good faith effort to make a facility accessible to individuals with disabilities may be used to meet the key station requirements set forth in §§37.47 and 37.51 of this part, even if these alterations are not consistent with the requirements set forth in appendices B and D to 36 CFR part 1191 and appendix A to this part, if the modifications complied with the Uniform Federal Accessibility Standards (UFAS) or ANSI A117.1(1980) (American National Standards Specification for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped). This paragraph applies only to alterations of individual elements and spaces and only to the extent that provisions covering those elements or spaces are contained in UFAS or ANSI A117.1, as applicable.

(c) (1) New construction or alterations of buildings or facilities on which construction has begun, or all approvals for final design have been received, before November 29, 2006, are not required to be consistent with the requirements set forth in appendices B and D to 36 CFR part 1191 and appendix A to this part, if the construction or alterations comply with the former appendix A to this part, as codified in the October 1, 2006, edition of the Code of Federal Regulations.

(2) Existing buildings and facilities that are not altered after November 29, 2006, and which comply with the former appendix A to this part, are not required to be retrofitted to comply with

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the requirements set forth in appendices B and D to 36 CFR part 1191 and appendix A to this part.

(d)(1) For purposes of implementing the equivalent facilitation provision in ADA Chapter 1, Section 103, of appendix B to 36 CFR part 1191, the following parties may submit to the Administrator of the applicable operating administration a request for a determination of equivalent facilitation:

(i)(A) A public or private entity that provides transportation facilities subject to the provisions of subpart C of this part, or other appropriate party with the concurrence of the Administrator.

(B) With respect to airport facilities, an entity that is an airport operator subject to the requirements of 49 CFR part 27 or regulations implementing the Americans with Disabilities Act, an air carrier subject to the requirements of 14 CFR part 382, or other appropriate party with the concurrence of the Administrator.

(ii) The manufacturer of a product or accessibility feature to be used in a transportation facility or facilities.

(2) The requesting party shall provide the following information with its request:

(i) Entity name, address, contact person and telephone;

(ii) Specific provision(s) of appendices B and D to 36 CFR part 1191 or appendix A to this part concerning which the entity is seeking a determination of equivalent facilitation.

(iii) [Reserved]

(iv) Alternative method of compliance, with demonstration of how the alternative meets or exceeds the level of accessibility or usability provided in appendices B and D to 36 CFR part 1191 or appendix A to this part; and

(v) Documentation of the public participation used in developing an alternative method of compliance.

(3) In the case of a request by a public entity that provides transportation facilities (including an airport operator), or a request by an air carrier with respect to airport facilities, the required public participation shall include the following:

(i) The entity shall contact individuals with disabilities and groups representing them in the community. Con-

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sultation with these individuals and groups shall take place at all stages of the development of the request for equivalent facilitation. All documents and other information concerning the request shall be available, upon request, to Department of Transportation officials and members of the public.

(ii) The entity shall make its proposed request available for public comment before the request is made final or transmitted to DOT. In making the request available for public review, the entity shall ensure that it is available, upon request, in accessible formats.

(iii) The entity shall sponsor at least one public hearing on the request and shall provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements.

(4) In the case of a request by a manufacturer or a private entity other than an air carrier, the manufacturer or private entity shall consult, in person, in writing, or by other appropriate means, with representatives of national and local organizations representing people with those disabilities who would be affected by the request.

(5) A determination of compliance will be made by the Administrator of the concerned operating administration on a case-by-case basis, with the concurrence of the Assistant Secretary for Transportation Policy.

(6)(i) Determinations of equivalent facilitation are made only with respect to transportation facilities, and pertain only to the specific situation concerning which the determination is made. *Provided, however*, that with respect to a product or accessibility feature that the Administrator determines can provide an equivalent facilitation in a class of situations, the Administrator may make an equivalent facilitation determination applying to that class of situations.

(ii) Entities shall not cite these determinations as indicating that a product or method constitutes equivalent facilitation in situations, or classes of situations, other than those to which the determinations specifically pertain.

(iii) Entities shall not claim that a determination of equivalent facilitation indicates approval or endorsement of any product or method by the Federal government, the Department of Transportation, or any of its operating administrations.

[71 FR 63265, Oct. 30, 2006]

§ 37.11 Administrative enforcement.

(a) Recipients of Federal financial assistance from the Department of Transportation are subject to administrative enforcement of the requirements of this part under the provisions of 49 CFR part 27, subpart C.

(b) Public entities, whether or not they receive Federal financial assistance, also are subject to enforcement action as provided by the Department of Justice.

(c) Private entities, whether or not they receive Federal financial assistance, are also subject to enforcement action as provided in the regulations of the Department of Justice implementing title III of the ADA (28 CFR part 36).

[56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996]

§ 37.13 Effective date for certain vehicle specifications.

(a) The vehicle lift specifications identified in §§ 38.23(b)(6), 38.83(b)(6), 38.95(b)(6), and 38.125(b)(6) of this title apply to solicitations for vehicles under this part after January 25, 1992.

(b) The vehicle door height requirements for vehicles over 22 feet identified in § 38.25(c) of this title apply to solicitations for vehicles under this part after January 25, 1992.

[56 FR 64215, Dec. 9, 1991]

§ 37.15 Temporary suspension of certain detectable warning requirements.

The detectable warning requirements contained in sections 4.7.7, 4.29.5, and 4.29.6 of appendix A to this part are suspended temporarily until July 26, 2001.

[64 FR 64837, 64838, Nov. 23, 1998]

EFFECTIVE DATE NOTE: At 76 FR 57935, Sept. 19, 2011, § 37.15 was revised, effective Oct. 19, 2011. For the convenience of the user, the revised text is set forth as follows:

§ 37.15 Interpretations and guidance.

The Secretary of Transportation, Office of the Secretary of Transportation, and Operating Administrations may issue written interpretations of or written guidance concerning this part. Written interpretations and guidance shall be developed through the Department's coordinating mechanism for disability matters, the Disability Law Coordinating Council. Written interpretations and guidance constitute the official position of the Department of Transportation, or any of its operating administrations, only if they are issued over the signature of the Secretary of Transportation or if they contain the following statement: "The General Counsel of the Department of Transportation has reviewed this document and approved it as consistent with the language and intent of 49 CFR parts 27, 37, 38, and/or 39, as applicable."

§§ 37.16–37.19 [Reserved]

Subpart B—Applicability

§ 37.21 Applicability: General.

(a) This part applies to the following entities, whether or not they receive Federal financial assistance from the Department of Transportation:

(1) Any public entity that provides designated public transportation or intercity or commuter rail transportation;

(2) Any private entity that provides specified public transportation; and

(3) Any private entity that is not primarily engaged in the business of transporting people but operates a demand responsive or fixed route system.

(b) For entities receiving Federal financial assistance from the Department of Transportation, compliance with applicable requirements of this part is a condition of compliance with section 504 of the Rehabilitation Act of 1973 and of receiving financial assistance.

(c) Entities to which this part applies also may be subject to ADA regulations of the Department of Justice (28 CFR parts 35 or 36, as applicable). The provisions of this part shall be interpreted in a manner that will make them consistent with applicable Department of Justice regulations. In any case of apparent inconsistency, the provisions of this part shall prevail.

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§ 37.23 Service under contract.

(a) When a public entity enters into a contractual or other arrangement 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 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 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.

EFFECTIVE DATE NOTE: At 76 FR 57935, Sept. 19, 2011, § 37.23 was amended by adding the words “(including, but not limited to, a grant, subgrant, or cooperative agreement)” after the word “arrangement” in paragraphs (a), (c), and (d), effective Oct. 19, 2011.

§ 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 com-

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muter bus service apply to that system.

§ 37.27 Transportation for elementary and secondary education systems.

(a) The requirements of this part do not apply to public school transportation.

(b) The requirements of this part do not apply to the transportation of school children to and from a private elementary or secondary school, and its school-related activities, if the school is providing transportation service to students with disabilities equivalent to that provided to students without disabilities. The test of equivalence is the same as that provided in § 37.105. If the school does not meet the requirement of this paragraph for exemption from the requirements of this part, it is subject to the requirements of this part for private entities not primarily engaged in transporting people.

[56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25415, May 21, 1996]

§ 37.29 Private entities providing taxi service.

(a) Providers of taxi service are subject to the requirements of this part for private entities primarily engaged in the business of transporting people which provide demand responsive service.

(b) Providers of taxi service are not required to purchase or lease accessible automobiles. When a provider of taxi service purchases or leases a vehicle other than an automobile, the vehicle is required to be accessible unless the provider demonstrates equivalency as provided in § 37.105 of this part. A provider of taxi service is not required to purchase vehicles other than automobiles in order to have a number of accessible vehicles in its fleet.

(c) Private entities providing taxi service shall not discriminate against individuals with disabilities by actions including, but not limited to, refusing to provide service to individuals with disabilities who can use taxi vehicles, refusing to assist with the stowing of mobility devices, and charging higher fares or fees for carrying individuals with disabilities and their equipment than are charged to other persons.

§ 37.31 Vanpools.

Vanpool systems which are operated by public entities, or in which public entities own or purchase or lease the vehicles, are subject to the requirements of this part for demand responsive service for the general public operated by public entities. A vanpool system in this category is deemed to be providing equivalent service to individuals with disabilities if a vehicle that an individual with disabilities can use is made available to and used by a vanpool in which such an individual chooses to participate.

§ 37.33 Airport transportation systems.

(a) Transportation systems operated by public airport operators, which provide designated public transportation and connect parking lots and terminals or provide transportation among terminals, are subject to the requirements of this part for fixed route or demand responsive systems, as applicable, operated by public entities. Public airports which operate fixed route transportation systems are subject to the requirements of this part for commuter bus service operated by public entities. The provision by an airport of additional accommodations (e.g., parking spaces in a close-in lot) is not a substitute for meeting the requirements of this part.

(b) Fixed-route transportation systems operated by public airport operators between the airport and a limited number of destinations in the area it serves are subject to the provisions of this part for commuter bus systems operated by public entities.

(c) Private jitney or shuttle services that provide transportation between an airport and destinations in the area it serves in a route-deviation or other variable mode are subject to the requirements of this part for private entities primarily engaged in the business of transporting people which provide demand responsive service. They may meet equivalency requirements by such means as sharing or pooling accessible vehicles among operators, in a way that ensures the provision of equivalent service.

§ 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.

§ 37.37 Other applications.

(a) A private entity does not become subject to the requirements of this part for public entities, because it receives an operating subsidy from, is regulated by, or is granted a franchise or permit to operate by a public entity.

(b) Shuttle systems and other transportation services operated by privately-owned hotels, car rental agencies, historical or theme parks, and other public accommodations are subject to the requirements of this part for private entities not primarily engaged in the business of transporting people. Either the requirements for demand responsive or fixed route service may apply, depending upon the characteristics of each individual system of transportation.

(c) Conveyances used by members of the public primarily for recreational purposes rather than for transportation (e.g., amusement park rides, ski lifts, or historic rail cars or trolleys operated in museum settings) are not subject to the requirements of this part. Such conveyances are subject to Department of Justice regulations implementing title II or title III of the ADA (28 CFR part 35 or 36), as applicable.

(d) Transportation services provided by an employer solely for its own employees are not subject to the requirements of this part. Such services are subject to the regulations of the Equal Employment Opportunity Commission under title I of the ADA (29 CFR part

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1630) and, with respect to public entities, the regulations of the Department of Justice under title II of the ADA (28 CFR part 35).

(e) Transportation systems operated by private clubs or establishments exempted from coverage under title II of the Civil Rights Act of 1964 (42 U.S.C. 2000-a(e)) or religious organizations or entities controlled by religious organizations are not subject to the requirements of this part.

(f) If a parent private company is not primarily engaged in the business of transporting people, or is not a place of public accommodation, but a subsidiary company or an operationally distinct segment of the company is primarily engaged in the business of transporting people, the transportation service provided by the subsidiary or segment is subject to the requirements of this part for private entities primarily engaged in the business of transporting people.

(g) High-speed rail systems operated by public entities are subject to the requirements of this part governing intercity rail systems.

(h) Private rail systems providing fixed route or specified public transportation service are subject to the requirements of §37.107 with respect to the acquisition of rail passenger cars. Such systems are subject to the requirements of the regulations of the Department of Justice implementing title III of the ADA (28 CFR part 36) with respect to stations and other facilities.

§ 37.39 [Reserved]

Subpart C—Transportation Facilities

§ 37.41 Construction of transportation facilities by public entities.

(a) A public entity shall construct any new facility to be used in providing designated public transportation services so that the facility is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. This requirement also applies to the construction of a new station for use in intercity or commuter rail transportation. For purposes of this section, a facility or sta-

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tion is “new” if its construction begins (*i.e.*, issuance of notice to proceed) after January 25, 1992, or, in the case of intercity or commuter rail stations, after October 7, 1991.

(b) (1) Full compliance with the requirements of this section is not required where an entity can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.

(2) If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable.

(3) If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with this section.

[56 FR 45621, Sept. 6, 1991, as amended by 71 FR 63266, Oct. 30, 2006]

§ 37.42 Service in an integrated setting to passengers at intercity, commuter, and high-speed rail station platforms constructed or altered after February 1, 2012.

(a) In addition to meeting the requirements of sections 37.9 and 37.41, an operator of a commuter, intercity, or high-speed rail system must ensure, at stations that are approved for entry into final design or that begin construction or alteration of platforms on or after February 1, 2012, that the following performance standard is met: individuals with disabilities, including individuals who use wheelchairs, must have access to all accessible cars available to passengers without disabilities in each train using the station.

(b) For new or altered stations serving commuter, intercity, or high-speed rail lines or systems, in which no track

passing through the station and adjacent to platforms is shared with existing freight rail operations, the performance standard of paragraph (a) of this section must be met by providing level-entry boarding to all accessible cars in each train that serves the station.

(c) For new or altered stations serving commuter, intercity, or high-speed rail lines or systems, in which track passing through the station and adjacent to platforms is shared with existing freight rail operations, the railroad operator may comply with the performance standard of paragraph (a) by use of one or more of the following means:

- (1) Level-entry boarding;
- (2) Car-borne lifts;
- (3) Bridge plates, ramps or other appropriate devices;
- (4) Mini-high platforms, with multiple mini-high platforms or multiple train stops, as needed, to permit access to all accessible cars available at that station; or
- (5) Station-based lifts;

(d) Before constructing or altering a platform at a station covered by paragraph (c) of this section, at which a railroad proposes to use a means other than level-entry boarding, the railroad must meet the following requirements:

(1) If the railroad operator not using level-entry boarding chooses a means of meeting the performance standard other than using car-borne lifts, it must perform a comparison of the costs (capital, operating, and life-cycle costs) of car-borne lifts and the means chosen by the railroad operator, as well as a comparison of the relative ability of each of these alternatives to provide service to individuals with disabilities in an integrated, safe, timely, and reliable manner. The railroad operator must submit a copy of this analysis to FTA or FRA at the time it submits the plan required by paragraph (d)(2) of this section.

(2) The railroad operator must submit a plan to FRA and/or FTA, describing its proposed means to meet the performance standard of paragraph (a) of this section at that station. The plan must demonstrate how boarding equipment or platforms would be deployed, maintained, and operated; and how per-

sonnel would be trained and deployed to ensure that service to individuals with disabilities is provided in an integrated, safe, timely, and reliable manner.

(3) Before proceeding with constructing or modifying a station platform covered by paragraphs (c) and (d) of this section, the railroad must obtain approval from the FTA (for commuter rail systems) or the FRA (for intercity rail systems). The agencies will evaluate the proposed plan and may approve, disapprove, or modify it. The FTA and the FRA may make this determination jointly in any situation in which both a commuter rail system and an intercity or high-speed rail system use the tracks serving the platform. FTA and FRA will respond to the railroad's plan in a timely manner, in accordance with the timetable set forth in paragraphs (d)(3)(i) through (d)(3)(iii) of this paragraph.

(i) FTA/FRA will provide an initial written response within 30 days of receiving a railroad's written proposal. This response will say either that the submission is complete or that additional information is needed.

(ii) Once a complete package, including any requested additional information, is received, as acknowledged by FRA/FTA in writing, FRA/FTA will provide a substantive response accepting, rejecting, or modifying the proposal within 120 days.

(iii) If FTA/FRA needs additional time to consider the railroad's proposal, FRA/FTA will provide a written communication to the railroad setting forth the reasons for the delay and an estimate of the additional time (not to exceed an additional 60 days) that FRA/FTA expect to take to finalize a substantive response to the proposal.

(iv) In reviewing the plan, FRA and FTA will consider factors including, but not limited to, how the proposal maximizes accessibility to individuals with disabilities, any obstacles to the use of a method that could provide better service to individuals with disabilities, the safety and reliability of the approach and related technology proposed to be used, the suitability of the means proposed to the station and line and/or system on which it would be used, and the adequacy of equipment

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and maintenance and staff training and deployment.

(e) In any situation using a combination of high and low platforms, a commuter or intercity rail operator shall not employ a solution that has the effect of channeling passengers into a narrow space between the face of the higher-level platform and the edge of the lower platform.

(1) Except as provided in paragraph (e)(2) of this paragraph, any obstructions on a platform (mini-high platforms, stairwells, elevator shafts, seats *etc.*) shall be set at least six feet back from the edge of a platform.

(2) If the six-foot clearance is not feasible (*e.g.*, where such a clearance would create an insurmountable gap on a mini-high platform or where the physical structure of an existing station does not allow such clearance), barriers must be used to prevent the flow of pedestrian traffic through these narrower areas.

(f) For purposes of this part, level-entry boarding means a boarding platform design in which the horizontal gap between a car at rest and the platform is no more than 10 inches on tangent track and 13 inches on curves and the vertical height of the car floor is no more than 5.5 inches above the boarding platform. Where the horizontal gap is more than 3 inches and/or the vertical gap is more than $\frac{5}{8}$ inch, measured when the vehicle is at rest, the horizontal and vertical gaps between the car floor and the boarding platform must be mitigated by a bridge plate, ramp, or other appropriate device consistent with 49 CFR 38.95(c) and 38.125(c).

[76 FR 57935, Sept. 19, 2011]

EFFECTIVE DATE NOTE: At 76 FR 57935, Sept. 19, 2011, §37.42 was added, effective Oct. 19, 2011.

§ 37.43 Alteration of transportation facilities by public entities.

(a)(1) When a public entity alters an existing facility or a part of an existing facility used in providing designated public transportation services in a way that affects or could affect the usability of the facility or part of the facility, the entity shall make the alterations (or ensure that the alterations are made) in such a manner, to

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the maximum extent feasible, that the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon the completion of such alterations.

(2) When a public entity undertakes an alteration that affects or could affect the usability of or access to an area of a facility containing a primary function, the entity shall make the alteration in such a manner that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of the alterations. *Provided*, that alterations to the path of travel, drinking fountains, telephones and bathrooms are not required to be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, if the cost and scope of doing so would be disproportionate.

(3) The requirements of this paragraph also apply to the alteration of existing intercity or commuter rail stations by the responsible person for, owner of, or person in control of the station.

(4) The requirements of this section apply to any alteration which begins (*i.e.*, issuance of notice to proceed or work order, as applicable) after January 25, 1992, or, in the case of intercity and commuter rail stations, after October 7, 1991.

(b) As used in this section, the phrase *to the maximum extent feasible* applies to the occasional case where the nature of an existing facility makes it impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the entity shall provide the maximum physical accessibility feasible. Any altered features of the facility or portion of the facility that can be made accessible shall be made accessible. If providing accessibility to certain individuals with disabilities (*e.g.*, those who use wheelchairs) would not be feasible, the facility shall be made accessible to individuals with other types of disabilities (*e.g.*, those

who use crutches, those who have impaired vision or hearing, or those who have other impairments).

(c) As used in this section, a *primary function* is a major activity for which the facility is intended. Areas of transportation facilities that involve primary functions include, but are not necessarily limited to, ticket purchase and collection areas, passenger waiting areas, train or bus platforms, baggage checking and return areas and employment areas (except those involving non-occupiable spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways, or freight (non-passenger) elevators which are frequented only by repair personnel).

(d) As used in this section, a "path of travel" includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, parking areas, and streets), an entrance to the facility, and other parts of the facility. The term also includes the restrooms, telephones, and drinking fountains serving the altered area. An accessible path of travel may include walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps, clear floor paths through corridors, waiting areas, concourses, and other improved areas, parking access aisles, elevators and lifts, bridges, tunnels, or other passageways between platforms, or a combination of these and other elements.

(e)(1) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20 percent of the cost of the alteration to the primary function area (without regard to the costs of accessibility modifications).

(2) Costs that may be counted as expenditures required to provide an accessible path of travel include:

(i) Costs associated with providing an accessible entrance and an accessible route to the altered area (e.g., widening doorways and installing ramps);

(ii) Costs associated with making restrooms accessible (e.g., grab bars, enlarged toilet stalls, accessible faucet controls);

(iii) Costs associated with providing accessible telephones (e.g., relocation of phones to an accessible height, installation of amplification devices or TDDs);

(iv) Costs associated with relocating an inaccessible drinking fountain.

(f)(1) When the cost of alterations necessary to make a path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, then such areas shall be made accessible to the maximum extent without resulting in disproportionate costs;

(2) In this situation, the public entity should give priority to accessible elements that will provide the greatest access, in the following order:

(i) An accessible entrance;

(ii) An accessible route to the altered area;

(iii) At least one accessible restroom for each sex or a single unisex restroom (where there are one or more restrooms);

(iv) Accessible telephones;

(v) Accessible drinking fountains;

(vi) When possible, other accessible elements (e.g., parking, storage, alarms).

(g) If a public entity performs a series of small alterations to the area served by a single path of travel rather than making the alterations as part of a single undertaking, it shall nonetheless be responsible for providing an accessible path of travel.

(h)(1) If an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alteration to the primary function areas on that path of travel during the preceding three year period shall be considered in determining whether the cost of making that path of travel is disproportionate;

(2) For the first three years after January 26, 1992, only alterations undertaken between that date and the date of the alteration at issue shall be considered in determining if the cost of

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providing accessible features is disproportionate to the overall cost of the alteration.

(3) Only alterations undertaken after January 26, 1992, shall be considered in determining if the cost of providing an accessible path of travel is disproportionate to the overall cost of the alteration.

§ 37.45 Construction and alteration of transportation facilities by private entities.

In constructing and altering transit facilities, private entities shall comply with the regulations of the Department of Justice implementing Title III of the ADA (28 CFR part 36).

§ 37.47 Key stations in light and rapid rail systems.

(a) Each public entity that provides designated public transportation by means of a light or rapid rail system shall make key stations on its system readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. This requirement is separate from and in addition to requirements set forth in § 37.43 of this part.

(b) Each public entity shall determine which stations on its system are key stations. The entity shall identify key stations, using the planning and public participation process set forth in paragraph (d) of this section, and taking into consideration the following criteria:

(1) Stations where passenger boardings exceed average station passenger boardings on the rail system by at least fifteen percent, unless such a station is close to another accessible station;

(2) Transfer stations on a rail line or between rail lines;

(3) Major interchange points with other transportation modes, including stations connecting with major parking facilities, bus terminals, intercity or commuter rail stations, passenger vessel terminals, or airports;

(4) End stations, unless an end station is close to another accessible station; and

(5) Stations serving major activity centers, such as employment or government centers, institutions of higher

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education, hospitals or other major health care facilities, or other facilities that are major trip generators for individuals with disabilities.

(c)(1) Unless an entity receives an extension under paragraph (c)(2) of this section, the public entity shall achieve accessibility of key stations as soon as possible, but in no case later than July 26, 1993, except that an entity is not required to complete installation of detectable warnings required by section 10.3.2(2) of appendix A to this part until July 26, 1994.

(2) The FTA Administrator may grant an extension of this completion date for key station accessibility for a period up to July 26, 2020, provided that two-thirds of key stations are made accessible by July 26, 2010. Extensions may be granted as provided in paragraph (e) of this section.

(d) The public entity shall develop a plan for compliance for this section. The plan shall be submitted to the appropriate FTA regional office by July 26, 1992. (See appendix B to this part for list.)

(1) The public entity shall consult with individuals with disabilities affected by the plan. The public entity also shall hold at least one public hearing on the plan and solicit comments on it. The plan submitted to FTA shall document this public participation, including summaries of the consultation with individuals with disabilities and the comments received at the hearing and during the comment period. The plan also shall summarize the public entity's responses to the comments and consultation.

(2) The plan shall establish milestones for the achievement of required accessibility of key stations, consistent with the requirements of this section.

(e) A public entity wishing to apply for an extension of the July 26, 1993, deadline for key station accessibility shall include a request for an extension with its plan submitted to FTA under paragraph (d) of this section. Extensions may be granted only with respect to key stations which need extraordinarily expensive structural changes to, or replacement of, existing facilities (e.g., installations of elevators, raising the entire passenger platform,

or alterations of similar magnitude and cost). Requests for extensions shall provide for completion of key station accessibility within the time limits set forth in paragraph (c) of this section. The FTA Administrator may approve, approve with conditions, modify, or disapprove any request for an extension.

[56 FR 45621, Sept. 6, 1991, as amended at 58 FR 63102, Nov. 30, 1993]

§ 37.49 Designation of responsible person(s) for intercity and commuter rail stations.

(a) The responsible person(s) designated in accordance with this section shall bear the legal and financial responsibility for making a key station accessible in the same proportion as determined under this section.

(b) In the case of a station more than fifty percent of which is owned by a public entity, the public entity is the responsible party.

(c) In the case of a station more than fifty percent of which is owned by a private entity the persons providing commuter or intercity rail service to the station are the responsible parties, in a proportion equal to the percentage of all passenger boardings at the station attributable to the service of each, over the entire period during which the station is made accessible.

(d) In the case of a station of which no entity owns more than fifty percent, the owners of the station (other than private entity owners) and persons providing intercity or commuter rail service to the station are the responsible persons.

(1) Half the responsibility for the station shall be assumed by the owner(s) of the station. The owners shall share this responsibility in proportion to their ownership interest in the station, over the period during which the station is made accessible.

(2) The person(s) providing commuter or intercity rail service to the station shall assume the other half of the responsibility. These persons shall share this responsibility. These persons shall share this responsibility for the station in a proportion equal to the percentage of all passenger boardings at the station attributable to the service of each,

over the period during which the station is made accessible.

(e) Persons who must share responsibility for station accessibility under paragraphs (c) and (d) of this section may, by agreement, allocate their responsibility in a manner different from that provided in this section.

§ 37.51 Key stations in commuter rail systems.

(a) The responsible person(s) shall make key stations on its system readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. This requirement is separate from and in addition to requirements set forth in § 37.43 of this part.

(b) Each commuter authority shall determine which stations on its system are key stations. The commuter authority shall identify key stations, using the planning and public participation process set forth in paragraph (d) of this section, and taking into consideration the following criteria:

(1) Stations where passenger boardings exceed average station passenger boardings on the rail system by at least fifteen percent, unless such a station is close to another accessible station;

(2) Transfer stations on a rail line or between rail lines;

(3) Major interchange points with other transportation modes, including stations connecting with major parking facilities, bus terminals, intercity or commuter rail stations, passenger vessel terminals, or airports;

(4) End stations, unless an end station is close to another accessible station; and

(5) Stations serving major activity centers, such as employment or government centers, institutions of higher education, hospitals or other major health care facilities, or other facilities that are major trip generators for individuals with disabilities.

(c)(1) Except as provided in this paragraph, the responsible person(s) shall achieve accessibility of key stations as soon as possible, but in no case later than July 26, 1993, except that an entity is not required to complete installation of detectable warnings required by

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section 10.3.2(2) of appendix A to this part until July 26, 1994.

(2) The FTA Administrator may grant an extension of this deadline for key station accessibility for a period up to July 26, 2010. Extensions may be granted as provided in paragraph (e) of this section.

(d) The commuter authority and responsible person(s) for stations involved shall develop a plan for compliance for this section. This plan shall be completed and submitted to FTA by July 26, 1992.

(1) The commuter authority and responsible person(s) shall consult with individuals with disabilities affected by the plan. The commuter authority and responsible person(s) also shall hold at least one public hearing on the plan and solicit comments on it. The plan shall document this public participation, including summaries of the consultation with individuals with disabilities and the comments received at the hearing and during the comment period. The plan also shall summarize the responsible person(s) responses to the comments and consultation.

(2) The plan shall establish milestones for the achievement of required accessibility of key stations, consistent with the requirements of this section.

(3) The commuter authority and responsible person(s) of each key station identified in the plan shall, by mutual agreement, designate a project manager for the purpose of undertaking the work of making the key station accessible.

(e) Any commuter authority and/or responsible person(s) wishing to apply for an extension of the July 26, 1993, deadline for key station accessibility shall include a request for extension with its plan submitted to under paragraph (d) of this section. Extensions may be granted only in a case where raising the entire passenger platform is the only means available of attaining accessibility or where other extraordinarily expensive structural changes (e.g., installations of elevators, or alterations of magnitude and cost similar to installing an elevator or raising the entire passenger platform) are necessary to attain accessibility. Requests for extensions shall provide for comple-

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tion of key station accessibility within the time limits set forth in paragraph (c) of this section. The FTA Administrator may approve, approve with conditions, modify, or disapprove any request for an extension.

[56 FR 45621, Sept. 6, 1991, as amended at 58 FR 63102, Nov. 30, 1993]

§ 37.53 Exception for New York and Philadelphia.

(a) The following agreements entered into in New York, New York, and Philadelphia, Pennsylvania, contain lists of key stations for the public entities that are a party to those agreements for those service lines identified in the agreements. The identification of key stations under these agreements is deemed to be in compliance with the requirements of this Subpart.

(1) Settlement Agreement by and among Eastern Paralyzed Veterans Association, Inc., James J. Peters, Terrance Moakley, and Denise Figueroa, individually and as representatives of the class of all persons similarly situated (collectively, "the EPVA class representatives"); and Metropolitan Transportation Authority, New York City Transit Authority, and Manhattan and Bronx Surface Transit Operating Authority (October 4, 1984).

(2) Settlement Agreement by and between Eastern Paralyzed Veterans Association of Pennsylvania, Inc., and James J. Peters, individually; and Dudley R. Sykes, as Commissioner of the Philadelphia Department of Public Property, and his successors in office and the City of Philadelphia (collectively "the City") and Southeastern Pennsylvania Transportation Authority (June 28, 1989).

(b) To comply with §§ 37.47 (b) and (d) or 37.51 (b) and (d) of this part, the entities named in the agreements are required to use their public participation and planning processes only to develop and submit to the FTA Administrator plans for timely completion of key station accessibility, as provided in this subpart.

(c) In making accessible the key stations identified under the agreements cited in this section, the entities named in the agreements are subject to the requirements of § 37.9 of this part.

§ 37.55 Intercity rail station accessibility.

All intercity rail stations shall be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable, but in no event later than July 26, 2010. This requirement is separate from and in addition to requirements set forth in § 37.43 of this part.

§ 37.57 Required cooperation.

An owner or person in control of an intercity or commuter rail station shall provide reasonable cooperation to the responsible person(s) for that station with respect to the efforts of the responsible person to comply with the requirements of this subpart.

§ 37.59 Differences in accessibility completion dates.

Where different completion dates for accessible stations are established under this part for a station or portions of a station (e.g., extensions of different periods of time for a station which serves both rapid and commuter rail systems), accessibility to the following elements of the station shall be achieved by the earlier of the completion dates involved:

- (a) Common elements of the station;
- (b) Portions of the facility directly serving the rail system with the earlier completion date; and
- (c) An accessible path from common elements of the station to portions of the facility directly serving the rail system with the earlier completion date.

§ 37.61 Public transportation programs and activities in existing facilities.

(a) A public entity shall operate a designated public transportation program or activity conducted in an existing facility so that, when viewed in its entirety, the program or activity is readily accessible to and usable by individuals with disabilities.

(b) This section does not require a public entity to make structural changes to existing facilities in order to make the facilities accessible by individuals who use wheelchairs, unless and to the extent required by § 37.43 (with respect to alterations) or §§ 37.47

or 37.51 of this part (with respect to key stations). Entities shall comply with other applicable accessibility requirements for such facilities.

(c) Public entities, with respect to facilities that, as provided in paragraph (b) of this section, are not required to be made accessible to individuals who use wheelchairs, are not required to provide to such individuals services made available to the general public at such facilities when the individuals could not utilize or benefit from the services.

§§ 37.63–37.69 [Reserved]**Subpart D—Acquisition of Accessible Vehicles By Public Entities****§ 37.71 Purchase or lease of new non-rail vehicles by public entities operating fixed route systems.**

(a) Except as provided elsewhere in this section, each public entity operating a fixed route system 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) A public entity may purchase or lease a new bus that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, if it applies for, and the FTA Administrator grants, a waiver as provided for in this section.

(c) Before submitting a request for such a waiver, the public entity shall hold at least one public hearing concerning the proposed request.

(d) The FTA Administrator may grant a request for such a waiver if the public entity demonstrates to the FTA Administrator's satisfaction that—

(1) The initial solicitation for new buses made by the public entity specified that all new buses were to be lift-equipped and were to be otherwise accessible to and usable by individuals with disabilities;

(2) Hydraulic, electromechanical, or other lifts for such new buses could not be provided by any qualified lift manufacturer to the manufacturer of such

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new buses in sufficient time to comply with the solicitation; and

(3) Any further delay in purchasing new buses equipped with such necessary lifts would significantly impair transportation services in the community served by the public entity.

(e) The public entity shall include with its waiver request a copy of the initial solicitation and written documentation from the bus manufacturer of its good faith efforts to obtain lifts in time to comply with the solicitation, and a full justification for the assertion that the delay in bus procurement needed to obtain a lift-equipped bus would significantly impair transportation services in the community. This documentation shall include a specific date at which the lifts could be supplied, copies of advertisements in trade publications and inquiries to trade associations seeking lifts, and documentation of the public hearing.

(f) Any waiver granted by the FTA Administrator under this section shall be subject to the following conditions:

(1) The waiver shall apply only to the particular bus delivery to which the waiver request pertains;

(2) The waiver shall include a termination date, which will be based on information concerning when lifts will become available for installation on the new buses the public entity is purchasing. Buses delivered after this date, even though procured under a solicitation to which a waiver applied, shall be equipped with lifts;

(3) Any bus obtained subject to the waiver shall be capable of accepting a lift, and the public entity shall install a lift as soon as one becomes available;

(4) Such other terms and conditions as the FTA Administrator may impose.

(g)(1) When the FTA Administrator grants a waiver under this section, he/she shall promptly notify the appropriate committees of Congress.

(2) If the FTA Administrator has reasonable cause to believe that a public entity fraudulently applied for a waiver under this section, the FTA Administrator shall:

(i) Cancel the waiver if it is still in effect; and

(ii) Take other appropriate action.

EFFECTIVE DATE NOTE: At 76 FR 57936, Sept. 19, 2011, § 37.71 was amended by remov-

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ing the words “Except as provided elsewhere in this section” from paragraph (a) and removing paragraphs (b) through (g), effective Oct. 19, 2011.

§ 37.73 Purchase or lease of used non-rail vehicles by public entities operating fixed route systems.

(a) Except as provided elsewhere in this section, each public entity operating a fixed route system purchasing or leasing, after August 25, 1990, a used bus or other used 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) A public entity may purchase or lease a used vehicle for use on its fixed route system that is not readily accessible to and usable by individuals with disabilities if, after making demonstrated good faith efforts to obtain an accessible vehicle, it is unable to do so.

(c) Good faith efforts shall include at least the following steps:

(1) An initial solicitation for used vehicles specifying that all used vehicles are to be lift-equipped and otherwise accessible to and usable by individuals with disabilities, or, if an initial solicitation is not used, a documented communication so stating;

(2) A nationwide search for accessible vehicles, involving specific inquiries to used vehicle dealers and other transit providers; and

(3) Advertising in trade publications and contacting trade associations.

(d) Each public entity purchasing or leasing used vehicles that are not readily accessible to and usable by individuals with disabilities shall retain documentation of the specific good faith efforts it made for three years from the date the vehicles were purchased. These records shall be made available, on request, to the FTA Administrator and the public.

§ 37.75 Remanufacture of non-rail vehicles and purchase or lease of remanufactured non-rail vehicles by public entities operating fixed route systems.

(a) This section applies to any public entity operating a fixed route system which takes one of the following actions:

(1) After August 25, 1990, remanufactures a bus or other vehicle so as to extend its useful life for five years or more or makes a solicitation for such remanufacturing; or

(2) Purchases or leases a bus or other vehicle which has been remanufactured so as to extend its useful life for five years or more, where the purchase or lease occurs after August 25, 1990, and during the period in which the useful life of the vehicle is extended.

(b) Vehicles acquired through the actions listed in paragraph (a) of this section shall, to the maximum extent feasible, be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) For purposes of this section, it shall be considered feasible to remanufacture a bus or other motor vehicle so as to be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless an engineering analysis demonstrates that including accessibility features required by this part would have a significant adverse effect on the structural integrity of the vehicle.

(d) If a public entity operates a fixed route system, any segment of which is included on the National Register of Historic Places, and if making a vehicle of historic character used solely on such segment readily accessible to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity has only to make (or purchase or lease a remanufactured vehicle with) those modifications to make the vehicle accessible which do not alter the historic character of such vehicle, in consultation with the National Register of Historic Places.

(e) A public entity operating a fixed route system as described in paragraph (d) of this section may apply in writing to the FTA Administrator for a determination of the historic character of the vehicle. The FTA Administrator shall refer such requests to the National Register of Historic Places, and shall rely on its advice in making determinations of the historic character of the vehicle.

§ 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.

(d) A public entity receiving FTA funds under section 18 or a public entity in a small urbanized area which receives FTA funds under Section 9 from a state administering agency rather than directly from FTA, which determines that its service to individuals with disabilities is equivalent to that provided other persons shall, before any procurement of an inaccessible vehicle, file with the appropriate state program office a certificate that it provides equivalent service meeting the

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standards of paragraph (c) of this section. Public entities operating demand responsive service receiving funds under any other section of the FT Act shall file the certificate with the appropriate FTA regional office. A public entity which does not receive FTA funds shall make such a certificate and retain it in its files, subject to inspection on request of FTA. All certificates under this paragraph may be made and filed in connection with a particular procurement or in advance of a procurement; however, no certificate shall be valid for more than one year. A copy of the required certificate is found in appendix C to this part.

(e) The waiver mechanism set forth in § 37.71(b)–(g) (unavailability of lifts) of this subpart shall also be available to public entities operating a demand responsive system for the general public.

§ 37.79 Purchase or lease of new rail vehicles by public entities operating rapid or light rail systems.

Each public entity operating a rapid or light rail system making a solicitation after August 25, 1990, to purchase or lease a new rapid or light rail 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.

§ 37.81 Purchase or lease of used rail vehicles by public entities operating rapid or light rail systems.

(a) Except as provided elsewhere in this section, each public entity operating a rapid or light rail system which, after August 25, 1990, purchases or leases a used rapid or light rail 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) A public entity may purchase or lease a used rapid or light rail vehicle for use on its rapid or light rail system that is not readily accessible to and usable by individuals if, after making demonstrated good faith efforts to obtain an accessible vehicle, it is unable to do so.

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(c) Good faith efforts shall include at least the following steps:

(1) The initial solicitation for used vehicles made by the public entity specifying that all used vehicles were to be accessible to and usable by individuals with disabilities, or, if a solicitation is not used, a documented communication so stating;

(2) A nationwide search for accessible vehicles, involving specific inquiries to manufacturers and other transit providers; and

(3) Advertising in trade publications and contacting trade associations.

(d) Each public entity purchasing or leasing used rapid or light rail vehicles that are not readily accessible to and usable by individuals with disabilities shall retain documentation of the specific good faith efforts it made for three years from the date the vehicles were purchased. These records shall be made available, on request, to the FTA Administrator and the public.

§ 37.83 Remanufacture of rail vehicles and purchase or lease of remanufactured rail vehicles by public entities operating rapid or light rail systems.

(a) This section applies to any public entity operating a rapid or light rail system which takes one of the following actions:

(1) After August 25, 1990, remanufactures a light or rapid rail vehicle so as to extend its useful life for five years or more or makes a solicitation for such remanufacturing;

(2) Purchases or leases a light or rapid rail vehicle which has been remanufactured so as to extend its useful life for five years or more, where the purchase or lease occurs after August 25, 1990, and during the period in which the useful life of the vehicle is extended.

(b) Vehicles acquired through the actions listed in paragraph (a) of this section shall, to the maximum extent feasible, be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) For purposes of this section, it shall be considered feasible to remanufacture a rapid or light rail vehicle so

as to be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless an engineering analysis demonstrates that doing so would have a significant adverse effect on the structural integrity of the vehicle.

(d) If a public entity operates a rapid or light rail system any segment of which is included on the National Register of Historic Places and if making a rapid or light rail vehicle of historic character used solely on such segment readily accessible to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity need only make (or purchase or lease a remanufactured vehicle with) those modifications that do not alter the historic character of such vehicle.

(e) A public entity operating a fixed route system as described in paragraph (d) of this section may apply in writing to the FTA Administrator for a determination of the historic character of the vehicle. The FTA Administrator shall refer such requests to the National Register of Historic Places and shall rely on its advice in making a determination of the historic character of the vehicle.

§ 37.85 Purchase or lease of new intercity and commuter rail cars.

Amtrak or a commuter authority making a solicitation after August 25, 1990, to purchase or lease a new intercity or commuter rail car 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.

§ 37.87 Purchase or lease of used intercity and commuter rail cars.

(a) Except as provided elsewhere in this section, Amtrak or a commuter authority purchasing or leasing a used intercity or commuter rail car after August 25, 1990, shall ensure that the car is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) Amtrak or a commuter authority may purchase or lease a used intercity or commuter rail car that is not readily accessible to and usable by individuals if, after making demonstrated

good faith efforts to obtain an accessible vehicle, it is unable to do so.

(c) Good faith efforts shall include at least the following steps:

(1) An initial solicitation for used vehicles specifying that all used vehicles accessible to and usable by individuals with disabilities;

(2) A nationwide search for accessible vehicles, involving specific inquiries to used vehicle dealers and other transit providers; and

(3) Advertising in trade publications and contacting trade associations.

(d) When Amtrak or a commuter authority leases a used intercity or commuter rail car for a period of seven days or less, Amtrak or the commuter authority may make and document good faith efforts as provided in this paragraph instead of in the ways provided in paragraph (c) of this section:

(1) By having and implementing, in its agreement with any intercity railroad or commuter authority that serves as a source of used intercity or commuter rail cars for a lease of seven days or less, a provision requiring that the lessor provide all available accessible rail cars before providing any inaccessible rail cars.

(2) By documenting that, when there is more than one source of intercity or commuter rail cars for a lease of seven days or less, the lessee has obtained all available accessible intercity or commuter rail cars from all sources before obtaining inaccessible intercity or commuter rail cars from any source.

(e) Amtrak and commuter authorities purchasing or leasing used intercity or commuter rail cars that are not readily accessible to and usable by individuals with disabilities shall retain documentation of the specific good faith efforts that were made for three years from the date the cars were purchased. These records shall be made available, on request, to the Federal Railroad Administration or FTA Administrator, as applicable. These records shall be made available to the public, on request.

[56 FR 45621, Sept. 6, 1991, as amended at 58 FR 63102, Nov. 30, 1993]

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§ 37.89 Remanufacture of intercity and commuter rail cars and purchase or lease of remanufactured intercity and commuter rail cars.

(a) This section applies to Amtrak or a commuter authority which takes one of the following actions:

(1) Remanufactures an intercity or commuter rail car so as to extend its useful life for ten years or more;

(2) Purchases or leases an intercity or commuter rail car which has been remanufactured so as to extend its useful life for ten years or more.

(b) Intercity and commuter rail cars listed in paragraph (a) of this section shall, to the maximum extent feasible, be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) For purposes of this section, it shall be considered feasible to remanufacture an intercity or commuter rail car so as to be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless an engineering analysis demonstrates that remanufacturing the car to be accessible would have a significant adverse effect on the structural integrity of the car.

§ 37.91 Wheelchair locations and food service on intercity rail trains.

(a) As soon as practicable, but in no event later than July 26, 1995, each person providing intercity rail service shall provide on each train a number of spaces—

(1) To park wheelchairs (to accommodate individuals who wish to remain in their wheelchairs) equal to not less than one half of the number of single level rail passenger coaches in the train; and

(2) To fold and store wheelchairs (to accommodate individuals who wish to transfer to coach seats) equal to not less than one half the number of single level rail passenger coaches in the train.

(b) As soon as practicable, but in no event later than July 26, 2000, each person providing intercity rail service shall provide on each train a number of spaces—

(1) To park wheelchairs (to accommodate individuals who wish to remain in their wheelchairs) equal to not less

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than the total number of single level rail passenger coaches in the train; and

(2) To fold and store wheelchairs (to accommodate individuals who wish to transfer to coach seats) equal to not less than the total number of single level rail passenger coaches in the train.

(c) In complying with paragraphs (a) and (b) of this section, a person providing intercity rail service may not provide more than two spaces to park wheelchairs nor more than two spaces to fold and store wheelchairs in any one coach or food service car.

(d) Unless not practicable, a person providing intercity rail transportation shall place an accessible car adjacent to the end of a single level dining car through which an individual who uses a wheelchair may enter.

(e) On any train in which either a single level or bi-level dining car is used to provide food service, a person providing intercity rail service shall provide appropriate aids and services to ensure that equivalent food service is available to individuals with disabilities, including individuals who use wheelchairs, and to passengers traveling with such individuals. Appropriate auxiliary aids and services include providing a hard surface on which to eat.

(f) This section does not require the provision of securement devices on intercity rail cars.

§ 37.93 One car per train rule.

(a) The definition of accessible for purposes of meeting the one car per train rule is spelled out in the applicable subpart for each transportation system type in part 38 of this title.

(b) Each person providing intercity rail service and each commuter rail authority shall ensure that, as soon as practicable, but in no event later than July 26, 1995, that each train has one car that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) Each public entity providing light or rapid rail service shall ensure that each train, consisting of two or more vehicles, includes at least one car that is readily accessible to and usable by individuals with disabilities, including

individuals who use wheelchairs, as soon as practicable but in no case later than July 25, 1995.

§ 37.95 Ferries and other passenger vessels operated by public entities. [Reserved]

§§ 37.97-37.99 [Reserved]

Subpart E—Acquisition of Accessible Vehicles by Private Entities

§ 37.101 Purchase or lease of vehicles by private entities not primarily engaged in the business of transporting people.

(a) *Application.* This section applies to all purchases or leases of vehicles by private entities which are not primarily engaged in the business of transporting people, in which a solicitation for the vehicle is made after August 25, 1990.

(b) *Fixed Route System. Vehicle Capacity Over 16.* If the entity operates a fixed route system and purchases or leases a vehicle with a seating capacity of over 16 passengers (including the driver) for use on the system, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) *Fixed Route System. Vehicle Capacity of 16 or Fewer.* If the entity operates a fixed route system and purchases or leases a vehicle with a seating capacity of 16 or fewer passengers (including the driver) for use on the system, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its entirety, meets the standard for equivalent service of § 37.105 of this part.

(d) *Demand Responsive System, Vehicle Capacity Over 16.* If the entity operates a demand responsive system, and purchases or leases a vehicle with a seating capacity of over 16 passengers (including the driver) for use on the system, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its en-

tirety, meets the standard for equivalent service of § 37.105 of this part.

(e) *Demand Responsive System, Vehicle Capacity of 16 or Fewer.* Entities providing demand responsive transportation covered under this section are not specifically required to ensure that new vehicles with seating capacity of 16 or fewer are accessible to individuals with wheelchairs. These entities are required to ensure that their systems, when viewed in their entirety, meet the equivalent service requirements of §§ 37.171 and 37.105, regardless of whether or not the entities purchase a new vehicle.

[56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996]

§ 37.103 Purchase or lease of new non-rail vehicles by private entities primarily engaged in the business of transporting people.

(a) *Application.* This section applies to all acquisitions of new vehicles by private entities which are primarily engaged in the business of transporting people and whose operations affect commerce, in which a solicitation for the vehicle is made (except as provided in paragraph (d) of this section) after August 25, 1990.

(b) *Fixed route systems.* If the entity operates a fixed route system, and purchases or leases a new vehicle other than an automobile, a van with a seating capacity of less than eight persons (including the driver), or an over-the-road bus, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) *Demand responsive systems.* If the entity operates a demand responsive system, and purchases or leases a new vehicle other than an automobile, a van with a seating capacity of less than eight persons (including the driver), or an over-the-road bus, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its entirety, meets the standard for equivalent service of § 37.105 of this part.

(d) *Vans with a capacity of fewer than 8 persons.* If the entity operates either

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a fixed route or demand responsive system, and purchases or leases a new van with a seating capacity of fewer than eight persons including the driver (the solicitation for the vehicle being made after February 25, 1992), the entity shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its entirety, meets the standard for equivalent service of § 37.105 of this part.

EFFECTIVE DATE NOTE: At 76 FR 57936, Sept. 19, 2011, § 37.103(b) and (c) were amended by the removal of the words “or an over-the-road bus,”, effective Oct. 19, 2011.

§ 37.105 Equivalent service standard.

For purposes of §§ 37.101 and 37.103 of this part, a fixed route system or 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:

- (a) (1) Schedules/headways (if the system is fixed route);
- (2) Response time (if the system is demand responsive);
- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Availability of information;
- (f) Reservations capability (if the system is demand responsive);
- (g) Any constraints on capacity or service availability;
- (h) Restrictions priorities based on trip purpose (if the system is demand responsive).

§ 37.107 Acquisition of passenger rail cars by private entities primarily engaged in the business of transporting people.

(a) A private entity which is primarily engaged in the business of transporting people and whose operations affect commerce, which makes a solicitation after February 25, 1992, to purchase or lease a new rail passenger car to be used in providing specified

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public transportation, shall ensure that the car is readily accessible to, and usable by, individuals with disabilities, including individuals who use wheelchairs. The accessibility standards in part 38 of this title which apply depend upon the type of service in which the car will be used.

(b) Except as provided in paragraph (c) of this section, a private entity which is primarily engaged in transporting people and whose operations affect commerce, which remanufactures a rail passenger car to be used in providing specified public transportation to extend its useful life for ten years or more, or purchases or leases such a remanufactured rail car, shall ensure that the rail car, to the maximum extent feasible, is made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. For purposes of this paragraph, it shall be considered feasible to remanufacture a rail passenger car to be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless an engineering analysis demonstrates that doing so would have a significant adverse effect on the structural integrity of the car.

(c) Compliance with paragraph (b) of this section is not required to the extent that it would significantly alter the historic or antiquated character of a historic or antiquated rail passenger car, or a rail station served exclusively by such cars, or would result in the violation of any rule, regulation, standard or order issued by the Secretary under the Federal Railroad Safety Act of 1970. For purposes of this section, a historic or antiquated rail passenger car means a rail passenger car—

- (1) Which is not less than 30 years old at the time of its use for transporting individuals;
- (2) The manufacturer of which is no longer in the business of manufacturing rail passenger cars; and
- (3) Which—
 - (i) Has a consequential association with events or persons significant to the past; or
 - (ii) Embodies, or is being restored to embody, the distinctive characteristics of a type of rail passenger car used in

the past, or to represent a time period which has passed.

§ 37.109 Ferries and other passenger vessels operated by private entities. [Reserved]

§§ 37.111–37.119 [Reserved]

Subpart F—Paratransit as a Complement to Fixed Route Service

§ 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 special 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.

§ 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.

(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.

(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 individuals with disabilities.

(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.

(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 this part.

(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.

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(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.

(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 in-

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dividual 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.

§ 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.

(a) The process shall strictly limit ADA paratransit eligibility to individuals specified in §37.123 of this part.

(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.

(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.

§ 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 this part, in the jurisdiction in which they reside.

(d) With respect to visitors with disabilities who do not present such documentation, 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.

[56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996]

§ 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

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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.

§ 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 $\frac{3}{4}$ 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 $1\frac{1}{2}$ 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 jurisdic-

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tion(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.

(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).

(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).

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

(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.

(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; or

(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.

(g) *Additional service.* Public entities may provide complementary paratransit service to ADA paratransit eligible individuals exceeding that pro-

vided for in this section. However, only the cost of service provided for in this section may be considered in a public entity's request for an undue financial burden waiver under §§37.151–37.155 of this part.

[56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996; 71 FR 63266, Oct. 30, 2006]

§ 37.133 Subscription service.

(a) This part 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 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.

§ 37.135 Submission of paratransit plan.

(a) *General.* Each public entity operating fixed route transportation service, which is required by §37.121 to provide complementary paratransit service, shall develop a paratransit plan.

(b) *Initial submission.* Except as provided in §37.141 of this part, each entity shall submit its initial plan for compliance with the complementary paratransit service provision by January 26, 1992, to the appropriate location identified in paragraph (f) of this section.

(c) *Annual Updates.* Except as provided in this paragraph, each entity shall submit an annual update to its plan on January 26 of each succeeding year.

(1) If an entity has met and is continuing to meet all requirements for complementary paratransit in §§37.121–37.133 of this part, the entity may submit to FTA an annual certification of continued compliance in lieu of a plan update. Entities that have submitted a joint plan under §37.141 may submit a joint certification under this paragraph. The requirements of §§37.137 (a) and (b), 37.138 and 37.139 do not apply

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when a certification is submitted under this paragraph.

(2) In the event of any change in circumstances that results in an entity which has submitted a certification of continued compliance falling short of compliance with §§ 37.121–37.133, the entity shall immediately notify FTA in writing of the problem. In this case, the entity shall also file a plan update meeting the requirements of §§ 37.137–37.139 of this part on the next following January 26 and in each succeeding year until the entity returns to full compliance.

(3) An entity that has demonstrated undue financial burden to the FTA shall file a plan update meeting the requirements of §§ 37.137–37.139 of this part on each January 26 until full compliance with §§ 37.121–37.133 is attained.

(4) If FTA reasonably believes that an entity may not be fully complying with all service criteria, FTA may require the entity to provide an annual update to its plan.

(d) *Phase-in of implementation.* Each plan shall provide full compliance by no later than January 26, 1997, unless the entity has received a waiver based on undue financial burden. If the date for full compliance specified in the plan is after January 26, 1993, the plan shall include milestones, providing for measured, proportional progress toward full compliance.

(e) *Plan implementation.* Each entity shall begin implementation of its plan on January 26, 1992.

(f) *Submission locations.* An entity shall submit its plan to one of the following offices, as appropriate:

(1) The individual state administering agency, if it is—

(i) A section 18 recipient;

(ii) A small urbanized area recipient of section 9 funds administered by the State;

(iii) A participant in a coordinated plan, in which all of the participating entities are eligible to submit their plans to the State; or

(2) The FTA Regional Office (as listed in appendix B to this part) for all other entities required to submit a paratransit plan. This includes an FTA recipient under section 9 of the FT Act; entities submitting a joint plan (unless they meet the requirements of para-

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graph (f)(1)(iii) of this section), and a public entity not an FT Act recipient.

[56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996; 61 FR 26468, May 28, 1996]

§ 37.137 Paratransit plan development.

(a) *Survey of existing services.* Each submitting entity shall survey the area to be covered by the plan to identify any person or entity (public or private) which provides a paratransit or other special transportation service for ADA paratransit eligible individuals in the service area to which the plan applies.

(b) *Public participation.* Each submitting entity shall ensure public participation in the development of its paratransit plan, including at least the following:

(1) *Outreach.* Each submitting entity shall solicit participation in the development of its plan by the widest range of persons anticipated to use its paratransit service. Each entity shall develop contacts, mailing lists and other appropriate means for notification of opportunities to participate in the development of the paratransit plan;

(2) *Consultation with individuals with disabilities.* Each entity shall contact individuals with disabilities and groups representing them in the community. Consultation shall begin at an early stage in the plan development and should involve persons with disabilities in all phases of plan development. All documents and other information concerning the planning procedure and the provision of service shall be available, upon request, to members of the public, except where disclosure would be an unwarranted invasion of personal privacy;

(3) *Opportunity for public comment.* The submitting entity shall make its plan available for review before the plan is finalized. In making the plan available for public review, the entity shall ensure that the plan is available upon request in accessible formats;

(4) *Public hearing.* The entity shall sponsor at a minimum one public hearing and shall provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements; and

(5) *Special requirements.* If the entity intends to phase-in its paratransit service over a multi-year period, or request a waiver based on undue financial burden, the public hearing shall afford the opportunity for interested citizens to express their views concerning the phase-in, the request, and which service criteria may be delayed in implementation.

(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.

§ 37.139 Plan contents.

Each plan shall contain the following information:

(a) Identification of the entity or entities submitting the plan, specifying for each—

(1) Name and address; and

(2) Contact person for the plan, with telephone number and facsimile telephone number (FAX), if applicable.

(b) A description of the fixed route system as of January 26, 1992 (or subsequent year for annual updates), including—

(1) A description of the service area, route structure, days and hours of service, fare structure, and population served. This includes maps and tables, if appropriate;

(2) The total number of vehicles (bus, van, or rail) operated in fixed route service (including contracted service), and percentage of accessible vehicles and percentage of routes accessible to and usable by persons with disabilities, including persons who use wheelchairs;

(3) Any other information about the fixed route service that is relevant to establishing the basis for comparability of fixed route and paratransit service.

(c) A description of existing paratransit services, including:

(1) An inventory of service provided by the public entity submitting the plan;

(2) An inventory of service provided by other agencies or organizations,

which may in whole or in part be used to meet the requirement for complementary paratransit service; and

(3) A description of the available paratransit services in paragraphs (c)(2) and (c)(3) of this section as they relate to the service criteria described in § 37.131 of this part of service area, response time, fares, restrictions on trip purpose, hours and days of service, and capacity constraints; and to the requirements of ADA paratransit eligibility.

(d) A description of the plan to provide comparable paratransit, including:

(1) An estimate of demand for comparable paratransit service by ADA eligible individuals and a brief description of the demand estimation methodology used;

(2) An analysis of differences between the paratransit service currently provided and what is required under this part by the entity(ies) submitting the plan and other entities, as described in paragraph (c) of this section;

(3) A brief description of planned modifications to existing paratransit and fixed route service and the new paratransit service planned to comply with the ADA paratransit service criteria;

(4) A description of the planned comparable paratransit service as it relates to each of the service criteria described in § 37.131 of this part—service area, absence of restrictions or priorities based on trip purpose, response time, fares, hours and days of service, and lack of capacity constraints. If the paratransit plan is to be phased in, this paragraph shall be coordinated with the information being provided in paragraphs (d)(5) and (d)(6) of this paragraph;

(5) A timetable for implementing comparable paratransit service, with a specific date indicating when the planned service will be completely operational. In no case may full implementation be completed later than January 26, 1997. The plan shall include milestones for implementing phases of the plan, with progress that can be objectively measured yearly;

(6) A budget for comparable paratransit service, including capital and operating expenditures over five years.

(e) A description of the process used to certify individuals with disabilities

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as ADA paratransit eligible. At a minimum, this must include—

(1) A description of the application and certification process, including—

(i) The availability of information about the process and application materials in accessible formats;

(ii) The process for determining eligibility according to the provisions of §§ 37.123–37.125 of this part and notifying individuals of the determination made;

(iii) The entity's system and timetable for processing applications and allowing presumptive eligibility; and

(iv) The documentation given to eligible individuals.

(2) A description of the administrative appeals process for individuals denied eligibility.

(3) A policy for visitors, consistent with § 37.127 of this part.

(f) Description of the public participation process including—

(1) Notice given of opportunity for public comment, the date(s) of completed public hearing(s), availability of the plan in accessible formats, outreach efforts, and consultation with persons with disabilities.

(2) A summary of significant issues raised during the public comment period, along with a response to significant comments and discussion of how the issues were resolved.

(g) Efforts to coordinate service with other entities subject to the complementary paratransit requirements of this part which have overlapping or contiguous service areas or jurisdictions.

(h) The following endorsements or certifications:

(1) A resolution adopted by the board of the entity authorizing the plan, as submitted. If more than one entity is submitting the plan there must be an authorizing resolution from each board. If the entity does not function with a board, a statement shall be submitted by the entity's chief executive;

(2) In urbanized areas, certification by the Metropolitan Planning Organization (MPO) that it has reviewed the plan and that the plan is in conformance with the transportation plan developed under the Federal Transit/Federal Highway Administration joint planning regulation (49 CFR part 613 and 23 CFR part 450). In a service area

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which is covered by more than one MPO, each applicable MPO shall certify conformity of the entity's plan. The provisions of this paragraph do not apply to non-FTA recipients;

(3) A certification that the survey of existing paratransit service was conducted as required in § 37.137(a) of this part;

(4) To the extent service provided by other entities is included in the entity's plan for comparable paratransit service, the entity must certify that:

(i) ADA paratransit eligible individuals have access to the service;

(ii) The service is provided in the manner represented; and

(iii) Efforts will be made to coordinate the provision of paratransit service by other providers.

(i) A request for a waiver based on undue financial burden, if applicable. The waiver request should include information sufficient for FTA to consider the factors in § 37.155 of this part. If a request for an undue financial burden waiver is made, the plan must include a description of additional paratransit services that would be provided to achieve full compliance with the requirement for comparable paratransit in the event the waiver is not granted, and the timetable for the implementation of these additional services.

(j) *Annual plan updates.* (1) The annual plan updates submitted January 26, 1993, and annually thereafter, shall include information necessary to update the information requirements of this section. Information submitted annually must include all significant changes and revisions to the timetable for implementation;

(2) If the paratransit service is being phased in over more than one year, the entity must demonstrate that the milestones identified in the current paratransit plans have been achieved. If the milestones have not been achieved, the plan must explain any slippage and what actions are being taken to compensate for the slippage.

(3) The annual plan must describe specifically the means used to comply with the public participation requirements, as described in § 37.137 of this part.

§ 37.141 Requirements for a joint paratransit plan.

(a) Two or more entities with overlapping or contiguous service areas or jurisdictions may develop and submit a joint plan providing for coordinated paratransit service. Joint plans shall identify the participating entities and indicate their commitment to participate in the plan.

(b) To the maximum extent feasible, all elements of the coordinated plan shall be submitted on January 26, 1992. If a coordinated plan is not completed by January 26, 1992, those entities intending to coordinate paratransit service must submit a general statement declaring their intention to provide coordinated service and each element of the plan specified in § 37.139 to the extent practicable. In addition, the plan must include the following certifications from each entity involved in the coordination effort:

(1) A certification that the entity is committed to providing ADA paratransit service as part of a coordinated plan.

(2) A certification from each public entity participating in the plan that it will maintain current levels of paratransit service until the coordinated plan goes into effect.

(c) Entities submitting the above certifications and plan elements in lieu of a completed plan on January 26, 1992, must submit a complete plan by July 26, 1992.

(d) Filing of an individual plan does not preclude an entity from cooperating with other entities in the development or implementation of a joint plan. An entity wishing to join with other entities after its initial submission may do so by meeting the filing requirements of this section.

§ 37.143 Paratransit plan implementation.

(a) Each entity shall begin implementation of its complementary paratransit plan, pending notice from FTA. The implementation of the plan shall be consistent with the terms of the plan, including any specified phase-in period.

(b) If the plan contains a request for a waiver based on undue financial burden, the entity shall begin implementa-

tion of its plan, pending a determination on its waiver request.

§ 37.145 State comment on plans.

Each state required to receive plans under § 37.135 of this part shall:

(a) Ensure that all applicable section 18 and section 9 recipients have submitted plans.

(b) Certify to FTA that all plans have been received.

(c) Forward the required certification with comments on each plan to FTA. The plans, with comments, shall be submitted to FTA no later than April 1, 1992, for the first year and April 1 annually thereafter.

(d) The State shall develop comments to on each plan, responding to the following points:

(1) Was the plan filed on time?

(2) Does the plan appear reasonable?

(3) Are there circumstances that bear on the ability of the grantee to carry out the plan as represented? If yes, please elaborate.

(4) Is the plan consistent with state-wide planning activities?

(5) Are the necessary anticipated financial and capital resources identified in the plan accurately estimated?

§ 37.147 Considerations during FTA review.

In reviewing each plan, at a minimum FTA will consider the following:

(a) Whether the plan was filed on time;

(b) Comments submitted by the state, if applicable;

(c) Whether the plan contains responsive elements for each component required under § 37.139 of this part;

(d) Whether the plan, when viewed in its entirety, provides for paratransit service comparable to the entity's fixed route service;

(e) Whether the entity complied with the public participation efforts required by this part; and

(f) The extent to which efforts were made to coordinate with other public entities with overlapping or contiguous service areas or jurisdictions.

§ 37.149 Disapproved plans.

(a) If a plan is disapproved in whole or in part, FTA will specify which provisions are disapproved. Each entity

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shall amend its plan consistent with this information and resubmit the plan to the appropriate FTA Regional Office within 90 days of receipt of the disapproval letter.

(b) Each entity revising its plan shall continue to comply with the public participation requirements applicable to the initial development of the plan (set out in § 37.137 of this part).

§ 37.151 Waiver for undue financial burden.

If compliance with the service criteria of § 37.131 of this part creates an undue financial burden, an entity may request a waiver from all or some of the provisions if the entity has complied with the public participation requirements in § 37.137 of this part and if the following conditions apply:

(a) At the time of submission of the initial plan on January 26, 1992—

(1) The entity determines that it cannot meet all of the service criteria by January 26, 1997; or

(2) The entity determines that it cannot make measured progress toward compliance in any year before full compliance is required. For purposes of this part, measured progress means implementing milestones as scheduled, such as incorporating an additional paratransit service criterion or improving an aspect of a specific service criterion.

(b) At the time of its annual plan update submission, if the entity believes that circumstances have changed since its last submission, and it is no longer able to comply by January 26, 1997, or make measured progress in any year before 1997, as described in paragraph (a)(2) of this section.

§ 37.153 FTA waiver determination.

(a) The Administrator will determine whether to grant a waiver for undue financial burden on a case-by-case basis, after considering the factors identified in § 37.155 of this part and the information accompanying the request. If necessary, the Administrator will return the application with a request for additional information.

(b) Any waiver granted will be for a limited and specified period of time.

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(c) If the Administrator grants the applicant a waiver, the Administrator will do one of the following:

(1) Require the public entity to provide complementary paratransit to the extent it can do so without incurring an undue financial burden. The entity shall make changes in its plan that the Administrator determines are appropriate to maximize the complementary paratransit service that is provided to ADA paratransit eligible individuals. When making changes to its plan, the entity shall use the public participation process specified for plan development and shall consider first a reduction in number of trips provided to each ADA paratransit eligible person per month, while attempting to meet all other service criteria.

(2) Require the public entity to provide basic complementary paratransit services to all ADA paratransit eligible individuals, even if doing so would cause the public entity to incur an undue financial burden. Basic complementary paratransit service in corridors defined as provided in § 37.131(a) along the public entity's key routes during core service hours.

(i) For purposes of this section, key routes are defined as routes along which there is service at least hourly throughout the day.

(ii) For purposes of this section, core service hours encompass at least peak periods, as these periods are defined locally for fixed route service, consistent with industry practice.

(3) If the Administrator determines that the public entity will incur an undue financial burden as the result of providing basic complementary paratransit service, such that it is infeasible for the entity to provide basic complementary paratransit service, the Administrator shall require the public entity to coordinate with other available providers of demand responsive service in the area served by the public entity to maximize the service to ADA paratransit eligible individuals to the maximum extent feasible.

§ 37.155 Factors in decision to grant an undue financial burden waiver.

(a) In making an undue financial burden determination, the FTA Administrator will consider the following factors:

(1) Effects on current fixed route service, including reallocation of accessible fixed route vehicles and potential reduction in service, measured by service miles;

(2) Average number of trips made by the entity's general population, on a per capita basis, compared with the average number of trips to be made by registered ADA paratransit eligible persons, on a per capita basis;

(3) Reductions in other services, including other special services;

(4) Increases in fares;

(5) Resources available to implement complementary paratransit service over the period covered by the plan;

(6) Percentage of budget needed to implement the plan, both as a percentage of operating budget and a percentage of entire budget;

(7) The current level of accessible service, both fixed route and paratransit;

(8) Cooperation/coordination among area transportation providers;

(9) Evidence of increased efficiencies, that have been or could be effectuated, that would benefit the level and quality of available resources for complementary paratransit service; and

(10) Unique circumstances in the submitting entity's area that affect the ability of the entity to provide paratransit, that militate against the need to provide paratransit, or in some other respect create a circumstance considered exceptional by the submitting entity.

(b)(1) Costs attributable to complementary paratransit shall be limited to costs of providing service specifically required by this part to ADA paratransit eligible individuals, by entities responsible under this part for providing such service.

(2) If the entity determines that it is impracticable to distinguish between trips mandated by the ADA and other trips on a trip-by-trip basis, the entity shall attribute to ADA complementary paratransit requirements a percentage of its overall paratransit costs. This

percentage shall be determined by a statistically valid methodology that determines the percentage of trips that are required by this part. The entity shall submit information concerning its methodology and the data on which its percentage is based with its request for a waiver. Only costs attributable to ADA-mandated trips may be considered with respect to a request for an undue financial burden waiver.

(3) Funds to which the entity would be legally entitled, but which, as a matter of state or local funding arrangements, are provided to another entity and used by that entity to provide paratransit service which is part of a coordinated system of paratransit meeting the requirements of this part, may be counted in determining the burden associated with the waiver request.

§§ 37.157–37.159 [Reserved]**Subpart G—Provision of Service****§ 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.

§ 37.163 Keeping vehicle lifts in operative condition: Public entities.

(a) This section applies only to public entities with respect to lifts in non-rail vehicles.

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(b) The entity shall establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

(c) The entity shall ensure that vehicle operators report to the entity, by the most immediate means available, any failure of a lift to operate in service.

(d) Except as provided in paragraph (e) of this section, when a lift is discovered to be inoperative, the entity shall take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service.

(e) If there is no spare vehicle available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service will reduce the transportation service the entity is able to provide, the public entity may keep the vehicle in service with an inoperable lift for no more than five days (if the entity serves an area of 50,000 or less population) or three days (if the entity serves an area of over 50,000 population) from the day on which the lift is discovered to be inoperative.

(f) In any case in which a vehicle is operating on a fixed route with an inoperative lift, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the entity shall promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work.

§ 37.165 Lift and securement use.

(a) This section applies to public and private entities.

(b) All common wheelchairs and their users shall be transported in the entity's vehicles or other conveyances. The entity is not required to permit 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 wheel-

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chair 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.

(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).

[56 FR 45621, Sept. 6, 1991, as amended at 58 FR 63103, Nov. 30, 1993]

EFFECTIVE DATE NOTE: At 76 FR 57936, Sept. 19, 2011, § 37.165(b) was revised, effective Oct. 19, 2011. For the convenience of the user, the revised text is set forth as follows:

§ 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 wheelchairs to ride in places other than designated securement locations in the vehicle, where such locations exist.

* * * * *

§ 37.167 Other service requirements.

(a) This section applies to public and private entities.

(b) On fixed route systems, the entity shall announce stops as follows:

(1) The entity shall announce at least at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location.

(2) The entity shall announce any stop on request of an individual with a disability.

(c) Where vehicles or other conveyances for more than one route serve the same stop, the entity shall provide a means by which an individual with a visual impairment or other disability can identify the proper vehicle to enter or be identified to the vehicle operator as a person seeking a ride on a particular route.

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

(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.

(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.

(g) The entity shall not refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the entity, preclude the safe use of the stop by all passengers.

(h) The entity shall not prohibit an individual with a disability from traveling with a respirator or portable oxygen supply, consistent with applicable Department of Transportation rules on the transportation of hazardous materials (49 CFR subtitle B, chapter 1, subchapter C).

(i) The entity shall ensure that adequate time is provided to allow individuals with disabilities to complete boarding or disembarking from the vehicle.

(j)(1) When an individual with a disability enters a vehicle, and because of a disability, the individual needs to sit in a seat or occupy a wheelchair securement location, the entity shall ask the following persons to move in order to allow the individual with a disability to occupy the seat or securement location:

(i) Individuals, except other individuals with a disability or elderly persons, sitting in a location designated as priority seating for elderly and handicapped persons (or other seat as necessary);

(ii) Individuals sitting in or a fold-down or other movable seat in a wheelchair securement location.

(2) This requirement applies to light rail, rapid rail, and commuter rail systems only to the extent practicable.

(3) The entity is not required to enforce the request that other passengers move from priority seating areas or wheelchair securement locations.

(4) In all signage designating priority seating areas for elderly persons and persons with disabilities, or designating wheelchair securement areas, the entity shall include language informing persons sitting in these locations that they should comply with requests by transit provider personnel to vacate their seats to make room for an individual with a disability. This requirement applies to all fixed route vehicles when they are acquired by the entity or to new or replacement signage in the entity's existing fixed route vehicles.

[56 FR 45621, Sept. 6, 1991, as amended at 58 FR 63103, Nov. 30, 1993]

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§ 37.169 Interim requirements for over-the-road bus service operated by private entities.

(a) Private entities operating over-the-road buses, in addition to compliance with other applicable provisions of this part, shall provide accessible service as provided in this section.

(b) The private entity shall provide assistance, as needed, to individuals with disabilities in boarding and disembarking, including moving to and from the bus seat for the purpose of boarding and disembarking. The private entity shall ensure that personnel are trained to provide this assistance safely and appropriately.

(c) To the extent that they can be accommodated in the areas of the passenger compartment provided for passengers' personal effects, wheelchairs or other mobility aids and assistive devices used by individuals with disabilities, or components of such devices, shall be permitted in the passenger compartment. When the bus is at rest at a stop, the driver or other personnel shall assist individuals with disabilities with the stowage and retrieval of mobility aids, assistive devices, or other items that can be accommodated in the passenger compartment of the bus.

(d) Wheelchairs and other mobility aids or assistive devices that cannot be accommodated in the passenger compartment (including electric wheelchairs) shall be accommodated in the baggage compartment of the bus, unless the size of the baggage compartment prevents such accommodation.

(e) At any given stop, individuals with disabilities shall have the opportunity to have their wheelchairs or other mobility aids or assistive devices stowed in the baggage compartment before other baggage or cargo is loaded, but baggage or cargo already on the bus does not have to be off-loaded in order to make room for such devices.

(f) The entity may require up to 48 hours' advance notice only for providing boarding assistance. If the individual does not provide such notice, the entity shall nonetheless provide the service if it can do so by making a reasonable effort, without delaying the bus service.

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EFFECTIVE DATE NOTE: At 76 FR 57936, Sept. 19, 2011, § 37.169 was removed and reserved, effective Oct. 19, 2011.

§ 37.171 Equivalency requirement for demand responsive service operated by private entities not primarily engaged in the business of transporting people.

A private entity not primarily engaged in the business of transporting people which operates a demand responsive system shall ensure that its system, when viewed in its entirety, provides equivalent service to individuals with disabilities, including individuals who use wheelchairs, as it does to individuals without disabilities. The standards of § 37.105 shall be used to determine if the entity is providing equivalent service.

§ 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.

Subpart H—Over-the-Road Buses (OTRBs)

SOURCE: 63 FR 51690, Sept. 28, 1998, unless otherwise noted.

§ 37.181 Applicability dates.

This subpart applies to all private entities that operate OTRBs. The requirements of the subpart begin to apply to large operators beginning October 30, 2000 and to small operators beginning October 29, 2001.

§ 37.183 Purchase or lease of new OTRBs by operators of fixed-route systems.

The following requirements apply to private entities that are primarily in the business of transporting people, whose operations affect commerce, and that operate a fixed-route system, with respect to OTRBs delivered to them on

or after the date on which this subpart applies to them:

(a) *Large operators.* If a large entity operates a fixed-route system, and purchases or leases a new OTRB for or in contemplation of use in that system, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) *Small operators.* If a small entity operates a fixed-route system, and purchases or leases a new OTRB for or in contemplation of use in that system, it must do one of the following two things:

(1) Ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs; or

(2) Ensure that equivalent service, as defined in §37.105, is provided to individuals with disabilities, including individuals who use wheelchairs. To meet this equivalent service standard, the service provided by the operator must permit a wheelchair user to travel in his or her own mobility aid.

§37.185 Fleet accessibility requirement for OTRB fixed-route systems of large operators.

Each large operator subject to the requirements of §37.183 shall ensure that—

(a) By October 30, 2006 no less than 50 percent of the buses in its fleet with which it provides fixed-route service are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) By October 29, 2012, 100 percent of the buses in its fleet with which it provides fixed-route service are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) *Request for time extension.* An operator may apply to the Secretary for a time extension of the fleet accessibility deadlines of this section. If he or she grants the request, the Secretary sets a specific date by which the operator must meet the fleet accessibility requirement. In determining whether to grant such a request, the Secretary considers the following factors:

(1) Whether the operator has purchased or leased, since October 30, 2000,

enough new OTRBs to replace 50 percent of the OTRBs with which it provides fixed-route service by October 30, 2006 or 100 percent of such OTRBs by October 29, 2012;

(2) Whether the operator has purchased or leased, between October 28, 1998 and October 30, 2000, a number of new inaccessible OTRBs significantly exceeding the number of buses it would normally obtain in such a period;

(3) The compliance with all requirements of this part by the operator over the period between October 28, 1998 and the request for time extension.

§37.187 Interline service.

(a) When the general public can purchase a ticket or make a reservation with one operator for a fixed-route trip of two or more stages in which another operator provides service, the first operator must arrange for an accessible bus, or equivalent service, as applicable, to be provided for each stage of the trip to a passenger with a disability. The following examples illustrate the provisions of this paragraph (a):

Example 1. By going to Operator X's ticket office or calling X for a reservation, a passenger can buy or reserve a ticket from Point A through to Point C, transferring at intermediate Point B to a bus operated by Operator Y. Operator X is responsible for communicating immediately with Operator Y to ensure that Y knows that a passenger needing accessible transportation or equivalent service, as applicable, is traveling from Point B to Point C. By immediate communication, we mean that the ticket or reservation agent for Operator X, by phone, fax, computer, or other instantaneous means, contacts Operator Y the minute the reservation or ticketing transaction with the passenger, as applicable, has been completed. It is the responsibility of each carrier to know how to contact carriers with which it interlines (e.g., Operator X must know Operator Y's phone number).

Example 2. Operator X fails to provide the required information in a timely manner to Operator Y. Operator X is responsible for compensating the passenger for the consequent unavailability of an accessible bus or equivalent service, as applicable, on the B-C leg of the interline trip.

(b) Each operator retains the responsibility for providing the transportation required by this subpart to the passenger for its portion of an interline

trip. The following examples illustrate the provisions of this paragraph (b):

Example 1. In Example 1 to paragraph (a) of this section, Operator X provides the required information to Operator Y in a timely fashion. However, Operator Y fails to provide an accessible bus or equivalent service to the passenger at Point B as the rules require. Operator Y is responsible for compensating the passenger as provided in § 37.199.

Example 2. Operator X provides the required information to Operator Y in a timely fashion. However, the rules require Operator Y to provide an accessible bus on 48 hours' advance notice (*i.e.*, as a matter of interim service under § 37.193(a) or service by a small mixed-service operator under § 37.191), and the passenger has purchased the ticket or made the reservation for the interline trip only 8 hours before Operator Y's bus leaves from Point B to go to Point C. In this situation, Operator Y is not responsible for providing an accessible bus to the passenger at Point B, any more than that it would be had the passenger directly contacted Operator Y to travel from Point B to Point C.

(c) All fixed-route operators involved in interline service shall ensure that they have the capacity to receive communications at all times concerning interline service for passengers with disabilities. The following examples illustrate the provisions of this paragraph (c):

Example 1. Operator Y's office is staffed only during normal weekday business hours. Operator Y must have a means of receiving communications from carriers with which it interlines (e.g., telephone answering machine, fax, computer) when no one is in the office.

Example 2. Operator Y has the responsibility to monitor its communications devices at reasonable intervals to ensure that it can act promptly on the basis of messages received. If Operator Y receives a message from Operator X on its answering machine on Friday night, notifying Y of the need for an accessible bus on Monday morning, it has the responsibility of making sure that the accessible bus is there on Monday morning. Operator Y is not excused from its obligation because no one checked the answering machine over the weekend.

§ 37.189 Service requirement for OTRB demand-responsive systems.

(a) This section applies to private entities primarily in the business of transporting people, whose operations affect commerce, and that provide demand-responsive OTRB service. Except as needed to meet the other require-

ments of this section, these entities are not required to purchase or lease accessible buses in connection with providing demand-responsive service.

(b) Demand-responsive operators shall ensure that, beginning one year from the date on which the requirements of this subpart begin to apply to the entity, any individual with a disability who requests service in an accessible OTRB receives such service. This requirement applies to both large and small operators.

(c) The operator may require up to 48 hours' advance notice to provide this service.

(d) If the individual with a disability does not provide the advance notice the operator requires under paragraph (a) of this section, the operator shall nevertheless provide the service if it can do so by making a reasonable effort.

(e) To meet this requirement, an operator is not required to fundamentally alter its normal reservation policies or to displace another passenger who has reserved a seat on the bus. The following examples illustrate the provisions of this paragraph (e):

Example 1. A tour bus operator requires all passengers to reserve space on the bus three months before the trip date. This requirement applies to passengers with disabilities on the same basis as other passengers. Consequently, an individual passenger who is a wheelchair user would have to request an accessible bus at the time he or she made his reservation, at least three months before the trip date. If the individual passenger with a disability makes a request for space on the trip and an accessible OTRB 48 hours before the trip date, the operator could refuse the request because all passengers were required to make reservations three months before the trip date.

Example 2. A group makes a reservation to charter a bus for a trip four weeks in advance. A week before the trip date, the group discovers that someone who signed up for the trip is a wheelchair user who needs an accessible bus, or someone who later buys a seat in the block of seats the group has reserved needs an accessible bus. A group representative or the passenger with a disability informs the bus company of this need more than 48 hours before the trip date. The bus company must provide an accessible bus.

Example 3. While the operator's normal deadline for reserving space on a charter or tour trip has passed, a number of seats for a trip are unfilled. The operator permits members of the public to make late reservations

for the unfilled seats. If a passenger with a disability calls 48 hours before the trip is scheduled to leave and requests a seat and the provision of an accessible OTRB, the operator must meet this request, as long as it does not displace another passenger with a reservation.

Example 4. A tour bus trip is nearly sold out three weeks in advance of the trip date. A passenger with a disability calls 48 hours before the trip is scheduled to leave and requests a seat and the provision of an accessible OTRB. The operator need not meet this request if it will have the effect of displacing a passenger with an existing reservation. If other passengers would not be displaced, the operator must meet this request.

§ 37.191 Special provision for small mixed-service operators.

(a) For purposes of this section, a small mixed-service operator is a small operator that provides both fixed-route and demand-responsive service and does not use more than 25 percent of its buses for fixed-route service.

(b) An operator meeting the criteria of paragraph (a) of this section may conduct all its trips, including fixed-route trips, on an advance-reservation basis as provided for demand-responsive trips in § 37.189. Such an operator is not required to comply with the accessible bus acquisition/equivalent service obligations of § 37.183(b).

§ 37.193 Interim service requirements.

(a) Until 100 percent of the fleet of a large or small operator uses to provide fixed-route service is composed of accessible OTRBs, the operator shall meet the following interim service requirements:

(1) Beginning one year from the date on which the requirements of this subpart begin to apply to the operator, it shall ensure that any individual with a disability that requests service in an accessible OTRB receives such service.

(i) The operator may require up to 48 hours' advance notice to provide this service.

(ii) If the individual with a disability does not provide the advance notice the operator requires, the operator shall nevertheless provide the service if it can do so by making a reasonable effort.

(iii) If the trip on which the person with a disability wishes to travel is al-

ready provided by an accessible bus, the operator has met this requirement.

(2) Before a date one year from the date on which this subpart applies to the operator, an operator which is unable to provide the service specified in paragraph (a) of this section shall comply with the requirements of § 37.169.

(3) Interim service under this paragraph (a) is not required to be provided by a small operator who is providing equivalent service to its fixed-route service as provided in § 37.183(b)(2).

(b) Some small fixed-route operators may never have a fleet 100 percent of which consists of accessible buses (e.g., a small fixed-route operator who exclusively or primarily purchases or leases used buses). Such an operator must continue to comply with the requirements of this section with respect to any service that is not provided entirely with accessible buses.

(c) Before a date one year from the date on which this subpart applies to an operator providing demand-responsive service, an operator which is unable to provide the service described in § 37.189 shall comply with the requirements of § 37.169.

EFFECTIVE DATE NOTE: At 76 FR 57936, Sept. 19, 2011, § 37.193 was amended by removing paragraph (a)(2), removing and reserving paragraph (c), and redesignating paragraph (a)(3) as (a)(2), effective Oct. 19, 2011.

§ 37.195 Purchase or lease of OTRBs by private entities not primarily in the business of transporting people.

This section applies to all purchases or leases of new vehicles by private entities which are not primarily engaged in the business of transporting people, with respect to buses delivered to them on or after the date on which this subpart begins to apply to them.

(a) *Fixed-route systems.* If the entity operates a fixed-route system and purchases or leases an OTRB for or in contemplation of use on the system, it shall meet the requirements of § 37.183 (a) or (b), as applicable.

(b) *Demand-responsive systems.* The requirements of § 37.189 apply to demand-responsive systems operated by private entities not primarily in the business of transporting people. If such an entity operates a demand-responsive system, and purchases or leases an OTRB

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for or in contemplation of use on the system, it is not required to purchase or lease an accessible bus except as needed to meet the requirements of § 37.189.

§ 37.197 Remanufactured OTRBs.

(a) This section applies to any private entity operating OTRBs that takes one of the following actions:

(1) On or after the date on which this subpart applies to the entity, it remanufactures an OTRB so as to extend its useful life for five years or more or makes a solicitation for such remanufacturing; or

(2) Purchases or leases an OTRB which has been remanufactured so as to extend its useful life for five years or more, where the purchase or lease occurs after the date on which this subpart applies to the entity and during the period in which the useful life of the vehicle is extended.

(b) In any situation in which this subpart requires an entity purchasing or leasing a new OTRB to purchase or lease an accessible OTRB, OTRBs acquired through the actions listed in paragraph (a) of this section shall, to the maximum extent feasible, be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) For purposes of this section, it shall be considered feasible to remanufacture an OTRB so as to be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless an engineering analysis demonstrates that including accessibility features required by this part would have a significant adverse effect on the structural integrity of the vehicle.

§ 37.199 [Reserved]

§ 37.201 Intermediate and rest stops.

(a) Whenever an OTRB makes an intermediate or rest stop, a passenger with a disability, including an individual using a wheelchair, shall be permitted to leave and return to the bus on the same basis as other passengers. The operator shall ensure that assistance is provided to passengers with disabilities as needed to enable the passenger to get on and off the bus at the

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stop (e.g., operate the lift and provide assistance with securement; provide other boarding assistance if needed, as in the case of a wheelchair user who has transferred to a vehicle seat because other wheelchair users occupied all securement locations).

(b) If an OTRB operator owns, leases, or controls the facility at which a rest or intermediate stop is made, or if an OTRB operator contracts with the person who owns, leases, or controls such a facility to provide rest stop services, the OTRB operator shall ensure the facility complies fully with applicable requirements of the Americans with Disabilities Act.

(c) If an OTRB equipped with an inaccessible restroom is making an express run of three hours or more without a rest stop, and a passenger with a disability who is unable to use the inaccessible restroom requests an unscheduled rest stop, the operator shall make a good faith effort to accommodate the request. The operator is not required to make the stop. However, if the operator does not make the stop, the operator shall explain to the passenger making the request the reason for its decision not to do so.

§ 37.203 Lift maintenance.

(a) The entity shall establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

(b) The entity shall ensure that vehicle operators report to the entity, by the most immediate means available, any failure of a lift to operate in service.

(c) Except as provided in paragraph (d) of this section, when a lift is discovered to be inoperative, the entity shall take the vehicle out of service before the beginning of the vehicle's next trip and ensure that the lift is repaired before the vehicle returns to service.

(d) If there is no other vehicle available to take the place of an OTRB with an inoperable lift, such that taking the vehicle out of service before its next trip will reduce the transportation service the entity is able to provide, the entity may keep the vehicle in service with an inoperable lift for no more than five days from the day on

which the lift is discovered to be inoperative.

§ 37.205 Additional passengers who use wheelchairs.

If a number of wheelchair users exceeding the number of securement locations on the bus seek to travel on a trip, the operator shall assign the securement locations on a first come-first served basis. The operator shall offer boarding assistance and the opportunity to sit in a vehicle seat to passengers who are not assigned a securement location. If the passengers who are not assigned securement locations are unable or unwilling to accept this offer, the operator is not required to provide transportation to them on the bus.

§ 37.207 Discriminatory practices.

It shall be considered discrimination for any operator to—

(a) Deny transportation to passengers with disabilities, except as provided in § 37.5(h);

(b) Use or request the use of persons other than the operator's employees (e.g., family members or traveling companions of a passenger with a disability, medical or public safety personnel) for routine boarding or other assistance to passengers with disabilities, unless the passenger requests or consents to assistance from such persons;

(c) Require or request a passenger with a disability to reschedule his or her trip, or travel at a time other than the time the passenger has requested, in order to receive transportation as required by this subpart;

(d) Fail to provide reservation services to passengers with disabilities equivalent to those provided other passengers; or

(e) Fail or refuse to comply with any applicable provision of this part.

§ 37.209 Training and other requirements.

OTRB operators shall comply with the requirements of §§ 37.161, 37.165–37.167, and 37.173. For purposes of § 37.173, “training to proficiency” is deemed to include, as appropriate to the duties of particular employees, training in proper operation and main-

tenance of accessibility features and equipment, boarding assistance, securement of mobility aids, sensitive and appropriate interaction with passengers with disabilities, handling and storage of mobility devices, and familiarity with the requirements of this subpart. OTRB operators shall provide refresher training to personnel as needed to maintain proficiency.

§ 37.211 Effect of NHTSA and FHWA safety rules.

OTRB operators are not required to take any action under this subpart that would violate an applicable National Highway Traffic Safety Administration or Federal Highway Administration safety rule.

§ 37.213 Information collection requirements.

(a) This paragraph (a) applies to demand-responsive operators under § 37.189 and fixed-route operators under § 37.193(a)(1) that are required to, and small mixed-service operators under § 37.191 that choose to, provide accessible OTRB service on 48 hours' advance notice.

(1) When the operator receives a request for an accessible bus or equivalent service, the operator shall complete lines 1–9 of the Service Request Form in Appendix A to this subpart. The operator shall transmit a copy of the form to the passenger no later than the end of the next business day following the receipt of the request. The passenger shall be required to make only one request, which covers all legs of the requested trip (e.g., in the case of a round trip, both the outgoing and return legs of the trip; in the case of a multi-leg trip, all connecting legs).

(2) The passenger shall be required to make only one request, which covers all legs of the requested trip (e.g., in the case of a round trip, both the outgoing and return legs of the trip; in the case of a multi-leg trip, all connecting legs). The operator shall transmit a copy of the form to the passenger in one of the following ways:

(i) By first-class United States mail. The operator shall transmit the form no later than the end of the next business day following the request;

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(ii) By telephone or email. If the passenger can receive the confirmation by this method, then the operator shall provide a unique confirmation number to the passenger when the request is made and provide a paper copy of the form when the passenger arrives for the requested trip; or

(iii) By facsimile transmission. If the passenger can receive the confirmation by this method, then the operator shall transmit the form within twenty-four hours of the request for transportation.

(3) The operator shall retain its copy of the completed form for five years. The operator shall make these forms available to Department of Transportation or Department of Justice officials at their request.

(4) Beginning October 29, 2001, for large operators, and October 28, 2002, for small operators, and on the last Monday in October in each year thereafter, each operator shall submit a summary of its forms to the Department of Transportation. The summary shall state the number of requests for accessible bus service and the number of times these requests were met. It shall also include the name, address, telephone number, and contact person name for the operator.

(b) This paragraph (b) applies to small fixed route operators who choose to provide equivalent service to passengers with disabilities under § 37.183(b)(2).

(1) The operator shall complete the Service Request Form in Appendix A to this subpart on every occasion on which a passenger with a disability needs equivalent service in order to be provided transportation.

(2) The passenger shall be required to make only one request, which covers all legs of the requested trip (*e.g.*, in the case of a round trip, both the outgoing and return legs of the trip; in the case of a multi-leg trip, all connecting legs). The operator shall transmit a copy of the form to the passenger, and whenever the equivalent service is not provided, in one of the following ways:

(i) By first-class United States mail. The operator shall transmit the form no later than the end of the next business day following the request for equivalent service;

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(ii) By telephone or email. If the passenger can receive the confirmation by this method, then the operator shall provide a unique confirmation number to the passenger when the request for equivalent service is made and provide a paper copy of the form when the passenger arrives for the requested trip; or

(iii) By facsimile transmission. If the passenger can receive the confirmation by this method, then the operator shall transmit the form within twenty-four hours of the request for equivalent service.

(3) Beginning on October 28, 2002 and on the last Monday in October in each year thereafter, each operator shall submit a summary of its forms to the Department of Transportation. The summary shall state the number of situations in which equivalent service was needed and the number of times such service was provided. It shall also include the name, address, telephone number, and contact person name for the operator.

(c) This paragraph (c) applies to fixed-route operators.

(1) On March 26, 2001, each fixed-route large operator shall submit to the Department a report on how many passengers with disabilities used the lift to board accessible buses for the period of October 1999 to October 2000. For fixed-route operators, the report shall reflect separately the data pertaining to 48-hour advance reservation service and other service.

(2) Beginning on October 29, 2001 and on the last Monday in October in each year thereafter, each fixed-route operator shall submit to the Department, a report on how many passengers with disabilities used the lift to board accessible buses. For fixed-route operators, the report shall reflect separately the data pertaining to 48-hour advance reservation service and other service.

(d) This paragraph (d) applies to each over the road bus operator.

(1) On March 26, 2001, each operator shall submit to the Department, a summary report listing the number of new buses and used buses it has purchased or leased for the period of October 1998 through October 2000, and how many buses in each category are accessible. It shall also include the total number of buses in the operator's fleet and the

name, address, telephone number, and contact person name for the operator.

(2) Beginning on October 29, 2001 and on the last Monday in October in each year thereafter, each operator shall submit to the Department, a summary report listing the number of new buses and used buses it has purchased or leased during the preceding year, and how many buses in each category are accessible. It shall also include the total number of buses in the operator's fleet and the name, address, telephone number, and contact person name for the operator.

(e) The information required to be submitted to the Department shall be sent to the following address: Federal Motor Carrier Safety Administration, Office of Data Analysis & Information System 1200 New Jersey Avenue, SE., Washington, D.C. 20590.

[66 FR 9053, Feb. 6, 2001, as amended at 69 FR 40796, July 7, 2004; 73 FR 33329, June 12, 2008]

§37.215 Review of requirements.

(a) Beginning October 28, 2005, the Department will review the requirements of §37.189 and their implementation. The Department will complete this review by October 30, 2006.

(1) As part of this review, the Department will consider factors including, but not necessarily limited to, the following:

(i) The percentage of accessible buses in the demand-responsive fleets of large and small demand-responsive operators.

(ii) The success of small and large demand-responsive operators' service at meeting the requests of passengers with disabilities for accessible buses in a timely manner.

(iii) The ridership of small and large operators' demand-responsive service by passengers with disabilities.

(iv) The volume of complaints by passengers with disabilities.

(v) Cost and service impacts of implementation of the requirements of §37.189.

(2) The Department will make one of the following decisions on the basis of the review:

- (i) Retain §37.189 without change; or
- (ii) Modify the requirements of §37.189 for large and/or small demand-responsive operators.

(b) Beginning October 30, 2006, the Department will review the requirements of §§37.183, 37.185, 37.187, 37.191 and 37.193(a) and their implementation. The Department will complete this review by October 29, 2007.

(1) As part of this review, the Department will consider factors including, but not necessarily limited to, the following:

(i) The percentage of accessible buses in the fixed-route fleets of large and small fixed-route operators.

(ii) The success of small and large fixed-route operators' interim or equivalent service at meeting the requests of passengers with disabilities for accessible buses in a timely manner.

(iii) The ridership of small and large operators' fixed-route service by passengers with disabilities.

(iv) The volume of complaints by passengers with disabilities.

(v) Cost and service impacts of implementation of the requirements of these sections.

(2) The Department will make one of the following decisions on the basis of the review:

(i) Retain §§37.183, 37.185, 37.187, 37.191, 37.193(a) without change; or

(ii) Modify the requirements of §§37.183, 37.185, 37.187, 37.191, 37.193(a) for large and/or small fixed-route operators.

APPENDIX A TO SUBPART H OF PART 37—
SERVICE REQUEST FORM

Form for Advance Notice Requests and
Provision of Equivalent Service

- 1. Operator's name _____
- 2. Address _____
- 3. Phone number: _____
- 4. Passenger's name: _____
- 5. Address: _____
- 6. Phone number: _____
- 7. Scheduled date(s) and time(s) of trip(s): _____
- 8. Date and time of request: _____
- 9. Location(s) of need for accessible bus or equivalent service, as applicable: _____
- 10. Was accessible bus or equivalent service, as applicable, provided for trip(s)? Yes _____ no _____
- 11. Was there a basis recognized by U.S. Department of transportation regulations for not providing an accessible bus or equivalent service, as applicable, for the trip(s)? Yes _____ no _____

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If yes, explain _____

[66 FR 9054, Feb. 6, 2001]

**APPENDIX A TO PART 37—MODIFICATIONS
TO STANDARDS FOR ACCESSIBLE
TRANSPORTATION FACILITIES**

The Department of Transportation, in §37.9 of this part, adopts as its regulatory standards for accessible transportation facilities the revised Americans with Disabilities Act Guidelines (ADAGG) issued by the Access Board on July 23, 2004. The ADAGG is codified in the Code of Federal Regulations in Appendices B and D of 36 CFR part 1191. Note the ADAAG may also be found via a hyperlink on the Internet at the following address: <http://www.access-board.gov/ada-aba/final.htm>. Like all regulations, the ADAAG also can be found by using the electronic Code of Federal Regulations at <http://www.gpoaccess.gov/ecfr>. Because the ADAAG has been established as a Federal consensus standard by the Access Board, the Department is not republishing the regulations in their entirety, but is adopting them by cross-reference as permitted under 1 CFR 21.21(c)(4). In a few instances, the Department has modified the language of the ADAAG as it applies to entities subject to 49 CFR part 37. These entities must comply with the modified language in this Appendix rather than the language of Appendices B and D to 36 CFR part 1191.

**206.3 LOCATION—MODIFICATION TO 206.3 OF
APPENDIX B TO 36 CFR PART 1191**

Accessible routes shall coincide with, or be located in the same area as general *circulation paths*. Where *circulation paths* are interior, required *accessible routes* shall also be interior. Elements such as ramps, elevators, or other circulation devices, fare vending or other ticketing areas, and fare collection areas shall be placed to minimize the distance which wheelchair users and other persons who cannot negotiate steps may have to travel compared to the general public.

**406.8—MODIFICATION TO 406 OF APPENDIX D TO
36 CFR PART 1191**

A curb ramp shall have a detectable warning complying with 705. The detectable warning shall extend the full width of the curb ramp (exclusive of flared sides) and shall extend either the full depth of the curb ramp or 24 inches (610 mm) deep minimum measured from the back of the curb on the ramp surface.

**810.2.2 DIMENSIONS—MODIFICATION TO 810.2.2
OF APPENDIX D TO 36 CFR PART 1191**

Bus boarding and alighting areas shall provide a clear length of 96 inches (2440 mm), measured perpendicular to the curb or vehi-

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cle roadway edge, and a clear width of 60 inches (1525 mm), measured parallel to the vehicle roadway. Public entities shall ensure that the construction of bus boarding and alighting areas comply with 810.2.2, to the extent the construction specifications are within their control.

**810.5.3 PLATFORM AND VEHICLE FLOOR CO-
ORDINATION—MODIFICATION TO 810.5.3 OF AP-
PENDIX D TO 36 CFR PART 1191**

Station platforms shall be positioned to coordinate with vehicles in accordance with the applicable requirements of 36 CFR part 1192. Low-level platforms shall be 8 inches (205 mm) minimum above top of rail. In light rail, commuter rail, and intercity rail systems where it is not operationally or structurally feasible to meet the horizontal gap or vertical difference requirements of part 1192 or 49 CFR part 38, mini-high platforms, carborne or platform-mounted lifts, ramps or bridge plates or similarly manually deployed devices, meeting the requirements of 49 CFR part 38, shall suffice.

EXCEPTION: Where vehicles are boarded from sidewalks or street-level, low-level platforms shall be permitted to be less than 8 inches (205 mm).

[71 FR 63266, Oct. 30, 2006]

**APPENDIX B TO PART 37—FTA REGIONAL
OFFICES**

Region I, Federal Transit Administration,
206 Federal Plaza, Suite 2940, New York,
NY 10278

Region II, Federal Transit Administration,
Transportation Systems Center, Kendall
Square, 55 Broadway, Suite 921, Cambridge,
MA 02142

Region III, Federal Transit Administration,
841 Chestnut Street, Suite 714, Philadel-
phia, PA 19107

Region IV, Federal Transit Administration,
1720 Peachtree Road NW., Suite 400, At-
lanta, GA 30309

Region V, Federal Transit Administration,
55 East Monroe Street, Room 1415, Chicago,
IL 60603

Region VI, Federal Transit Administration,
819 Taylor Street, Suite 9A32, Ft. Worth,
TX 76102

Region VII, Federal Transit Administration,
6301 Rockville Road, Suite 303, Kansas
City, MS 64131

Region VIII, Federal Transit Administra-
tion, Federal Office Building, 1961 Stout
Street, 5th Floor, Denver, CO 80294

Region IX, Federal Transit Administration,
211 Main Street, Room 1160, San Francisco,
CA 94105

Region X, Federal Transit Administration,
3142 Federal Building, 915 Second Avenue,
Seattle, WA 98174

Office of the Secretary of Transportation

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APPENDIX C TO PART 37—
CERTIFICATIONS

Certification of Equivalent Service

The (name of agency) certifies that its demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to:

- (1) Response time;
- (2) Fares;
- (3) Geographic service area;
- (4) Hours and days of service;
- (5) Restrictions on trip purpose;
- (6) Availability of information and reservation capability; and
- (7) Constraints on capacity or service availability.

In accordance with 49 CFR 37.77, public entities operating demand responsive systems for the general public which receive financial assistance under section 18 of the Federal Transit Act must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving FTA funds shall also file the certification with the appropriate state program office. Such public entities receiving FTA funds under any other section of the FT Act must file the certification with the appropriate FTA regional office. This certification is valid for no longer than one year from its date of filing.

(name of authorized official)

(title)

(signature)

MPO Certification of Paratransit Plan

The (name of Metropolitan Planning Organization) hereby certifies that it has reviewed the ADA paratransit plan prepared by (name of submitting entity (ies)) as required under 49 CFR part 37.139(h) and finds it to be in conformance with the transportation plan developed under 49 CFR part 613 and 23 CFR part 450 (the FTA/FHWA joint planning regulation). This certification is valid for one year.

signature

name of authorized official

title

date

Existing Paratransit Service Survey

This is to certify that (name of public entity (ies)) has conducted a survey of existing paratransit services as required by 49 CFR 37.137 (a).

signature

name of authorized official

title

date

Included Service Certification

This is to certify that service provided by other entities but included in the ADA paratransit plan submitted by (name of submitting entity (ies)) meets the requirements of 49 CFR part 37, subpart F providing that ADA eligible individuals have access to the service; the service is provided in the manner represented; and, that efforts will be made to coordinate the provision of paratransit service offered by other providers.

signature

name of authorized official

title

date

Joint Plan Certification I

This is to certify that (name of entity covered by joint plan) is committed to providing ADA paratransit service as part of this coordinated plan and in conformance with the requirements of 49 CFR part 37, subpart F.

signature

name of authorized official

title

date

Joint Plan Certification II

This is to certify that (name of entity covered by joint plan) will, in accordance with 49 CFR 37.141, maintain current levels of paratransit service until the coordinated plan goes into effect.

signature

name of authorized official

title

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_____ date

State Certification that Plans have been Received

This is to certify that all ADA paratransit plans required under 49 CFR 37.139 have been received by (state DOT)

_____ signature

_____ name of authorized official

_____ title

_____ date

APPENDIX D TO PART 37—CONSTRUCTION AND INTERPRETATION OF PROVISIONS OF 49 CFR PART 37

This appendix explains the Department's construction and interpretation of provisions of 49 CFR part 37. It is intended to be used as definitive guidance concerning the meaning and implementation of these provisions. The appendix is organized on a section-by-section basis. Some sections of the rule are not discussed in the appendix, because they are self-explanatory or we do not currently have interpretive material to provide concerning them.

The Department also provides guidance by other means, such as manuals and letters. The Department intends to update this Appendix periodically to include guidance, provided in response to inquiries about specific situations, that is of general relevance or interest.

AMENDMENTS TO 49 CFR PART 27

Section 27.67(d) has been revised to reference the Access Board facility guidelines (found in appendix A to part 37) as well as the Uniform Federal Accessibility Standard (UFAS). This change was made to ensure consistency between requirements under section 504 and the ADA. Several caveats relating to the application of UFAS (e.g., that spaces not used by the public or likely to result in the employment of individuals with disabilities would not have to meet the standards) have been deleted. It is the Department's understanding that provisions of the Access Board standards and part 37 make them unnecessary.

The Department is aware that there is a transition period between the publication of this rule and the effective date of many of its provisions (e.g., concerning facilities and paratransit services) during which section 504 remains the basic authority for accessibility modifications. In this interval, the Department expects recipients' compliance with section 504 to look forward to compli-

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ance with the ADA provisions. That is, if a recipient is making a decision about the shape of its paratransit service between the publication of this rule and January 26, 1992, the decision should be in the direction of service that will help to comply with post-January 1992 requirements. A recipient that severely curtailed its present paratransit service in October, and then asked for a three- or five-year phase-in of service under its paratransit plan, would not be acting consistent with this policy.

Likewise, the Department would view with disfavor any attempt by a recipient to accelerate the beginning of the construction, installation or alteration of a facility to before January 26, 1992, to "beat the clock" and avoid the application of this rule's facility standards. The Department would be very reluctant to approve grants, contracts, exemption requests etc., that appear to have this effect. The purpose of the Department's administration of section 504 is to ensure compliance with the national policy stated in the ADA, not to permit avoidance of it.

SUBPART A—GENERAL

Section 37.3 Definitions

The definition of "commuter authority" includes a list of commuter rail operators drawn from a statutory reference in the ADA. It should be noted that this list is not exhaustive. Other commuter rail operators (e.g., in Chicago or San Francisco) would also be encompassed by this definition.

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). These characteristics can be found in some transportation systems other than bus systems oriented toward work trips. For example, bus service that is used as a dedicated connector to commuter or intercity rail service, certain airport shuttles, and university bus systems share many or all of these characteristics. As explained further in the discussion of subpart B, the Department has determined that it is appropriate to cover these services with the requirements applicable to commuter bus systems.

The definitions of "designated public transportation" and "specified public transportation" exclude transportation by aircraft. Persons interested in matters concerning access to air travel for individuals with disabilities should refer to 14 CFR part

382, the Department's regulation implementing the Air Carrier Access Act. Since the facility requirements of this part refer to facilities involved in the provision of designated or specified public transportation, airport facilities are not covered by this part. DOJ makes clear that public and private airport facilities are covered under its title II and title III regulations, respectively.

The examples given in the definition of "facility" all relate to ground transportation. We would point out that, since transportation by passenger vessels is covered by this rule and by DOJ rules, such vessel-related facilities as docks, wharfs, vessel terminals, etc. fall under this definition. It is intended that specific requirements for vessels and related facilities will be set forth in future rulemaking.

The definitions of "fixed route system" and "demand responsive system" derive directly from the ADA's definitions of these terms. Some systems, like a typical city bus system or a dial-a-ride van system, fit clearly into one category or the other. Other systems may not so clearly fall into one of the categories. Nevertheless, because how a system is categorized has consequences for the requirements it must meet, entities must determine, on a case-by-case basis, into which category their systems fall.

In making this determination, one of the key factors to be considered is whether the individual, in order to use the service, must request the service, typically by making a call.

With fixed route service, no action by the individual is needed to initiate public transportation. If an individual is at a bus stop at the time the bus is scheduled to appear, then that individual will be able to access the transportation system. With demand-responsive service, an additional step must be taken by the individual before he or she can ride the bus, i.e., the individual must make a telephone call.

(S. Rept. 101-116 at 54).

Other factors, such as the presence or absence of published schedules, or the variation of vehicle intervals in anticipation of differences in usage, are less important in making the distinction between the two types of service. If a service is provided along a given route, and a vehicle will arrive at certain times regardless of whether a passenger actively requests the vehicle, the service in most cases should be regarded as fixed route rather than demand responsive.

At the same time, the fact that there is an interaction between a passenger and transportation service does not necessarily make the service demand responsive. For many types of service (e.g., intercity bus, intercity rail) which are clearly fixed route, a passenger has to interact with an agent to buy

a ticket. Some services (e.g., certain commuter bus or commuter rail operations) may use flag stops, in which a vehicle along the route does not stop unless a passenger flags the vehicle down. A traveler staying at a hotel usually makes a room reservation before hopping on the hotel shuttle. This kind of interaction does not make an otherwise fixed route service demand responsive.

On the other hand, we would regard a system that permits user-initiated deviations from routes or schedules as demand-responsive. For example, if a rural public transit system (e.g., a section 18 recipient) has a few fixed routes, the fixed route portion of its system would be subject to the requirements of subpart F for complementary paratransit service. If the entity changed its system so that it operated as a route-deviation system, we would regard it as a demand responsive system. Such a system would not be subject to complementary paratransit requirements.

The definition of "individual with a disability" excludes someone who is currently engaging in the illegal use of drugs, when a covered entity is acting on the basis of such use. This concept is more important in employment and public accommodations contexts than it is in transportation, and is discussed at greater length in the DOJ and EEOC rules. Essentially, the definition says that, although drug addiction (*i.e.*, the status or a diagnosis of being a drug abuser) is a disability, no one is regarded as being an individual with a disability on the basis of current illegal drug use.

Moreover, even if an individual has a disability, a covered entity can take action against the individual if that individual is currently engaging in illegal drug use. For example, if a person with a mobility or vision impairment is ADA paratransit eligible, but is caught possessing or using cocaine or marijuana on a paratransit vehicle, the transit provider can deny the individual further eligibility. If the individual has successfully undergone rehabilitation or is no longer using drugs, as explained in the preamble to the DOJ rules, the transit provider could not continue to deny eligibility on the basis that the individual was a former drug user or still was diagnosed as a person with a substance abuse problem.

We defined "paratransit" in order to note its specialized usage in the rule. Part 37 uses this term to refer to the complementary paratransit service comparable to public fixed route systems which must be provided. Typically, paratransit is provided in a demand responsive mode. Obviously, the rule refers to a wide variety of demand responsive services that are not "paratransit," in this specialized sense.

The ADA's definition of "over-the-road bus" may also be somewhat narrower than the common understanding of the term. The

ADA definition focuses on a bus with an elevated passenger deck over a baggage compartment (*i.e.*, a “Greyhound-type” bus). Other types of buses commonly referred to as “over-the-road buses,” which are sometimes used for commuter bus or other service, do not come within this definition. Only buses that do come within the definition are subject to the over-the-road bus exception to accessibility requirements in Title III of the ADA.

For terminological clarity, we want to point out that two different words are used in ADA regulations to refer to devices on which individuals with hearing impairments communicate over telephone lines. DOJ uses the more traditional term “telecommunications device for the deaf” (TDD). The Access Board uses a newer term, “text telephone.” The DOT rule uses the terms interchangeably.

The definition of “transit facility” applies only with reference to the TDD requirement of appendix A to this Part. The point of the definition is to exempt from TDD requirements open structures, like bus shelters, or facilities which are not used primarily as transportation stops or terminals. For example, a drug store in a small town may sell intercity bus tickets, and people waiting for the bus may even wait for the bus inside the store. But the drug store’s *raison d’être* is not to be a bus station. Its transportation function is only incidental. Consequently, its obligations with respect to TDDs would be those required of a place of public accommodation by DOJ rules.

A “used vehicle” means a vehicle which has prior use; prior, that is, to its acquisition by its present owner or lessee. The definition is not relevant to existing vehicles in one’s own fleet, which were obtained before the ADA vehicle accessibility requirements took effect.

A “vanpool” is a voluntary commuter ride-sharing arrangement using a van with a seating capacity of more than seven persons, including the driver. Carpools are not included in the definition. There are some systems using larger vehicles (*e.g.*, buses) that operate, in effect, as vanpools. This definition encompasses such systems. Vanpools are used for daily work trips, between commuters’ homes (or collection points near them) and work sites (or drop points near them). Drivers are themselves commuters who are either volunteers who receive no compensation for their efforts or persons who are reimbursed by other riders for the vehicle, operating, and driving costs.

The definition of “wheelchair” includes a wide variety of mobility devices. This inclusiveness is consistent with the legislative history of the ADA (See S. Rept. 101-116 at 48). While some mobility devices may not look like many persons’ traditional idea of a wheel chair, three and four wheeled devices,

of many varied designs, are used by individuals with disabilities and must be transported. The definition of “common wheelchair,” developed by the Access Board, is intended to help transit providers determine which wheelchairs they have to carry. The definition involves an “envelope” relating to the Access Board requirements for vehicle lifts.

A lift conforming to Access Board requirements is 30”x48” and capable of lifting a wheelchair/occupant combination of up to 600 pounds. Consequently, a common wheelchair is one that fits these size and weight dimensions. Devices used by individuals with disabilities that do not fit this envelope (*e.g.*, may “gurneys”) do not have to be carried.

Section 37.5 Nondiscrimination

This section states the general nondiscrimination obligation for entities providing transportation service. It should be noted that virtually all public and private entities covered by this regulation are also covered by DOJ regulations, which have more detailed statements of general nondiscrimination obligations.

Under the ADA, an entity may not consign an individual with disabilities to a separate, “segregated,” service for such persons, if the individual can in fact use the service for the general public. This is true even if the individual takes longer, or has more difficulty, than other persons in using the service for the general public.

One instance in which this principal applies concerns the use of designated priority seats (*e.g.*, the so-called “elderly and handicapped” seats near the entrances to buses). A person with a disability (*e.g.*, a visual impairment) may choose to take advantage of this accommodation or not. If not, it is contrary to rule for the entity to insist that the individual must sit in the priority seats.

The prohibition on special charges applies to charges for service to individuals with disabilities that are higher than charges for the same or comparable services to other persons. For example, if a shuttle service charges \$20.00 for a ride from a given location to the airport for most people, it could not charge \$40.00 because the passenger had a disability or needed to use the shuttle service’s lift-equipped van. Higher mileage charges for using an accessible vehicle would likewise be inconsistent with the rule. So would charging extra to carry a service animal accompanying an individual with a disability.

If a taxi company charges \$1.00 to stow luggage in the trunk, it cannot charge \$2.00 to stow a folding wheelchair there. This provision does not mean, however, that a transportation provider cannot charge nondiscriminatory fees to passengers with disabilities. The taxi company in the above example can charge a passenger \$1.00 to stow a

wheelchair in the trunk; it is not required to waive the charge. This section does not prohibit the fares for paratransit service which transit providers are allowed to charge under §37.131(d).

A requirement for an attendant is inconsistent with the general nondiscrimination principle that prohibits policies that unnecessarily impose requirements on individuals with disabilities that are not imposed on others. Consequently, such requirements are prohibited. An entity is not required to provide attendant services (e.g., assistance in toileting, feeding, dressing), etc.

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.

The rule also points out that involuntary conduct related to a disability that may offend or annoy other persons, but which does not pose a direct threat, is not a basis for refusal of transportation. For example, some persons with Tourette's syndrome may make involuntary profane exclamations. These may be very annoying or offensive to others, but would not be a ground for denial of service. Nor would it be consistent with the nondiscrimination requirements of this part to deny service based on fear or misinformation about the disability. For example, a transit provider could not deny service to a person with HIV disease because its personnel or other passengers are afraid of being near people with that condition.

This section also prohibits denials of service or the placing on services of conditions inconsistent with this part on individuals with disabilities because of insurance company policies or requirements. If an insurance company told a transit provider that it would withdraw coverage, or raise rates, unless a transit provider refused to carry persons with disabilities, or unless the provider refused to carry three-wheeled scooters, this would not excuse the provider from providing the service as mandated by this part. This is not a regulatory requirement on insurance companies, but simply says that covered entities must comply with this part, even in the face of difficulties with their insurance companies.

Section 37.7 Standards for Accessible Vehicles

This section makes clear that, in order to meet accessibility requirements of this rule, vehicles must comply with Access Board standards, incorporated in DOT rules as 49 CFR part 38. Paragraph (b) of §37.7 spells out a procedure by which an entity (public or private) can deviate from provisions of part

38 with respect to vehicles. The entity can make a case to the Administrator that it is unable to comply with a particular portion of part 38, as written, for specified reasons, and that it is providing comparable compliance by some alternative method. The entity would have to describe how its alternative mode of compliance would meet or exceed the level of access to or usability of the vehicle that compliance with part 38 would otherwise provide.

It should be noted that equivalent facilitation does not provide a means to get a waiver of accessibility requirements. Rather, it is a way in which comparable (not a lesser degree of) accessibility can be provided by other means. The entity must consult with the public through some means of public participation in devising its alternative form of compliance, and the public input must be reflected in the submission to the Administrator (or the Federal Railroad Administrator in appropriate cases, such as a request concerning Amtrak). The Administrator will make a case-by-case decision about whether compliance with part 38 was achievable and, if not, whether the proffered alternative complies with the equivalent facilitation standard. DOT intends to consult with the Access Board in making these determinations.

This equivalent facilitation provision can apply to buses or other motor vehicles as well as to rail cars and vehicles. An example of what could be an equivalent facilitation would concern rail cars which would leave too wide a horizontal gap between the door and the platform. If the operator used a combination of bridgeplates and personnel to bridge the gap, it might be regarded as an equivalent facilitation in appropriate circumstances.

Section 37.7(c) clarifies which specifications must be complied with for over-the-road buses purchased by public entities (under subpart D of part 37) or private entities standing in the shoes of the public entity (as described in §37.23 of part 37). This section is necessary to make clear that over-the-road coaches must be accessible, when they are purchased by or in furtherance of a contract with a public entity. While the October 4, 1990 rule specified that over-the-road coaches must be accessible under these circumstances, we had not previously specified what constitutes accessibility.

Accordingly, this paragraph specifies that an over-the-road bus must have a lift which meets the performance requirements of a regular bus lift (see §38.23) and must meet the interim accessibility features specified for all over-the-road buses in part 3, subpart G.

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Section 37.9 Standards for Transportation Facilities

This section makes clear that, in order to meet accessibility requirements of this rule, vehicles must comply with appendix A to part 37, which incorporates the Access Board facility guidelines.

Paragraph (b) of §37.9 provides that, under certain circumstances, existing accessibility modifications to key station facilities do not need to be modified further in order to conform to appendix A. This is true even if the standards under which the facility was modified differ from the Access Board guidelines or provide a lesser standard of accessibility.

To qualify for this "grandfathering," alterations must have been before January 26, 1992. As in other facility sections of the rule, an alteration is deemed to begin with the issuance of a notice to proceed or work order. The existing modifications must conform to ANSI A-117.1, Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped 1980, or the Uniform Federal Accessibility Standard. (UFAS).

For example, if an entity used a Federal grant or loan or money to make changes to a building, it would already have had to comply with the Uniform Federal Accessibility Standards. Likewise, if a private entity, acting without any Federal money in the project, may have complied with the ANSI A117.1 standard. So long as the work was done in conformity with the standard that was in effect when the work was done, the alteration will be considered accessible.

However, because one modification was made to a facility under one of these standards, the entity still has a responsibility to make other modifications needed to comply with applicable accessibility requirements. For example, if an entity has made some modifications to a key station according to one of these older standards, but the modifications do not make the key station entirely accessible as this rule requires, then additional modifications would have to be made according to the standards of appendix A. Suppose this entity has put an elevator into the station to make it accessible to individuals who use wheelchairs. If the elevator does not fully meet appendix A standards, but met the applicable ANSI standard when it was installed, it would not need further modifications now. But if it had not already done so, the entity would have to install a tactile strip along the platform edge in order to make the key station fully accessible as provided in this rule. The tactile strip would have to meet appendix A requirements.

The rule specifically provides that "grandfathering" applies only to alterations of individual elements and spaces and only to the extent that provisions covering those

elements or spaces are found in UFAS or ANSI A117.1. For example, alterations to the telephones in a key station may have been carried out in order to lower them to meet the requirements of UFAS, but telecommunications devices for the deaf (TDDs) were not installed. (Neither UFAS nor the ANSI standard include requirements concerning TDDs). However, because appendix A does contain TDD requirements, the key station must now be altered in accordance with the standards for TDDs. Similarly, earlier alteration of an entire station in accordance with UFAS or the ANSI standard would not relieve an entity from compliance with any applicable provision concerning the gap between the platform between the platform and the vehicle in a key station, because neither of these two standards addresses the interface between vehicle and platform.

New paragraph (c) of this section clarifies a provision of the Access Board's standards concerning the construction of bus stop pads at bus stops. The final Access Board standard (found at section 10.2.1(1) of appendix A to part 37) has been rewritten slightly to clear up confusion about the perceived necessary construction of a bus stop pad. Section 10.2.1(1) does not require that anyone build a bus stop pad; it does specify what a bus stop pad must look like, if it is constructed. The further clarifying language in §37.9(c) explains that public entities must exert control over the construction of bus stop pads if they have the ability to do so. The Access Board, as well as DOT, recognize that most physical improvements related to bus stops are out of the control of the transit provider. Paragraph (c) of §37.9 merely notes that where a transit provider does have control over the construction, it must exercise that control to ensure that the pad meets these specifications.

One further clarification concerning the implication of this provision deals with a bus loading island at which buses pull up on both sides of the island. It would be possible to read the bus pad specification to require the island to be a minimum of 84 inches wide (two widths of a bus stop pad), so that a lift could be deployed from buses on both sides of the island at the same time. A double-wide bus pad, however, is likely to exceed available space in most instances.

Where there is space, of course, building a double-wide pad is one acceptable option under this rule. However, the combination of a pad of normal width and standard operational practices may also suffice. (Such practices could be offered as an equivalent facilitation.) For example, buses on either side of the island could stop at staggered locations (*i.e.*, the bus on the left side could stop several feet ahead of the bus on the right side), so that even when buses were on both sides of the island at once, their lifts could be deployed without conflict. Where it

is possible, building the pad a little longer than normal size could facilitate such an approach. In a situation where staggered stop areas are not feasible, an operational practice of having one bus wait until the other's lift cycle had been completed could do the job. Finally, the specification does not require that a pad be built at all. If there is nothing that can be done to permit lift deployment on both sides of an island, the buses can stop on the street, or some other location, so long as the lift is deployable.

Like §37.7, this section contains a provision allowing an entity to request approval for providing accessibility through an equivalent facilitation.

Section 37.11 Administrative Enforcement

This section spells out administrative means of enforcing the requirements of the ADA. Recipients of Federal financial assistance from DOT (whether public or private entities) are subject to DOT's section 504 enforcement procedures. The existing procedures, including administrative complaints to the DOT Office of Civil Rights, investigation, attempts at conciliation, and final resort to proceedings to cut off funds to a non-complying recipient, will continue to be used.

In considering enforcement matters, the Department is guided by a policy that emphasizes compliance. The aim of enforcement action, as we see it, is to make sure that entities meet their obligations, not to impose sanctions for their own sake. The Department's enforcement priority is on failures to comply with basic requirements and "pattern or practice" kinds of problems, rather than on isolated operational errors.

Under the DOJ rules implementing title II of the ADA (28 CFR part 35), DOT is a "designated agency" for enforcement of complaints relating to transportation programs of public entities, even if they do not receive Federal financial assistance. When it receives such a complaint, the Department will investigate the complaint, attempt conciliation and, if conciliation is not possible, take action under section 504 and/or refer the matter to the DOJ for possible further action.

Title III of the ADA does not give DOT any administrative enforcement authority with respect to private entities whose transportation services are subject to part 37. In its title III rule (28 CFR part 36), DOJ assumes enforcement responsibility for all title III matters. If the Department of Transportation receives complaints of violations of part 37 by private entities, it will refer the matters to the DOJ.

It should be pointed out that the ADA includes other enforcement options. Individuals have a private right of action against entities who violate the ADA and its implementing regulations. The DOJ can take vio-

lators to court. These approaches are not mutually exclusive with the administrative enforcement mechanisms described in this section. An aggrieved individual can complain to DOT about an alleged transportation violation and go to court at the same time. Use of administrative enforcement procedures is not, under titles II and III, an administrative remedy that individuals must exhaust before taking legal action.

We also would point out that the ADA does not assert any blanket preemptive authority over state or local nondiscrimination laws and enforcement mechanisms. While requirements of the ADA and this regulation would preempt conflicting state or local provisions (e.g., a building code or zoning ordinance that prevents compliance with appendix A or other facility accessibility requirements, a provision of local law that said bus drivers could not leave their seats to help secure wheelchair users), the ADA and this rule do not prohibit states and localities from legislating in areas relating to disability. For example, if a state law requires a higher degree of service than the ADA, that requirement could still be enforced. Also, states and localities may continue to enforce their own parallel requirements. For example, it would be a violation of this rule for a taxi driver to refuse to pick up a person based on that person's disability. Such a refusal may also be a violation of a county's taxi rules, subjecting the violator to a fine or suspension of operating privileges. Both ADA and local remedies could proceed in such a case.

Labor-management agreements cannot stand in conflict with the requirements of the ADA and this rule. For example, if a labor-management agreement provides that vehicle drivers are not required to provide assistance to persons with disabilities in a situation in which this rule requires such assistance, then the assistance must be provided notwithstanding the agreement. Labor and management do not have the authority to agree to violate requirements of Federal law.

Section 37.13 Effective Date for Certain Vehicle Lift Specifications.

This section contains an explicit statement of the effective date for vehicle lift platform specifications. The Department has decided to apply the new part 38 lift platform specifications to solicitations after January 25, 1992. As in the October 4, 1990, rule implementing the acquisition requirements; the date of a solicitation is deemed to be the closing date for the submission of bids or offers in a procurement.

SUBPART B—APPLICABILITY

Section 37.21 Applicability—General

This section emphasizes the broad applicability of part 37. Unlike section 504, the ADA

and its implementing rules apply to entities whether or not they receive Federal financial assistance. They apply to private and public entities alike. For entities which do receive Federal funds, compliance with the ADA and part 37 is a condition of compliance with section 504 and 49 CFR part 27, DOT's section 504 rule.

Virtually all entities covered by this rule also are covered by DOJ rules, either under 28 CFR part 36 as state and local program providers or under 28 CFR part 35 as operators of places of public accommodation. Both sets of rules apply; one does not override the other. The DOT rules apply only to the entity's transportation facilities, vehicles, or services; the DOJ rules may cover the entity's activities more broadly. For example, if a public entity operates a transit system and a zoo, DOT's coverage would stop at the transit system's edge, while DOJ's rule would cover the zoo as well.

DOT and DOJ have coordinated their rules, and the rules have been drafted to be consistent with one another. Should, in the context of some future situation, there be an apparent inconsistency between the two rules, the DOT rule would control within the sphere of transportation services, facilities and vehicles.

Section 37.23 Service Under Contract

This section requires private entities to "stand in the shoes" of public entities with whom they contract to provide transportation services. It ensures that, while a public entity may contract out its service, it may not contract away its ADA responsibilities. The requirement applies primarily to vehicle acquisition requirements and to service provision requirements.

If a public entity wishes to acquire vehicles for use on a commuter route, for example, it must acquire accessible vehicles. It may acquire accessible over-the-road buses, it may acquire accessible full-size transit buses, it may acquire accessible smaller buses, or it may acquire accessible vans. It does not matter what kind of vehicles it acquires, so long as they are accessible. On the other hand, if the public entity wants to use inaccessible buses in its existing fleet for the commuter service, it may do so. All replacement vehicles acquired in the future must, of course, be accessible.

Under this provision, a private entity which contracts to provide this commuter service stands in the shoes of the public entity and is subject to precisely the same requirements (it is not required to do more than the public entity). If the private entity acquires vehicles used to provide the service, the vehicles must be accessible. If it cannot, or chooses not to, acquire an accessible vehicle of one type, it can acquire an accessible vehicle of another type. Like the public enti-

ty, it can provide the service with inaccessible vehicles in its existing fleet.

The import of the provision is that it requires a private entity contracting to provide transportation service to a public entity to follow the rules applicable to the public entity. For the time being, a private entity operating in its own right can purchase a new over-the-road bus inaccessible to individuals who use wheelchairs. When that private entity operates service under contract to the public entity, however, it is just as obligated as the public entity itself to purchase an accessible bus for use in that service, whether or not it is an over-the-road bus.

The "stand in the shoes" requirement applies not only to vehicles acquired by private entities explicitly under terms of an executed contract to provide service to a public entity, but also to vehicles acquired "in contemplation of use" for service under such a contract. This language is included to ensure good faith compliance with accessibility requirements for vehicles acquired before the execution of a contract. Whether a particular acquisition is in contemplation of use on a contract will be determined on a case-by-case basis. However, acquiring a vehicle a short time before a contract is executed and then using it for the contracted service is an indication that the vehicle was acquired in contemplation of use on the contract, as is acquiring a vehicle ostensibly for other service provided by the entity and then regularly rotating it into service under the contract.

The "stand in the shoes" requirement is applicable only to the vehicles and service (public entity service requirements, like §37.163, apply to a private entity in these situations) provided under contract to a public entity. Public entity requirements clearly do not apply to all phases of a private entity's operations, just because it has a contract with a public entity. For example, a private bus company, if purchasing buses for service under contract to a public entity, must purchase accessible buses. The same company, to the extent permitted by the private entity provisions of this part, may purchase inaccessible vehicles for its tour bus operations.

The Department also notes that the "stands in the shoes" requirement may differ depending on the kind of service involved. The public entity's "shoes" are shaped differently, for example, depending on whether the public entity is providing fixed route or demand responsive service to the general public. In the case of demand responsive service, a public entity is not required to buy an accessible vehicle if its demand responsive system, when viewed in its entirety, provides service to individuals with disabilities equivalent to its service to other persons. A private contractor providing a portion of this paratransit service would not

necessarily have to acquire an accessible vehicle if this equivalency test is being met by the system as a whole. Similarly, a public entity can, after going through a "good faith efforts" search, acquire inaccessible buses. A private entity under contract to the public can do the same. "Stand in the shoes" may also mean that, under some circumstances, a private contractor need not acquire accessible vehicles. If a private company contracts with a public school district to provide school bus service, it is covered, for that purpose, by the exemption for public school transportation.

In addition, the requirement that a private entity play by the rules applicable to a public entity can apply in situations involving an "arrangement or other relationship" with a public entity other than the traditional contract for service. For example, a private utility company that operates what is, in essence, a regular fixed route public transportation system for a city, and which receives section 3 or 9 funds from FTA via an agreement with a state or local government agency, would fall under the provisions of this section. The provider would have to comply with the vehicle acquisition, paratransit, and service requirements that would apply to the public entity through which it receives the FTA funds, if that public entity operated the system itself. The Department would not, however, construe this section to apply to situations in which the degree of FTA funding and state and local agency involvement is considerably less, or in which the system of transportation involved is not a *de facto* surrogate for a traditional public entity fixed route transit system serving a city (e.g., a private non-profit social service agency which receives FTA section 16(b)(2) funds to purchase a vehicle).

This section also requires that a public entity not diminish the percentage of accessible vehicles in its fleet through contracting. For example, suppose a public entity has 100 buses in its fleet, of which 20 are accessible, meaning that 20 percent of its fleet is accessible. The entity decides to add a fixed route, for which a contractor is engaged. The contractor is supplying ten of its existing inaccessible buses for the fixed route. To maintain the 20 percent accessibility ratio, there would have to be 22 accessible buses out of the 110 buses now in operation in carrying out the public entity's service. The public entity could maintain its 20 percent level of accessibility through any one or more of a number of means, such as having the contractor to provide two accessible buses, retrofitting two of its own existing buses, or accelerating replacement of two of its own inaccessible buses with accessible buses.

This rule applies the "stand in the shoes" principle to transactions wholly among private entities as well. For example, suppose a

taxi company (a private entity primarily engaged in the business of transporting people) contracts with a hotel to provide airport shuttle van service. With respect to that service, the taxi company would be subject to the requirements for private entities not primarily in the business of transporting people, since it would be "standing in the shoes" of the hotel for that purpose.

Section 37.25 University Transportation Systems

Private university-operated transportation systems are subject to the requirements of this rule for private entities not primarily engaged in the business of transporting people. With one important exception, public university-operated transportation systems are subject to the requirements of the rule for public entities. The nature of the systems involved—demand-responsive or fixed route—determines the precise requirements involved.

For public university fixed route systems, public entity requirements apply. In the case of fixed route systems, the requirements for commuter bus service would govern. This has the effect of requiring the acquisition of accessible vehicles and compliance with most other provisions of the rule, but does not require the provision of complementary paratransit or submitting a paratransit plan. As a result, private and public universities will have very similar obligations under the rule.

Section 37.27 Transportation for Elementary and Secondary Education Systems

This section restates the statutory exemption from public entity requirements given to public school transportation. This extension also applies to transportation of pre-school children to Head Start or special education programs which receive Federal assistance. It also applies to arrangements permitting pre-school children of school bus drivers to ride a school bus or allowing teenage mothers to be transported to day care facilities at a school or along a school bus route so that their mothers may continue to attend school (See H. Rept. 101-485, pt. 1 at 27). The situation for private schools is more complex. According to the provision, a private elementary or secondary school's transportation system is exempt from coverage under this rule if all three of the following conditions are met: (1) The school receives Federal financial assistance; (2) the school is subject to section 504; and (3) the school's transportation system provides transportation services to individuals with disabilities, including wheelchair users, equivalent to those provided to individuals without disabilities. The test of equivalency is the same as that for other private entities, and is described under §37.105. If the school does not

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meet all these criteria, then it is subject to the requirements of Part 37 for private entities not primarily engaged in the business of transporting people.

The Department notes that, given the constitutional law on church-state separation, it is likely that church-affiliated private schools do not receive Federal financial assistance. To the extent that these schools' transportation systems are operated by religious entities or entities controlled by religious organizations, they are not subject to the ADA at all, so this section does not apply to them.

Section 37.29 Private Providers of Taxi Service

This section first recites that providers of taxi service are private entities primarily engaged in the business of transporting people which provide demand responsive service. For purposes of this section, other transportation services that involve calling for a car and a driver to take one places (e.g., limousine services, of the kind that provide luxury cars and chauffeurs for senior proms and analogous adult events) are regarded as taxi services.

Under the ADA, no private entity is required to purchase an accessible automobile. If a taxi company purchases a larger vehicle, like a van, it is subject to the same rules as any other private entity primarily engaged in the business of transporting people which operates a demand responsive service. That is, unless it is already providing equivalent service, any van it acquires must be accessible. Equivalent service is measured according to the criteria of §37.105. Taxi companies are not required to acquire vehicles other than automobiles to add accessible vehicles to their fleets.

Taxi companies are subject to non-discrimination obligations. These obligations mean, first, that a taxi service may not deny a ride to an individual with a disability who is capable of using the taxi vehicles. It would be discrimination to pass up a passenger because he or she was blind or used a wheelchair, if the wheelchair was one that could be stowed in the cab and the passenger could transfer to a vehicle seat. Nor could a taxi company insist that a wheelchair user wait for a lift-equipped van if the person could use an automobile.

It would be discrimination for a driver to refuse to assist with stowing a wheelchair in the trunk (since taxi drivers routinely assist passengers with stowing luggage). It would be discrimination to charge a higher fee or fare for carrying a person with a disability than for carrying a non-disabled passenger, or a higher fee for stowing a wheelchair than for stowing a suitcase. (Charging the same fee for stowing a wheelchair as for stowing a suitcase would be proper, however.) The fact that it may take somewhat more time and effort to serve a person with a disability

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than another passenger does not justify discriminatory conduct with respect to passengers with disabilities.

State or local governments may run user-side subsidy arrangements for the general public (e.g., taxi voucher systems for senior citizens or low-income persons). Under the DOJ title II rule, these programs would have to meet "program accessibility" requirements, which probably would require that accessible transportation be made available to senior citizens or low-income persons with disabilities. This would not directly require private taxi providers who accept the vouchers to purchase accessible vehicles beyond the requirements of this rule, however.

Section 37.31 Vanpools

This provision applies to public vanpool systems the requirements for public entities operating demand responsive systems for the general public. A public vanpool system is one operated by a public entity, or in which a public entity owns or purchases or leases the vehicles. Lesser degrees of public involvement with an otherwise private ride-sharing arrangement (e.g., provision of parking spaces, HOV lanes, coordination or clearinghouse services) do not convert a private into a public system.

The requirement for a public vanpool system is that it purchase or lease an accessible vehicle unless it can demonstrate that it provides equivalent service to individuals with disabilities, including individuals who use wheelchairs, as it provides to individuals without disabilities. For a public vanpool system, the equivalency requirement would be met if an accessible vehicle is made available to and used by a vanpool when an individual with a disability needs such a vehicle to participate. Public vanpool systems may meet this requirement through obtaining a percentage of accessible vehicles that is reasonable in light of demand for them by participants, but this is not required, so long as the entity can respond promptly to requests for participation in a vanpool with the provision of an accessible van when needed.

There is no requirement for private vanpools, defined as a voluntary arrangement in which the driver is compensated only for expenses.

Section 37.33 Airport Transportation Systems

Fixed route transportation systems operated by public airports are regarded by this section as fixed route commuter bus systems. As such, shuttles among terminals and parking lots, connector systems among the airport and a limited number of other local destinations must acquire accessible buses, but are not subject to complementary paratransit requirements. (If a public airport operates a demand responsive system for the general public, it would be subject to the

rules for demand responsive systems for the general public.)

It should be noted that this section applies only to transportation services that are operated by public airports themselves (or by private contractors who stand in their shoes). When a regular urban mass transit system serves the airport, the airport is simply one portion of its service area, treated for purposes of this rule like the rest of its service area.

Virtually all airports are served by taxi companies, who are subject to §37.29 at airports as elsewhere. In addition, many airports are served by jitney or shuttle systems. Typically, these systems operate in a route-deviation or similar variable mode in which there are passenger-initiated decisions concerning destinations. We view such systems as demand responsive transportation operated by private entities primarily engaged in the business of transporting people.

Since many of these operators are small businesses, it may be difficult for them to meet equivalency requirements on their own without eventually having all or nearly all accessible vehicles, which could pose economic problems. One suggested solution to this problem is for the operators serving a given airport to form a pool or consortium arrangement, in which a number of shared accessible vehicles would meet the transportation of individuals with disabilities. As in other forms of transportation, such an arrangement would have to provide service in a nondiscriminatory way (e.g., in an integrated setting, no higher fares for accessible service).

Section 37.35 Supplemental Service for Other Transportation Modes

This section applies to a number of situations in which an operator of another transportation mode uses bus or other service to connect its service with limited other points.

One instance is when an intercity railroad route is set up such that the train stops outside the major urban center which is the actual destination for many passengers. Examples mentioned to us include bus service run by Amtrak from a stop in Columbus, Wisconsin, to downtown Madison, or from San Jose to San Francisco. Such service is fixed route, from the train station to a few points in the metropolitan area, with a schedule keyed to the train schedule. It would be regarded as commuter bus service, meaning that accessible vehicles would have to be acquired but complementary paratransit was not required.

Another instance is one in which a commuter rail operator uses fixed route bus service as a dedicated connection to, or extension of, its rail service. The service may go to park and ride lots or other destinations beyond the vicinity of the rail line. Again, this service shares the characteristics of

commuter bus service that might be used even if the rail line were not present, and does not attempt to be a comprehensive mass transit bus service for the area.

Of course, there may be instances in which a rail operator uses demand responsive instead of fixed route service for a purpose of this kind. In that case, the demand responsive system requirements of the rule would apply.

Private entities (i.e., those operating places of public accommodation) may operate similar systems, as when a cruise ship operator provides a shuttle or connector between an airport and the dock. This service is covered by the rules governing private entities not primarily engaged in the business of transporting people. Fixed route or demand responsive rules apply, depending on the characteristics of the system involved.

One situation not explicitly covered in this section concerns *ad hoc* transportation arranged, for instance, by a rail operator when the train does not wind up at its intended destination. For example, an Amtrak train bound for Philadelphia may be halted at Wilmington by a track blockage between the two cities. Usually, the carrier responds by providing bus service to the scheduled destination or to the next point where rail service can resume.

The service that the carrier provides in this situation is essentially a continuation by other means of its primary service. We view the obligation of the rail operator as being to ensure that all passengers, including individuals with disabilities, are provided service to the destination in a nondiscriminatory manner. This includes, for instance, providing service in the most integrated setting appropriate to the needs of the individual and service that gets a passenger with a disability to the destination as soon as other passengers.

Section 37.37 Other Applications

The ADA specifically defines "public entity." Anything else is a "private entity." The statute does not include in this definition a private entity that receives a subsidy or franchise from a state or local government or is regulated by a public entity. Only through the definition of "operates" (see discussion of §37.23) do private entities' relationships to public entities subject private entities to the requirements for public entities. Consequently, in deciding which provisions of the rule to apply to an entity in other than situations covered by §37.23, the nature of the entity—public or private—is determinative.

Transportation service provided by public accommodations is viewed as being provided by private entities not primarily engaged in the business of transporting people. Either the provisions of this part applicable to demand responsive or fixed route systems

apply, depending on the nature of a specific system at a specific location. The distinction between fixed route and demand responsive systems is discussed in connection with the definitions section above. It is the responsibility of each private entity, in the first instance, to assess the nature of each transportation system on a case-by-case basis and determine the applicable rules.

On the other hand, conveyances used for recreational purposes, such as amusement park rides, ski lifts, or historic rail cars or trolleys operated in museum settings, are not viewed as transportation under this rule at all. Other conveyances may fit into this category as well.

The criterion for determining what requirements apply is whether the conveyances are primarily an aspect of the recreational experience itself or a means of getting from Point A to Point B. At a theme park, for instance, a large roller coaster (though a "train" of cars on a track) is a public accommodation not subject to this rule; the tram that transports the paying customers around the park, with a stop at the roller coaster, is a transportation system subject to the "private, not primarily" provisions of this part.

Employer-provided transportation for employees is not covered by this part, but by EEOC rules under title I of the ADA. (Public entities are also subject to DOJ's title II rules with respect to employment.) This exclusion from part 37 applies to transportation services provided by an employer (whether access to motor pool vehicles, parking shuttles, employer-sponsored van pools) that is made available solely to its own employees. If an employer provides service to its own employees and other persons, such as workers of other employers or customers, it would be subject to the requirements of this part from private entities not primarily engaged in the business of transporting people or public entities, as applicable.

The rule looks to the private entity actually providing the transportation service in question in determining whether the "private, primarily" or "private, not primarily" rules apply. For example, Conglomerate, Inc., owns a variety of agribusiness, petrochemical, weapons system production, and fast food corporations. One of its many subsidiaries, Green Tours, Inc., provides charter bus service for people who want to view national parks, old-growth forests, and other environmentally significant places. It is probably impossible to say in what business Conglomerate, Inc. is primarily engaged, but it clearly is not transporting people. Green Tours, Inc., on the other hand, is clearly primarily engaged in the business of transporting people, and the rule treats it as such.

On the other hand, when operating a transportation service off to the side of to the

main business of a public accommodation (e.g., a hotel shuttle), the entity as a whole would be considered. Even if some dedicated employees are used to provide the service, shuttles and other systems provided as a means of getting to, from, or around a public accommodation remain solidly in the "private, not primarily" category.

SUBPART C—TRANSPORTATION FACILITIES

Section 37.41 Construction of Transportation Facilities by Public Entities

Section 37.41 contains the general requirement that all new facilities constructed after January 25, 1992, be accessible to and usable by individuals with disabilities. This provision tracks the statute closely, and is analogous to a provision in the DOJ regulations for private entities. Section 226 of the ADA provides little discretion in this requirement.

The requirement is keyed to construction which "begins" after January 25, 1992. The regulation defines "begin" to mean when a notice to proceed order has been issued. This term has a standard meaning in the construction industry, as an instruction to the contractor to proceed with the work.

Questions have been raised concerning which standards apply before January 26, 1992. There are Federal requirements that apply to all recipients of federal money, depending on the circumstances.

First, if an entity is a Federal recipient and uses Federal dollars to construct the facility, regulations implementing section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), require the recipient to comply with the Uniform Federal Accessibility Standards.

Second, since the Civil Rights Restoration Act of 1987 (Pub. L. 100-259), an operation of a recipient of federal funds would also have to comply with section 504, even though the activity was not paid for with Federal funds. Thus, the Uniform Federal Accessibility Standards would apply to this construction as well.

As mentioned above, the Department intends, in the period before January 26, 1991, to view compliance with section 504 in light of compliance with ADA requirements (this point applies to alterations as well as new construction). Consequently, in reviewing requests for grants, contract approvals, exemptions, etc., (whether with respect to ongoing projects or new, experimental, or one-time efforts), the Department will, as a policy matter, seek to ensure compliance with ADA standards.

Section 37.43 Alteration of Transportation Facilities by Public Entities

This section sets out the accessibility requirements that apply when a public entity undertakes an alteration of an existing facility. In general, the section requires that any

alteration, to the maximum extent feasible, results in the altered area being accessible to and usable by individuals with disabilities, including persons who use wheelchairs. The provisions follow closely those adopted by the DOJ, in its regulations implementing title III of the ADA.

The section requires specific activities whenever an alteration of an existing facility is undertaken.

First, if the alteration is made to a primary function area, (or access to an area containing a primary function), the entity shall make the alteration in such a way as to ensure that the path of travel to the altered area and the restrooms, telephones and drinking fountains servicing the altered area are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

Second, alterations to drinking fountains, telephones, and restrooms do not have to be completed if the cost and scope of making them accessible is disproportionate.

Third, the requirement goes into effect for alterations begun after January 25, 1992.

Fourth, the term "maximum extent feasible" means that all changes that are possible must be made. The requirement to make changes to the maximum extent feasible derives from clear legislative history. The Senate Report states—

The phrase "to the maximum extent feasible" has been included to allow for the occasional case in which the nature of an existing facility is such as to make it virtually impossible to renovate the building in a manner that results in its being entirely accessible to and usable by individuals with disabilities. In all such cases, however, the alteration should provide the maximum amount of physical accessibility feasible.

Thus, for example the term "to the maximum extent feasible" should be construed as not requiring entities to make building alterations that have little likelihood of being accomplished without removing or altering a load-bearing structural member unless the load-bearing structural member is otherwise being removed or altered as part of the alteration. (S. Rept. 101-116, at 68).

Fifth, primary function means a major activity for which the facility is intended. Primary function areas include waiting areas, ticket purchase and collection areas, train or bus platforms, baggage checking and return areas, and employment areas (with some exceptions stated in the rule, for areas used by service personnel that are very difficult to access).

Sixth, "path of travel" means a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach and includes restrooms, telephones, and drinking fountains serving the

altered area. If changes to the path of travel are disproportionate, then only those changes which are not disproportionate are to be completed.

Seven, the final rule specifies that costs exceeding 20 percent would be disproportionate. This is consistent with the DOJ. In determining costs, the Department intends costs to be based on changes to the passenger service area that is scheduled for alteration.

Finally, the Department has defined the term "begin", in the context of begin an alteration that is subject to the alteration provision to mean when a notice to proceed or work order is issued. Two terms are used (instead of only notice to proceed in the context of new construction) because many alterations may be carried out by the entity itself, in which case the only triggering event would be a work order or similar authorization to begin.

In looking at facility concepts like "disproportionality" and "to the maximum extent feasible," the Department will consider any expenses related to accessibility for passengers. It is not relevant to consider non-passenger related improvements (e.g., installing a new track bed) or to permit "gold-plating" (attributing to accessibility costs the expense of non-related improvements, such as charging to accessibility costs the price of a whole new door, when only adding a new handle to the old door was needed for accessibility).

Section 37.47 Key Stations in Light and Rapid Rail Systems

Section 37.49 Designation of Responsible Person(s) for Intercity and Commuter Rail Stations

This section sets forth a mechanism for determining who bears the legal and financial responsibility for accessibility modifications to a commuter and/or intercity rail station. The final provision of the section is the most important. It authorizes all concerned parties to come to their own agreement concerning the allocation of responsibility. Such an agreement can allocate responsibility in any way acceptable to the parties. The Department strongly encourages parties to come to such an agreement.

In the absence of such an agreement, a statutory/regulatory scheme allocates responsibility. In the first, and simplest, situation posed by the statute, a single public entity owns more than 50 percent of the station. In this case, the public entity is the responsible person and nobody else is required to bear any of the responsibility.

In the second situation, a private entity owns more than 50 percent of the station. The private entity need not bear any of the responsibility for making the station accessible. A public entity owner of the station, who does not operate passenger railroad

service through the station, is not required to bear any of the responsibility for making the station accessible. The total responsibility is divided between passenger railroads operating service through the station, on the basis of respective passenger boardings. If there is only one railroad operating service through the station, it bears the total responsibility.

The Department believes that reference to passenger boardings is the most equitable way of dividing responsibility among railroads, since the number of people drawn to the station by each is likely to reflect "cost causation" quite closely. The Department notes, however, that, as passenger boarding percentages change over time, the portion of responsibility assigned to each party also may change. Station modifications may involve long-term capital investment and planning, while passenger boarding percentages are more volatile. Some railroads may stop serving a station, while others may begin service, during the period of time before modifications to the station are complete. To help accommodate such situations, the rule refers to passenger boardings "over the entire period during which the station is made accessible."

This language is intended to emphasize that as circumstances change, the parties involved have the responsibility to adjust their arrangements for cost sharing. For example, suppose Railroad A has 30 percent of the passenger boardings in year 1, but by year 10 has 60 percent of the boardings. It would not be fair for Railroad A to pay only 30 percent of the costs of station modifications occurring in later years. Ultimately, the total cost burden for modifying the station over (for example) 20 years would be allocated on the share of the total number of boardings attributable to each railroad over the whole 20 year period, in order to avoid such unfairness.

The third, and most complicated, situation is one in which no party owns 50 percent of the station. For example, consider the following hypothetical situation:

Party	Ownership percentage	Boardings percentage
Private freight RR	40	0
City	30	0
Amtrak	0	25
Commuter A	30	50
Commuter B	0	25

The private freight railroad drops out of the calculation of who is responsible. All of the responsibility would be allocated among four public entities: the city (a public entity who does not operate railroad service), Amtrak, and the two commuter railroads. Half the responsibility would go to public entity owners of the station (whether or not they are railroads who run passenger service through the

station). The other half of the responsibility would go to railroads who run passenger service through the station (whether or not they are station owners).

On the ownership side of the equation, the city and Commuter A each own half of that portion of the station that is not owned by the private freight railroad. Therefore, the two parties divide up the ownership half of the responsibility equally. Based on their ownership interest, each of these two parties bears 25 percent of the responsibility for the entire station. Note that, should ownership percentages or owners change over the period during which the station is to be made accessible, these percentages may change. It is ownership percentage over this entire period that ultimately determines the percentage of responsibility.

On the passenger rail operations side of the equation, 50 percent of passenger boardings are attributable to Commuter A and 25 percent each to Commuter B and Amtrak. Therefore, half of this portion of the responsibility belongs to Commuter A, while a quarter share each goes to the other railroads. This means that, based on passenger boardings, 25 percent of the responsibility goes to Commuter A, 12.5 percent to Commuter B, and 12.5 percent to Amtrak. Again, it is the proportion of passenger boardings over the entire length of the period during which the station is made accessible that ultimately determines the percentage of responsibility.

In this hypothetical, Commuter A is responsible for a total of 50 percent of the responsibility for the station. Commuter A is responsible for 25 percent of the responsibility because of its role as a station owner and another 25 percent because of its operation of passenger rail service through the station.

The Department recognizes that there will be situations in which application of this scheme will be difficult (e.g., involving problems with multiple owners of a station whose ownership percentages may be difficult to ascertain). The Department again emphasizes that agreement among the parties is the best way of resolving these problems, but we are willing to work with the parties to ensure a solution consistent with this rule.

Section 37.51 Key Stations in Commuter Rail Systems

These sections require that key stations in light, rapid, and commuter rail systems be made accessible as soon as practicable, but no later than July 26, 1993. Being made accessible, for this purpose, means complying with the applicable provisions of appendix A to this part. "As soon as practicable" means that, if modification can be made before July 26, 1993, they must be. A rail operator that failed to make a station accessible by July 1993 would be in noncompliance with the

ADA and this rule, except in a case where an extension of time had been granted.

What is a key station? A key station is one designated as such by the commuter authority or light/rapid rail operator, through the planning process and public participation process set forth in this section. The five criteria listed in the regulation are intended to guide the selection process but, while the entity must take these criteria into account (and this consideration must be reflected in the planning process and documents), they are not mandatory selection standards. That is, it is not required that every station that meets one of the criteria be designated as a key station. Since the criteria are not mandatory selection standards, the understanding of their terms is also a matter appropriately left to the planning process. A tight, legalistic definition is not necessary in the context of factors intended for consideration. For instance, what constitutes a major activity center or how close a station needs to be to another station to not be designated as key depend largely on local factors that it would not be reasonable to specify in this rule.

Given the wide discretion permitted to rail operators in identifying key stations, there would be no objection to identifying as a key station a new (presumably accessible) station now under construction. Doing so would involve consideration of the key station criteria and would be subject to the planning/public participation process.

If an extension to a rail system (e.g., a commuter system) is made, such that the system comes to include existing inaccessible stations that have not previously been part of the system, the Department construes the ADA to require application of key station accessibility in such a situation. The same would be true for a new start commuter rail system that began operations using existing stations. Key station planning, designation of key stations, and with being consistent with the ADA would be required. The Department would work with the commuter authority involved on a case-by-case basis to determine applicable time limits for accessibility, consistent with the time frames of the ADA.

The entity must develop a compliance plan, subject to the public participation and planning process set forth in paragraph (d) of each of these sections. Note that this plan must be completed by July 26, 1992, not January 26, 1992, as in the case of paratransit plans. The key station plans must be submitted to FTA at that time. (The statute does not require FTA approval of the plans, however.)

A rail operator may request an extension of the July 1993 completion deadline for accessibility modifications to one or more key stations. The extension for light and rapid rail stations can be up to July 2020, though

two thirds of the key stations (per the legislative history of the statute, selected in a way to maximize accessibility to the whole system) must be accessible by July 2010.

Commuter rail stations can be extended up to July 2010.

Requests for extension of time must be submitted by July 26, 1992. FTA will review the requests on a station-by-station basis according to the statutory criterion, which is whether making the station accessible requires extraordinarily expensive alterations. An extraordinarily expensive alteration is raising the entire platform, installing an elevator, or making another alteration of similar cost and magnitude. If another means of making a station accessible (e.g., installation of a mini-high platform in a station where it is not necessary to install an elevator or to provide access to the platform for wheelchair users), then an extension can be granted only if the rail operator shows that the cost and magnitude of the alteration is similar to that of an elevator installation or platform raising.

The rule does not include a specific deadline for FTA consideration of an extension request. However, since we are aware that, in the absence of an extension request, accessibility must be completed by July 1993, we will endeavor to complete review of plans as soon as possible, to give as much lead time as possible to local planning and implementation efforts.

Once an extension is granted, the extension applies to all accessibility modifications in the station. However, the rail operator should not delay non-extraordinarily expensive modifications to the station. The key station plan and any extension request should include a schedule for phasing in non-extraordinarily expensive modifications to the station. For example, even if a key station is not going to be accessible to wheelchair users for 15 years, pending the installation of an elevator, the rail operator can improve its accessibility to persons with visual impairments by installing tactile strips.

An extension cannot be granted except for a particular station which needs an extraordinarily expensive modification. An extension cannot be granted non-extraordinarily expensive changes to Station B because the extraordinarily expensive changes to Station A will absorb many resources. Non-extraordinarily expensive changes, however costly considered collectively for a system, are not, under the statute, grounds for granting an extension to one or more stations or the whole system. Only particular stations where an extraordinarily expensive modification must be made qualify for extensions.

The FTA Administrator can approve, modify, or disapprove any request for an extension. For example, it is not a forgone conclusion that a situation for which an extension is granted will have the maximum possible

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extension granted. If it appears that the rail operator can make some stations accessible sooner, FTA can grant an extension for a shorter period (e.g., 2005 for a particular station rather than 2010).

Section 37.53 Exception for New York and Philadelphia

Consistent with the legislative history of the ADA, this section formally recognizes the selection of key stations in two identified litigation settlement agreements in New York and Philadelphia as in compliance with the ADA. Consequently, the entities involved can limit their key station planning process to issues concerning the timing of key station accessibility. The section references also §37.9, which provides that key station accessibility alterations which have already been made, or which are begun before January 26, 1992, and which conform to specified prior standards, do not have to be re-modified. On the other hand, alterations begun after January 25, 1992 (including forthcoming key station modifications under the New York and Philadelphia agreements), must meet the requirements of appendix A to this part.

This is an exception only for the two specified agreements. There are no situations in which other cities can take advantage of this provision. Nor are the provisions of the two agreements normative for other cities. Other cities must do their own planning, with involvement from local citizens, and cannot rely on agreements unique to New York and Philadelphia to determine the appropriate number of percentage of key stations or other matters.

Section 37.57 Required Cooperation

This section implements §242(e)(2)(C) of the ADA, which treats as discrimination a failure, by an owner or person in control of an intercity rail station, to provide reasonable cooperation to the responsible persons' efforts to comply with accessibility requirements. For example, the imposition by the owner of an unreasonable insurance bond from the responsible person as a condition of making accessibility modifications would violate this requirement. See H. Rept. 101-485 at 53.

The statute also provides that failure of the owner or person in control to cooperate does not create a defense to a discrimination suit against the responsible person, but the responsible person would have a third party action against the uncooperative owner or person in control. The rule does not restate this portion of the statute in the regulation, since it would be implemented by the courts if such an action is brought. Since cooperation is also a regulatory requirement, however, the Department could entertain a sec-

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tion 504 complaint against a recipient of Federal funds who failed to cooperate.

The House Energy and Commerce Committee provided as an example of an action under this provision a situation in which a failure to cooperate leads to a construction delay, which in turn leads to a lawsuit by an individual with disabilities against the responsible person for missing an accessibility deadline. The responsible person could not use the lack of cooperation as a defense in the lawsuit, but the uncooperative party could be made to indemnify the responsible person for damages awarded the plaintiff. Also, a responsible person could obtain an injunction to force the recalcitrant owner or controller of the station to permit accessibility work to proceed. (*Id.*)

This provision does not appear to be intended to permit a responsible person to seek contribution for a portion of the cost of accessibility work from a party involved with the station whom the statute and §37.49 do not identify as a responsible person. It simply provides a remedy for a situation in which someone impedes the responsible person's efforts to comply with accessibility obligations.

Section 37.59 Differences in Accessibility Completion Date Requirements

Portions of the same station may have different accessibility completion date requirements, both as the result of different statutory time frames for different kinds of stations and individual decisions made on requests for extension. The principle at work in responding to such situations is that if part of a station may be made accessible after another part, the "late" part of the work should not get in the way of people's use of modifications resulting from the "early" part.

For example, the commuter part of a station may have to be made accessible by July 1993 (e.g., there is no need to install an elevator, and platform accessibility can be achieved by use of a relatively inexpensive mini-high platform). The Amtrak portion of the same station, by statute, is required to be accessible as soon as practicable, but no later than July 2010. If there is a common entrance to the station, that commuter rail passengers and Amtrak passengers both use, or a common ticket counter, it would have to be accessible by July 1993. If there were a waiting room used by Amtrak passengers but not commuter passengers (who typically stand and wait on the platform at this station), it would not have to be accessible by July 1993, but if the path from the common entrance to the commuter platform went through the waiting room, the path would have to be an accessible path by July 1993.

Section 37.61 Public Transportation Programs and Activities in Existing Facilities

This section implements section 228(a) of the ADA and establishes the general requirement for entities to operate their transportation facilities in a manner that, when viewed in its entirety, is accessible to and usable by individuals with disabilities. The section clearly excludes from this requirement access by persons in wheelchairs, unless these changes would be necessitated by the alterations or key station provisions.

This provision is intended to cover activities and programs of an entity that do not rise to the level of alteration. Even if an entity is not making alterations to a facility, it has a responsibility to conduct its program in an accessible manner. Examples of possible activities include user friendly farecards, schedules, of edge detection on rail platforms, adequate lighting, telecommunication display devices (TDDs) or text telephones, and other accommodations for use by persons with speech and hearing impairments, signage for people with visual impairments, continuous pathways for persons with visual and ambulatory impairments, and public address systems and clocks.

The Department did not prescribe one list of things that would be appropriate for all stations. For example, we believe that tactile strips are a valuable addition to platforms which have drop-offs. We also believe that most larger systems, to the extent they publish schedules, should make those schedules readily available in alternative formats. We encourage entities to find this another area which benefits from its commitment to far-reaching public participation efforts.

SUBPART D—ACQUISITION OF ACCESSIBLE VEHICLES BY PUBLIC ENTITIES

Section 37.71 Purchase or Lease of New Non-Rail Vehicles by Public Entities Operating Fixed Route Systems

This section sets out the basic acquisition requirements for a public entity purchasing a new vehicle. Generally, the section requires any public entity who purchases or leases a new vehicle to acquire an accessible vehicle. There is a waiver provision if lifts are unavailable and these provisions track the conditions in the ADA. One statutory condition, that the public entity has made a good faith effort to locate a qualified manufacturer to supply the lifts, presumes a direct relationship between the transit provider and the lift manufacturer. In fact, it is the bus manufacturer, rather than the transit provider directly, who would have the task of looking for a supplier of lifts to meet the transit provider's specifications. The task must still be performed, but the regulation does not require the transit provider to

obtain actual information about available lifts. Rather the bus manufacturer obtains the information and provides this assurance to the entity applying for the waiver, and the entity may rely on this representation. More specifically, the regulation requires that each waiver request must include a copy of the written solicitation (showing that it requested lift-equipped vehicles) and written responses from lift manufacturers to the vehicle manufacturer documenting their inability to provide the lifts. The information from the lift manufacturer must also include when the lifts will be available.

In addition, the waiver request must include copies of advertisements in trade publications and inquiries to trade associations seeking lifts for the buses. The public entity also must include a full justification for the assertion that a delay in the bus procurement sufficient to obtain a lift-equipped bus would significantly impair transportation services in the community. There is no length of time that would be a *per se* delay constituting a "significant impairment". It will be more difficult to obtain a waiver if a relatively short rather than relatively lengthy delay is involved. A showing of timetables, absent a showing of significant impairment of actual transit services, would not form a basis for granting a waiver.

Any waiver granted by the Department under this provision will be a conditional waiver. The conditions are intended to ensure that the waiver provision does not create a loophole in the accessible vehicle acquisition requirement that Congress intended to impose. The ADA requires a waiver to be limited in duration and the rule requires a termination date to be included. The date will be established on the basis of the information the Department receives concerning the availability of lifts in the waiver request and elsewhere. In addition, so that a waiver does not become open-ended, it will apply only to a particular procurement. If a transit agency wants a waiver for a subsequent delivery of buses in the procurement, or another procurement entirely, it will have to make a separate waiver request.

For example, if a particular order of buses is delivered over a period of time, each delivery would be the potential subject of a waiver request. First, the entity would request a waiver for the first shipment of buses. If all of the conditions are met, the waiver would be granted, with a date specified to coincide with the due date of the lifts. When the lifts become available those buses would have to be retrofitted with the lifts. A subsequent delivery of buses—on the same order—would have to receive its own waiver, subject to the same conditions and specifications of the first waiver.

The purpose of the waiver, as the Department construes it, is to address a situation in which (because of a sudden increase in the

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number of lift-equipped buses requested) lift manufacturers are unable to produce enough lifts to meet the demand in a timely fashion.

Section 37.73 Purchase or Lease of Used Non-Rail Vehicles by Public Entities Operating a Fixed Route System

The basic rule is that an acquisition of a used vehicle would have to be for an accessible vehicle.

There is an exception, however, for situations in which the transit provider makes a good faith effort to obtain accessible used vehicles but does not succeed in finding them. The ADA requires transit agencies to purchase accessible used vehicles, providing a "demonstrated good faith efforts" exception to the requirement. The reports of the Senate Committee on Labor and Human Resources and the House Committee on Education and Labor offered the following guidance on what "good faith efforts" involve:

The phrase "demonstrated good faith efforts" is intended to require a nationwide search and not a search limited to a particular region. For instance, it would not be enough for a transit operator to contact only the manufacturer where the transit authority usually does business to see if there are accessible used buses. It involves the transit authority advertising in a trade magazine, i.e., Passenger Transport, or contacting the transit trade association, American Public Transit Association (APTA), to determine whether accessible used vehicles are available. It is the Committee's expectation that as the number of buses with lifts increases, the burden on the transit authority to demonstrate its inability to purchase accessible vehicles despite good faith efforts will become more and more difficult to satisfy. S. Rept. 101-116 at 49; H. Rept. 101-485 at 90.

Consistent with this guidance, this section requires that good faith efforts include specifying accessible vehicles in bid solicitations. The section also requires that the entity retain for two years documentation of that effort, and that the information be available to FTA and the public.

It does not meet the good faith efforts requirement to purchase inaccessible, rather than accessible, used buses, just because the former are less expensive, particularly if the difference is a difference attributable to the presence of a lift. There may be situations in which good faith efforts involve buying fewer accessible buses in preference to more inaccessible buses.

The public participation requirements involved in the development of the paratransit plans for all fixed route operators requires an ongoing relationship, including extensive outreach, to the community likely to be using its accessible service. We believe that it will be difficult to comply with the public participation requirements and not involve the affected community in the decisions con-

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cerning the purchase or lease of used accessible vehicles.

There is an exception to these requirements for donated vehicles. Not all "zero dollar" transfers are donations, however. The legislative history to this provision provides insight.

It is not the Committee's intent to make the vehicle accessibility provisions of this title applicable to vehicles donated to a public entity. The Committee understands that it is not usual to donate vehicles to a public entity. However, there could be instances where someone could conceivably donate a bus to a public transit operator in a will. In such a case, the transit operators should not be prevented from accepting a gift.

The Committee does not intend that this limited exemption for donated vehicles be used to circumvent the intent of the ADA. For example, a local transit authority could not arrange to be the recipient of donated inaccessible buses. This would be a violation of the ADA. S. Rpt. 101-116, at 46; H. Rpt. 101-486, at 87.

Entities interested in accepting donated vehicles must submit a request to FTA to verify that the transaction is a donation.

There is one situation, in which a vehicle has prior use is not treated as a used vehicle. If a vehicle has been remanufactured, and it is within the period of the extension of its useful life, it is not viewed as a used vehicle (see H. Rept. 101-485, Pt 1 at 27). During this period, such a vehicle may be acquired by another entity without going through the good faith efforts process. This is because, at the time of its remanufacture, the bus would have been made as accessible if feasible. When the vehicle has completed its extended useful life (e.g., the beginning of year six when its useful life has extended five years), it becomes subject to used bus requirements.

Section 37.75 Remanufacture of Non-Rail Vehicles and Purchase or Lease of Remanufactured Non-rail Vehicles by Public Entities Operating Fixed Route Systems

This section tracks the statute closely, and contains the following provisions. First, it requires any public entity operating a fixed route system to purchase an accessible vehicle if the acquisition occurs after August 25, 1990, if the vehicle is remanufactured after August 25, 1990, or the entity contracts or undertakes the remanufacture of a vehicle after August 25, 1990. The ADA legislative history makes it clear that remanufacture is to include changes to the structure of the vehicle which extend the useful life of the vehicle for five years. It clearly is not intended to capture things such as engine overhauls and the like.

The term remanufacture, as used in the ADA context, is different from the use of the term in previously issued FTA guidance. The term has a specific meaning under the ADA:

there must be structural work done to the vehicle and the work must extend the vehicle's useful life by five years.

The ADA imposes no requirements on what FTA traditionally considers bus rehabilitation. Such work involves rebuilding a bus to original specifications and focuses on mechanical systems and interiors. Often this work includes replacing components. It is less extensive than remanufacture.

The statute, and the rule, includes an exception for the remanufacture of historical vehicles. This exception applies to the remanufacture of or purchase of a remanufactured vehicle that (1) is of historic character; (2) operates solely on a segment of a fixed route system which is on the National Register of Historic Places; and (3) making the vehicle accessible would significantly alter the historic character of the vehicle. The exception only extends to the remanufacture that would alter the historic character of the vehicle. All modifications that can be made without altering the historic character (such as slip resistant flooring) must be done.

Section 37.77 Purchase or Lease of New Non-Rail Vehicles by Public Entities Operating a Demand Responsive System for the General Public

Section 224 of the ADA requires that a public entity operating a demand responsive system purchase or lease accessible new vehicles, for which a solicitation is made after August 25, 1990, unless 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 provided to individuals without disabilities. This section is the same as the October 4, 1990 final rule which promulgated the immediately effective acquisition requirements of the ADA.

The Department has been asked to clarify what "accessible when viewed in its entirety" means in the context of a demand responsive system being allowed to purchase an inaccessible vehicle. First, it is important to note that this exception applies only to demand responsive systems (and not fixed route systems). The term "equivalent service" was discussed during the passage of the ADA. Material from the legislative history indicates that "when viewed in its entirety/equivalent service" means that "when all aspects of a transportation system are analyzed, equal opportunities for each individual with a disability to use the transportation system must exist. (H. Rept. 101-184, Pt. 2, at 95; S. Rept. 101-116 at 54). For example, both reports said that "the time delay between a phone call to access the demand responsive system and pick up the individual is not greater because the individual needs a lift or ramp or other accommodation to access the vehicle." (*Id.*)

Consistent with this, the Department has specified certain service criteria that are to be used when determining if the service is equivalent. As in previous rulemakings on this provision, the standards (which include service area, response time, fares, hours and days of service, trip purpose restrictions, information and reservations capability, and other capacity constraints) are not absolute standards. They do not say, for example, that a person with a disability must be picked up in a specified number of hours. The requirement is that there must be equivalent service for all passengers, whether or not they have a disability. If the system provides service to persons without disabilities within four hours of a call for service, then passengers with disabilities must be afforded the same service.

The Department has been asked specifically where an entity should send its "equivalent level of service" certifications. We provide the following: Equivalent level of service certifications should be submitted to the state program office if you are a public entity receiving FTA funds through the state. All other entities should submit their equivalent level of service certifications to the FTA regional office (listed in appendix B of this part). Certifications must be submitted before the acquisition of the vehicles.

Paragraph (e) of this section authorizes a waiver for the unavailability of lifts. Since demand responsive systems need not purchase accessible vehicles if they can certify equivalent service, the Department has been asked what this provision is doing in this section.

Paragraph (e) applies in the case in which an entity operates a demand responsive system, which is not equivalent, and the entity cannot find accessible vehicles to acquire. In this case, the waiver provisions applicable to a fixed route entity purchasing or leasing inaccessible new vehicles applies to the demand responsive operator as well.

Section 37.79 Purchase or Lease of New Rail Vehicles by Public Entities Operating Rapid or Light Rail Systems

This section echoes the requirement of §37.71—all new rail cars must be accessible.

Section 37.81 Purchase or Lease of Used Rail Vehicles by Public Entities Operating Rapid or Light Rail Systems

This section lays out the requirements for a public entity acquiring a used rail vehicle. The requirements and standards are the same as those specified for non-rail vehicles in §37.73. While we recognize it may create difficulties for entities in some situations, the statute does not include any extension or short-term leases. The Department will consider, in a case-by-case basis, how the good faith efforts requirement would apply in the

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case of an agreement between rail carriers to permit quick-response, short-term leases of cars over a period of time.

Section 37.83 Remanufacture of Rail Vehicles and Purchase or Lease of Remanufactured Rail Vehicles by Public Entities Operating Rapid or Light Rail System

This section parallels the remanufacturing section for buses, including the exception for historical vehicles. With respect to an entity having a class of historic vehicles that may meet the standards for the historic vehicle exception (e.g., San Francisco cable cars), the Department would not object to a request for application of the exception on a system-wide, as approved to car-by-car, basis.

Section 37.85 Purchase or Lease of New Intercity and Commuter Rail Cars

This section incorporates the statutory requirement that new intercity and commuter rail cars be accessible. The specific accessibility provisions of the statute (for example, there are slightly different requirements for intercity rail cars versus commuter rail cars) are specified in part 38 of this regulation. These standards are adopted from the voluntary guidelines issued by the Access Board. The section basically parallels the acquisition requirements for buses and other vehicles. It should be noted that the definition of commuter rail operator clearly allows for additional operators to qualify as commuter, since the definition describes the functional characteristics of an operator, as well as listing existing commuter rail operators.

We would point out that the ADA applies this requirement to all new vehicles. This includes not only vehicles and systems that currently are being operated in the U.S., but new, experimental, or imported vehicles and systems. The ADA does not stand in the way of new technology, but it does require that new technology, and the benefits it brings, be accessible to all persons, including those with disabilities. This point applies to all vehicle acquisition provisions of this regulation, whether for rail or non-rail, private or public, fixed route or demand responsive vehicles and systems.

Section 37.87 Purchase or Lease of Used Intercity and Commuter Rail Cars

The section also parallels closely the requirements in the ADA for the purchase or lease of accessible used rail vehicles. We acknowledge that, in some situations, the statutory requirement for to make good faith efforts to acquire accessible used vehicles may create difficulties for rail operators attempting to lease rail cars quickly for a short time (e.g., as fill-ins for cars which need repairs). In some cases, it may be possible to mitigate

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these difficulties through means such as making good faith efforts with respect to an overall agreement between two rail operators to make cars available to one another when needed, rather than each time a car is provided under such an agreement.

Section 37.89 Remanufacture of Intercity and Commuter Rail Cars

This section requires generally that remanufactured cars be made accessible, to the maximum extent feasible. Feasible is defined in paragraph (c) of the section to be "unless an engineering analysis demonstrates that remanufacturing the car to be accessible would have a significant adverse effect on the structural integrity of the car." Increased cost is not a reason for viewing other sections of this subpart concerning remanufactured vehicles.

In addition, this section differs from the counterpart sections for non-rail vehicles and light and rapid rail vehicles in two ways. First, the extension of useful life needed to trigger the section is ten rather than five years. Second, there is no historic vehicle exception. Both of these differences are statutory.

Remanufacture of vehicles implies work that extends their expected useful life of the vehicle. A mid-life overhaul, not extending the total useful life of the vehicle, would not be viewed as a remanufacture of the vehicle.

Section 37.93 One Car Per Train Rule

This section implements the statutory directive that all rail operators (light, rapid, commuter and intercity) have at least one car per train accessible to persons with disabilities, including individuals who use wheelchairs by July 26, 1995. (See ADA sections 242(a)(1), 242(b)(1), 228(b)(1).) Section 37.93 contains this general requirement. In some cases, entities will meet the one-car-per train rule through the purchase of new cars. In this case, since all new rail vehicles have to be accessible, compliance with this provision is straightforward.

However, certain entities may not be purchasing any new vehicles by July 26, 1995, or may not be purchasing enough vehicles to ensure that one car per train is accessible. In these cases, these entities will have to retrofit existing cars to meet this requirement. What a retrofitted car must look like to meet the requirement has been decided by the Access Board. These standards are contained in part 38 of this rule.

We would point that, consistent with the Access Board standards, a rail system using mini-high platforms or wayside lifts is not required, in most circumstances, to "double-stop" in order to give passengers a chance to board the second or subsequent car in a train at the mini-high platform or way-side lift.

The only exception to this would be a situation in which all the wheelchair positions spaces in the first car were occupied. In this case, the train would have to double-stop to allow a wheelchair user to board, rather than passing the person by when there was space available in other than the first car.

Section 37.95 Ferries and Other Passenger Vessels

Although at this time there are no specific requirements for vessels, ferries and other passenger vessels operated by public entities are subject to the requirements of §37.5 of this part and applicable requirements of 28 CFR part 35, the DOJ rule under title II of the ADA.

SUBPART E—ACQUISITION OF ACCESSIBLE VEHICLES BY PRIVATE ENTITIES

Section 37.101 Purchase or Lease of Non-Rail Vehicles by Private Entities Not Primarily Engaged in the Business of Transporting People

Section 37.103 Purchase or Lease of New Non-Rail Vehicles by Private Entities Primarily Engaged in the Business of Transporting People

Section 37.105 Equivalent Service Standard

The first two sections spell out the distinctions among the different types of service elaborated in the ADA and requirements that apply to them. For clarity, we provide the following chart.

PRIVATE ENTITIES “NOT PRIMARILY ENGAGED”

System type	Vehicle capacity	Requirement
Fixed Route	Over 16	Acquire accessible vehicle.
Fixed Route	16 or less	Acquire accessible vehicle, or equivalency.
Demand Responsive.	Over 16	Acquire accessible vehicle, or equivalency.
Demand Responsive.	16 or less	Equivalency—see §37.171.

PRIVATE ENTITIES “PRIMARILY ENGAGED”

System type	Vehicle type/capacity	Requirement
Fixed route	All new vehicles except auto, van with less than 8 capacity, or over the road bus.	Acquire accessible vehicle.
Demand responsive.	Same as above ...	Acquire accessible vehicle, or equivalency.
Either fixed route or demand responsive.	New vans with a capacity of less than 8.	Same as above.

Equivalency, for purposes of these requirements, is spelled out in §37.105. It is important to note that some portions of this section (referring to response time, reservations capacity, and restrictions on trip purpose) apply only to demand responsive systems. Another provision (schedules/headways) applies only to fixed route systems. This is because these points of comparison apply only to one or the other type system. The remaining provisions apply to both kinds of systems.

In applying the provisions this section, it is important to note that they are only points of comparison, not substantive criteria. For example, unlike the response time criterion of §37.131, this section does not require that a system provide any particular response time. All it says is that, in order for there to be equivalency, if the demand responsive system gets a van to a non-disabled person in 2 hours, or 8 hours, or a week and a half after a call for service, the system must get an accessible van to a person with a disability in 2 hours, or 8 hours, or a week and a half.

The vehicle acquisition and equivalency provisions work together in the following way. A private entity is about to acquire a vehicle for a transportation service in one of the categories to which equivalency is relevant. The entity looks at its present service (considered without regard to the vehicle it plans to acquire). Does the present service meet the equivalency standard? (In answering this question, the point of reference is the next potential customer who needs an accessible vehicle. The fact that such persons have not called in the past is irrelevant). If not, the entity is required to acquire an accessible vehicle. If so, the entity may acquire an accessible or an inaccessible vehicle. This process must be followed every time the entity purchases or leases a vehicle. Given changes in the mixes of both customers and vehicles, the answer to the question about equivalency will probably not be the same for an entity every time it is asked.

One difference between the requirements for “private, not primarily” and “private, primarily” entities is that the requirements apply to all vehicles purchased or leased for the former, but only to new vehicles for the latter. This means that entities in the latter category are not required to acquire accessible vehicles when they purchase or lease used vehicles. Another oddity in the statute which entities should note is that the requirement for “private, primarily” entities to acquire accessible vans with less than eight passenger capacity (or provide equivalent service) does not become effective until after February 25, 1992 (This also date also applies no private entities “primarily engaged” which purchase passenger rail cars). All other vehicle acquisition requirements are effective after August 25, 1990.

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The Department views the line between “private, primarily” and “private, not primarily” entities as being drawn with respect to the bus, van, or other service which the entity is providing. For example, there is an obvious sense in which an airline or car rental company is primarily engaged in the business of transporting people. If the airline or car rental agency runs a shuttle bus from the airport terminal to a downtown location or a rental car lot, however, the Department views that shuttle service as covered by the “private, not primarily” requirements of the rule (see discussion of the Applicability sections above). This is because the airline or car rental agency is not primarily engaged in the business of providing transportation by bus or van. The relationship of the bus or van service to an airline’s main business is analogous to that of a shuttle to a hotel. For this purpose, it is of only incidental interest that the main business of the airline is flying people around the country instead of putting them up for the night.

Section 37.109 Ferries and Other Passenger Vessels

Although at this time there are no specific requirements for vessels, ferries and other passenger vessels operated by private entities are subject to the requirements of §37.5 of this part and applicable requirements of 28 CFR part 36, the DOJ rule under title III of the ADA.

SUBPART F—PARATRANSIT AS A COMPLEMENT TO FIXED ROUTE SERVICE

Section 37.121 Requirement for Comparable Complementary Paratransit Service

This section sets forth the basic requirement that all public entities who operate a fixed route system have to provide paratransit service that is both comparable and complementary to the fixed route service. By “complementary,” we mean service that acts as a “safety net” for individuals with disabilities who cannot use the fixed route system. By “comparable,” we mean service that meets the service criteria of this subpart.

This requirement applies to light and rapid rail systems as well as to bus systems, even when rail and bus systems share all or part of the same service area. Commuter bus, commuter rail and intercity rail systems do not have to provide paratransit, however. The remaining provisions of subpart F set forth the details of the eligibility requirements for paratransit, the service criteria that paratransit systems must meet, the planning process involved, and the procedures for applying for waivers based on undue financial burden.

Paratransit may be provided by a variety of modes. Publicly operated dial-a-ride vans, service contracted out to a private paratransit provider, user-side subsidy programs,

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or any combination of these and other approaches is acceptable. Entities who feel it necessary to apply for an undue financial burden waiver should be aware that one of the factors FTA will examine in evaluating waiver requests is efficiencies the provider could realize in its paratransit service. Therefore, it is important for entities in this situation to use the most economical and efficient methods of providing paratransit they can devise.

It is also important for them to establish and consistently implement strong controls against fraud, waste and abuse in the paratransit system. Fraud, waste and abuse can drain significant resources from a system and control of these problems is an important “efficiency for any paratransit system. It will be difficult for the Department to grant an undue financial burden waiver to entities which do not have a good means of determining if fraud, waste and abuse are problems and adequate methods of combating these problems, where they are found to exist.

Section 37.123 ADA Paratransit Eligibility—Standards

General Provisions

This section sets forth the minimum requirements for eligibility for complementary paratransit service. All fixed route operators providing complementary paratransit must make service available at least to individuals meeting these standards. The ADA does not prohibit providing paratransit service to anyone. Entities may provide service to additional persons as well. Since only service to ADA eligible persons is required by the rule, however, only the costs of this service can be counted in the context of a request for an undue financial burden waiver.

When the rule says that ADA paratransit eligibility shall be strictly limited to persons in the eligible categories, then, it is not saying that entities are in any way precluded from serving other people. It is saying that the persons who must be provided service, and counting the costs of providing that service, in context of an undue burden waiver, are limited to the regulatory categories.

TEMPORARY DISABILITIES

Eligibility may be based on a temporary as well as a permanent disability. The individual must meet one of the three eligibility criteria in any case, but can do so for a limited period of time. For example, if an individual breaks both legs and is in two casts for several weeks, becomes a wheelchair user for the duration, and the bus route that would normally take him to work is not accessible, the individual could be eligible under the second eligibility category. In granting eligibility to such a person, the entity should establish an expiration date for

eligibility consistent with the expected end of the period disability.

TRIP-BY-TRIP ELIGIBILITY

A person may be ADA paratransit eligible for some trips but not others. Eligibility does not inhere in the individual or his or her disability, as such, but in meeting the functional criteria of inability to use the fixed route system established by the ADA. This inability is likely to change with differing circumstances.

For example, someone whose impairment-related condition is a severe sensitivity to temperatures below 20 degrees is not prevented from using fixed route transit when the temperature is 75 degrees. Someone whose impairment-related condition is an inability to maneuver a wheelchair through snow is not prevented from using fixed route transit when there is no snow on the ground. Someone with a cognitive disability may have learned to take the same bus route to a supported employment job every day. This individual is able to navigate the system for work purposes and therefore would not be eligible for paratransit for work trips. But the individual may be unable to get to other destinations on the bus system without getting lost, and would be eligible for paratransit for non-work trips. Someone who normally drives his own car to a rail system park and ride lot may have a specific impairment related condition preventing him from getting to the station when his car is in the shop. A person who can use accessible fixed route service can go to one destination on an accessible route; another destination would require the use of an inaccessible route. The individual would be eligible for the latter but not the former.

In many cases, though the person is eligible for some trips but not others, eligibility determinations would not have to be made literally on a trip-by-trip basis. It may often be possible to establish the conditions on eligibility as part of the initial eligibility determination process. Someone with a temperature sensitivity might be granted seasonal eligibility. Somebody who is able to navigate the system for work but not non-work trips could have this fact noted in his or her eligibility documentation. Likewise, someone with a variable condition (e.g., multiple sclerosis, HIV disease, need for kidney dialysis) could have their eligibility based on the underlying condition, with paratransit need for a particular trip dependent on self-assessment or a set of medical standards (e.g., trip within a certain amount of time after a dialysis session). On the other hand, persons in the second eligibility category (people who can use accessible fixed route service where it exists) would be given service on the basis of the particular route they would use for a given trip.

Because entities are not precluded from providing service beyond that required by the rule, an entity that believes it is too difficult to administer a program of trip-by-trip eligibility is not required to do so. Nothing prevents an entity from providing all requested trips to a person whom the ADA requires to receive service for only some trips. In this case, if the entity intends to request an undue financial burden waiver, the entity, as provided in the undue burden provisions of this rule, must estimate, by a statistically valid technique, the percentage of its paratransit trips that are mandated by the ADA. Only that percentage of its total costs will be counted in considering the undue burden waiver request.

CATEGORY 1 ELIGIBILITY

The first eligibility category includes, among others, persons with mental or visual impairments who, as a result, cannot "navigate the system." This eligibility category includes people who cannot board, ride, or disembark from an accessible vehicle "without the assistance of another individual." This means that, if an individual needs an attendant to board, ride, or disembark from an accessible fixed route vehicles (including "navigating the system"), the individual is eligible for paratransit. One implication of this language is that an individual does not lose paratransit eligibility based on "inability to navigate the system" because the individual chooses to travel with a friend on the paratransit system (even if the friend could help the person navigate the fixed route system). Eligibility in this category is based on ability to board, ride, and disembark independently.

Mobility training (e.g., of persons with mental or visual impairments) may help to improve the ability of persons to navigate the system or to get to a bus stop. Someone who is successfully mobility trained to use the fixed route system for all or some trips need not be provided paratransit service for those trips. The Department encourages entities to sponsor such training as a means of assisting individuals to use fixed route rather than paratransit.

CATEGORY 2 ELIGIBILITY

The second eligibility criterion is the broadest, with respect to persons with mobility impairments, but its impact should be reduced over time as transit systems become more accessible. This category applies to persons who could use accessible fixed route transportation, but accessible transportation is not being used at the time, and on the route, the persons would travel. This concept is route based, not system based.

Speaking first of bus systems, if a person is traveling from Point A to Point B on route 1, and route 1 is accessible, the person is not

eligible for paratransit for the trip. This is true even though other portions of the system are still inaccessible. If the person is traveling from Point A to Point C on route 2, which is not accessible, the person is eligible for that trip. If the person is traveling from Point A to Point B on accessible route 1, with a transfer at B to go on inaccessible route 3 to Point D, then the person is eligible for the second leg of the trip. (The entity could choose to provide a paratransit trip from A to D or a paratransit or on-call bus trip from B to D.)

For purposes of this standard, we view a route as accessible when all buses scheduled on the route are accessible. Otherwise, it is unlikely that an accessible vehicle could be provided “within a reasonable period of [a] time” when the individual wants to travel, as the provision requires. We recognize that some systems’ operations may not be organized in a way that permits determining whether a given route is accessible, even though a route-by-route determination appears to be contemplated by the statute. In such cases, it may be that category 2 eligibility would persist until the entire system was eligible.

With respect to a rail system, an individual is eligible under this standard if, on the route or line he or she wants to use, there is not yet one car per train accessible or if key stations are not yet accessible. This eligibility remains even if bus systems covering the area served by the rail system have become 100 percent accessible. This is necessary because people use rail systems for different kinds of trips than bus systems. It would often take much more in the way of time, trouble, and transfers for a person to go on the buses of one or more transit authorities than to have a direct trip provided by the rail operator. Since bus route systems are often designed to feed rail systems rather than duplicate them, it may often be true that “you can’t get there from here” relying entirely on bus routes or the paratransit service area that parallels them.

If the lift on a vehicle cannot be deployed at a particular stop, an individual is eligible for paratransit under this category with respect to the service to the inaccessible stop. If on otherwise accessible route 1, an individual wants to travel from Point A to Point E, and the lift cannot be deployed at E, the individual is eligible for paratransit for the trip. (On-call bus would not work as a mode of providing this trip, since a bus lift will not deploy at the stop.) This is true even though service from Point A to all other points on the line is fully accessible. In this circumstance, the entity should probably think seriously about working with the local government involved to have the stop moved or made accessible.

When we say that a lift cannot be deployed, we mean literally that the mecha-

nism will not work at the location to permit a wheelchair user or other person with a disability to disembark or that the lift will be damaged if it is used there. It is not consistent with the rule for a transit provider to declare a stop off-limits to someone who uses the lift while allowing other passengers to use the stop. However, if temporary conditions not under the operator’s control (e.g., construction, an accident, a landslide) make it so hazardous for anyone to disembark that the stop is temporarily out of service for all passengers may the operator refuse to allow a passenger to disembark using the lift.

CATEGORY 3 ELIGIBILITY

The third eligibility criterion concerns individuals who have a specific impairment-related condition which prevents them from getting to or from a stop or station. As noted in the legislative history of the ADA, this is intended to be a “very narrow exception” to the general rule that difficulty in traveling to or from boarding or disembarking locations is not a basis for eligibility.

What is a specific impairment-related condition? The legislative history mentions four examples: Chronic fatigue, blindness, a lack of cognitive ability to remember and follow directions, or a special sensitivity to temperature. Impaired mobility, severe communications disabilities (e.g., a combination of serious vision and hearing impairments), cardiopulmonary conditions, or various other serious health problems may have similar effects. The Department does not believe that it is appropriate, or even possible, to create an exhaustive list.

What the rule uses as an eligibility criterion is not just the existence of a specific impairment-related condition. To be a basis for eligibility, the condition must prevent the individual from traveling to a boarding location or from a disembarking location. The word “prevent” is very important. For anyone, going to a bus stop and waiting for a bus is more difficult and less comfortable than waiting for a vehicle at one’s home. This is likely to be all the more true for an individual with a disability. But for many persons with disabilities, in many circumstances, getting to a bus stop is possible. If an impairment related condition only makes the job of accessing transit more difficult than it might otherwise be, but does not prevent the travel, then the person is not eligible.

For example, in many areas, there are not yet curb cuts. A wheelchair user can often get around this problem by taking a less direct route to a destination than an ambulatory person would take. That involves more time, trouble, and effort than for someone without a mobility impairment. But the person can still get to the bus stop. On the basis of these architectural barriers, the person would not be eligible.

Entities are cautioned that, particularly in cases involving lack of curb cuts and other architectural barrier problems, assertions of eligibility should be given tight scrutiny. Only if it is apparent from the facts of a particular case that an individual cannot find a reasonable alternative path to a location should eligibility be granted.

If we add a foot of snow to the scenario, then the same person taking the same route may be unable to get to the bus stop. It is not the snow alone that stops him; it is the interaction of the snow and the fact that the individual has a specific-impairment related condition that requires him to push a wheelchair through the snow that prevents the travel.

Inevitably, some judgment is required to distinguish between situations in which travel is prevented and situations in which it is merely made more difficult. In the Department's view, a case of "prevented travel" can be made not only where travel is literally impossible (e.g., someone cannot find the bus stop, someone cannot push a wheelchair through the foot of snow or up a steep hill) but also where the difficulties are so substantial that a reasonable person with the impairment-related condition in question would be deterred from making the trip.

The regulation makes the interaction between an impairment-related condition and the environmental barrier (whether distance, weather, terrain, or architectural barriers) the key to eligibility determinations. This is an individual determination. Depending on the specifics of their impairment-related condition, one individual may be able to get from his home to a bus stop under a given set of conditions, while his next-door neighbor may not.

COMPANIONS

The ADA requires entities to provide paratransit to one person accompanying the eligible individual, with others served on a space-available basis. The one individual who is guaranteed space on the vehicle can be anyone—family member, business associate, friend, date, etc. The provider cannot limit the eligible individual's choice of type of companion. The transit authority may require that the eligible individual reserve a space for the companion when the individual reserves his or her own ride. This one individual rides even if this means that there is less room for other eligible individuals. Additional individuals beyond the first companion are carried only on a space available basis; that is, they do not displace other ADA paratransit eligible individuals.

A personal care attendant (i.e., someone designated or employed specifically to help the eligible individual meet his or her personal needs) always may ride with the eligible individual. If there is a personal care attendant on the trip, the eligible individual

may still bring a companion, plus additional companions on a space available basis. The entity may require that, in reserving the trip, the eligible individual reserve the space for the attendant.

To prevent potential abuse of this provision, the rule provides that a companion (e.g., friend or family member) does not count as a personal care attendant unless the eligible individual regularly makes use of a personal care attendant and the companion is actually acting in that capacity. As noted under §37.125, a provider may require that, as part of the initial eligibility certification process, an individual indicate whether he or she travels with a personal care attendant. If someone does not indicate the use of an attendant, then any individual accompanying him or her would be regarded simply as a companion.

To be viewed as "accompanying" the eligible individual, a companion must have the same origin and destination points as the eligible individual. In appropriate circumstances, entities may also wish to provide service to a companion who has either an origin or destination, but not both, with the eligible individual (e.g., the individual's date is dropped off at her own residence on the return trip from a concert).

Section 37.125 ADA Paratransit Eligibility— Process

This section requires an eligibility process to be established by each operator of complementary paratransit. The details of the process are to be devised through the planning and public participation process of this subpart. 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.

The process may include functional criteria related to the substantive eligibility criteria of §37.123 and, where appropriate, functional evaluation or testing of applicants. The substantive eligibility process is not aimed at making a medical or diagnostic determination. While evaluation by a physician (or professionals in rehabilitation or other relevant fields) may be used as part of the process, a diagnosis of a disability is not dispositive. What is needed is a determination of whether, as a practical matter, the individual can use fixed route transit in his or her own circumstances. That is a transportation decision primarily, not a medical decision.

The goal of the process is to ensure that only people who meet the regulatory criteria, strictly applied, are regarded as ADA paratransit eligible. The Department recognizes that transit entities may wish to provide service to other persons, which is not

prohibited by this rule. However, the eligibility process should clearly distinguish those persons who are ADA eligible from those who are provided service on other grounds. For example, eligibility documentation must clearly state whether someone is ADA paratransit eligible or eligible on some other basis.

Often, people tend to think of paratransit exclusively in terms of people with mobility impairments. Under the ADA, this is not accurate. Persons with visual impairments may be eligible under either the first or third eligibility categories. 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.

When a person applies for eligibility, the entity will provide all the needed forms and instructions. These forms and instructions may include a declaration of whether the individual travels with a personal care attendant. The entity may make further inquiries concerning such a declaration (e.g., with respect to the individual's actual need for a personal care attendant).

When the application process is complete—all necessary actions by the applicant taken—the entity should process the application in 21 days. If it is unable to do so, it must begin to provide service to the applicant on the 22nd day, as if the application had been granted. Service may be terminated only if and when the entity denies the application. All determinations shall be in writing; in the case of a denial, reasons must be specified. The reasons must specifically relate the evidence in the matter to the eligibility criteria of this rule and of the entity's process. A mere recital that the applicant can use fixed route transit is not sufficient.

For people granted eligibility, the documentation of eligibility shall include at least the following information:

- The individual's name
- The name of the transit provider
- The telephone number of the entity's paratransit coordinator
- An expiration date for eligibility
- Any conditions or limitations on the individual's eligibility, including the use of a personal care attendant.

The last point refers to the situation in which a person is eligible for some trips but not others. Or if the traveler is authorized to

have a personal care attendant ride free of charge. For example, the documentation may say that the individual is eligible only when the temperature falls below a certain point, or when the individual is going to a destination not on an accessible bus route, or for non-work trips, etc.

As the mention of an expiration date implies, certification is not forever. The entity may recertify eligibility at reasonable intervals to make sure that changed circumstances have not invalidated or changed the individual's eligibility. In the Department's view, a reasonable interval for recertification is probably between one and three years. Less than one year would probably be too burdensome for consumers; over three years would begin to lose the point of doing recertifications. The recertification interval should be stated in the entity's plan. Of course, a user of the service can apply to modify conditions on his or her eligibility at any time.

The administrative appeal process is intended to give applicants who have been denied eligibility the opportunity to have their cases heard by some official other than the one who turned them down in the first place. In order to have appropriate separation of functions—a key element of administrative due process—not only must the same person not decide the case on appeal, but that person, to the extent practicable, should not have been involved in the first decision (e.g., as a member of the same office, or a supervisor or subordinate of the original decisionmaker). When, as in the case of a small transit operator, this degree of separation is not feasible, the second decisionmaker should at least be "bubbled" with respect to the original decision (i.e., not have participated in the original decision or discussed it with the original decisionmaker). In addition, there must be an opportunity to be heard in person as well as the chance to present written evidence and arguments. All appeals decisions must be in writing, stating the reasons for the decision.

To prevent the filing of stale claims, the entity may establish a 60 day "statute of limitations" on filing of appeals, the time starting to run on the date the individual is notified on the negative initial decision. After the appeals process has been completed (i.e., the hearing and/or written submission completed), the entity should make a decision within 30 days. If it does not, the individual must be provided service beginning the 31st day, until and unless an adverse decision is rendered on his or her appeal.

Under the eligibility criteria of the rule, an individual has a right to paratransit if he or she meets the eligibility criteria. As noted in the discussion of the nondiscrimination section, an entity may refuse service to an individual with a disability who engages in violent, seriously disruptive, or illegal

conduct, using the same standards for exclusion that would apply to any other person who acted in such an inappropriate way.

The rule also allows an entity to establish a process to suspend, for a reasonable period of time, the provision of paratransit service to an ADA eligible person who establishes a pattern or practice of missing scheduled trips. The purpose of this process would be to deter or deal with chronic “no-shows.” The sanction system—articulated criteria for the imposition of sanctions, length of suspension periods, details of the administrative process, etc.—would be developed through the public planning and participation process for the entity’s paratransit plan, and the result reflected in the plan submission to FTA.

It is very important to note that sanctions could be imposed only for a “pattern or practice” of missed trips. A pattern or practice involves intentional, repeated or regular actions, not isolated, accidental, or singular incidents. Moreover, only actions within the control of the individual count as part of a pattern or practice. Missed trips due to operator error are not attributable to the individual passenger for this purpose. If the vehicle arrives substantially after the scheduled pickup time, and the passenger has given up on the vehicle and taken a taxi or gone down the street to talk to a neighbor, that is not a missed trip attributable to the passenger. If the vehicle does not arrive at all, or is sent to the wrong address, or to the wrong entrance to a building, that is not a missed trip attributable to the passenger. There may be other circumstances beyond the individual’s control (e.g., a sudden turn for the worse in someone with a variable condition, a sudden family emergency) that make it impracticable for the individual to travel at the scheduled time and also for the individual to notify the entity in time to cancel the trip before the vehicle comes. Such circumstances also would not form part of a sanctionable pattern or practice.

Once an entity has certified someone as eligible, the individual’s eligibility takes on the coloration of a property right. (This is not merely a theoretical statement. If one depends on transportation one has been found eligible for to get to a job, and the eligibility is removed, one may lose the job. The same can be said for access to medical care or other important services.) Consequently, before eligibility may be removed “for cause” under this provision, the entity must provide administrative due process to the individual.

If the entity proposes to impose sanctions on someone, it must first notify the individual in writing (using accessible formats where necessary). The notice must specify the basis of the proposed action (e.g., Mr. Smith scheduled trips for 8 a.m. on May 15, 2 p.m. on June 3, 9 a.m. on June 21, and 9:20 p.m. on July 10, and on each occasion the ve-

hicle appeared at the scheduled time and Mr. Smith was nowhere to be found) and set forth the proposed sanction (e.g., Mr. Smith would not receive service for 15 days).

The entity would provide the individual an opportunity to be heard (i.e., an in-person informal hearing before a decisionmaker) as well as to present written and oral information and arguments. All relevant entity records and personnel would be made available to the individual, and other persons could testify. It is likely that, in many cases, an important factual issue would be whether a missed trip was the responsibility of the provider or the passenger, and the testimony of other persons and the provider’s records or personnel are likely to be relevant in deciding this issue. While the hearing is intended to be informal, the individual could bring a representative (e.g., someone from an advocacy organization, an attorney).

The individual may waive the hearing and proceed on the basis of written presentations. If the individual does not respond to the notice within a reasonable time, the entity may make, in effect, a default finding and impose sanctions. If there is a hearing, and the individual needs paratransit service to attend the hearing, the entity must provide it. We would emphasize that, prior to a finding against the individual after this due process procedure, the individual must continue to receive service. The entity cannot suspend service while the matter is pending.

The entity must notify the individual in writing about the decision, the reasons for it, and the sanctions imposed, if any. Again, this information would be made available in accessible formats. In the case of a decision adverse to the individual, the administrative appeals process of this section would apply. The sanction would be stayed pending an appeal.

There are means other than sanctions, however, by which a transit provider can deal with a “no-show” problem in its system. Providers who use “real time scheduling” report that this technique is very effective in reducing no-shows and cancellations, and increasing the mix of real time scheduling in a system can probably be of benefit in this area. Calling the customer to reconfirm a reasonable time before pickup can head off some problems, as can educating consumers to call with cancellations ahead of time. Training of dispatch and operator personnel can help to avoid miscommunications that lead to missed trips.

Section 37.127 Complementary Paratransit 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.

A visitor is defined as someone who does not reside in the jurisdiction or jurisdictions served by the public entity or other public entities with which it coordinates paratransit service. For example, suppose a five-county metropolitan area provides coordinated paratransit service under a joint plan. A resident of any of the five counties would not be regarded as a visitor in any of them. Note that the rule talks in terms of "jurisdiction" rather than "service area." If an individual lives in XYZ County, but outside the fixed route service area of that county's transit provider, the individual is still not a visitor for purposes of paratransit in PQR County, if PQR is one of the counties with which XYZ provides coordinated paratransit service.

A visitor can become eligible in one of two ways. The first is to present documentation from his or her "home" jurisdiction's paratransit system. The local provider will give "full faith and credit" to the ID card or other documentation from the other entity. If the individual has no such documentation, the local provider may require the provision of proof of visitor status (i.e., proof of residence somewhere else) and, if the individual's disability is not apparent, proof of the disability (e.g., a letter from a doctor or rehabilitation professional). Once this documentation is presented and is satisfactory, the local provider will make service available on the basis of the individual's statement that he or she is unable to use the fixed route transit system.

The local provider need serve someone based on visitor eligibility for no more than 21 days. After that, the individual is treated the same as a local person for eligibility purposes. This is true whether the 21 days are consecutive or parceled out over several shorter visits. The local provider may require the erstwhile visitor to apply for eligibility in the usual local manner. A visitor who expects to be around longer than 21 days should apply for regular eligibility as soon as he arrives. The same approach may be used for a service of requested visits totaling 21 days or more in a relating compact period of time. Preferably, this application process should be arranged before the visitor arrives, by letter, telephone or fax, so that a complete application can be processed expeditiously.

Section 37.129 Types of Service

The basic mode of service for complementary paratransit is demand responsive, origin-to-destination service. This service may be provided for persons in any one of the

three eligibility categories, and must always be provided to persons in the first category (e.g., people who cannot navigate the system). The local planning process should decide whether, or in what circumstances, this service is to be provided as door-to-door or curb-to-curb service.

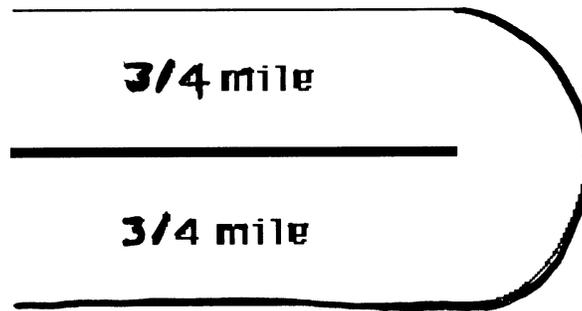
For persons in the second eligibility category (e.g., persons who can use accessible buses, but do not have an accessible bus route available to take them to their destination), origin-to-destination service can be used. Alternatively, the entity can provide either of two other forms of service. One is on-call bus, in which the individual calls the provider and arranges for one or more accessible buses to arrive on the routes he needs to use at the appropriate time. On-call bus service must meet all the service criteria of §37.131, except that on-call buses run only on fixed routes and the fare charged can be only the fixed route fare that anyone pays on the bus (including discounts).

The second option is "feeder paratransit" to an accessible fixed route that will take the individual to his or her destination. Feeder paratransit, again, would have to meet all the criteria of §37.131. With respect to fares, the paratransit fare could be charged, but the individual would not be double charged for the trip. That is, having paid the paratransit fare, the transfer to the fixed route would be free.

For persons in the third eligibility category (e.g., persons who can use fixed route transit but who, because of a specific impairment-related condition, cannot get to or from a stop), the "feeder paratransit" option, under the conditions outlined above, is available. For some trips, it might be necessary to arrange for feeder service at both ends of the fixed route trip. Given the more complicated logistics of such arrangements, and the potential for a mistake that would seriously inconvenience the passenger, the transit provider should consider carefully whether such a "double feeder" system, while permissible, is truly workable in its system (as opposed to a simpler system that used feeder service only at one end of a trip when the bus let the person off at a place from which he or she could independently get to the destination). There may be some situations in which origin to destination service is easier and less expensive.

Section 37.131 Service Criteria for Complementary Paratransit Service Area

The basic bus system service area is a corridor with a width of $\frac{3}{4}$ of a mile on each side of each fixed route. At the end of a route, there is a semicircular "cap" on the corridor, consisting of a three-quarter mile radius from the end point of the route to the parallel sides of the corridor.



Complementary paratransit must provide service to any origin or destination point within a corridor fitting this description around any route in the bus system. Note that this does not say that an eligible user must live within a corridor in order to be eligible. If an individual lives outside the corridor, and can find a way of getting to a pickup point within the corridor, the service must pick him up there. The same holds true at the destination end of the trip.

Another concept involved in this service criterion is the core service area. Imagine a bus route map of a typical city. Color the bus routes and their corridors blue, against the white outline map. In the densely populated areas of the city, the routes (which, with their corridors attached, cut 1½ mile swaths) merge together into a solid blue mass. There are few, if any, white spots left uncovered, and they are likely to be very small. Paratransit would serve all origins and destinations in the solid blue mass.

But what of the little white spots surrounded by various bus corridors? Because it would make sense to avoid providing service to such small isolated areas, the rule requires paratransit service there as well. So color them in too.

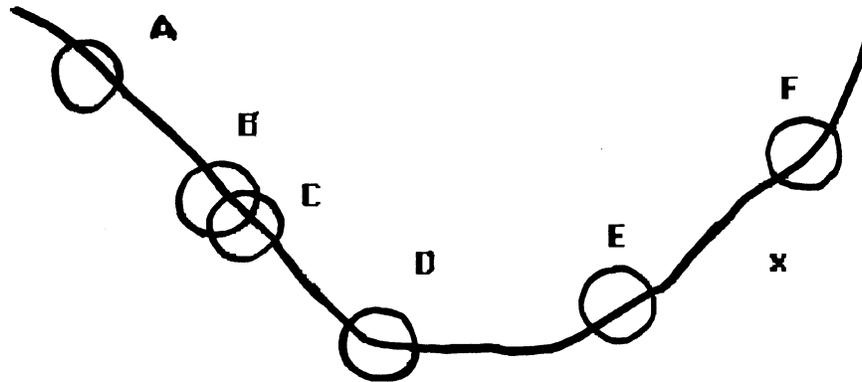
Outside the core area, though, as bus routes follow radial arteries into the suburbs and exurbs (we know real bus route maps are more complicated than this, but we simplify for purposes of illustration), there are increasingly wide white areas between the blue corridors, which may have corridors on either side of them but are not small areas completely surrounded by corridors. These

white spaces are not part of the paratransit service area and the entity does not have to serve origins and destinations there. However, if, through the planning process, the entity wants to enlarge the width of one or more of the blue corridors from the ¾ of a mile width, it can do so, to a maximum of 1½ miles on each side of a route. The cost of service provided within such an expanded corridor can be counted in connection with an undue financial burden waiver request.

There may be a part of the service area where part of one of the corridors overlaps a political boundary, resulting in a requirement to serve origins and destinations in a neighboring jurisdiction which the entity lacks legal authority to service. The entity is not required to serve such origins and destinations, even though the area on the other side of the political boundary is within a corridor. This exception to the service area criterion does not automatically apply whenever there is a political boundary, only when there is a legal bar to the entity providing service on the other side of the boundary.

The rule requires, in this situation, that the entity take all practicable steps to get around the problem so that it can provide service throughout its service area. The entity should work with the state or local governments involved, via coordination plans, reciprocity agreements, memoranda of understanding or other means to prevent political boundaries from becoming barriers to the travel of individuals with disabilities.

The definition of the service area for rail systems is somewhat different, though many of the same concepts apply.



Circle radius = $3/4$ mile

Around each station on the line (whether or not a key station), the entity would draw a circle with a radius of $3/4$ mile. Some circles may touch or overlap. The series of circles is the rail system's service area. (We recognize that, in systems where stations are close together, this could result in a service area that approached being a corridor like that of a bus line.) The rail system would provide paratransit service from any point in one circle to any point in any other circle. The entity would not have to provide service to two points within the same circle, since a trip between two points in the vicinity of the same station is not a trip that typically would be taken by train. Nor would the entity have to provide service to spaces between the circles. For example, a train trip would not get close to point x; one would have to take a bus or other mode of transportation to get from station E or F to point x. A paratransit system comparable to the rail service area would not be required to take someone there either.

Rail systems typically provide trips that are not made, or cannot be made conveniently, on bus systems. For example, many rail systems cross jurisdictional boundaries that bus systems often do not. One can travel from Station A to a relatively distant Station E on a rail system in a single trip, while a bus trip between the same points, if possible at all, may involve a number of indirect routings and transfers, on two bus systems that may not interface especially well.

Rail operators have an obligation to provide paratransit equivalents of trips between circles to persons who cannot use fixed route rail systems because they cannot navigate the system, because key stations or trains

are not yet accessible, or because they cannot access stations from points within the circles because of a specific impairment-related condition. For individuals who are eligible in category 2 because they need an accessible key station to use the system, the paratransit obligation extends only to transportation among "circles" centered on designated key stations (since, even when the key station plan is fully implemented, these individuals will be unable to use non-key stations).

It is not sufficient for a rail operator to refer persons with disabilities to an accessible bus system in the area. The obligation to provide paratransit for a rail system is independent of the operations of any bus system serving the same area, whether operated by the same entity that operates the rail system or a different entity. Obviously, it will be advantageous for bus and rail systems to coordinate their paratransit efforts, but a coordinated system would have to ensure coverage of trips comparable to rail trips that could not conveniently be taken on the fixed route bus system.

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.

The entity may use real time scheduling for all or part of its service. Like the Moliere character who spoke prose all his life without knowing it, many entities may already be using some real time scheduling (e.g., for return trips which are scheduled on a when-needed basis, as opposed to in advance). A number of transit providers who have used real time scheduling believe that it is more efficient on a per-trip basis and reduces cancellations and no-shows significantly. We encourage entities to consider this form of service.

Sometimes users want to schedule service well in advance, to be sure of traveling when they want to. The rule tells providers to permit reservations to be made as much as 14 days in advance. In addition, though an entity may negotiate with a user to adjust pick-up and return trip times to make scheduling more efficient, the entity cannot insist on scheduling a trip more than one hour earlier or later than the individual desires to travel. Any greater deviation from desired trip would exceed the bounds of comparability.

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 mode through which paratransit is provided does not change the method of calculation. For example, if paratransit is provided via user side subsidy taxi service rather than publicly operated dial-a-ride van service, the cost to the user could still be only twice the applicable fixed route fare. 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.

Companions are charged the same fare as the eligible individual they are accompanying. Personal care attendants ride free.

One exception to the fare requirement is made for social service agency (or other organization-sponsored) trips. This exception, which allows the transit provider to negotiate a price with the agency that is more than twice the relevant fixed route fare, applies to "agency trips," by which we mean trips which are guaranteed to the agency for its use. That is, if an agency wants 12 slots for a trip to the mall on Saturday for clients with disabilities, the agency makes the reservation for the trips in its name, the agency will be paying for the transportation, and the trips are reserved to the agency, for whichever 12 people the agency designates, the provider may then negotiate any price it can with the agency for the trips. We distinguish this situation from one in which an agency employee, as a service, calls and makes an individual reservation in the name of a client, where the client will be paying for the transportation.

RESTRICTIONS AND PRIORITIES BASED ON TRIP PURPOSE

This is a simple and straightforward requirement. There can be no restrictions or priorities based on trip purpose in a comparable complementary paratransit system. When a user reserves a trip, the entity will need to know the origin, destination, time of travel, and how many people are traveling. The entity does not need to know why the person is traveling, and should not even ask.

HOURS AND DAYS OF SERVICE

This criterion says simply that if a person can travel to a given destination using a given fixed route at a given time of day, an ADA paratransit eligible person must be able to travel to that same destination on paratransit at that time of day. This criterion recognizes that the shape of the service area can change. Late at night, for example, it is common for certain routes not to be run. Those routes, and their paratransit corridors, do not need to be served with paratransit when the fixed route system is not running on them. One couldn't get to destinations in that corridor by fixed route at those times, so paratransit service is not necessary either.

It should be pointed out that service during low-demand times need not be by the same paratransit mode as during higher usage periods. For example, if a provider

uses its own paratransit vans during high demand periods, it could use a private contractor or user-side subsidy provider during low demand periods. This would presumably be a more efficient way of providing late night service. A call-forwarding device for communication with the auxiliary carrier during these low demand times would be perfectly acceptable, and could reduce administrative costs.

CAPACITY CONSTRAINTS

This provision specifically prohibits two common mechanisms that limit use of a paratransit system so as to constrain demand on its capacity. The first is a waiting list. Typically, a waiting list involves a determination by a provider that it can provide service only to a given number of eligible persons. Other eligible persons are not able to receive service until one of the people being served moves away or otherwise no longer uses the service. Then the persons on the waiting list can move up. The process is analogous to the wait that persons in some cities have to endure to be able to buy season tickets to a sold-out slate of professional football games.

The second mechanism specifically mentioned is a number limit on the trips a passenger can take in a given period of time. It is a kind of rationing in which, for example, if one has taken his quota of 30 trips this month, he cannot take further trips for the rest of the month.

In addition, this paragraph prohibits any operational pattern or practice that significantly limits the availability of service of ADA paratransit eligible persons. As discussed under §37.125 in the context of missed trips by passengers, a "pattern or practice" involves, regular, or repeated actions, not isolated, accidental, or singular incidents. A missed trip, late arrival, or trip denial now and then does not trigger this provision.

Operational problems outside the control of the entity do not count as part of a pattern or practice under this provision. For example, if the vehicle has an accident on the way to pick up a passenger, the late arrival would not count as part of a pattern or practice. If something that could not have been anticipated at the time the trip was scheduled (e.g., a snowstorm, an accident or hazardous materials incident that traps the paratransit vehicle, like all traffic on a certain highway, for hours), the resulting missed trip would not count as part of a pattern or practice. On the other hand, if the entity regularly does not maintain its vehicles well, such that frequent mechanical breakdowns result in missed trips or late arrivals, a pattern or practice may exist. This is also true in a situation in which scheduling practices fail to take into account regularly occurring traffic conditions (e.g., rush hour

traffic jams), resulting in frequent late arrivals.

The rule mentions three specific examples of operational patterns or practices that would violate this provision. The first is a pattern or practice of substantial numbers of significantly untimely pickups (either for initial or return trips). To violate this provision, there must be both a substantial number of late arrivals and the late arrivals in question must be significant in length. For example, a DOT Inspector General's (IG) report on one city's paratransit system disclosed that around 30 percent of trips were between one and five hours late. Such a situation would trigger this provision. On the other hand, only a few instances of trips one to five hours late, or many instances of trips a few minutes late, would not trigger this provision.

The second example is substantial numbers of trip denials or missed trips. For example, if on a regular basis the reservation phone lines open at 5 a.m. and callers after 7 a.m. are all told that they cannot travel, or the phone lines shut down after 7 a.m. and a recorded message says to call back the next day, or the phone lines are always so busy that no one can get through, this provision would be triggered. (Practices of this kind would probably violate the response time criterion as well.) Also, if, on a regular basis, the entity misses a substantial number of trips (e.g., a trip is scheduled, the passenger is waiting, but the vehicle never comes, goes to the wrong address, is extremely late, etc.), it would violate this provision.

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.

Though these three examples probably cover the most frequently cited problems in paratransit operations that directly or indirectly limit the provision of service that is theoretically available to eligible persons, the list is not exhaustive. Other patterns or practices could trigger this provision. For example, the Department has heard about a situation in which an entity's paratransit contractor was paid on a per-trip basis, regardless of the length of the trip. The contractor therefore had an economic incentive

to provide as many trips as possible. As a result, the contractor accepted short trips and routinely denied longer trips. This would be a pattern or practice contrary to this provision (and contrary to the service area provision as well).

ADDITIONAL SERVICE

This provision emphasizes that entities may go beyond the requirements of this section in providing service to ADA paratransit individuals. For example, no one is precluded from offering service in a larger service area, during greater hours than the fixed route system, or without charge. However, costs of such additional service do not count with respect to undue financial burden waiver requests. Where a service criterion itself incorporates a range of actions the entity may take (e.g., providing wide corridors outside the urban core, using real time scheduling), however, costs of providing that optional service may be counted for undue financial burden waiver request purposes.

Section 37.133 Subscription Service

As part of its paratransit service, an entity may include a subscription service component. However, at any given time of day, this component may not absorb more than 50 percent of available capacity on the total system. For example, if, at 8 a.m., the system can provide 400 trips, no more than 200 of these can be subscription trips.

The one exception to this rule would occur in a situation in which there is excess non-subscription capacity available. For example, if over a long enough period of time to establish a pattern, there were only 150 non-subscription trips requested at 8 a.m., the provider could begin to provide 250 subscription trips at that time. Subsequently, if non-subscription demand increased over a period of time, such that the 50 trips were needed to satisfy a regular non-subscription demand at that time, and overall system capacity had not increased, the 50 trips would have to be returned to the non-subscription category. During times of high subscription demand, entities could use the trip time negotiation discretion of §37.131(c)(2) to shift some trips to other times.

Because subscription service is a limited subcomponent of paratransit service, the rule permits restrictions to be imposed on its use that could not be imposed elsewhere. There may be a waiting list for provision of subscription service or the use of other capacity constraints. Also, there may be restrictions or priorities based on trip purpose. For example, subscription service under peak work trip times could be limited to work trips. We emphasize that these limitations apply only to subscription service. It is acceptable for a provider to put a person on a waiting list for access to subscription serv-

ice at 8 a.m. for work trips; the same person could not be wait-listed for access to paratransit service in general.

Section 37.135 Submission of Paratransit Plans

This section contains the general requirements concerning the submission of paratransit plans. Each public entity operating fixed route service is required to develop and submit a plan for paratransit service. Where you send your plans depends on the type of entity you are. There are two categories of entities which should submit their plans to states—(1) FTA recipients and (2) entities who are administered by the state on behalf of FTA.

These FTA grantees submit their plans to the states because the agency would like the benefit of the states' expertise before final review. The states' role is as a commenter, not as a reviewer.

This section also specifies annual progress reports concerning the meeting of previously approved milestones, any slippage (with the reasons for it and plans to catch up), and any significant changes in the operator's environment, such as the withdrawal from the marketplace of a private paratransit provider or whose service the entity has relied upon to provide part of its paratransit service.

Paragraph (d) of this section specifies a maximum time period for the phase-in of the implementation of paratransit plans. The Department recognizes that it is not reasonable to expect paratransit systems to spring into existence fully formed, like Athena from the head of Zeus. Under this paragraph, all entities must be in full compliance with all paratransit provisions by January 26, 1997, unless the entity has received a waiver from FTA based on undue financial burden (which applies only to the service criteria of §37.131, not to eligibility requirements or other paratransit provisions).

While the rule assumes that most entities will take a year to fully implement these provisions, longer than a year requires the paratransit plans to submit milestones that are susceptible to objective verification. Not all plans will be approved with a five-year lead-in period. Consistent with the proposed rule, the Department intends to look at each plan individually to see what is required for implementation in each case. DOT may approve only a shorter phase-in period in a given case.

Section 37.137 Paratransit Plan Development

Section 35.137 establishes three principal requirements in the development of paratransit plans.

First is the requirement to survey existing paratransit services within the service area. This is required by section 223(c)(8) of the ADA. While the ADA falls short of explicitly

requiring coordination, clearly this is one of the goals. The purpose of the survey is to determine what is being provided already, so that a transit provider can accurately assess what additional service is needed to meet the service criteria for comparable paratransit service. The plan does not have to discuss private paratransit providers whose services will not be used to help meet paratransit requirements under this rule. However, the public entity will need to know specifically what services are being provided by whom if the entity is to count the transportation toward the overall need.

Since the public entity is required to provide paratransit to all ADA paratransit eligible individuals, there is some concern that currently provided service may be cut back or eliminated. It is possible that this may happen and such action would have a negative effect on transportation provided to persons with disabilities in general. The Department urges each entity required to submit a plan to work with current providers of transportation, not only to determine what transportation services they provide, but also to continue to provide service into the foreseeable future.

Second, §37.137 specifies requirements for public participation. First, the entity must perform outreach, to ensure that a wide range of persons anticipated to use the paratransit service know about and have the opportunity to participate in the development of the plan. Not only must the entity identify who these individuals or groups are, the entity also must contact the people at an early stage in the development process.

The other public participation requirements are straightforward. There must be a public hearing and an opportunity to comment. The hearing must be accessible to those with disabilities, and notice of the hearing must be accessible as well. There is a special efforts test identified in this paragraph for comments concerning a multi-year phase-in of a paratransit plan.

The final general requirement of the section specifies that efforts at public participation must be made permanent through some mechanism that provides for participation in all phases of paratransit plan development and submission. The Department is not requiring that there be an advisory committee established, although this is one method of institutionalizing participation. The Department is not as interested in the specific structure used to ensure public participation as we are interested in the effectiveness of the effort.

The Department believes that public participation is a key element in the effective implementation of the ADA. The ADA is an opportunity to develop programs that will ensure the integration of all persons into not just the transportation system of America, but all of the opportunities transportation

makes possible. This opportunity is not without tremendous challenges to the transit providers. It is only through dialogue, over the long term, that usable, possible plans can be developed and implemented.

Section 37.139 Plan Contents

This section contains substantive categories of information to be contained in the paratransit plan: information on current and changing fixed route service; inventory of existing paratransit service; discussion of the discrepancies between existing paratransit and what is required under this regulation; a discussion of the public participation requirements and how they have been met; the plan for paratransit service; the budget for paratransit services; efforts to coordinate with other transportation providers; a description of the process in place or to be used to register ADA paratransit eligible individuals; a description of the documentation provided to each individual verifying eligibility; and a request for a waiver based on undue financial burden, if applicable. The final rule contains a reorganized and slightly expanded section on plan contents, reflecting requests to be more explicit, rather than less explicit.

The list of required elements is the same for all entities required to submit paratransit plans. There is no document length requirement, however. Each entity (or group plan) is unique and we expect the plans to reflect this. While we would like the plan elements presented in the order listed in this section, the contents most likely will vary greatly, depending on the size, geographic area, budget, complexity of issues, etc. of the particular submitting agency.

This section and §37.139 provide for a maximum phase-in period of five years, with an assumed one-year phase-in for all paratransit programs. (The required budget has been changed to five years as well.) The Department has established a maximum five-year phase-in in the belief that not all systems will require that long, but that some, particularly those which had chosen to meet compliance with section 504 requirements with accessible fixed route service, may indeed need five years.

We are confident that, through the public participation process, entities can develop a realistic plan for full compliance with the ADA. To help ensure this, the paratransit plan contents section now requires that any plan which projects full compliance after January 26, 1993 must include milestones which can be measured and which result in steady progress toward full compliance. For example, it is possible that the first part of year one is used to ensure comprehensive registration of all eligible persons with disabilities, training of transit provider staffs and the development and dissemination of information to users and potential users in

accessible formats and some modest increase in paratransit service is provided. A plan would not be permitted to indicate that no activity was possible in the first year, but proportionately more progress could be planned for later years than for the first year. Implementation must begin in January 1992.

Each plan, including its proposed phase-in period, will be the subject of examination by FTA. Not all providers who request a five-year phase-in will receive approval for a five-year phase-in. The plan must be careful, therefore, to explain what current services are, what the projections are, and what methods are in place to determine and provide accountability for progress toward full compliance.

We have been asked for assistance in assessing what the demand for paratransit service will be. FTA's ADA Paratransit Manual provides detailed assistance in this and many other areas of the plan development process.

The ADA itself contained a figure of 43 million persons with disabilities. It should be pointed out that many of these may not necessarily be eligible for ADA paratransit service. The Department's regulatory impact analysis discussing the probable costs involved in implementing this rule places the possible percentage of population who would be eligible for paratransit service at between 1.4 and 1.9 percent. This figure can vary depending on the type and variety of services you have available, or on such things as climate, proximity to medical care, family, etc. that a person with a disability may need. Clearly estimating demand is one of the most critical elements in the plan, since it will be used to make decisions about all of the various service criteria.

Section 37.139 contains a new paragraph (j), spelling out in more detail requirements related to the annual submission of plans. Since there is now the possibility for five-year phase-ins, the annual plan demonstrates the progress made to date, and explains any delays.

Section 37.141 Requirements If a Joint Plan is Submitted

The Department believes that, particularly in large, multi-provider regions, a coordinated regional paratransit plan and system are extremely important. Such coordination can do much to ensure that the most comprehensive transportation can be provided with the most efficient use of available resources. We recognize that the effort of putting together such a coordinated system can be a lengthy one. This section is intended to facilitate the process of forming such a coordinated system.

If a number of entities wish to submit a joint plan for a coordinated system, they must, like other entities, submit a document

by January 26, 1992. At a minimum, this document must include the following:

- (1) A general statement that the participating entities intend to file a joint coordinated plan;
- (2) A certification from each participating entity that it is committed to providing paratransit as a part of a coordinated plan;
- (3) A certification from each participating entity that it will maintain at least current levels of paratransit service until the coordinated paratransit service called for by the joint plan is implemented;
- (4) As many elements of the plan as possible.

These provisions ensure that significant planning will precede, and plan implementation will begin by, January 26, 1992, without precluding entities from cooperating because it was not possible to complete coordinating different public entities by that date. The entities involved in a joint plan are required to submit all elements of their plan by July 26, 1992.

The final provision in the section notes that an entity may later join a coordinated plan, even if it has filed its own plan on January 26, 1992. An entity must submit its own plan by January 26, 1992, if it has not provided a certification of participation in a joint plan. In this case, the entity must provide the assurances and certifications required of all of the other participating entities.

The Department fully expects that many jurisdictions filing joint plans will be able to do so by January 26, 1992. For those who cannot, the regulatory provision ensures that there will be no decrease in paratransit service. Further, since we anticipate coordinated service areas to provide more effective service, complete implementation of a joint plan could be more rapid than if each entity was providing service on its own.

Entities submitting a joint plan do not have any longer than any other entities to fully implement complementary paratransit service. In any case, all plans (joint or single) must be fully implemented by January 26, 1992, absent a waiver for undue financial burden (which would, in the case of a joint plan, be considered on a joint basis).

Section 37.143 Paratransit Plan Implementation

As already discussed under §37.135, the states will receive FTA recipient plans for section 18 recipients administered by the State or any small urbanized area recipient of section 9 funds administered by a state. Public entities who do not receive FTA funds will submit their plans directly to the applicable Regional Office (listed in appendix B to the rule).

The role of the state is to accept the plans on behalf of FTA, to ensure that all plans are submitted to it and forward the plans, with

any comments on the plans, to FTA. This comment is very important for FTA to receive, since states administer these programs on behalf of FTA. Each state's specific knowledge of FTA grantees it administers will provide helpful information to FTA in making its decisions.

The rule lists five questions the states must answer when they forward the plans. These questions are gauged to capitalize on the working knowledge the states possess on the grantees. FTA will send a more specific letter of instruction to each state explaining its role.

Section 37.147 FTA Review of Plans

This provision spells out factors FTA will consider in reviewing each plan, including whether the submission is complete, whether the plan complies with the substance of the ADA regulation, whether the entity complied with the public participation requirements in developing the plan, efforts by the entity to coordinate with other entities in a plan submission, and any comments submitted by the states.

These elements are not the only items that will be reviewed by FTA. Every portion of the plan will be reviewed and assessed for compliance with the regulation. This section merely highlights those provisions thought most important by the Department.

Section 37.151 Waiver for Undue Financial Burden

The Department has adopted a five-year phase-in for paratransit service. Under this scheme, each entity required to provide paratransit service will be able to design a phase-in of its service specifically geared to local circumstances. While all jurisdictions will not receive approval for plans with a five year phase-in, each entity will be able to request what it needs based on local circumstances. Generally, the section allows an entity to request a waiver at any time it determines that it will not be able to meet a five-year phase-in or make measured progress toward its full compliance date specified in its original plan.

A waiver for undue financial burden should be requested if one of the following circumstances applies. First, when the entity submits its first plan on January 26, 1992, if the entity knows it will not be able to reach full compliance within five years, or if the entity cannot make measured progress the first year it may submit a waiver request. The entity also should apply for a waiver, if, during plan implementation, there are changed circumstances which make it unlikely that compliance will be possible.

The concept of measured progress should be given its plain meaning. It is not acceptable to submit a plan which shows significant progress in implementing a plan in

years four and five, but no progress in years one and two. Similarly, the progress must be susceptible to objective verification. An entity cannot merely "work toward" developing a particular aspect of a plan.

The Department intends that undue burden waiver requests will be given close scrutiny, and waiver will not be granted lightly. In reviewing requests, however, as the legislative history indicates, FTA will look at the individual financial constraints within which each public entity operates its fixed route system. "Any determination of undue financial burden cannot have assumed the collection of additional revenues, such as those received through increases in local taxes or legislative appropriations, which would not have otherwise been made available to the fixed route operator." (H. Rept. 101-485, Pt. 1, at 31)

Section 37.153 FTA Waiver Determination

If the FTA Administrator grants a waiver for undue financial burden, the waiver will be for a specified period of time and the Administrator will determine what the entity must do to meet its responsibilities under the ADA. Each determination will involve a judgment of what is appropriate on a case-by-case basis. Since each waiver will be granted based on individual circumstances, the Department does not deem it appropriate to specify a generally applicable duration for a waiver.

When a waiver is granted, the rule calls for entities to look first at limiting the number of trips provided to each individual as a means of providing service that does not create an undue burden. This capacity constraint, unlike manipulations of other service criteria, will not result in a degradation of the quality of service. An entity intending to submit an undue burden waiver request should take this approach into account in its planning process.

It should be noted that requiring an entity to provide paratransit service at least during core hours along key routes is one option that the Administrator has available in making a decision about the service to be provided. This requirement stems from the statutory provision that the Administrator can require the entity to provide a minimum level of service, even if to do so would be an undue financial burden. Certainly part of a request for a waiver could be a locally endorsed alternative to this description of basic service. The rule states explicitly the Administrator's discretion to return the application for more information if necessary.

Section 37.155 Factors in Decision To Grant an Undue Financial Burden Waiver

Factors the Administrator will consider in making a decision whether to grant an

undue financial burden waiver request include effects on current fixed route service, reductions in other services, increases in fares, resources available to implement complementary paratransit over the period of the plan, current level of accessible service (fixed route and paratransit), cooperation among transit providers, evidence of increased efficiencies that have been or could be used, any unique circumstances that may affect the entity's ability to provide paratransit service, the level of per capita service being provided, both to the population as a whole and what is being or anticipated to be provided to persons who are eligible and registered to receive ADA paratransit service.

This final element allows some measure of comparability, regardless of the specific service criteria and should assist in a general assessment of level of effort.

It is only the costs associated with providing paratransit service to ADA-paratransit eligible persons that can be counted in assessing whether or not there is an undue financial burden. Two cost factors are included in the considerations which enhance the Administrator's ability to assess real commitment to these paratransit provisions.

First, the Department will allow a statistically valid methodology for estimating number of trips mandated by the ADA. While the regulation calls for a trip-by-trip determination of eligibility, this provision recognizes that this is not possible for some systems, particularly the large systems. Since only those trips provided to a person when he or she is ADA eligible may be counted in determining an undue financial burden, this provision is necessary.

Second, in determining costs to be counted toward providing paratransit service, paragraph (b)(3) allows an entity to include in its paratransit budget dollars to which it is legally entitled, but which, as a matter of state or local funding arrangements, are provided to another entity that is actually providing the paratransit service.

For example, a state government may provide a certain formula allocation of the revenue from a certain tax to each jurisdiction for use in providing transportation service at the local level. The funds, depending on local arrangements, may flow either to a transit authority—a regulated entity under this rule—or to a city or county government. If the funds go to the transit authority, they clearly may be counted in an undue burden calculation. In addition, however, this provision also allows funds that flow through the city or county government to be counted in the undue burden calculation, since they are basically the same funds and should not be treated differently based on the accident of previously-determined local arrangements. On the other hand, this provision does not allow funds of a private non-profit or other organization who uses Department of Health

and Human Services grant or private contributions to be counted toward the entity's financial commitment to paratransit.

SUBPART G—PROVISION OF SERVICE

Section 37.161 Maintenance of Accessible Features—General

This section applies to all entities providing transportation services, public and private. It requires those entities to maintain in operative condition those features or facilities and equipment that make facilities and vehicles accessible to and usable by individuals with disabilities.

The ADA requires that, to the maximum extent feasible, facilities be accessible to and usable by individuals with disabilities. This section recognizes that it is not sufficient to provide features such as lift-equipped vehicles, elevators, communications systems to provide information to people with vision or hearing impairments, etc. if these features are not maintained in a manner that enables individuals with disabilities to use them. Inoperative lifts or elevators, locked accessible doors, accessible paths of travel that are blocked by equipment or boxes of materials are not accessible to or usable by individuals with disabilities.

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. Allowing obstructions or out of order accessibility equipment to persist beyond a reasonable period of time would violate this Part, as would mechanical failures due to improper or inadequate maintenance. Failure of the entity to ensure that accessible routes are free of obstruction and properly maintained, or failure to arrange prompt repair of inoperative elevators, lifts, or other accessibility-related equipment, would also violate this part.

The rule also requires that accommodations be made to individuals with disabilities who would otherwise use an inoperative accessibility feature. For example, when a rail system discovers that an elevator is out of order, blocking access to one of its stations, it could accommodate users of the station by announcing the problem at other stations to alert passengers and offer accessible shuttle bus service around the temporarily inaccessible station. If a public address system were out of order, the entity could designate personnel to provide information to customers with visual impairments.

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Section 37.163 Keeping Vehicle Lifts in Operative Condition—Public Entities

This section applies only to public entities. Of course, like vehicle acquisition requirements and other provisions applying to public entities, these requirements also apply when private entities “stand in the shoes” of public entities in contracting situations, as provided in §37.23.

This section’s first requirement is that the entity establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

Vehicle and equipment maintenance is an important component of successful accessible service. In particular, an aggressive preventive maintenance program for lifts is essential. Lifts remain rather delicate pieces of machinery, with many moving parts, which often must operate in a harsh environment of potholes, dust and gravel, variations in temperature, snow, slush, and deicing compounds. It is not surprising that they sometimes break down.

The point of a preventive maintenance program is to prevent breakdowns, of course. But it is also important to catch broken lifts as soon as possible, so that they can be repaired promptly. Especially in a bus system with relatively low lift usage, it is possible that a vehicle could go for a number of days without carrying a passenger who uses the lift. It is highly undesirable for the next passenger who needs a lift to be the person who discovers that the lift is broken, when a maintenance check by the operator could have discovered the problem days earlier, resulting in its repair.

Therefore, the entity must have a system for regular and frequent checks, sufficient to determine if lifts are actually operative. This is not a requirement for the lift daily. (Indeed, it is not, as such, a requirement for lift cycling at all. If there is another means available of checking the lift, it may be used.) If alternate day checks, for example, are sufficient to determine that lifts are actually working, then they are permitted. If a lift is used in service on a given day, that may be sufficient to determine that the lift is operative with respect to the next day. It would be a violation of this part, however, for the entity to neglect to check lifts regularly and frequently, or to exhibit a pattern of lift breakdowns in service resulting in stranded passengers when the lifts had not been checked before the vehicle failed to provide required accessibility to passengers that day.

When a lift breaks down in service, the driver must let the entity know about the problem by the most immediate means available. If the vehicle is equipped with a radio or telephone, the driver must call in the problem on the spot. If not, then the driver would have to make a phone call at the first

opportunity (e.g., from a phone booth during the turnaround time at the end of the run). It is not sufficient to wait until the end of the day and report the problem when the vehicle returns to the barn.

When a lift is discovered to be inoperative, either because of an in-service failure or as the result of a maintenance check, the entity must take the vehicle out of service before the beginning of its next service day (with the exception discussed below) and repair the lift before the vehicle is put back into service. In the case of an in-service failure, this means that the vehicle can continue its runs on that day, but cannot start a new service day before the lift is repaired. If a maintenance check in the evening after completion of a day’s run or in the morning before a day’s runs discloses the problem, then the bus would not go into service until the repair had taken place.

The Department realizes that, in the years before bus fleets are completely accessible, taking buses with lifts out of service for repairs in this way would probably result in an inaccessible spare bus being used on the route, but at least attention would have to be paid quickly to the lift repair, resulting in a quicker return to service of a working accessible bus.

The rule provides an exception for those situations in which there is no spare vehicle (either accessible or inaccessible) available to take the place of the vehicle with an operative lift, such that putting the latter vehicle into the shop would result in a reduction of service to the public (e.g., a scheduled run on a route could not be made). The Department would emphasize that the exception does not apply when there is any spare vehicle available.

Where the exception does apply, the provider may keep the vehicle with the inoperative lift in service for a maximum of three days (for providers operating in an area of over 50,000 population) or five days (for providers operating in an area of 50,000 population or less). After these times have elapsed, the vehicle must go into the shop, not to return until the lift is repaired. Even during the three- or five-day period, if an accessible spare bus becomes available at any time, it must be used in place of the bus with the inoperative lift or an inaccessible spare that is being used in its place.

In a fixed route system, if a bus is operating without a working lift (either on the day when the lift fails in service or as the result of the exception discussed above) and headways between accessible buses on the route on which the vehicle is operating exceed 30 minutes, the entity must accommodate passengers who would otherwise be inconvenienced by the lack of an accessible bus. This accommodation would be by a paratransit or other special vehicle that would pick up passengers with disabilities

who cannot use the regular bus because its lift is inoperative. Passengers who need lifts in this situation would, in effect, be ADA paratransit eligible under the second eligibility category. However, since they would have no way of knowing that the bus they sought to catch would not be accessible that day, the transit authority must actively provide alternative service to them. This could be done, for example, by having a "shadow" accessible service available along the route or having the bus driver call in the minute he saw an accessible passenger he could not pick up (including the original passenger stranded by an in-service lift failure), with a short (i.e., less than 30-minute) response from an accessible vehicle dispatched to pick up the stranded passenger. To minimize problems in providing such service, when a transit authority is using the "no spare vehicles" exception, the entity could place the vehicle with the inoperative lift on a route with headways between accessible buses shorter than 30 minutes.

Section 37.165 Lift and Securement Use

This provision applies to both public and private entities.

All people using common wheelchairs (an inclusive term for mobility devices that fit on lifts meeting Access Board guideline dimensions—30" by 48" and a maximum of 600 pounds for device and user combined—which includes three-wheeled scooters and other so-called non-traditional mobility devices) are to be allowed to ride the entity's vehicles.

Entities may require wheelchair users to ride in designated securement locations. That is, the entity is not required to carry wheelchair users whose wheelchairs would have to park in an aisle or other location where they could obstruct other persons' passage or where they could not be secured or restrained. An entity's vehicle is not required to pick up a wheelchair user when the securement locations are full, just as the vehicle may pass by other passengers waiting at the stop if the bus is full.

The entity may require that wheelchair users make use of securement systems for their mobility devices. The entity, in other words, can require wheelchair users to "buckle up" their mobility devices. The entity is required, on a vehicle meeting part 38 standards, to use the securement system to secure wheelchairs as provided in that part. On other vehicles (e.g., existing vehicles with securement systems which do not comply with Part 38 standards), the entity must provide and use a securement system to ensure that the mobility device remains within the securement area. This latter requirement is a mandate to use best efforts to restrain or confine the wheelchair to the securement area. The entity does the best it can, given its securement technology and the nature of the wheelchair. The Department

encourages entities with relatively less adequate securement systems on their vehicles, where feasible, to retrofit the vehicles with better securement systems, that can successfully restrain a wide variety of wheelchairs. It is our understanding that the cost of doing so is not enormous.

An entity may not, in any case, deny transportation to a common wheelchair and its user because the wheelchair cannot be secured or restrained by a vehicle's securement system, to the entity's satisfaction.

Entities have often recommended or required that a wheelchair user transfer out of his or her own device into a vehicle seat. Under this rule, it is no longer permissible to require such a transfer. The entity may provide information on risks and make a recommendation with respect to transfer, but the final decision on whether to transfer is up to the passenger.

The entity's personnel have an obligation to ensure that a passenger with a disability is able to take advantage of the accessibility and safety features on vehicles. Consequently, the driver or other personnel must provide assistance with the use of lifts, ramps, and securement devices. For example, the driver must deploy the lift properly and safely. If the passenger cannot do so independently, the driver must assist the passenger with using the securement device. On a vehicle which uses a ramp for entry, the driver may have to assist in pushing a manual wheelchair up the ramp (particularly where the ramp slope is relatively steep). All these actions may involve a driver leaving his seat. Even in entities whose drivers traditionally do not leave their seats (e.g., because of labor-management agreements or company rules), this assistance must be provided. This rule overrides any requirements to the contrary.

Wheelchair users—especially those using electric wheelchairs often have a preference for entering a lift platform and vehicle in a particular direction (e.g., backing on or going on frontwards). Except where the only way of successfully maneuvering a device onto a vehicle or into its securement area, or an overriding safety concern (i.e., a direct threat) requires one way of doing this or another, the transit provider should respect the passenger's preference. We note that most electric wheelchairs are usually not equipped with rearview mirrors, and that many persons who use them are not able to rotate their heads sufficiently to see behind. When an electric wheelchair must back up a considerable distance, this can have unfortunate results for other people's toes.

People using canes or walkers and other standees with disabilities who do not use wheelchairs but have difficulty using steps (e.g., an elderly person who can walk on a plane without use of a mobility aid but cannot raise his or her legs sufficiently to climb

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bus steps) must also be permitted to use the lift, on request.

Section 37.167 Other Service Requirements

The requirements in this section apply to both public and private entities.

On fixed route systems, the entity must announce stops. These stops include transfer points with other fixed routes. This means that any time a vehicle is to stop where a passenger can get off and transfer to another bus or rail line (or to another form of transportation, such as commuter rail or ferry), the stop would be announced. The announcement can be made personally by the vehicle operator or can be made by a recording system. If the vehicle is small enough so that the operator can make himself or herself heard without a P.A. system, it is not necessary to use the system.

Announcements also must be made at major intersections or destination points. The rule does not define what major intersections or destination points are. This is a judgmental matter best left to the local planning process. In addition, the entity must make announcements at sufficient intervals along a route to orient a visually impaired passenger to his or her location. The other required announcements may serve this function in many instances, but if there is a long distance between other announcements, fill-in orientation announcements would be called for. The entity must announce any stop requested by a passenger with a disability, even if it does not meet any of the other criteria for announcement.

When vehicles from more than one route serve a given stop or station, the entity must provide a means to assist an individual with a visual impairment or other disability in determining which is the proper vehicle to enter. Some entities have used external speakers. FTA is undertaking a study to determine what is the best available technology in this area. Some transit properties have used colored mitts, or numbered cards, to allow passengers to inform drivers of what route they wanted to use. The idea is to prevent, at a stop where vehicles from a number of routes arrive, a person with a visual impairment from having to ask every driver whether the bus is the right one. The rule does not prescribe what means is to be used, only that some effective means be provided.

Service animals shall always be permitted to accompany their users in any private or public transportation vehicle or facility. One of the most common misunderstandings about service animals is that they are limited to being guide dogs for persons with visual impairments. Dogs are trained to assist people with a wide variety of disabilities, including individuals with hearing and mobility impairments. Other animals (e.g., monkeys) are sometimes used as service animals as well. In any of these situations, the entity

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must permit the service animal to accompany its user.

Part 38 requires a variety of accessibility equipment. This section requires that the entity use the equipment it has. For example, it would be contrary to this provision for a transit authority to bolt its bus lifts shut because transit authority had difficulty maintaining the lifts. It does little good to have a public address system on a vehicle if the operator does not use it to make announcements (except, as noted above, in the situation where the driver can make himself or herself heard without recourse to amplification.)

Entities must make communications and information available, using accessible formats and technology (e.g., Braille, large print, TDDs) to obtain information about transportation services. Someone cannot adequately use the bus system if schedule and route information is not available in a form he or she can use. If there is only one phone line on which ADA paratransit eligible individuals can reserve trips, and the line is chronically busy, individuals cannot schedule service. Such obstacles to the use of transportation service are contrary to this section. (The latter could, in some circumstances, be viewed as a capacity constraint.)

It is inconsistent with this section for a transit provider to refuse to let a passenger use a lift at any designated stop, unless the lift is physically unable to deploy or the lift would be damaged if it did deploy (see discussion under §37.123). In addition, if a temporary situation at the stop (e.g., construction, an accident, a landslide) made the stop unsafe for anyone to use, the provider could decline to operate the lift there (just as it refused to open the door for other passengers at the same point). The provider could not, however, declare a stop "off limits" to persons with disabilities that is used for other persons. If the transit authority has concerns about barriers or safety hazards that peculiarly affect individuals with disabilities that would use the stop, it should consider making efforts to move the stop.

Under DOT hazardous materials rules, a passenger may bring a portable medical oxygen supply on board a vehicle. Since the hazardous materials rules permit this, transit providers cannot prohibit it. For further information on hazardous materials rules, as they may affect transportation of assistive devices, entities may contact the Department's Research and Special Programs Administration, Office of Hazardous Materials Transportation (202-366-0656).

One concern that has been expressed is that transportation systems (particularly some rail systems) may make it difficult for persons with disabilities to board or disembark from vehicles by very rapidly closing doors on the vehicles before individuals with

disabilities (who may move more slowly through crowds in the vehicle or platform than other persons) have a chance to get on or off the vehicle. Doing so is contrary to the rule; operators must make appropriate provision to give individuals with disabilities adequate time to board or disembark.

Section 37.169 Interim Requirements for Over-the-Road Bus Service Operated by Private Entities

Private over-the-road bus (OTRB) service is, first of all, subject to all the other private entity requirements of the rule. The requirements of this section are in addition to the other applicable provisions.

Boarding assistance is required. The Department cannot require any particular boarding assistance devices at this time. Each operator may decide what mode of boarding assistance is appropriate for its operation. We agree with the discussion in the DOJ Title II rule's preamble that carrying is a disfavored method of providing assistance to an individual with a disability. However, since accessible private OTRBs cannot be required by this rule, there may be times when carrying is the only available means of providing access to an OTRB, if the entity does not exercise its discretion to provide an alternative means. It is required by the rule that any employee who provides boarding assistance—above all, who may carry or otherwise directly physically assist a passenger—must be trained to provide this assistance appropriately and safely.

The baggage priority provision for wheelchairs and other assistive devices involves a similar procedure to that established in the Department's Air Carrier Access Act rule (14 CFR part 382). In brief, it provides that, at any given stop, a person with a wheelchair or other assistive device would have the device loaded before other items at this stop. An individual traveling with a wheelchair is not similarly situated to a person traveling with luggage. For the wheelchair user, the wheelchair is an essential mobility device, without which travel is impossible. The rationale of this provision is that, while no one wants his or her items left behind, carrying the wheelchair is more important to its user than ordinary luggage to a traveler. If it comes to an either/or choice (the wheelchair user's luggage would not have any priority over other luggage, however). There would be no requirement, under this provision, for "bumping" baggage already on the bus from previous stops in order to make room for the wheelchair.

The entity could require advance notice from a passenger in only one circumstance. If a passenger needed boarding assistance, the entity could require up to 48 hours' advance notice for the purpose of providing needed assistance. While advance notice requirements are generally undesirable, this

appears to be a case in which a needed accommodation may be able to be provided successfully only if the transportation provider knows in advance that some extra staffing is needed to accomplish it. While the primary need for advance notice appears to be in the situation of an unstaffed station, there could be other situations in which advance notice was needed in order to ensure that the accommodation could be made. Entities should not ask for advance notice in all cases, but just in those cases in which it is really needed for this purpose. Even if advance notice is not provided, the entity has the obligation to provide boarding assistance if it can be provided with available staff.

Section 37.171 Equivalency Requirement for Demand Responsive Service Operated by Private Entities Not Primarily in the Business of Transporting People

This provision is a service requirement closely related to the private entity requirements for §§37.101–37.105 of this part. Entities in this category are always required to provide equivalent service, regardless of what they are doing with respect to the acquisition of vehicles. The effect of this provision may be to require some entities to arrange, either through acquiring their own accessible vehicles or coordinating with other providers, to have accessible vehicles available to meet the equivalency standards of §37.105 or otherwise to comply with those standards.

Section 37.173 Training

A well-trained workforce is essential in ensuring that the accessibility-related equipment and accommodations required by the ADA actually result in the delivery of good transportation service to individuals with disabilities. The utility of training was recognized by Congress as well. (*See S. Rept. 100–116 at 48.*) At the same time, we believe that training should be conducted in an efficient and effective manner, with appropriate flexibility allowed to the organizations that must carry it out. Each transportation provider is to design a training program which suits the needs of its particular operation. While we are confident of this approach, we are mindful that the apparent lack of training has been a source of complaint to FTA and transit providers. Good training is difficult and it is essential.

Several points of this section deserve emphasis. First, the requirements for training apply to private as well as to public providers, of demand responsive as well as of fixed route service. Training is just as necessary for the driver of a taxicab, a hotel shuttle, or a tour bus as it is for a driver in an FTA-funded city bus system.

Second, training must be to proficiency. The Department is not requiring a specific course of training or the submission of a

training plan for DOT approval. However, every employee of a transportation provider who is involved with service to persons with disabilities must have been trained so that he or she knows what needs to be done to provide the service in the right way. When it comes to providing service to individuals with disabilities, ignorance is no excuse for failure.

While there is no specific requirement for recurrent or refresher training, there is an obligation to ensure that, at any given time, employees are trained to proficiency. An employee who has forgotten what he was told in past training sessions, so that he or she does not know what needs to be done to serve individuals with disabilities, does not meet the standard of being trained to proficiency.

Third, training must be appropriate to the duties of each employee. A paratransit dispatcher probably must know how to use a TDD and enough about various disabilities to know what sort of vehicle to dispatch. A bus driver must know how to operate lifts and securement devices properly. A mechanic who works on lifts must know how to maintain them. Cross-training, while useful in some instances, is not required, so long as each employee is trained to proficiency in what he or she does with respect to service to individuals with disabilities.

Fourth, the training requirement goes both to technical tasks and human relations. Employees obviously need to know how to run equipment the right way. If an employee will be assisting wheelchair users in transferring from a wheelchair to a vehicle seat, the employee needs training in how to do this safely. But every public contact employee also has to understand the necessity of treating individuals with disabilities courteously and respectfully, and the details of what that involves.

One of the best sources of information on how best to train personnel to interact appropriately with individuals with disabilities is the disability community itself. Consequently, the Department urges entities to consult with disability organizations concerning how to train their personnel. Involving these groups in the process of establishing training programs, in addition to providing useful information, should help to establish or improve working relationships among transit providers and disability groups that, necessarily, will be of long duration. We note that several transit providers use persons with disabilities to provide the actual training. Others have reported that role playing is an effective method to instill an appreciation of the particular perspective of one traveling with a disability.

Finally, one of the important points in training concerns differences among individuals with disabilities. All individuals with disabilities, of course, are not alike. The appropriate ways one deals with persons with

various kinds of disabilities (e.g., mobility, vision, hearing, or mental impairments) are likely to differ and, while no one expects bus drivers to be trained as disability specialists, recognizing relevant differences and responding to them appropriately is extremely significant. Public entities who contract with private entities to have service provided—above all, complementary paratransit—are responsible for ensuring that contractor personnel receive the appropriate training.

Appendix A to Part 37—Standards for Accessible Transportation Facilities

Sections 504(a) and (b) of the Americans with Disabilities Act (ADA) require the Access Board to adopt accessibility guidelines; sections 204(c) and 306(c) of the ADA require the Department of Transportation to adopt regulatory standards “consistent with the minimum guidelines and requirements” issued by the Access Board. In the original 1991 publication of part 37, the Department complied with this requirement by reproducing the Access Board’s Americans with Disabilities Act Accessibility Guidelines (ADAAG) in their entirety as Appendix A.

The Access Board revised ADAAG in July 2004. ADAAG, including technical amendments issued in July 2005, is codified in Appendices B and D to 36 CFR part 1191. In order to avoid duplication of material that the Access Board has already included in the CFR, and which is now readily available on the Internet, the Department has adopted ADAAG by cross-reference in part 37, rather than reproducing the lengthy Access Board publication. However, there are certain provisions of ADAAG that the Department is modifying for clarity or to preserve requirements that have been in effect under the existing standards. Under the ADA, the Department, in adopting standards, has the discretion to depart from the language of ADAAG as long as the Department’s standards remain consistent with the Access Board’s minimum guidelines. In addition, this appendix provides additional guidance concerning some sections of the DOT standards as they apply to transportation facilities.

Section 201.1

The basic scoping requirement requires all areas of newly designed and newly constructed buildings and facilities to be accessible. Former §4.1.1(5) provided a “structural impracticability” exception to the requirements for new buildings and facilities. The Access Board deleted this exception to avoid duplication with an existing requirement to the same effect in Department of Justice regulations (see 28 CFR §36.401(c)). For consistency with the approach taken by the Access Board and Department of Justice, and to ensure consistency between facilities subject to Titles II and III of the ADA under

part 37, the Department has added the language of the Department of Justice regulation to §37.41 of this part.

Section 206.3

This section concerns the location of accessible paths. The Department is retaining language from former §10.3.1(1), which provides that “Elements such as ramps, elevators, or other circulation devices, fare vending or other ticketing areas, and fare collection areas shall be placed to minimize the distance which wheelchair users and other persons who cannot negotiate steps may have to travel compared to the general public.” This concept, in our view, is implicit in the language of §206.3. However, we believe it is useful to make explicit the concept that, in transportation facilities such as rail stations, important facility elements are placed so as to minimize the distance persons with disabilities must travel to use them. This requirement is intended to affect decisions about where to locate entrances, boarding locations (e.g., where a mini-high platform is used for boarding), and other key elements of a facility.

Section 406.8

To maintain the *status quo* with respect to detectable warnings in pedestrian facilities, the Department is adding a provision (not found in the current version of the new ADAAG) requiring curb ramps to have detectable warnings.

Section 810.2.2

The Department recognizes that there will be some situations in which the full dimensions of a bus boarding and alighting area complying with the §810.2.2 may not be able to be achieved (e.g., there is less than 96 inches of perpendicular space available from the curb or roadway edge, because of buildings or terrain features). The Department is adding language from former §37.9 (c) of this part, which provides that “Public entities shall ensure the construction of bus boarding and alighting areas comply with 810.2.2, to the extent the construction specifications are within their control.” Where it is not feasible to fully comply with §810.2.2, the Department expects compliance to the greatest extent feasible.

We note that there may be some instances in which it will be necessary to make operational adjustments where sufficient clearance is not available to permit the deployment of lifts or ramps on vehicles. For example, a bus driver could position the bus at a nearby point—even if not the precise location of the designated stop—so that a passenger needing a lift or ramp to get on or off the bus can do so. To avoid the need for such operational adjustments, it is important to

place bus shelters, signs, etc. so that they do not intrude into the required clearances.

Section 810.5.3

This section concerns coordination between rail platforms and rail vehicles. The Department is adding language from the former §10.3.1 (9) (Exception 2), which provides that “In light rail, commuter rail, and intercity rail systems where it is not operationally or structurally feasible to meet the horizontal gap or vertical difference requirements, mini-high platforms, car-borne or platform-mounted lifts, ramps or bridge plates or similarly manually deployed devices, meeting the requirements of 49 CFR Part 38 shall be permitted.”

In September 2005, the Department issued guidance concerning the relationship of its ADA and 504 rules in the context of rail platform accessibility. This guidance emphasized that access to all cars of a train is significant because, if passengers with disabilities are unable to enter all cars from the platform, the passengers will have access only to segregated service. This would be inconsistent with the nondiscrimination mandate of the ADA. It would also, in the case of Federal Transit Administration (FTA) and Federal Railroad Administration (FRA)-assisted projects (including Amtrak), be inconsistent with the requirement of the Department’s section 504 regulation (49 CFR §27.7), which requires service in the most integrated setting reasonably achievable. This guidance states the Department’s views of the meaning of its existing rules, and the Department will continue to use this guidance in applying the provisions of this rule.

The Department notes that a related section of 49 CFR part 38 has been the source of some misunderstanding. Section 38.71(b)(2) provides that “Vehicles designed for, and operated on, pedestrian malls, city streets, or other areas where level-entry boarding is not practicable shall provide wayside or car-borne lifts, mini-high platforms, or other means of access in compliance with §38.83 (b) or (c) of this part.” The Department has received some suggestions that this provision should be interpreted to mean that, if there is any portion of a system in which level-entry boarding is not practicable, then the *entire* system can use some method other than level-entry boarding. Such an interpretation is incorrect. The authority to use alternatives to level-entry boarding pertains only to those portions of a system in which rail vehicles are “operated on” an area where level-entry boarding is not practicable.

For example, suppose a light rail system’s first three stops are on a pedestrian/transit mall where it is infeasible to provide level-entry boarding. The transit system could use car-borne lifts, mini-high platforms, etc. to

provide access at those three stops. The system's next ten stops are part of a right-of-way in which level-entry boarding is practicable. In such a case, level-entry boarding would have to be provided at those ten stops. There is nothing inappropriate about the same system having different means of boarding in different locations, in such a case.

We also caution against a potential misunderstanding of the sentence in §810.5.3 that provides that "Low-level platforms shall be 8 inches minimum (205 mm) above top of rail." This does not mean that high-level platforms are prohibited or that low-level platforms are the only design consistent with the rules. It simply means that where low-level platforms are otherwise permitted, such platforms must be at least 8 inches above the top of rail, except where vehicles are boarded from the street or a sidewalk.

[56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996; 71 FR 63266, Oct. 30, 2006]

EFFECTIVE DATE NOTE: At 76 FR 57936, Sept. 19, 2011, part 37, appendix D was amended as follows:

A. Under Section 37.3 "Definitions," removing the last two paragraphs and adding four paragraphs in its place,

B. Adding Section 37.42 in numerical order,

C. Revising the first paragraph under Section 37.71,

D. Under Section 37.93 removing the period at the end of last sentence in the third paragraph and replacing it with a comma, and adding the following language: "except where doing is necessary to comply with the provisions of section 37.42 of this part."

E. Revising Section 37.165. These amendments are effective October 19, 2011.

For the convenience of the user, the added and revised text is set forth as follows:

APPENDIX D TO PART 37—CONSTRUCTION AND INTERPRETATION OF PROVISIONS OF 49 CFR PART 37

* * * * *
SECTION 37.3 DEFINITIONS
* * * * *

The definition of "wheelchair" includes a wide variety of mobility devices. This inclusiveness is consistent with the legislative history of the ADA (See S. Rept. 101-116 at 48). While some mobility devices may not look like many persons' traditional idea of a wheelchair, three- and more-wheeled devices, of many varied designs, are used by individuals with disabilities and must be transported. "Wheelchair" is defined in this rule

as 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. The "three- or more-wheeled" language in the definition is intended to encompass wheelchairs that may have additional wheels (e.g., two extra guide wheels in addition to the more traditional four wheels).

Persons with mobility disabilities may use devices other than wheelchairs to assist with locomotion. Canes, crutches, and walkers, for example, are often used by people whose mobility disabilities do not require use of a wheelchair. These devices must be accommodated on the same basis as wheelchairs. However, the Department does not interpret its rules to require transportation providers to accommodate devices that are not primarily designed or intended to assist persons with mobility disabilities (e.g., skateboards, bicycles, shopping carts), apart from general policies applicable to all passengers who might seek to bring such devices into a vehicle. Similarly, the Department does not interpret its rules to require transportation providers to permit an assistive device to be used in a way that departs from or exceeds the intended purpose of the device (e.g., to use a walker, even one with a seat intended to allow temporary rest intervals, as a wheelchair in which a passenger sits for the duration of a ride on a transit vehicle).

The definition of wheelchair is not intended to include a class of devices known as "other power-driven mobility devices" (OPMDs). OPMDs are defined in Department of Justice ADA rules as "any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf carts * * * Segway[s]®, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair * * * ." DOT is placing guidance on its Web site concerning the use of Segways in transportation vehicles and facilities.

The definition of "direct threat" is intended to be interpreted consistently with the parallel definition in Department of Justice regulations. That is, part 37 does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of that public entity when that individual poses a direct threat to the health or safety of others. 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.

* * * * *

SECTION 37.42

Service in an integrated setting to passengers at intercity, commuter, and high-speed rail station platforms constructed or altered after February 1, 2012.

Individuals with disabilities, including individuals who use wheelchairs, must have access to all accessible cars in each train using a new or altered station. This performance standard will apply at stations where construction or alteration of platforms begins 135 days or more after the rule is published. The performance standard does not require rail operators to retrofit existing station platforms or cars. The requirement is prospective, and section 37.42 does not require retrofit of existing stations (though compliance with existing disability nondiscrimination requirements not being altered is still required). To meet this performance standard on lines or systems where track passing through stations and adjacent to platforms is shared with existing freight rail operations, passenger railroads that do not choose to provide level-entry boarding may, after obtaining FRA and/or FTA approval, use car-borne lifts, ramps or other devices, mini-high platforms (making multiple stops where necessary to accommodate passengers wishing to use different cars of the train), or movable station-based lifts.

On commuter, intercity, or high-speed rail lines or systems in which track passing through stations and adjacent to platforms is not shared with existing freight rail operations, the performance standard *must* be met by providing level-entry boarding to all accessible cars in each train that serves new or altered stations on the line or system. For example, if a new commuter or high-speed rail line or system is being built, and the track adjacent to platforms is not shared with freight traffic (*e.g.*, it is a passenger rail-only system, or a passing or gauntlet track exists for freight traffic), then the stations would have to provide level-entry boarding. Other options would not be permitted.

If a platform being constructed or altered is not adjacent to track used for freight, but the track and platform are used by more than one passenger railroad (*e.g.*, Amtrak and a commuter railroad), the possibility of the platform serving cars with different door heights exists. In this situation, the level-entry boarding requirement continues to exist. Generally, the platform should be level with respect to the system that has the

lower boarding height. This is because it is not good safety practice to make passengers step down (or be lifted down or use ramps to get down) to board a train. For example, if Amtrak operates through a station with cars that are 15 inches ATR, and a commuter railroad uses the same platform with cars that are 25 inches ATR, the platform would be level with respect to the Amtrak cars. The commuter railroad would have to provide another means of access, such as lifts. In all such cases where mixed rail equipment will be used, the rule requires that both FRA and FTA be consulted by the railroads involved. As in other cases where level-entry boarding is not used, the railroad must obtain FTA and/or FRA approval for the means the railroad wants to use to meet the performance standard.

The details of the “track passing through stations and adjacent to platforms is shared with existing freight rail operations” language are important. There may be stations that serve lines that are shared, at some points, by passenger and freight traffic, but where the freight traffic does not go through the particular station (*e.g.*, because freight traffic bypasses the station), level-entry boarding is required. There could also be situations on which multiple tracks pass through a station, and freight traffic uses only a center track, not a track which is adjacent to a platform. In such cases, the new or altered platform would have to provide level-entry boarding. It is important to note that this language refers to “existing” freight rail traffic, as opposed to the possibility that freight traffic might use the track in question at some future time. Likewise, if freight trains have not used a track passing through a station in a significant period of time (*e.g.*, the past 10 years), the Department does not view this as constituting “existing freight rail traffic.”

Passenger rail operators must provide access only to accessible, available cars that people with disabilities are trying to access at a given station. If a train has eight accessible cars, and wheelchair users want to enter only cars 2 and 7 (see discussion below of passenger notification), then railroad personnel need to deploy lifts or bridge plates only at cars 2 and 7, not at the other cars. Similarly, the rule requires operators to provide access only to available cars at a station. If a train has eight accessible cars, but the platform only serves cars 1 through 6, then railroad personnel need to deploy lifts or bridge plates only at cars that people with disabilities are trying to access and that are available to all passengers. We would also point out that wheelchair positions on rail passenger cars are intended to serve wheelchair users, and railroad operators should take steps to ensure that these spaces are available for wheelchair users and not for

other uses. For example, it would be contrary to the rule for a wheelchair user to be told that he or she could not use car 7 because the wheelchair spaces were filled with other passengers' luggage from a previous stop.

In order to ensure that access was provided, passengers would have to notify railroad personnel. For example, if a passenger at a station wanted to use a station-based lift to access car 6, the passenger would request the use of car 6 and railroad personnel would deploy the lift at that car. Likewise, at a station using a mini-high platform, a passenger on this platform would inform train personnel that he or she wanted to enter car 5, whereupon the train would pull forward so that car 5 was opposite the mini-high platform. We contemplate that these requests would be made when the train arrives, and railroads could not insist on advance notice (*e.g.*, the railroad could not require a passenger to call a certain time in advance to make a "reservation" to use a lift to get on a particular car). As part of its submission to FTA or FRA, the railroad would describe the procedure it would use to receive and fulfill these requests.

Where a railroad operator wishes to provide access to its rail cars through a means other than level-entry boarding, it is essential that it provide an integrated, safe, timely, reliable, and effective means of access for people with disabilities. A railroad is not required to choose what might be regarded as a more desirable or convenient method over a less desirable or convenient method, or to choose a more costly option over a less costly option. What a railroad must do is to ensure that whatever option it chooses works. However, to assist railroads in choosing the most suitable option, the rule requires that a railroad not using level-entry boarding, if it chooses an approach other than the use of car-borne lifts, must perform a comparison of the costs (capital, operating, and life-cycle costs) of car-borne lifts versus the means preferred by the railroad operator, as well as a comparison of the relative ability of each of the two alternatives (*i.e.*, car-borne lifts and the railroad's preferred approach) to provide service to people with disabilities in an integrated, safe, reliable, and timely manner. The railroad must submit this comparison to FTA and FRA at the same time as it submits its plan to FRA and/or FTA, as described below, although the comparison is not part of the basis on which the agencies would determine whether the plan meets the performance standard. The Department believes that, in creating this plan, railroads should consult with interested individuals and groups and should make the plan readily available to the public, including individuals with disabilities.

To ensure that the railroad's chosen option works, the railroad must provide to FRA or

FTA (or both), as applicable, a plan explaining how its preferred method will provide the required integrated, safe, reliable, timely and effective means of access for people with disabilities. The plan would have to explain how boarding equipment (*e.g.*, bridge plates, lifts, ramps, or other appropriate devices) and/or platforms will be deployed, maintained, and operated, as well as how personnel will be trained and deployed to ensure that service to individuals with disabilities was provided in an integrated, safe, timely, effective, and reliable manner.

FTA and/or FRA will evaluate the proposed plan with respect to whether it will achieve the objectives of the performance standard and may approve, disapprove, or modify it. It should be emphasized that the purpose of FTA/FRA review of this plan is to make sure that whatever approach a railroad chooses will in fact work; that is, it will really result in an integrated, safe, reliable, timely and effective means of access for people with disabilities. If a plan, in the view of FRA or FTA, fails to meet this test, then FTA or FRA can reject it or require the railroad to modify it to meet the objectives of this provision.

In considering railroads' plans, the agencies will consider factors including, but not limited to, how the proposal maximizes integration of and accessibility to individuals with disabilities, any obstacles to the use of a method that could provide better service to individuals with disabilities, the safety and reliability of the approach and related technology proposed to be used, the suitability of the means proposed to the station and line and/or system on which it would be used, and the adequacy of equipment and maintenance and staff training and deployment.

For example, some commenters have expressed significant concerns about the use of station-based lifts, noting instances in which such lifts have not been maintained in a safe and reliable working order. A railroad proposing to use station-based lifts would have to describe to FTA or FRA how it would ensure that the lifts remained in safe and reliable operating condition (such as by cycling the lift daily or other regular maintenance) and how it would ensure that personnel to operate the lift were available in a timely manner to assist passengers in boarding a train. This demonstration must clearly state how the railroad expects that their operations will provide safe and dignified service to the users of such lifts.

In existing stations where it is possible to provide access to every car without station or rail car retrofits, rail providers that receive DOT financial assistance should be mindful of the requirement of 49 CFR 27.7(b)(2), which requires that service be provided "in the most integrated setting that is reasonably achievable." For example, if a set of rail cars has car-borne lifts that enable

the railroad to comply with section 37.42 at new or altered station platforms, it is likely that deployment of this lift at existing stations will be reasonably achievable. Similarly, it is likely that, in a system using mini-high platforms, making multiple stops at existing stations would be reasonable achievable. The use of a station-based lift at an existing station to serve more than one car of a train may well also be reasonably achievable (*e.g.*, with movement of the lift or multiple stops, as needed). Such actions would serve the objective of providing service in an integrated setting. In addition, in situations where a railroad and the Department have negotiated access to every accessible car in an existing system (*e.g.*, with car-borne lifts and mini-high platforms as a back-up), the Department expects the railroads to continue to provide access to every accessible car for people with disabilities.

Section 37.42(e) provides a safety requirement concerning the setback of structures and obstacles (*e.g.*, mini-high platforms, elevators, escalators, and stairwells) from the platform edge. This provision is based on long-standing FRA recommendations and the expertise of the Department's staff. The Department believes that it is inadvisable, with the exception of boarding and alighting a train, to ever have a wheelchair operate over the two-foot wide tactile strips that are parallel to the edge of the platform. This leaves a four-foot distance for a person in a typical wheelchair to maneuver safely past stair wells, elevator shafts, *etc.* It also is important because a wheelchair user exiting a train at a door where there is not a six-foot clearance would likely have difficulty exiting and making the turn out of the rail car door. The requirement would also avoid channeling pedestrians through a relatively narrow space where, in crowded platform conditions, there would be an increased chance of someone falling off the edge of the platform. Since the rule concerns only new and altered platforms, the Department does not believe the cost or difficulty of designing the platforms to eliminate this hazard will be significant.

Section 37.42(f) provides the maximum gap allowable for a platform to be considered "level." However, this maximum is not intended to be the norm for new or altered platforms. The Department expects transportation providers to minimize platform gaps to the greatest extent possible by building stations on tangent track and using gap-filling technologies, such as moveable platform edges, threshold plates, platform end boards, and flexible rubber fingers on the ends of platforms. The Department encourages the use of Gap Management Plans and consultation with FRA and/or FTA for guidance on gap safety issues.

Even where level-entry boarding is provided, it is likely that, in many instances,

bridge plates would have to be used to enable passengers with disabilities to enter cars, because of the horizontal gaps involved. Section 38.95(c)(5), referred to in the regulatory text, permits various ramp slopes for bridge plates, depending on the vertical gap in given situation. In order to maximize the opportunity of passengers to board independently, the Department urges railroads to use the least steep ramp slope feasible at a given platform.

* * * * *

SECTION 37.71 ACQUISITION OF ACCESSIBLE VEHICLES BY PUBLIC ENTITIES

This section generally sets out the basic acquisition requirements for a public entity purchasing a new vehicle. The section requires any public entity that purchases or leases a new vehicle to acquire an accessible vehicle.

* * * * *

SECTION 37.165 LIFT AND SECUREMENT USE

This provision applies to both public and private entities.

All people using wheelchairs, as defined in the rule, and other powered mobility devices, under the circumstances provided in the rule, are to be allowed to ride the entity's vehicles.

Entities may require wheelchair users to ride in designated securement locations. That is, the entity is not required to carry wheelchair users whose wheelchairs would have to park in an aisle or other location where they could obstruct other persons' passage or where they could not be secured or restrained. An entity's vehicle is not required to pick up a wheelchair user when the securement locations are full, just as the vehicle may pass by other passengers waiting at the stop if the bus is full.

The entity may require that wheelchair users make use of securement systems for their mobility devices. The entity, in other words, can require wheelchair users to "buckle up" their mobility devices. The entity is required, on a vehicle meeting part 38 standards, to use the securement system to secure wheelchairs as provided in that part. On other vehicles (*e.g.*, existing vehicles with securement systems which do not comply with part 38 standards), the entity must provide and use a securement system to ensure that the mobility device remains within the securement area. This latter requirement is a mandate to use best efforts to restrain or confine the wheelchair to the securement area. The entity does the best it can, given its securement technology and the nature of the wheelchair. The Department encourages

entities with relatively less adequate securement systems on their vehicles, where feasible, to retrofit the vehicles with better securement systems, that can successfully restrain a wide variety of wheelchairs. It is our understanding that the cost of doing so is not enormous.

An entity may not, in any case, deny transportation to a wheelchair and its user because the wheelchair cannot be secured or restrained by a vehicle's securement system, to the entity's satisfaction. The same point applies to an OPMD and its user, subject to legitimate safety requirements.

Entities have often recommended or required that a wheelchair user transfer out of his or her own device into a vehicle seat. Under this rule, it is no longer permissible to require such a transfer. The entity may provide information on risks and make a recommendation with respect to transfer, but the final decision on whether to transfer is up to the passenger.

The entity's personnel have an obligation to ensure that a passenger with a disability is able to take advantage of the accessibility and safety features on vehicles. Consequently, the driver or other personnel must provide assistance with the use of lifts, ramps, and securement devices. For example, the driver must deploy the lift properly and safely. If the passenger cannot do so independently, the driver must assist the passenger with using the securement device. On a vehicle which uses a ramp for entry, the driver may have to assist in pushing a manual wheelchair up the ramp (particularly where the ramp slope is relatively steep). All these actions may involve a driver leaving his seat. Even in entities whose drivers traditionally do not leave their seats (e.g., because of labor-management agreements or company rules), this assistance must be provided. This rule overrides any requirements to the contrary.

Wheelchair users, especially those using electric wheelchairs, often have a preference for entering a lift platform and vehicle in a particular direction (e.g., backing on or going on frontwards). Except where the only way of successfully maneuvering a device onto a vehicle or into its securement area or an overriding safety concern (i.e., a direct threat) requires one way of doing this or another, the transit provider should respect the passenger's preference. We note that most electric wheelchairs are usually not equipped with rearview mirrors, and that many persons who use them are not able to rotate their heads sufficiently to see behind. People using canes or walkers and other standees with disabilities who do not use wheelchairs but have difficulty using steps (e.g., an elderly person who can walk on a level surface without use of a mobility aid but cannot raise his or her legs sufficiently to climb bus

steps) must also be permitted to use the lift, on request.

A lift conforming to Access Board requirements has a platform measuring at least 30" x 48", with a design load of at least 600 pounds (i.e., capable of lifting a wheelchair/occupant combination of up to 600 pounds). Working parts upon which the lift depends for support of the load, such as cables, pulleys, and shafts, must have a safety factor of at least six times the design load; non-working 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 non-discrimination law, for the transportation provider to refuse to transport the device and its user. Transportation providers must carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user and there is space for the wheelchair on the vehicle. However, if in fact a lift or vehicle is unable to accommodate the wheelchair and its user, the transportation provider is not required to carry it.

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

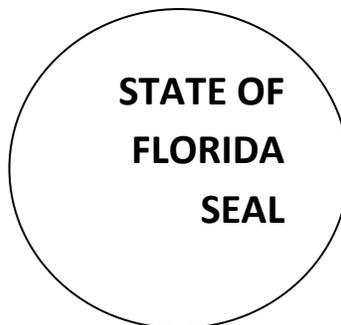
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Appendix E
**Florida Accessibility
Code for Building
Construction – Ramp
Guidelines**

2012 FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION

**ADOPTED PURSUANT TO
SECTION 553.503, FLORIDA STATUTES**

**BASED ON
THE 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN**



404.3.2 Maneuvering Clearance. Clearances at power-assisted doors and gates shall comply with 404.2.4. Clearances at automatic doors and gates without standby power and serving an *accessible means of egress* shall comply with 404.2.4.

EXCEPTION: Where automatic doors and gates remain open in the power-off condition, compliance with 404.2.4 shall not be required.

404.3.3 Thresholds. Thresholds and changes in level at doorways shall comply with 404.2.5.

404.3.4 Doors in Series and Gates in Series. Doors in series and gates in series shall comply with 404.2.6.

404.3.5 Controls. Manually operated controls shall comply with 309. The clear floor *space* adjacent to the control shall be located beyond the arc of the door swing.

404.3.6 Break Out Opening. Where doors and gates without standby power are a part of a means of egress, the clear break out opening at swinging or sliding doors and gates shall be 32 inches (815 mm) minimum when operated in emergency mode.

EXCEPTION: Where manual swinging doors and gates comply with 404.2 and serve the same means of egress compliance with 404.3.6 shall not be required.

404.3.7 Revolving Doors, Revolving Gates, and Turnstiles. Revolving doors, revolving gates, and turnstiles shall not be part of an *accessible* route.

405 Ramps

405.1 General. *Ramps* on *accessible* routes shall comply with 405.

EXCEPTION: In *assembly areas*, *aisle ramps* adjacent to seating and not serving *elements* required to be on an *accessible* route shall not be required to comply with 405.

405.2 Slope. *Ramp* runs shall have a *running slope* not steeper than 1:12.

EXCEPTION: In existing *sites*, *buildings*, and *facilities*, *ramps* shall be permitted to have *running slopes* steeper than 1:12 complying with Table 405.2 where such slopes are necessary due to *space* limitations.

Table 405.2 Maximum Ramp Slope and Rise for Existing Sites, Buildings, and Facilities

Slope ¹	Maximum Rise
Steeper than 1:10 but not steeper than 1:8	3 inches (75 mm)
Steeper than 1:12 but not steeper than 1:10	6 inches (150 mm)

1. A slope steeper than 1:8 is prohibited.

Advisory 405.2 Slope. To accommodate the widest range of users, provide ramps with the least possible running slope and, wherever possible, accompany ramps with stairs for use by those individuals for whom distance presents a greater barrier than steps, e.g., people with heart disease or limited stamina.

405.3 Cross Slope. *Cross slope of ramp runs* shall not be steeper than 1:48.

Advisory 405.3 Cross Slope. Cross slope is the slope of the surface perpendicular to the direction of travel. Cross slope is measured the same way as slope is measured (i.e., the rise over the run).

405.4 Floor or Ground Surfaces. Floor or ground surfaces of *ramp runs* shall comply with 302. Changes in level other than the running slope and *cross slope* are not permitted on *ramp runs*.

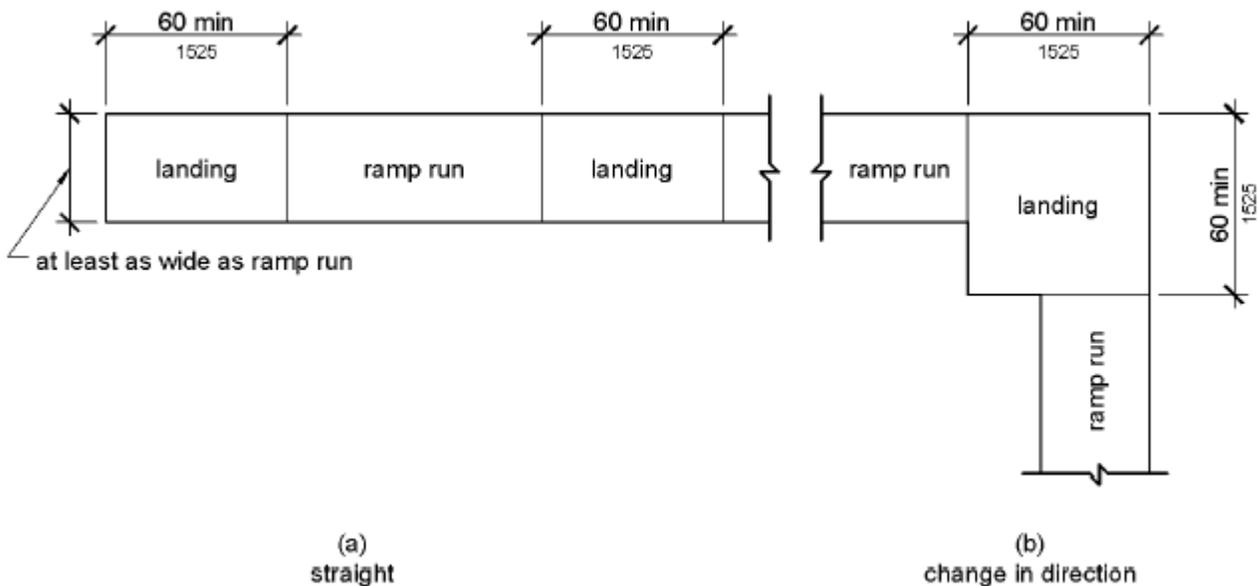
405.5 Clear Width. The clear width of a *ramp run* and, where handrails are provided, the clear width between handrails shall be 36 inches (915 mm) minimum.

EXCEPTION: Within *employee work areas*, the required clear width of *ramps* that are a part of *common use circulation paths* shall be permitted to be decreased by *work area equipment* provided that the decrease is essential to the function of the work being performed.

405.6 Rise. The rise for any *ramp run* shall be 30 inches (760 mm) maximum.

405.7 Landings. *Ramps* shall have landings at the top and the bottom of each *ramp run*. Landings shall comply with 405.7.

Advisory 405.7 Landings. Ramps that do not have level landings at changes in direction can create a compound slope that will not meet the requirements of this code. Circular or curved ramps continually change direction. Curvilinear ramps with small radii also can create compound cross slopes and cannot, by their nature, meet the requirements for accessible routes. A level landing is needed at the accessible door to permit maneuvering and simultaneously door operation.



**Figure 405.7
Ramp Landings**

405.7.1 Slope. Landings shall comply with 302. Changes in level are not permitted.

EXCEPTION: Slopes not steeper than 1:48 shall be permitted.

405.7.2 Width. The landing clear width shall be at least as wide as the widest *ramp* run leading to the landing.

405.7.3 Length. The landing clear length shall be 60 inches (1525 mm) long minimum.

405.7.4 Change in Direction. *Ramps* that change direction between runs at landings shall have a clear landing 60 inches (1525 mm) minimum by 60 inches (1525 mm) minimum.

405.7.5 Doorways. **Where** doorways are located adjacent to a *ramp* landing, maneuvering clearances required by 404.2.4 and 404.3.2 shall be permitted to overlap the required landing area.

405.8 Handrails. *Ramp* runs with a rise greater than 6 inches (150 mm) shall have handrails complying with 505.

EXCEPTION: Within *employee work areas*, handrails shall not be required where *ramps* that are part of *common use circulation paths* are designed to permit the installation of handrails complying with 505. *Ramps* not subject to the exception to 405.5 shall be designed to maintain a 36 inch (915 mm) minimum clear width when handrails are installed.

405.9 Edge Protection. Edge protection complying with 405.9.1 or 405.9.2 shall be provided on each side of *ramp* runs and at each side of ramp landings.

EXCEPTIONS: **1.** Edge protection shall not be required on *ramps* that are not required to have handrails and have sides complying with 406.3.

2. Edge protection shall not be required on the sides of *ramp* landings serving an adjoining *ramp* run or stairway.

3. Edge protection shall not be required on the sides of *ramp* landings having a vertical drop-off of 1/2 inch (13 mm) maximum within 10 inches (255 mm) horizontally of the minimum landing area specified in 405.7.

405.9.1 Extended Floor or Ground Surface. The floor or ground surface of the *ramp* run or landing shall extend 12 inches (305 mm) minimum beyond the inside face of a handrail complying with 505.

Advisory 405.9.1 Extended Floor or Ground Surface. The extended surface prevents wheelchair casters and crutch tips from slipping off the ramp surface.

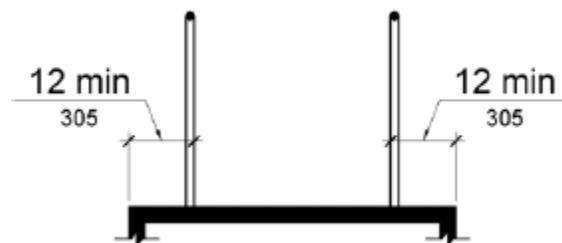


Figure 405.9.1
Extended Floor or Ground Surface Edge Protection

Appendix F
Chapter 427
Florida Statutes

CHAPTER 427

SPECIAL TRANSPORTATION AND COMMUNICATIONS SERVICES

PART I

TRANSPORTATION SERVICES

(ss. 427.011-427.017)

PART II

TELECOMMUNICATIONS ACCESS SYSTEM

(ss. 427.701-427.708)

PART III

ASSISTIVE TECHNOLOGY DEVICE WARRANTY ACT

(ss. 427.801-427.806)

PART I

TRANSPORTATION SERVICES

427.011 Definitions.

427.012 The Commission for the Transportation Disadvantaged.

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.

427.0135 Purchasing agencies; duties and responsibilities.

427.015 Function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged.

427.0155 Community transportation coordinators; powers and duties.

427.0157 Coordinating boards; powers and duties.

427.0158 School bus and public transportation.

427.0159 Transportation Disadvantaged Trust Fund.

427.016 Expenditure of local government, state, and federal funds for the transportation disadvantaged.

427.017 Conflicts with federal laws or regulations.

427.011 Definitions.—For the purposes of ss. 427.011-427.017:

(1) "Transportation disadvantaged" means those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202.

(2) "Metropolitan planning organization" means the organization responsible for carrying out transportation planning and programming in accordance with the provisions of 23 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f)(3).

(3) "Agency" means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or any other unit or entity of the state or of a city, town, municipality, county, or other local governing body or a private nonprofit transportation service-providing agency.

(4) "Transportation improvement program" means a staged multiyear program of transportation improvements, including an annual element, which is developed by a metropolitan planning organization or designated official planning agency.

(5) "Community transportation coordinator" means a transportation entity recommended by a metropolitan planning organization, or by the appropriate designated official planning agency as provided for in ss. 427.011-427.017 in an area outside the purview of a metropolitan planning organization, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.

(6) "Transportation operator" means one or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated system service plan.

(7) "Coordinating board" means an advisory entity in each designated service area composed of representatives appointed by the metropolitan planning organization or designated official planning agency, to provide assistance to the community transportation coordinator relative to the coordination of transportation services.

(8) "Purchasing agency" means a department or agency whose head is an ex officio, nonvoting adviser to the commission, or an agency that purchases transportation services for the transportation disadvantaged.

(9) "Paratransit" means those elements of public transit which provide service between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and provider of the service. Paratransit service is provided by taxis, limousines, "dial-a-ride," buses, and other demand-responsive operations that are characterized by their nonscheduled, nonfixed route nature.

(10) "Transportation disadvantaged funds" means any local government, state, or available federal funds that are for the transportation of the transportation disadvantaged. Such funds may include, but are not limited to, funds for planning, Medicaid transportation, administration, operation, procurement, and maintenance of vehicles or equipment and capital investments. Transportation disadvantaged funds do not include funds for the transportation of children to public schools.

(11) "Coordination" means the arrangement for the provision of transportation services to the transportation disadvantaged in a manner that is cost-effective, efficient, and reduces fragmentation and duplication of services.

(12) "Nonsponsored transportation disadvantaged services" means transportation disadvantaged services that are not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund.

History.—ss. 1, 9, ch. 79-180; s. 4, ch. 80-414; ss. 1, 3, ch. 84-56; ss. 1, 14, ch. 89-376; s. 57, ch. 90-306; s. 5, ch. 91-429; s. 82, ch. 92-152; s. 63, ch. 94-237; s. 2, ch. 2008-203.

427.012 The Commission for the Transportation Disadvantaged.—There is created the Commission for the Transportation Disadvantaged in the Department of Transportation.

(1) The commission shall consist of seven members, all of whom shall be appointed by the Governor, in accordance with the requirements of s. 20.052.

(a) Five of the members must have significant experience in the operation of a business, and it is the intent of the Legislature that, when making an appointment, the Governor select persons who reflect the broad diversity of the business community in this state, as well as the racial, ethnic, geographical, and gender diversity of the population of this state.

(b) Two of the members must have a disability and use the transportation disadvantaged system.

(c) Each member shall represent the needs of the transportation disadvantaged throughout the state. A member may not subordinate the needs of the transportation disadvantaged in general in order to favor the needs of others residing in a specific location in the state.

(d) Each member shall be appointed to a term of 4 years. A member may be reappointed for one additional 4-year term.

(e) Each member must be a resident of the state and a registered voter.

(f) At any given time, at least one member must be at least 65 years of age.

(g) The Secretary of Transportation, the Secretary of Children and Families, the executive director of the Department of Economic Opportunity, the executive director of the Department of Veterans' Affairs, the Secretary of Elderly Affairs, the Secretary of Health Care Administration, the

director of the Agency for Persons with Disabilities, and a county manager or administrator who is appointed by the Governor, or a senior management level representative of each, shall serve as ex officio, nonvoting advisors to the commission.

(h) A member may not, within the 5 years immediately before his or her appointment, or during his or her term on the commission, have or have had a financial relationship with, or represent or have represented as a lobbyist as defined in s. 11.045, the following:

1. A transportation operator;
2. A community transportation coordinator;
3. A metropolitan planning organization;
4. A designated official planning agency;
5. A purchaser agency;
6. A local coordinating board;
7. A broker of transportation; or
8. A provider of transportation services.

(2) The chairperson shall be appointed by the Governor, and the vice chairperson of the commission shall be elected annually from the membership of the commission.

(3) Members of the commission shall serve without compensation but shall be allowed per diem and travel expenses, as provided in s. 112.061.

(4) The commission shall meet at least quarterly, or more frequently at the call of the chairperson. Four members of the commission constitute a quorum, and a majority vote of the members present is necessary for any action taken by the commission.

(5) The Governor may remove any member of the commission for cause.

(6) Each candidate for appointment to the commission must, before accepting the appointment, undergo background screening under s. 435.04 by filing with the Department of Transportation a complete set of fingerprints taken by an authorized law enforcement agency. The fingerprints must be submitted to the Department of Law Enforcement for state processing, and that department shall submit the fingerprints to the Federal Bureau of Investigation for federal processing. The Department of Transportation shall screen the background results and inform the commission of any candidate who does not meet level 2 screening standards. A candidate who has not met level 2 screening standards may not be appointed to the commission. The cost of the background screening may be borne by the Department of Transportation or the candidate.

(7) The commission shall appoint an executive director who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the

commission, shall employ such personnel as may be necessary to perform adequately the functions of the commission within budgetary limitations. Employees of the commission are exempt from the Career Service System.

(8) The commission shall appoint a technical working group that includes representatives of private paratransit providers. The technical working group shall advise the commission on issues of importance to the state, including information, advice, and direction regarding the coordination of services for the transportation disadvantaged. The commission may appoint other technical working groups whose members may include representatives of community transportation coordinators; metropolitan planning organizations; regional planning councils; experts in insurance, marketing, economic development, or financial planning; and persons who use transportation for the transportation disadvantaged, or their relatives, parents, guardians, or service professionals who tend to their needs.

(9) The commission is assigned to the office of the secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control, supervision, and direction of the department.

(10) The commission shall develop a budget pursuant to chapter 216. The budget is not subject to change by the department staff after it has been approved by the commission, but it shall be transmitted to the Governor, as head of the department, along with the budget of the department.

History.—ss. 2, 8, 9, ch. 79-180; s. 5, ch. 80-414; s. 73, ch. 81-167; s. 76, ch. 83-55; ss. 2, 3, ch. 84-56; ss. 2, 14, ch. 89-376; s. 29, ch. 91-282; s. 5, ch. 91-429; s. 83, ch. 92-152; s. 64, ch. 94-237; s. 10, ch. 96-387; s. 204, ch. 99-8; s. 118, ch. 99-385; s. 9, ch. 2005-255; s. 1, ch. 2006-61; s. 3, ch. 2008-203; s. 342, ch. 2011-142; s. 59, ch. 2012-5; s. 242, ch. 2014-19.

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination is to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(1) Compile all available information on the transportation operations for and needs of the transportation disadvantaged in the state.

(2) Establish statewide objectives for providing transportation services for the transportation disadvantaged.

(3) Develop policies and procedures for the coordination of local government, federal, and state funding for the transportation disadvantaged.

(4) Identify barriers prohibiting the coordination and accessibility of transportation services to the transportation disadvantaged and aggressively pursue the elimination of these barriers.

(5) Serve as a clearinghouse for information about transportation disadvantaged services, training, funding sources, innovations, and coordination efforts.

(6) Assist communities in developing transportation systems designed to serve the transportation disadvantaged.

(7) Unless otherwise provided by state or federal law, ensure that all procedures, guidelines, and directives issued by purchasing agencies are conducive to the coordination of transportation services.

(8)(a) Ensure that purchasing agencies purchase all trips within the coordinated system, unless they have fulfilled the requirements of s. 427.0135(3) and use a more cost-effective alternative provider that meets comparable quality and standards.

(b) Unless the purchasing agency has negotiated with the commission pursuant to the requirements of s. 427.0135(3), provide, by rule, criteria and procedures for purchasing agencies to use if they wish to use an alternative provider. Agencies must demonstrate that the proposed alternative provider can provide a trip of comparable quality and standards for the clients at a lower cost than that provided within the coordinated system, or that the coordinated system cannot accommodate the agency's clients.

(9) Unless the purchasing agency has negotiated with the commission pursuant to the requirements of s. 427.0135(3), develop by rule standards for community transportation coordinators and any transportation operator or coordination contractor from whom service is purchased or arranged by the community transportation coordinator covering coordination, operation, safety, insurance, eligibility for service, costs, and utilization of transportation disadvantaged services. These standards and rules must include, but are not limited to:

(a) Minimum performance standards for the delivery of services. These standards must be included in coordinator contracts and transportation operator contracts with clear penalties for repeated or continuing violations.

(b) Minimum liability insurance requirements for all transportation services purchased, provided, or coordinated for the transportation disadvantaged through the community transportation coordinator.

(10) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of ss. 427.011-427.017.

(11) Approve the appointment of all community transportation coordinators.

(12) Have the authority to apply for and accept funds, grants, gifts, and services from the Federal Government, state government, local governments, or private funding sources.

Applications by the commission for local government funds shall be coordinated through the appropriate coordinating board. Funds acquired or accepted under this subsection shall be administered by the commission and shall be used to carry out the commission's responsibilities.

(13) Make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1 of each year.

(14) Consolidate, for each state agency, the amounts of each agency's actual expenditures, together with the actual expenditures of each local government and directly federally funded agency and the amounts collected by each official planning agency.

(15) Prepare a statewide 5-year transportation disadvantaged plan which addresses the transportation problems and needs of the transportation disadvantaged, which is fully coordinated with local transit plans, compatible with local government comprehensive plans, and which ensures that the most cost-effective and efficient method of providing transportation to the disadvantaged is programmed for development.

(16) Review and approve memorandums of agreement for the provision of coordinated transportation services.

(17) Review, monitor, and coordinate all transportation disadvantaged local government, state, and federal fund requests and plans for conformance with commission policy, without delaying the application process. Such funds shall be available only to those entities participating in an approved coordinated transportation system or entities which have received a commission-approved waiver to obtain all or part of their transportation through another means. This process shall identify procedures for coordinating with the state's intergovernmental coordination and review procedures and s. 216.212(1) and any other appropriate grant review process.

(18) Develop an interagency uniform contracting and billing and accounting system that shall be used by all community transportation coordinators and their transportation operators.

(19) Develop and maintain a transportation disadvantaged manual.

(20) Design and develop transportation disadvantaged training programs.

(21) Coordinate all transportation disadvantaged programs with appropriate state, local, and federal agencies and public transit agencies to ensure compatibility with existing transportation systems.

(22) Designate the official planning agency in areas outside of the purview of a metropolitan planning organization.

(23) Develop need-based criteria that must be used by all community transportation coordinators to prioritize the delivery of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

(24) Establish a review procedure to compare the rates proposed by alternate transportation operators with the rates charged by a community transportation coordinator to determine which rate is more cost-effective.

(25) Conduct a cost-comparison study of single-coordinator, multicoordinator, and brokered community transportation coordinator networks to ensure that the most cost-effective and efficient method of providing transportation to the transportation disadvantaged is programmed for development.

(26) Develop a quality assurance and management review program to monitor, based upon approved commission standards, services contracted for by an agency, and those provided by a community transportation operator pursuant to s. 427.0155.

(27) Ensure that local community transportation coordinators work cooperatively with local workforce development boards established in chapter 445 to provide assistance in the development of innovative transportation services for participants in the welfare transition program.

(28) In consultation with the Agency for Health Care Administration and the Department of Transportation, develop an allocation methodology that equitably distributes all transportation funds under the control of the commission to compensate counties, community transportation coordinators, and other entities providing transportation disadvantaged services. The methodology shall separately account for Medicaid beneficiaries. The methodology shall consider such factors as the actual costs of each transportation disadvantaged trip based on prior-year information, efficiencies that a provider might adopt to reduce costs, results of the rate and cost comparisons conducted under subsections (24) and (25), as well as cost efficiencies of trips when compared to the local cost of transporting the general public. This subsection does not supersede the authority of the Agency for Health Care Administration to distribute Medicaid funds.

(29) Incur expenses for the purchase of advertisements, marketing services, and promotional items.

¹(30) For the 2018-2019 fiscal year and notwithstanding any other provision of this section:

(a) Allocate, from funds provided in the General Appropriations Act, to community transportation coordinators who operate in counties that are not direct recipients of Urbanized Area Formula funds pursuant to 49 U.S.C. s. 5307 to provide transportation services for persons with disabilities, older adults, and low-income persons so they may access health care, employment, education, and other life-sustaining activities. Funds allocated for this purpose shall be distributed among community transportation coordinators based upon the Transportation Disadvantaged Trip and Equipment allocation methodology established by the commission.

(b) Award, from funds provided in the General Appropriations Act, competitive grants to community transportation coordinators to support transportation projects to:

1. Enhance access to health care, shopping, education, employment, public services, and recreation;
2. Assist in the development, improvement, and use of transportation systems in nonurbanized areas;
3. Promote the efficient coordination of services;
4. Support inner-city bus transportation; and
5. Encourage private transportation providers to participate.

(c) This subsection expires July 1, 2019.

History.—ss. 3, 9, ch. 79-180; s. 6, ch. 80-414; s. 274, ch. 81-259; ss. 1, 3, ch. 84-56; ss. 3, 14, ch. 89-376; s. 5, ch. 91-429; s. 84, ch. 92-152; s. 65, ch. 94-237; s. 17, ch. 98-57; s. 113, ch. 98-200; s. 119, ch. 99-385; s. 102, ch. 2000-165; s. 25, ch. 2000-266; s. 2, ch. 2006-61; s. 4, ch. 2008-203; s. 105, ch. 2016-62; s. 21, ch. 2016-216; s. 47, ch. 2017-71; s. 73, ch. 2018-10.

Note.—Section 73, ch. 2018-10, amended subsection (30) “[i]n order to implement Specific Appropriation 1855 of the 2018-2019 General Appropriations Act.”

427.0135 Purchasing agencies; duties and responsibilities.—Each purchasing agency, in carrying out the policies and procedures of the commission, shall:

- (1) Use the coordinated transportation system for provision of services to its clients, unless each department or purchasing agency meets the criteria outlined in rule or statute to use an alternative provider.
- (2) Pay the rates established in the service plan or negotiated statewide contract, unless the purchasing agency has completed the procedure for using an alternative provider and demonstrated that a proposed alternative provider can provide a more cost-effective transportation service of comparable quality and standards or unless the agency has satisfied the requirements of subsection (3).
- (3) Not procure transportation disadvantaged services without initially negotiating with the commission, as provided in s. 287.057(3)(e)12., or unless otherwise authorized by statute. If the purchasing agency, after consultation with the commission, determines that it cannot reach mutually acceptable contract terms with the commission, the purchasing agency may contract for the same transportation services provided in a more cost-effective manner and of comparable or higher quality and standards. The Medicaid agency shall implement this subsection in a manner consistent with s. 409.908(18) and as otherwise limited or directed by the General Appropriations Act.

(4) Identify in the legislative budget request provided to the Governor each year for the General Appropriations Act the specific amount of money the purchasing agency will allocate to provide transportation disadvantaged services.

(5) Provide the commission, by September 15 of each year, an accounting of all funds spent as well as how many trips were purchased with agency funds.

(6) Assist communities in developing coordinated transportation systems designed to serve the transportation disadvantaged. However, a purchasing agency may not serve as the community transportation coordinator in any designated service area.

(7) Ensure that its rules, procedures, guidelines, and directives are conducive to the coordination of transportation funds and services for the transportation disadvantaged.

(8) Provide technical assistance, as needed, to community transportation coordinators or transportation operators or participating agencies.

History.—ss. 4, 14, ch. 89-376; s. 5, ch. 91-429; s. 66, ch. 94-237; s. 4, ch. 95-394; s. 10, ch. 96-417; s. 26, ch. 2000-266; s. 5, ch. 2008-203; s. 34, ch. 2010-151; s. 16, ch. 2013-154; s. 32, ch. 2016-65; s. 26, ch. 2017-129.

427.015 Function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged.—

(1) In developing the transportation improvement program, each metropolitan planning organization or designated official planning agency in this state shall include a realistic estimate of the cost and revenue that will be derived from transportation disadvantaged services in its area. The transportation improvement program shall also identify transportation improvements that will be advanced with such funds during the program period. Funds required by this subsection to be included in the transportation improvement program shall only be included after consultation with all affected agencies and shall only be expended if such funds are included in the transportation improvement program.

(2) Each metropolitan planning organization or designated official planning agency shall recommend to the commission a single community transportation coordinator. However, a purchasing agency may not serve as the community transportation coordinator in any designated service area. The coordinator may provide all or a portion of needed transportation services for the transportation disadvantaged but shall be responsible for the provision of those coordinated services. Based on approved commission evaluation criteria, the coordinator shall subcontract or broker those services that are more cost-effectively and efficiently provided by subcontracting or brokering. The performance of the coordinator shall be evaluated based on the commission's approved evaluation criteria by the coordinating board at least annually. A copy of the evaluation shall be submitted to the metropolitan planning organization or the designated official planning agency, and the commission. The recommendation or termination of any community transportation coordinator shall be subject to approval by the commission.

(3) Each metropolitan planning organization or designated official planning agency shall request each local government in its jurisdiction to provide the actual expenditures of all local and direct federal funds to be expended for transportation for the disadvantaged. The metropolitan planning organization or designated official planning agency shall consolidate this information into a single report and forward it, by September 15, to the commission.

History.—ss. 6, 9, ch. 79-180; ss. 1, 3, ch. 84-56; ss. 5, 14, ch. 89-376; s. 5, ch. 91-429; s. 67, ch. 94-237; s. 27, ch. 2000-266; s. 6, ch. 2008-203.

427.0155 Community transportation coordinators; powers and duties.—Community transportation coordinators shall have the following powers and duties:

(1) Execute uniform contracts for service using a standard contract, which includes performance standards for operators.

(2) Collect annual operating data for submittal to the commission.

(3) Review all transportation operator contracts annually.

(4) Approve and coordinate the utilization of school bus and public transportation services in accordance with the transportation disadvantaged service plan.

(5) In cooperation with a functioning coordinating board, review all applications for local government, federal, and state transportation disadvantaged funds, and develop cost-effective coordination strategies.

(6) In cooperation with, and approved by, the coordinating board, develop, negotiate, implement, and monitor a memorandum of agreement including a service plan, for submittal to the commission.

(7) In cooperation with the coordinating board and pursuant to criteria developed by the Commission for the Transportation Disadvantaged, establish eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

(8) Have full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in s. 427.015(2).

(9) Work cooperatively with local workforce development boards established in chapter 445 to provide assistance in the development of innovative transportation services for participants in the welfare transition program.

History.—ss. 6, 14, ch. 89-376; s. 5, ch. 91-429; s. 85, ch. 92-152; s. 68, ch. 94-237; s. 18, ch. 98-57; s. 103, ch. 2000-165; s. 7, ch. 2008-203; s. 22, ch. 2016-216.

427.0157 Coordinating boards; powers and duties.—The purpose of each coordinating board is to develop local service needs and to provide information, advice, and direction to the community

transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall:

(1) Review and approve the coordinated community transportation disadvantaged service plan, including the memorandum of agreement, prior to submittal to the commission;

(2) Evaluate services provided in meeting the approved plan;

(3) In cooperation with the community transportation coordinator, review and provide recommendations to the commission on funding applications affecting the transportation disadvantaged;

(4) Assist the community transportation coordinator in establishing eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

(5) Review the coordination strategies of service provision to the transportation disadvantaged in the designated service area; and

(6) Evaluate multicounty or regional transportation opportunities.

(7) Work cooperatively with local workforce development boards established in chapter 445 to provide assistance in the development of innovative transportation services for participants in the welfare transition program.

History.—ss. 7, 14, ch. 89-376; s. 5, ch. 91-429; s. 86, ch. 92-152; s. 19, ch. 98-57; s. 104, ch. 2000-165; s. 8, ch. 2008-203; s. 23, ch. 2016-216.

427.0158 School bus and public transportation.—

(1) The community transportation coordinator shall maximize the use of public school transportation and public fixed route or fixed schedule transit service for the transportation of the transportation disadvantaged.

(2) The school boards shall cooperate in the utilization of their vehicles to enhance coordinated transportation disadvantaged services by providing information as requested by the community transportation coordinator and by allowing the use of their vehicles at actual cost upon request when those vehicles are available for such use and are not transporting students.

(3) The public transit fixed route or fixed schedule system shall cooperate in the utilization of its regular service to enhance coordinated transportation disadvantaged services by providing the

information as requested by the community transportation coordinator. The community transportation coordinator may request, without limitation, the following information:

- (a) A copy of all current schedules, route maps, system map, and fare structure;
- (b) A copy of the current charter policy;
- (c) A copy of the current charter rates and hour requirements; and
- (d) Required notification time to arrange for a charter.

History.—ss. 8, 14, ch. 89-376; s. 5, ch. 91-429; s. 9, ch. 2008-203.

427.0159 Transportation Disadvantaged Trust Fund.—

(1) There is established in the State Treasury the Transportation Disadvantaged Trust Fund to be administered by the Commission for the Transportation Disadvantaged. All fees collected for the transportation disadvantaged program under s. 320.03(9) shall be deposited in the trust fund.

(2) Funds deposited in the trust fund shall be appropriated by the Legislature to the commission and shall be used to carry out the responsibilities of the commission and to fund the administrative expenses of the commission.

(3) 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.

(4) A purchasing agency may deposit funds into the Transportation Disadvantaged Trust Fund for the commission to implement, manage, and administer the purchasing agency's transportation disadvantaged funds, as defined in s. 427.011(10).

History.—ss. 9, 14, ch. 89-376; s. 5, ch. 91-429; s. 87, ch. 92-152; s. 69, ch. 94-237; s. 21, ch. 2000-257; s. 61, ch. 2001-62; s. 10, ch. 2008-203.

¹Note.—Section 22, ch. 2000-257, provides that "[n]otwithstanding any other law to the contrary the requirements of sections 206.46(3) and 206.606(2), Florida Statutes, shall not apply to any funding, programs, or other provisions contained in this act."

427.016 Expenditure of local government, state, and federal funds for the transportation disadvantaged.—

(1)(a) All transportation disadvantaged funds expended within the state shall be expended to purchase transportation services from community transportation coordinators or public, private, or private nonprofit transportation operators within the coordinated transportation system, except when the rates charged by proposed alternate operators are proven, pursuant to rules generated

by the Commission for the Transportation Disadvantaged, to be more cost-effective and are not a risk to the public health, safety, or welfare. However, in areas where transportation suited to the unique needs of a transportation disadvantaged person cannot be purchased through the coordinated system, or where the agency has met the rule criteria for using an alternative provider, the service may be contracted for directly by the appropriate agency.

(b) This subsection does not preclude a purchasing agency from establishing maximum fee schedules, individualized reimbursement policies by provider type, negotiated fees, or any other mechanism, including contracting after initial negotiation with the commission, which the agency considers more cost-effective and of comparable or higher quality and standards than those of the commission for the purchase of services on behalf of its clients if it has fulfilled the requirements of s. 427.0135(3) or the procedure for using an alternative provider. State and local agencies shall not contract for any transportation disadvantaged services, including Medicaid reimbursable transportation services, with any community transportation coordinator or transportation operator that has been determined by the Agency for Health Care Administration, the Department of Legal Affairs Medicaid Fraud Control Unit, or any state or federal agency to have engaged in any abusive or fraudulent billing activities.

(2) Each year, each agency, whether or not it is an ex officio, nonvoting adviser to the Commission for the Transportation Disadvantaged, shall identify in the legislative budget request provided to the Governor for the General Appropriations Act the specific amount of any money the agency will allocate for the provision of transportation disadvantaged services. Additionally, each state agency shall, by September 15 of each year, provide the commission with an accounting of the actual amount of funds expended and the total number of trips purchased.

(3) Each metropolitan planning organization or designated official planning agency shall annually compile a report accounting for all local government and direct federal funds for transportation for the disadvantaged expended in its jurisdiction and forward this report by September 15 to the commission.

History.—ss. 5, 9, ch. 79-180; ss. 1, 3, ch. 84-56; ss. 10, 14, ch. 89-376; s. 5, ch. 91-429; s. 88, ch. 92-152; s. 70, ch. 94-237; s. 5, ch. 95-394; s. 11, ch. 2008-203.

427.017 Conflicts with federal laws or regulations.—Upon notification by an agency of the Federal Government that any provision of this act conflicts with federal laws or regulations, the state or local agencies involved may take any reasonable steps necessary to assure continued federal funding. Further, it is the legislative intent that the conflict shall not affect other provisions or applications of this act that can effectively be implemented without implementation of the provision in question, and to this end, the provisions of this act are declared severable.

History.—ss. 7, 9, ch. 79-180; ss. 1, 3, ch. 84-56; s. 14, ch. 89-376; s. 5, ch. 91-429.

PART II

**TELECOMMUNICATIONS
ACCESS SYSTEM**

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427.701 Title.—This part may be cited as the “Telecommunications Access System Act of 1991.”

History.—s. 1, ch. 91-111.

427.702 Findings, purpose, and legislative intent.—

(1) The Legislature finds and declares that:

(a) Telecommunications services provide a rapid and essential communications link among the general public and with essential offices and organizations such as police, fire, and medical facilities.

(b) All persons should have basic telecommunications services available to them at reasonable and affordable costs.

(c) A significant portion of Florida's hearing impaired and speech impaired populations has profound disabilities, including dual sensory impairments, which render normal telephone equipment useless without additional specialized telecommunications devices, many of which cost several hundred dollars.

(d) The telecommunications system is intended to provide access to a basic communications network between all persons, and that many persons who have a hearing impairment or speech impairment currently have no access to the basic telecommunications system.

(e) Persons who do not have a hearing impairment or speech impairment are generally excluded from access to the basic telecommunications system to communicate with persons who have a hearing impairment or speech impairment without the use of specialized telecommunications devices.

(f) There exists a need for a telecommunications relay system whereby the cost for access to basic telecommunications services for persons who have a hearing impairment or speech impairment is no greater than the amount paid by other telecommunications customers.

(g) The Federal Government, in order to carry out the purposes established by Title II of the Communications Act of 1934, as amended, by the enactment of the Americans with Disabilities Act, endeavored to ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing impaired and speech impaired persons in the United States.

(h) Title IV of the Americans with Disabilities Act mandates that the telecommunications companies providing telephone services within the state shall provide telecommunications relay services on or before July 25, 1993, to persons who are hearing impaired or speech impaired within their certificated territories in a manner that meets or exceeds the requirements of regulations to be prescribed by the Federal Communications Commission.

(2) It is the declared purpose of this part to establish a system whereby the citizens of Florida who are hearing impaired, speech impaired, or dual sensory impaired have access to basic telecommunications services at a cost no greater than that paid by other telecommunications services customers, and whereby the cost of specialized telecommunications equipment necessary to ensure that citizens who are hearing impaired, speech impaired, or dual sensory impaired have access to basic telecommunications services and the provision of telecommunications relay service is borne by all the telecommunications customers of the state.

(3) It is the intent of the Legislature:

(a) That a telecommunications access system be established to provide equitable basic access to the telecommunications network for persons who are hearing impaired, speech impaired, or dual sensory impaired.

(b) That the telecommunications access system includes a telecommunications relay service system that meets or exceeds the certification requirements of the Federal Communications Commission.

(c) That the telecommunications access system includes the distribution of telecommunications devices for the deaf that are compatible with the telecommunications relay service system and has the capability of incorporating new technologies as they develop.

(d) That the telecommunications access system includes the distribution of specialized telecommunications devices necessary for hearing impaired, speech impaired, or dual sensory impaired persons to access basic telecommunications services.

(e) That the telecommunications access system ensures that users of the telecommunications relay service system pay rates no greater than the rates paid for functionally equivalent voice communications services.

(f) That the telecommunications access system be as cost-efficient as possible without diminishing the effectiveness or the quality of the system.

(g) That the telecommunications access system uses state-of-the-art technology for specialized telecommunications devices and the telecommunications relay service and encourages the incorporation of new developments in technology, to the extent that it has demonstrated benefits consistent with the intent of this act and is in the best interest of the citizens of this state.

(h) That the value of the involvement of persons who have hearing or speech impairments, and organizations representing or serving those persons, be recognized and such persons and organizations be involved throughout the development, establishment, and implementation of the telecommunications access system through participation on the advisory committee as provided in s. 427.706.

(i) That the total cost of providing telecommunications relay services and distributing specialized telecommunications devices be spread equitably among and collected from customers of all local exchange telecommunications companies.

History.—s. 1, ch. 91-111.

427.703 Definitions.—As used in this part:

(1) “Administrator” means a corporation not for profit incorporated pursuant to the provisions of chapter 617 and designated by the Florida Public Service Commission to administer the telecommunications relay service system and the distribution of specialized telecommunications devices pursuant to the provisions of this act and rules and regulations established by the commission.

(2) “Commission” means the Florida Public Service Commission.

(3) “Deaf” means having a permanent hearing impairment and being unable to discriminate speech sounds in verbal communication, with or without the assistance of amplification devices.

(4) “Dual sensory impaired” means having both a permanent hearing impairment and a permanent visual impairment and includes deaf/blindness.

(5) “Hard of hearing” means having a permanent hearing impairment which is severe enough to necessitate the use of amplification devices to discriminate speech sounds in verbal communication.

(6) “Hearing impaired” or “having a hearing impairment” means deaf or hard of hearing and, for purposes of this part, includes being dual sensory impaired.

(7) "Local exchange telecommunications company" means a telecommunications company certificated by the commission to provide telecommunications services within a specific geographic area.

(8) "Operating fund" means the fund established, invested, managed, and maintained by the administrator for the exclusive purpose of implementing and administering the provisions of this act pursuant to commission rules and regulations.

(9) "Ring signaling device" means a mechanism, such as a flashing light, which visually indicates that a communication is being received through a telephone line. This term also means a mechanism such as an adjustable volume ringer and buzzer which audibly and loudly indicates an incoming telephone communication.

(10) "Speech impaired" or "having a speech impairment" means having a permanent loss of verbal communication ability which prohibits normal usage of a standard telephone handset.

(11) "Specialized telecommunications device" means a TDD, a volume control handset, a ring signaling device, or any other customer premises telecommunications equipment specifically designed or used to provide basic access to telecommunications services for a hearing impaired, speech impaired, or dual sensory impaired person.

(12) "Surcharge" means an additional charge which is to be paid by local exchange telecommunications company subscribers pursuant to the cost recovery mechanism established under s. 427.704(4) in order to implement the system described herein.

(13) "Telecommunications company" includes every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every political subdivision of the state, offering two-way telecommunications service to the public for hire within this state by the use of a telecommunications facility. The term "telecommunications company" does not include an entity which provides a telecommunications facility exclusively to a certificated telecommunications company, or a specialized mobile radio service operator, a private radio carrier, a radio common carrier, a cellular radio telecommunications carrier, or a cable television company providing cable service as defined in 47 U.S.C. s. 522.

(14) "Telecommunications device for the deaf" or "TDD" means a mechanism which is connected to a standard telephone line, operated by means of a keyboard, and used to transmit or receive signals through telephone lines.

(15) "Telecommunications facility" includes real estate, easements, apparatus, property, and routes used and operated to provide two-way telecommunications service to the public for hire within this state.

(16) "Telecommunications relay service" means any telecommunications transmission service that allows a person who is hearing impaired or speech impaired to communicate by wire or radio in a manner that is functionally equivalent to the ability of a person who is not hearing impaired or

speech impaired. Such term includes any service that enables two-way communication between a person who uses a telecommunications device or other nonvoice terminal device and a person who does not use such a device.

(17) "Volume control handset" means a telephone which has an adjustable control for increasing the volume of the sound being produced by the telephone receiving unit or by the telephone transmitting unit.

History.—s. 1, ch. 91-111.

427.704 Powers and duties of the commission.—

(1) The commission shall establish, implement, promote, and oversee the administration of a statewide telecommunications access system to provide access to telecommunications relay services by persons who are hearing impaired or speech impaired, or others who communicate with them. The telecommunications access system shall provide for the purchase and distribution of specialized telecommunications devices and the establishment of statewide single provider telecommunications relay service system which operates continuously. To provide telecommunications relay services and distribute specialized telecommunication devices to persons who are hearing impaired or speech impaired, at a reasonable cost the commission shall:

(a) Investigate, conduct public hearings, and solicit the advice and counsel of the advisory committee established pursuant to s. 427.706 to determine the most cost-effective method for providing telecommunications relay service and distributing specialized telecommunications devices.

(b) Ensure that users of the telecommunications relay service system pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as duration of the call, time of day, and distance from the point of origination to the point of termination.

(c) Ensure that the telecommunications access system protects the privacy of persons to whom services are provided and that all operators maintain the confidentiality of all relay service messages.

(d) Ensure that the telecommunications relay service system complies with regulations adopted by the Federal Communications Commission to implement Title IV of the Americans with Disabilities Act.

(2) The commission shall designate as the administrator of the telecommunications access system a corporation not for profit organized for such purposes and incorporated pursuant to chapter 617. For the purposes of this part, the commission may order telecommunications companies to form such a corporation not for profit.

(3)(a) The commission shall select the provider of the telecommunications relay service pursuant to procedures established by the commission. In selecting the service provider, the commission shall take into consideration the cost of providing the relay service and the interests of the hearing impaired and speech impaired community in having access to a high-quality and technologically advanced telecommunications system. The commission shall award the contract to the bidder whose proposal is the most advantageous to the state, taking into consideration the following:

1. The appropriateness and accessibility of the proposed telecommunications relay service for the citizens of the state, including persons who are hearing impaired or speech impaired.
2. The overall quality of the proposed telecommunications relay service.
3. The charges for the proposed telecommunications relay service system.
4. The ability and qualifications of the bidder to provide the proposed telecommunications relay service as outlined in the request for proposals.
5. Any proposed service enhancements and technological enhancements which improve service without significantly increasing cost.
6. Any proposed inclusion of provision of assistance to deaf persons with special needs to access the basic telecommunications system.
7. The ability to meet the proposed commencement date for the telecommunications relay service.
8. All other factors listed in the request for proposals.

(b) The commission shall consider the advice and counsel of the advisory committee in the development of the request for proposals. The request for proposals shall include, but not be limited to:

1. A description of the scope and general requirements of the telecommunications relay service, including the required compliance with regulations adopted by the Federal Communications Commission to implement Title IV of the Americans with Disabilities Act, the required service provisions and service limitations, system design, service provider qualifications, and service description, type of calls to be provided, and charges to the users.
2. A description of the telecommunications relay service system standards.
3. A description of information to be provided by the bidder, including service provider qualifications, cost information, including cost per call and startup costs, a description of the system design, including network access and facilities to be provided, and relay operator standards.

4. A description of service provider reporting requirements.

(c) The commission shall establish a request for a proposals review committee, which shall include commission staff and designated members of the advisory committee, to review the proposals received by the commission and recommend a telecommunications relay service provider to the commission for final selection. By agreeing to serve on the review committee, each member of the review committee shall agree that he or she currently does not have and will not have any interest or employment, either directly or indirectly, with potential bidders that would conflict in any manner or degree with his or her performance on the committee.

(d) To the extent a bidder desires any portion of its proposal to be considered proprietary, confidential business information, the bidder shall make such request concurrent with filing its proposal and justify its request as provided in s. 364.183.

(4)(a) The commission shall establish a mechanism to recover the costs of implementing and maintaining the services required pursuant to this part which shall be applied to each basic telecommunications access line. In establishing the recovery mechanism, the commission shall:

1. Require all local exchange telecommunications companies to impose a monthly surcharge on all local exchange telecommunications company subscribers on an individual access line basis, except that such surcharge shall not be imposed upon more than 25 basic telecommunications access lines per account bill rendered.

2. Require all local exchange telecommunications companies to include the surcharge as a part of the local service charge that appears on the customer's bill, except that the local exchange telecommunications company shall specify the surcharge on the initial bill to the subscriber and itemize it at least once annually.

3. Allow the local exchange telecommunications company to deduct and retain 1 percent of the total surcharge amount collected each month to recover the billing, collecting, remitting, and administrative costs attributed to the surcharge.

(b) The commission shall determine the amount of the surcharge based upon the amount of funding necessary to accomplish the purposes of this act and provide the services on an ongoing basis; however, in no case shall the amount exceed 25 cents per line per month.

(c) All moneys received by the local exchange telecommunications company, less the amount retained as authorized by subparagraph (4)(a)3., shall be remitted to the administrator for deposit in appropriate financial institutions regulated under state or federal law and used exclusively to fund the telecommunications access system provided for herein.

(d) The surcharge collected by the local exchange telecommunications companies is not subject to any sales, use, franchise, income, municipal utility, gross receipts, or any other tax, fee, or

assessment, nor shall it be considered revenue of the local exchange telecommunications companies for any purpose.

(e) From the date of implementing the surcharge, the commission shall review the amount of the surcharge at least annually and shall order changes in the amount of the surcharge as necessary to assure available funds for the provision of the telecommunications access system established herein. Where the review of the surcharge determines that excess funds are available, the commission may order the suspension of the surcharge for a period which the commission deems appropriate.

(5) The commission shall require each local exchange telecommunications company to begin assessing and collecting the surcharge in the amount of 5 cents per access line per month on bills rendered on or after July 1, 1991, for remission to the administrator for deposit in the operational fund. Each local exchange telecommunications company shall remit moneys collected to the administrator. On August 15, 1991, each local exchange telecommunications company shall begin remitting the moneys collected to the administrator on a monthly basis and in a manner as prescribed by the commission. The administrator shall use such moneys to cover costs incurred during the development of the telecommunications relay services and to establish and administer the specialized telecommunications devices system.

(6) The commission shall establish a schedule for completion of specific stages of the telecommunications relay service development and implementation except that the statewide telecommunications relay service shall commence on or before June 1, 1992.

(7) The commission shall require the administrator to submit financial statements for the distribution of specialized telecommunications devices and the telecommunications relay service to the commission quarterly, in the manner prescribed by the commission.

(8) The commission shall adopt rules and may take any other action necessary to implement the provisions of this act.

(9) The commission shall prepare an annual report on the operation of the telecommunications access system, which shall be available on the commission's Internet website. Reports must be prepared in consultation with the administrator and the advisory committee appointed pursuant to s. 427.706. The reports must, at a minimum, briefly outline the status of developments in the telecommunications access system, the number of persons served, the call volume, revenues and expenditures, the allocation of the revenues and expenditures between provision of specialized telecommunications devices to individuals and operation of statewide relay service, other major policy or operational issues, and proposals for improvements or changes to the telecommunications access system.

History.—s. 1, ch. 91-111; s. 11, ch. 2000-334; s. 139, ch. 2010-102.

427.705 Administration of the telecommunications access system.—

(1) Consistent with the provisions of this act and rules and regulations established by the commission, the administrator shall:

(a) Purchase, store, distribute, and maintain specialized telecommunications devices, either directly or through contract with third parties, or a combination thereof.

(b) Administer advertising and outreach services as required by the commission, either directly or through contract with third parties, or a combination thereof.

(c) Administer training services for recipients of specialized telecommunications devices and for telecommunications relay service users as directed by the commission through contract with third parties.

(d) Establish and maintain an operational fund with appropriate financial institutions regulated under state or federal law, and receive moneys from the local exchange telecommunications companies and deposit such moneys in the operational fund.

(e) Develop, test, and implement an accounting system and internal controls and procedures to receive, safeguard, and disperse moneys in the operational fund as directed by the commission.

(f) Develop and implement procedures for an independent audit and for compliance with commission reporting requirements, as directed by the commission.

(g) Administer and control the award of money to all parties incurring costs in implementing and maintaining the telecommunications access system, equipment, and technical support services in accordance with the provisions of this act.

(2) The administrator shall be audited annually by an independent auditing firm to assure proper management of any revenues it receives and disburses. The administrator's books and records shall be open to the commission and to the Auditor General for review upon request. The commission shall have the authority to establish fiscal and operational requirements for the administrator to follow in order to ensure that the administrative costs of the system are reasonable.

(3) The administrator may apply to the commission for an adjustment in the amount of the monthly surcharge that a local exchange telecommunications company must impose on its customers. Prior to applying to the commission for such an adjustment, the commission may require the administrator to employ an independent accounting firm to perform an audit of the accounts of the administrator and the service providers relevant to the surcharge and file a report with the commission.

(4) In contracting for the provision of distribution of specialized telecommunications devices, outreach services, and training of recipients, the administrator shall consider contracting with organizations that provide services to persons who are hearing impaired or speech impaired.

(5) The administrator shall provide for the distribution of specialized telecommunications devices to persons qualified to receive such equipment in accordance with the provisions of this act. The administrator shall establish procedures for the distribution of specialized telecommunications devices and shall solicit the advice and counsel and consider the recommendations of the advisory committee in establishing such procedures. The procedures shall:

(a) Provide for certification of persons as hearing impaired, speech impaired, or dual sensory impaired. Such certification process shall include a statement attesting to such impairment by a licensed physician, audiologist, speech-language pathologist, hearing aid specialist, or deaf service center director; by a state-certified teacher of the hearing impaired; by a state-certified teacher of the visually impaired; or by an appropriate state or federal agency. The licensed physician, audiologist, speech-language pathologist, hearing aid specialist, state-certified teacher of the hearing impaired, or state-certified teacher of the visually impaired providing statements which attest to such impairments shall work within their individual scopes of practice according to their education and training. The deaf service center directors and appropriate state and federal agencies shall attest to such impairments as provided for in the procedures developed by the administrator.

(b) Establish characteristics and performance standards for specialized telecommunications devices determined to be necessary, and for the selection of equipment to be purchased for distribution to qualified recipients. The characteristics and standards shall be modified as advances in equipment technology render such standards inapplicable.

(c) Provide for the administrator to apply for, contract for, receive, and expend for the purposes of this part any appropriation, grant, gift, or donation from the Federal Government or any other public or private source.

(d) Require the administrator to purchase the equipment required by this part on a competitively bid basis, so that the best value per unit may be obtained on the equipment selected for purchase, unless the equipment is available from only one source, or the total amount of the subject transaction does not exceed \$5,000.

(6) All names, addresses, and telephone numbers provided to the Florida Public Service Commission or administrator by applicants for specialized telecommunications devices are confidential and exempt from the provisions of s. 119.07(1). The information shall be released to contractors only to the extent necessary for assignment and shipment of equipment, for provision of training in the use of equipment, and for inventory reconciliation purposes. Neither the administrator or any contractor shall release this information nor use it for any other purpose.

(7) The administrator shall assume responsibility for distribution of specialized telecommunications devices.

(8) The administrator shall submit financial statements to the commission quarterly, in the manner prescribed by the commission.

History.—s. 1, ch. 91-111; s. 1, ch. 92-2; s. 278, ch. 96-406; s. 52, ch. 99-5; s. 12, ch. 2000-334.

427.706 Advisory committee.—

(1) The commission shall appoint an advisory committee to assist the commission with the implementation of the provisions of this part. The committee shall be composed of no more than 10 persons and shall include, to the extent practicable, the following:

- (a) Two deaf persons recommended by the Florida Association of the Deaf.
- (b) One hearing impaired person recommended by Self-Help for the Hard of Hearing.
- (c) One deaf and blind person recommended by the Coalition for Persons with Dual Sensory Disabilities.
- (d) One speech impaired person recommended by the Florida Language Speech and Hearing Association.
- (e) Two representatives of telecommunications companies.
- (f) One person with experience in providing relay services recommended by the Deaf Service Center Association.
- (g) One person recommended by the Advocacy Center for Persons with Disabilities, Inc.
- (h) One person recommended by the Florida League of Seniors.

(2) The advisory committee shall provide the expertise, experience, and perspective of persons who are hearing impaired or speech impaired to the commission and to the administrator during all phases of the development and operation of the telecommunications access system. The advisory committee shall advise the commission and the administrator on the quality and cost-effectiveness of the telecommunications relay service and the specialized telecommunications devices distribution system. The advisory committee may submit material for inclusion in the annual report prepared pursuant to s. 427.704.

(3) Members of the committee shall not be compensated for their services but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The commission shall use funds from the Florida Public Service Regulatory Trust Fund to cover the costs incurred by members of the advisory committee.

History.—s. 1, ch. 91-111; s. 45, ch. 94-324; s. 18, ch. 95-327; s. 140, ch. 2010-102; s. 4, ch. 2012-177.

427.707 Exemption from liability.—Neither the commission, the administrator, the provider of the telecommunications relay service, nor any agent, employee, representative, or officer of the foregoing shall be liable for any claims, actions, damages, or causes of action arising out of or

resulting from the establishment, participation in, or operation of the telecommunications relay service, except where there is malicious purpose or wanton and willful disregard of human rights, safety, or property in the establishment, participation in, or operation of the telecommunications relay service.

History.—s. 1, ch. 91-111.

427.708 Certain public safety and health care providers required to purchase and operate TDD's.—

(1) The central communications office of each county sheriff's department shall purchase and continually operate at least one TDD.

(2)(a) The central communications office of each police department and each firefighting agency in a municipality with a population of 25,000 to 250,000 shall purchase and continually operate at least one TDD.

(b) The central communications office of each police department and each firefighting agency in a municipality with a population exceeding 250,000 persons shall purchase and continually operate at least two TDD's.

(3) Each hospital as defined in s. 395.002 shall purchase and continually operate at least one TDD.

(4) Each emergency telephone number "911" system, as provided in s. 365.171, and each agency receiving automatically routed calls through such a system shall purchase and continually operate at least one TDD.

(5) Each public safety office, health care provider, and emergency telephone number "911" system required to obtain a TDD pursuant to this section shall continuously operate and staff such equipment on a 24-hour basis.

(6) Each office or organization required to purchase TDD's pursuant to this section shall buy such equipment which meets the same specifications as those selected by the commission.

(7) Each office or organization required to operate TDD's pursuant to this section shall utilize equipment in accordance with standards established by the commission.

History.—s. 1, ch. 91-111; s. 80, ch. 92-289; s. 46, ch. 94-324; s. 19, ch. 95-327.

PART III

**ASSISTIVE TECHNOLOGY
DEVICE WARRANTY ACT**

427.801 Short title.

427.802 Definitions.

427.803 Express warranty.

427.804 Repair of nonconforming assistive technology devices; refund or replacement of devices after attempt to repair; sale or lease of returned device; arbitration; limitation of rights.

427.805 Waiver.

427.806 Action for damages.

427.801 Short title.—This part may be cited as the “Assistive Technology Device Warranty Act.”

History.—s. 1, ch. 97-47.

427.802 Definitions.—As used in this part:

(1) “Assistive technology devices” means manual wheelchairs, motorized wheelchairs, motorized scooters, voice-synthesized computer modules, optical scanners, talking software, braille printers, environmental control devices for use by a person with quadriplegia, motor vehicle adaptive transportation aids, devices that enable persons with severe speech disabilities to in effect speak, personal transfer systems, and specialty beds, including a demonstrator, that a consumer purchases or accepts transfer of in this state for use by a person with a disability.

(2) “Person with a disability” means any person who has one or more permanent physical or mental limitations that restrict his or her ability to perform the normal activities of daily living and impede his or her capacity to live independently.

(3) “Assistive technology device dealer” means a person who is engaged in the business of selling assistive technology devices.

(4) “Assistive technology device lessor” means a person who leases an assistive technology device to a consumer, or holds the lessor’s rights, under a written lease.

(5) “Collateral costs” means expenses incurred by a consumer in connection with the repair of a nonconformity, including the costs of obtaining an alternative assistive technology device.

(6) “Consumer” means any of the following:

(a) The purchaser of an assistive technology device, if the assistive technology device was purchased from an assistive technology device dealer or manufacturer for purposes other than resale.

(b) A person to whom the assistive technology device is transferred for purposes other than resale, if the transfer occurs before the expiration of an express warranty applicable to the assistive technology device.

(c) A person who may enforce the warranty.

(d) A person who leases an assistive technology device from an assistive technology device lessor under a written lease.

(7) "Demonstrator" means an assistive technology device used primarily for the purpose of demonstration to the public.

(8) "Early termination cost" means any expense or obligation that an assistive technology device lessor incurs as a result of both the termination of a written lease before the termination date set forth in that lease and the return of an assistive technology device to a manufacturer pursuant to this section. The term includes a penalty for prepayment under a financial arrangement.

(9) "Early termination saving" means any expense or obligation that an assistive technology device lessor avoids as a result of both the termination of a written lease before the termination date set forth in the lease and the return of an assistive technology device to a manufacturer pursuant to this section. The term includes an interest charge that the assistive technology device lessor would have paid to finance the assistive technology device or, if the assistive technology device lessor does not finance the assistive technology device, the difference between the total amount for which the lease obligates the consumer during the period of the lease term remaining after the early termination and the present value of that amount at the date of the early termination.

(10) "Manufacturer" means a business entity that manufactures or produces assistive technology devices for sale and agents of that business entity, including an importer, a distributor, a factory branch, a distributor branch, and any warrantors of the manufacturer's assistive technology device, but not including an assistive technology device dealer.

(11) "Nonconformity" means a condition or defect of an assistive technology device which substantially impairs the use, value, or safety of the device and which is covered by an express warranty applicable to the assistive technology device, but does not include a condition or defect that is the result of abuse, neglect, excessive wear, or unauthorized modification or alteration of the assistive technology device by a consumer.

(12) "Reasonable attempt to repair" means, within the terms of an express warranty applicable to a new assistive technology device:

(a) A maximum of three efforts by the manufacturer, the assistive technology device lessor, or any of the manufacturer's authorized assistive technology device dealers to repair a nonconformity that is subject to repair under the warranty; or

(b) The passage of at least 30 cumulative days during which the assistive technology device is out of service because of a nonconformity that is covered by the warranty.

History.—s. 1, ch. 97-47; s. 17, ch. 99-307; s. 3, ch. 2001-214.

427.803 Express warranty.—A manufacturer who sells a new assistive technology device to a consumer, either directly or through an assistive technology device dealer, shall furnish the consumer with an express warranty for the assistive technology device. The duration of the express warranty must be at least 1 year after first delivery of the assistive technology device to the consumer. In the absence of an express warranty from the manufacturer, the manufacturer is considered to have expressly warranted to the consumer of an assistive technology device that, for a period of 1 year after the date of first delivery to the consumer, the assistive technology device will be free from any condition or defect that substantially impairs the value of the assistive technology device to the consumer.

History.—s. 1, ch. 97-47; s. 18, ch. 99-307; s. 4, ch. 2001-214.

427.804 Repair of nonconforming assistive technology devices; refund or replacement of devices after attempt to repair; sale or lease of returned device; arbitration; limitation of rights.—

(1) If a new assistive technology device does not conform to an applicable express warranty and the consumer reports the nonconformity to the manufacturer, the assistive technology device lessor, or any of the manufacturer's authorized assistive technology device dealers and makes the assistive technology device available for repair within 1 year after first delivery or return of the assistive technology device to the consumer, the nonconformity must be repaired at no charge to the consumer.

(2) If, after a reasonable attempt to repair, the nonconformity is not repaired, the manufacturer, at the direction of a consumer as defined in s. 427.802(6)(a)-(c), must do one of the following:

(a) Accept return of the assistive technology device and replace the assistive technology device with a comparable new assistive technology device and refund any collateral costs.

(b) Accept return of the assistive technology device and refund to the consumer and to any holder of a perfected security interest in the consumer's assistive technology device, as the interest may appear, the full purchase price plus any finance charge amount paid by the consumer at the point of sale, and collateral costs.

(c) With respect to a consumer as defined in s. 427.802(6)(d), accept return of the assistive technology device, refund to the assistive technology device lessor and to any holder of a perfected security interest in the assistive technology device, as the interest may appear, the current value of the written lease, and refund to the consumer the amount that the consumer paid under the written lease plus any collateral costs.

(3) The current value of the written lease equals the total amount for which the lease obligates the consumer during the period of the lease remaining after its early termination plus the assistive

technology device dealer's early termination costs and the value of the assistive technology device at the lease expiration date if the lease sets forth the value, less the assistive technology device lessor's early termination savings.

(4) To receive a comparable new assistive technology device or a refund due under paragraph (2)(a), a consumer must offer to the manufacturer of the assistive technology device having the nonconformity to transfer possession of the assistive technology device to the manufacturer. No later than 30 days after the offer, the manufacturer shall provide the consumer with the comparable assistive technology device or refund. When the manufacturer provides the comparable assistive technology device or refund, the consumer shall return the assistive technology device having the nonconformity to the manufacturer, along with any endorsements necessary to transfer real possession to the manufacturer.

(5) To receive a refund due under paragraph (2)(b), a consumer must offer to return the assistive technology device having the nonconformity to its manufacturer. No later than 30 days after the offer, the manufacturer shall provide the refund to the consumer who paid for or the provider who billed a third party payor source for the assistive technology device. The provider shall return the manufacturer's refund to the third party payor source, unless the provider was not reimbursed by the third party payor. When the manufacturer provides the refund, the consumer shall return to the manufacturer the assistive technology device having the nonconformity.

(6) To receive a refund due under paragraph (2)(c), an assistive technology device lessor must offer to transfer possession of the assistive technology device having the nonconformity to its manufacturer. No later than 30 days after the offer, the manufacturer shall provide the refund to the assistive technology device lessor. When the manufacturer provides the refund, the assistive technology device lessor shall provide to the manufacturer any endorsements necessary to transfer legal possession to the manufacturer.

(7) A person may not enforce the lease against the consumer after the consumer receives a refund due under paragraph (2)(c).

(8) An assistive technology device that is returned by a consumer or assistive technology device lessor in this state, or by a consumer or assistive technology device lessor in another state under a similar law of that state, may not be sold or leased again in this state, unless full disclosure of the reasons for return is made to any prospective buyer or lessee.

(9) Each consumer may submit any dispute arising under this part to an alternative arbitration mechanism established pursuant to chapter 682. Upon notice by the consumer, all manufacturers must submit to such alternative arbitration.

(10) Such alternative arbitration must be conducted by a professional arbitrator or arbitration firm appointed under chapter 682 and any applicable rules. These procedures must provide for the personal objectivity of the arbitrators and for the right of each party to present its case, to be in

attendance during any presentation made by the other party, and to rebut or refute such a presentation.

(11) This part does not limit rights or remedies available to a consumer under any other law.

History.—s. 1, ch. 97-47; s. 19, ch. 99-307; s. 5, ch. 2001-214; s. 44, ch. 2001-279.

427.805 Waiver.—Any waiver by a consumer of rights under this part is void.

History.—s. 1, ch. 97-47.

427.806 Action for damages.—In addition to pursuing any other remedy, a consumer may bring an action to recover damages for any injury caused by a violation of this part. The court shall award a consumer who prevails in such an action twice the amount of any pecuniary loss, together with costs, disbursements, and reasonable attorney's fees, and any equitable relief that the court determines is appropriate.

History.—s. 1, ch. 97-47.

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CHAPTER 427

SPECIAL TRANSPORTATION AND COMMUNICATIONS SERVICES

PART I

TRANSPORTATION SERVICES

(ss. 427.011-427.017)

PART II

TELECOMMUNICATIONS ACCESS SYSTEM

(ss. 427.701-427.708)

PART III

ASSISTIVE TECHNOLOGY DEVICE WARRANTY ACT

(ss. 427.801-427.806)

PART I

TRANSPORTATION SERVICES

427.011 Definitions.

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427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.

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427.0155 Community transportation coordinators; powers and duties.

427.0157 Coordinating boards; powers and duties.

427.0158 School bus and public transportation.

427.0159 Transportation Disadvantaged Trust Fund.

427.016 Expenditure of local government, state, and federal funds for the transportation disadvantaged.

427.017 Conflicts with federal laws or regulations.

427.011 Definitions.—For the purposes of ss. 427.011-427.017:

(1) “Transportation disadvantaged” means those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202.

(2) “Metropolitan planning organization” means the organization responsible for carrying out transportation planning and programming in accordance with the provisions of 23 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f)(3).

(3) “Agency” means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or any other unit or entity of the state or of a city, town, municipality, county, or other local governing body or a private nonprofit transportation service-providing agency.

(4) “Transportation improvement program” means a staged multiyear program of transportation improvements, including an annual element, which is developed by a metropolitan planning organization or designated official planning agency.

(5) “Community transportation coordinator” means a transportation entity recommended by a metropolitan planning organization, or by the appropriate designated official planning agency as provided for in ss. 427.011-427.017 in an area outside the purview of a metropolitan planning organization, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.

(6) "Transportation operator" means one or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated system service plan.

(7) "Coordinating board" means an advisory entity in each designated service area composed of representatives appointed by the metropolitan planning organization or designated official planning agency, to provide assistance to the community transportation coordinator relative to the coordination of transportation services.

(8) "Purchasing agency" means a department or agency whose head is an ex officio, nonvoting adviser to the commission, or an agency that purchases transportation services for the transportation disadvantaged.

(9) "Paratransit" means those elements of public transit which provide service between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and provider of the service. Paratransit service is provided by taxis, limousines, "dial-a-ride," buses, and other demand-responsive operations that are characterized by their nonscheduled, nonfixed route nature.

(10) "Transportation disadvantaged funds" means any local government, state, or available federal funds that are for the transportation of the transportation disadvantaged. Such funds may include, but are not limited to, funds for planning, Medicaid transportation, administration, operation, procurement, and maintenance of vehicles or equipment and capital investments. Transportation disadvantaged funds do not include funds for the transportation of children to public schools.

(11) "Coordination" means the arrangement for the provision of transportation services to the transportation disadvantaged in a manner that is cost-effective, efficient, and reduces fragmentation and duplication of services.

(12) "Nonsponsored transportation disadvantaged services" means transportation disadvantaged services that are not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund.

History.—ss. 1, 9, ch. 79-180; s. 4, ch. 80-414; ss. 1, 3, ch. 84-56; ss. 1, 14, ch. 89-376; s. 57, ch. 90-306; s. 5, ch. 91-429; s. 82, ch. 92-152; s. 63, ch. 94-237; s. 2, ch. 2008-203.

427.012 The Commission for the Transportation Disadvantaged.—There is created the Commission for the Transportation Disadvantaged in the Department of Transportation.

(1) The commission shall consist of seven members, all of whom shall be appointed by the Governor, in accordance with the requirements of s. 20.052.

(a) Five of the members must have significant experience in the operation of a business, and it is the intent of the Legislature that, when making an appointment, the Governor select persons

who reflect the broad diversity of the business community in this state, as well as the racial, ethnic, geographical, and gender diversity of the population of this state.

(b) Two of the members must have a disability and use the transportation disadvantaged system.

(c) Each member shall represent the needs of the transportation disadvantaged throughout the state. A member may not subordinate the needs of the transportation disadvantaged in general in order to favor the needs of others residing in a specific location in the state.

(d) Each member shall be appointed to a term of 4 years. A member may be reappointed for one additional 4-year term.

(e) Each member must be a resident of the state and a registered voter.

(f) At any given time, at least one member must be at least 65 years of age.

(g) The Secretary of Transportation, the Secretary of Children and Families, the executive director of the Department of Economic Opportunity, the executive director of the Department of Veterans' Affairs, the Secretary of Elderly Affairs, the Secretary of Health Care Administration, the director of the Agency for Persons with Disabilities, and a county manager or administrator who is appointed by the Governor, or a senior management level representative of each, shall serve as ex officio, nonvoting advisors to the commission.

(h) A member may not, within the 5 years immediately before his or her appointment, or during his or her term on the commission, have or have had a financial relationship with, or represent or have represented as a lobbyist as defined in s. 11.045, the following:

1. A transportation operator;
2. A community transportation coordinator;
3. A metropolitan planning organization;
4. A designated official planning agency;
5. A purchaser agency;
6. A local coordinating board;
7. A broker of transportation; or
8. A provider of transportation services.

(2) The chairperson shall be appointed by the Governor, and the vice chairperson of the commission shall be elected annually from the membership of the commission.

(3) Members of the commission shall serve without compensation but shall be allowed per diem and travel expenses, as provided in s. 112.061.

(4) The commission shall meet at least quarterly, or more frequently at the call of the chairperson. Four members of the commission constitute a quorum, and a majority vote of the members present is necessary for any action taken by the commission.

(5) The Governor may remove any member of the commission for cause.

(6) Each candidate for appointment to the commission must, before accepting the appointment, undergo background screening under s. 435.04 by filing with the Department of Transportation a complete set of fingerprints taken by an authorized law enforcement agency. The fingerprints must be submitted to the Department of Law Enforcement for state processing, and that department shall submit the fingerprints to the Federal Bureau of Investigation for federal processing. The Department of Transportation shall screen the background results and inform the commission of any candidate who does not meet level 2 screening standards. A candidate who has not met level 2 screening standards may not be appointed to the commission. The cost of the background screening may be borne by the Department of Transportation or the candidate.

(7) The commission shall appoint an executive director who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such personnel as may be necessary to perform adequately the functions of the commission within budgetary limitations. Employees of the commission are exempt from the Career Service System.

(8) The commission shall appoint a technical working group that includes representatives of private paratransit providers. The technical working group shall advise the commission on issues of importance to the state, including information, advice, and direction regarding the coordination of services for the transportation disadvantaged. The commission may appoint other technical working groups whose members may include representatives of community transportation coordinators; metropolitan planning organizations; regional planning councils; experts in insurance, marketing, economic development, or financial planning; and persons who use transportation for the transportation disadvantaged, or their relatives, parents, guardians, or service professionals who tend to their needs.

(9) The commission is assigned to the office of the secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control, supervision, and direction of the department.

(10) The commission shall develop a budget pursuant to chapter 216. The budget is not subject to change by the department staff after it has been approved by the commission, but it shall be transmitted to the Governor, as head of the department, along with the budget of the department.

History.—ss. 2, 8, 9, ch. 79-180; s. 5, ch. 80-414; s. 73, ch. 81-167; s. 76, ch. 83-55; ss. 2, 3, ch. 84-56; ss. 2, 14, ch. 89-376; s. 29, ch. 91-282; s. 5, ch. 91-429; s. 83, ch. 92-152; s. 64, ch. 94-237; s. 10, ch. 96-387; s. 204, ch. 99-

8; s. 118, ch. 99-385; s. 9, ch. 2005-255; s. 1, ch. 2006-61; s. 3, ch. 2008-203; s. 342, ch. 2011-142; s. 59, ch. 2012-5; s. 242, ch. 2014-19.

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination is to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

- (1) Compile all available information on the transportation operations for and needs of the transportation disadvantaged in the state.
- (2) Establish statewide objectives for providing transportation services for the transportation disadvantaged.
- (3) Develop policies and procedures for the coordination of local government, federal, and state funding for the transportation disadvantaged.
- (4) Identify barriers prohibiting the coordination and accessibility of transportation services to the transportation disadvantaged and aggressively pursue the elimination of these barriers.
- (5) Serve as a clearinghouse for information about transportation disadvantaged services, training, funding sources, innovations, and coordination efforts.
- (6) Assist communities in developing transportation systems designed to serve the transportation disadvantaged.
- (7) Unless otherwise provided by state or federal law, ensure that all procedures, guidelines, and directives issued by purchasing agencies are conducive to the coordination of transportation services.
- (8)(a) Ensure that purchasing agencies purchase all trips within the coordinated system, unless they have fulfilled the requirements of s. 427.0135(3) and use a more cost-effective alternative provider that meets comparable quality and standards.
- (b) Unless the purchasing agency has negotiated with the commission pursuant to the requirements of s. 427.0135(3), provide, by rule, criteria and procedures for purchasing agencies to use if they wish to use an alternative provider. Agencies must demonstrate that the proposed alternative provider can provide a trip of comparable quality and standards for the clients at a lower cost than that provided within the coordinated system, or that the coordinated system cannot accommodate the agency's clients.

(9) Unless the purchasing agency has negotiated with the commission pursuant to the requirements of s. 427.0135(3), develop by rule standards for community transportation coordinators and any transportation operator or coordination contractor from whom service is purchased or arranged by the community transportation coordinator covering coordination, operation, safety, insurance, eligibility for service, costs, and utilization of transportation disadvantaged services. These standards and rules must include, but are not limited to:

(a) Minimum performance standards for the delivery of services. These standards must be included in coordinator contracts and transportation operator contracts with clear penalties for repeated or continuing violations.

(b) Minimum liability insurance requirements for all transportation services purchased, provided, or coordinated for the transportation disadvantaged through the community transportation coordinator.

(10) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of ss. 427.011-427.017.

(11) Approve the appointment of all community transportation coordinators.

(12) Have the authority to apply for and accept funds, grants, gifts, and services from the Federal Government, state government, local governments, or private funding sources. Applications by the commission for local government funds shall be coordinated through the appropriate coordinating board. Funds acquired or accepted under this subsection shall be administered by the commission and shall be used to carry out the commission's responsibilities.

(13) Make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1 of each year.

(14) Consolidate, for each state agency, the amounts of each agency's actual expenditures, together with the actual expenditures of each local government and directly federally funded agency and the amounts collected by each official planning agency.

(15) Prepare a statewide 5-year transportation disadvantaged plan which addresses the transportation problems and needs of the transportation disadvantaged, which is fully coordinated with local transit plans, compatible with local government comprehensive plans, and which ensures that the most cost-effective and efficient method of providing transportation to the disadvantaged is programmed for development.

(16) Review and approve memorandums of agreement for the provision of coordinated transportation services.

(17) Review, monitor, and coordinate all transportation disadvantaged local government, state, and federal fund requests and plans for conformance with commission policy, without delaying the application process. Such funds shall be available only to those entities participating in an

approved coordinated transportation system or entities which have received a commission-approved waiver to obtain all or part of their transportation through another means. This process shall identify procedures for coordinating with the state's intergovernmental coordination and review procedures and s. 216.212(1) and any other appropriate grant review process.

(18) Develop an interagency uniform contracting and billing and accounting system that shall be used by all community transportation coordinators and their transportation operators.

(19) Develop and maintain a transportation disadvantaged manual.

(20) Design and develop transportation disadvantaged training programs.

(21) Coordinate all transportation disadvantaged programs with appropriate state, local, and federal agencies and public transit agencies to ensure compatibility with existing transportation systems.

(22) Designate the official planning agency in areas outside of the purview of a metropolitan planning organization.

(23) Develop need-based criteria that must be used by all community transportation coordinators to prioritize the delivery of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

(24) Establish a review procedure to compare the rates proposed by alternate transportation operators with the rates charged by a community transportation coordinator to determine which rate is more cost-effective.

(25) Conduct a cost-comparison study of single-coordinator, multicoordinator, and brokered community transportation coordinator networks to ensure that the most cost-effective and efficient method of providing transportation to the transportation disadvantaged is programmed for development.

(26) Develop a quality assurance and management review program to monitor, based upon approved commission standards, services contracted for by an agency, and those provided by a community transportation operator pursuant to s. 427.0155.

(27) Ensure that local community transportation coordinators work cooperatively with local workforce development boards established in chapter 445 to provide assistance in the development of innovative transportation services for participants in the welfare transition program.

(28) In consultation with the Agency for Health Care Administration and the Department of Transportation, develop an allocation methodology that equitably distributes all transportation funds under the control of the commission to compensate counties, community transportation coordinators, and other entities providing transportation disadvantaged services. The methodology shall separately account for Medicaid beneficiaries. The methodology shall consider such factors as the actual costs of each transportation disadvantaged trip based on prior-year information,

efficiencies that a provider might adopt to reduce costs, results of the rate and cost comparisons conducted under subsections (24) and (25), as well as cost efficiencies of trips when compared to the local cost of transporting the general public. This subsection does not supersede the authority of the Agency for Health Care Administration to distribute Medicaid funds.

(29) Incur expenses for the purchase of advertisements, marketing services, and promotional items.

¹(30) For the 2018-2019 fiscal year and notwithstanding any other provision of this section:

(a) Allocate, from funds provided in the General Appropriations Act, to community transportation coordinators who operate in counties that are not direct recipients of Urbanized Area Formula funds pursuant to 49 U.S.C. s. 5307 to provide transportation services for persons with disabilities, older adults, and low-income persons so they may access health care, employment, education, and other life-sustaining activities. Funds allocated for this purpose shall be distributed among community transportation coordinators based upon the Transportation Disadvantaged Trip and Equipment allocation methodology established by the commission.

(b) Award, from funds provided in the General Appropriations Act, competitive grants to community transportation coordinators to support transportation projects to:

1. Enhance access to health care, shopping, education, employment, public services, and recreation;
2. Assist in the development, improvement, and use of transportation systems in nonurbanized areas;
3. Promote the efficient coordination of services;
4. Support inner-city bus transportation; and
5. Encourage private transportation providers to participate.

(c) This subsection expires July 1, 2019.

History.—ss. 3, 9, ch. 79-180; s. 6, ch. 80-414; s. 274, ch. 81-259; ss. 1, 3, ch. 84-56; ss. 3, 14, ch. 89-376; s. 5, ch. 91-429; s. 84, ch. 92-152; s. 65, ch. 94-237; s. 17, ch. 98-57; s. 113, ch. 98-200; s. 119, ch. 99-385; s. 102, ch. 2000-165; s. 25, ch. 2000-266; s. 2, ch. 2006-61; s. 4, ch. 2008-203; s. 105, ch. 2016-62; s. 21, ch. 2016-216; s. 47, ch. 2017-71; s. 73, ch. 2018-10.

¹**Note.**—Section 73, ch. 2018-10, amended subsection (30) “[i]n order to implement Specific Appropriation 1855 of the 2018-2019 General Appropriations Act.”

427.0135 Purchasing agencies; duties and responsibilities.—Each purchasing agency, in carrying out the policies and procedures of the commission, shall:

(1) Use the coordinated transportation system for provision of services to its clients, unless each department or purchasing agency meets the criteria outlined in rule or statute to use an alternative provider.

(2) Pay the rates established in the service plan or negotiated statewide contract, unless the purchasing agency has completed the procedure for using an alternative provider and demonstrated that a proposed alternative provider can provide a more cost-effective transportation service of comparable quality and standards or unless the agency has satisfied the requirements of subsection (3).

(3) Not procure transportation disadvantaged services without initially negotiating with the commission, as provided in s. 287.057(3)(e)12., or unless otherwise authorized by statute. If the purchasing agency, after consultation with the commission, determines that it cannot reach mutually acceptable contract terms with the commission, the purchasing agency may contract for the same transportation services provided in a more cost-effective manner and of comparable or higher quality and standards. The Medicaid agency shall implement this subsection in a manner consistent with s. 409.908(18) and as otherwise limited or directed by the General Appropriations Act.

(4) Identify in the legislative budget request provided to the Governor each year for the General Appropriations Act the specific amount of money the purchasing agency will allocate to provide transportation disadvantaged services.

(5) Provide the commission, by September 15 of each year, an accounting of all funds spent as well as how many trips were purchased with agency funds.

(6) Assist communities in developing coordinated transportation systems designed to serve the transportation disadvantaged. However, a purchasing agency may not serve as the community transportation coordinator in any designated service area.

(7) Ensure that its rules, procedures, guidelines, and directives are conducive to the coordination of transportation funds and services for the transportation disadvantaged.

(8) Provide technical assistance, as needed, to community transportation coordinators or transportation operators or participating agencies.

History.—ss. 4, 14, ch. 89-376; s. 5, ch. 91-429; s. 66, ch. 94-237; s. 4, ch. 95-394; s. 10, ch. 96-417; s. 26, ch. 2000-266; s. 5, ch. 2008-203; s. 34, ch. 2010-151; s. 16, ch. 2013-154; s. 32, ch. 2016-65; s. 26, ch. 2017-129.

427.015 Function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged.—

(1) In developing the transportation improvement program, each metropolitan planning organization or designated official planning agency in this state shall include a realistic estimate of the cost and revenue that will be derived from transportation disadvantaged services in its area.

The transportation improvement program shall also identify transportation improvements that will be advanced with such funds during the program period. Funds required by this subsection to be included in the transportation improvement program shall only be included after consultation with all affected agencies and shall only be expended if such funds are included in the transportation improvement program.

(2) Each metropolitan planning organization or designated official planning agency shall recommend to the commission a single community transportation coordinator. However, a purchasing agency may not serve as the community transportation coordinator in any designated service area. The coordinator may provide all or a portion of needed transportation services for the transportation disadvantaged but shall be responsible for the provision of those coordinated services. Based on approved commission evaluation criteria, the coordinator shall subcontract or broker those services that are more cost-effectively and efficiently provided by subcontracting or brokering. The performance of the coordinator shall be evaluated based on the commission's approved evaluation criteria by the coordinating board at least annually. A copy of the evaluation shall be submitted to the metropolitan planning organization or the designated official planning agency, and the commission. The recommendation or termination of any community transportation coordinator shall be subject to approval by the commission.

(3) Each metropolitan planning organization or designated official planning agency shall request each local government in its jurisdiction to provide the actual expenditures of all local and direct federal funds to be expended for transportation for the disadvantaged. The metropolitan planning organization or designated official planning agency shall consolidate this information into a single report and forward it, by September 15, to the commission.

History.—ss. 6, 9, ch. 79-180; ss. 1, 3, ch. 84-56; ss. 5, 14, ch. 89-376; s. 5, ch. 91-429; s. 67, ch. 94-237; s. 27, ch. 2000-266; s. 6, ch. 2008-203.

427.0155 Community transportation coordinators; powers and duties.—Community transportation coordinators shall have the following powers and duties:

- (1) Execute uniform contracts for service using a standard contract, which includes performance standards for operators.
- (2) Collect annual operating data for submittal to the commission.
- (3) Review all transportation operator contracts annually.
- (4) Approve and coordinate the utilization of school bus and public transportation services in accordance with the transportation disadvantaged service plan.
- (5) In cooperation with a functioning coordinating board, review all applications for local government, federal, and state transportation disadvantaged funds, and develop cost-effective coordination strategies.

(6) In cooperation with, and approved by, the coordinating board, develop, negotiate, implement, and monitor a memorandum of agreement including a service plan, for submittal to the commission.

(7) In cooperation with the coordinating board and pursuant to criteria developed by the Commission for the Transportation Disadvantaged, establish eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

(8) Have full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in s. 427.015(2).

(9) Work cooperatively with local workforce development boards established in chapter 445 to provide assistance in the development of innovative transportation services for participants in the welfare transition program.

History.—ss. 6, 14, ch. 89-376; s. 5, ch. 91-429; s. 85, ch. 92-152; s. 68, ch. 94-237; s. 18, ch. 98-57; s. 103, ch. 2000-165; s. 7, ch. 2008-203; s. 22, ch. 2016-216.

427.0157 Coordinating boards; powers and duties.—The purpose of each coordinating board is to develop local service needs and to provide information, advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall:

(1) Review and approve the coordinated community transportation disadvantaged service plan, including the memorandum of agreement, prior to submittal to the commission;

(2) Evaluate services provided in meeting the approved plan;

(3) In cooperation with the community transportation coordinator, review and provide recommendations to the commission on funding applications affecting the transportation disadvantaged;

(4) Assist the community transportation coordinator in establishing eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

(5) Review the coordination strategies of service provision to the transportation disadvantaged in the designated service area; and

(6) Evaluate multicounty or regional transportation opportunities.

(7) Work cooperatively with local workforce development boards established in chapter 445 to provide assistance in the development of innovative transportation services for participants in the welfare transition program.

History.—ss. 7, 14, ch. 89-376; s. 5, ch. 91-429; s. 86, ch. 92-152; s. 19, ch. 98-57; s. 104, ch. 2000-165; s. 8, ch. 2008-203; s. 23, ch. 2016-216.

427.0158 School bus and public transportation.—

(1) The community transportation coordinator shall maximize the use of public school transportation and public fixed route or fixed schedule transit service for the transportation of the transportation disadvantaged.

(2) The school boards shall cooperate in the utilization of their vehicles to enhance coordinated transportation disadvantaged services by providing information as requested by the community transportation coordinator and by allowing the use of their vehicles at actual cost upon request when those vehicles are available for such use and are not transporting students.

(3) The public transit fixed route or fixed schedule system shall cooperate in the utilization of its regular service to enhance coordinated transportation disadvantaged services by providing the information as requested by the community transportation coordinator. The community transportation coordinator may request, without limitation, the following information:

- (a) A copy of all current schedules, route maps, system map, and fare structure;
- (b) A copy of the current charter policy;
- (c) A copy of the current charter rates and hour requirements; and
- (d) Required notification time to arrange for a charter.

History.—ss. 8, 14, ch. 89-376; s. 5, ch. 91-429; s. 9, ch. 2008-203.

427.0159 Transportation Disadvantaged Trust Fund.—

(1) There is established in the State Treasury the Transportation Disadvantaged Trust Fund to be administered by the Commission for the Transportation Disadvantaged. All fees collected for the transportation disadvantaged program under s. 320.03(9) shall be deposited in the trust fund.

(2) Funds deposited in the trust fund shall be appropriated by the Legislature to the commission and shall be used to carry out the responsibilities of the commission and to fund the administrative expenses of the commission.

(3) 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.

(4) A purchasing agency may deposit funds into the Transportation Disadvantaged Trust Fund for the commission to implement, manage, and administer the purchasing agency's transportation disadvantaged funds, as defined in s. 427.011(10).

History.—ss. 9, 14, ch. 89-376; s. 5, ch. 91-429; s. 87, ch. 92-152; s. 69, ch. 94-237; s. 21, ch. 2000-257; s. 61, ch. 2001-62; s. 10, ch. 2008-203.

¹**Note.**—Section 22, ch. 2000-257, provides that “[n]otwithstanding any other law to the contrary the requirements of sections 206.46(3) and 206.606(2), Florida Statutes, shall not apply to any funding, programs, or other provisions contained in this act.”

427.016 Expenditure of local government, state, and federal funds for the transportation disadvantaged.—

(1)(a) All transportation disadvantaged funds expended within the state shall be expended to purchase transportation services from community transportation coordinators or public, private, or private nonprofit transportation operators within the coordinated transportation system, except when the rates charged by proposed alternate operators are proven, pursuant to rules generated by the Commission for the Transportation Disadvantaged, to be more cost-effective and are not a risk to the public health, safety, or welfare. However, in areas where transportation suited to the unique needs of a transportation disadvantaged person cannot be purchased through the coordinated system, or where the agency has met the rule criteria for using an alternative provider, the service may be contracted for directly by the appropriate agency.

(b) This subsection does not preclude a purchasing agency from establishing maximum fee schedules, individualized reimbursement policies by provider type, negotiated fees, or any other mechanism, including contracting after initial negotiation with the commission, which the agency considers more cost-effective and of comparable or higher quality and standards than those of the commission for the purchase of services on behalf of its clients if it has fulfilled the requirements of s. 427.0135(3) or the procedure for using an alternative provider. State and local agencies shall not contract for any transportation disadvantaged services, including Medicaid reimbursable transportation services, with any community transportation coordinator or transportation operator that has been determined by the Agency for Health Care Administration, the Department of Legal Affairs Medicaid Fraud Control Unit, or any state or federal agency to have engaged in any abusive or fraudulent billing activities.

(2) Each year, each agency, whether or not it is an ex officio, nonvoting adviser to the Commission for the Transportation Disadvantaged, shall identify in the legislative budget request provided to the Governor for the General Appropriations Act the specific amount of any money the agency will allocate for the provision of transportation disadvantaged services. Additionally, each

state agency shall, by September 15 of each year, provide the commission with an accounting of the actual amount of funds expended and the total number of trips purchased.

(3) Each metropolitan planning organization or designated official planning agency shall annually compile a report accounting for all local government and direct federal funds for transportation for the disadvantaged expended in its jurisdiction and forward this report by September 15 to the commission.

History.—ss. 5, 9, ch. 79-180; ss. 1, 3, ch. 84-56; ss. 10, 14, ch. 89-376; s. 5, ch. 91-429; s. 88, ch. 92-152; s. 70, ch. 94-237; s. 5, ch. 95-394; s. 11, ch. 2008-203.

427.017 Conflicts with federal laws or regulations.—Upon notification by an agency of the Federal Government that any provision of this act conflicts with federal laws or regulations, the state or local agencies involved may take any reasonable steps necessary to assure continued federal funding. Further, it is the legislative intent that the conflict shall not affect other provisions or applications of this act that can effectively be implemented without implementation of the provision in question, and to this end, the provisions of this act are declared severable.

History.—ss. 7, 9, ch. 79-180; ss. 1, 3, ch. 84-56; s. 14, ch. 89-376; s. 5, ch. 91-429.

PART II

TELECOMMUNICATIONS

ACCESS SYSTEM

427.701 Title.

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427.701 Title.—This part may be cited as the “Telecommunications Access System Act of 1991.”

History.—s. 1, ch. 91-111.

427.702 Findings, purpose, and legislative intent.—

(1) The Legislature finds and declares that:

(a) Telecommunications services provide a rapid and essential communications link among the general public and with essential offices and organizations such as police, fire, and medical facilities.

(b) All persons should have basic telecommunications services available to them at reasonable and affordable costs.

(c) A significant portion of Florida's hearing impaired and speech impaired populations has profound disabilities, including dual sensory impairments, which render normal telephone equipment useless without additional specialized telecommunications devices, many of which cost several hundred dollars.

(d) The telecommunications system is intended to provide access to a basic communications network between all persons, and that many persons who have a hearing impairment or speech impairment currently have no access to the basic telecommunications system.

(e) Persons who do not have a hearing impairment or speech impairment are generally excluded from access to the basic telecommunications system to communicate with persons who have a hearing impairment or speech impairment without the use of specialized telecommunications devices.

(f) There exists a need for a telecommunications relay system whereby the cost for access to basic telecommunications services for persons who have a hearing impairment or speech impairment is no greater than the amount paid by other telecommunications customers.

(g) The Federal Government, in order to carry out the purposes established by Title II of the Communications Act of 1934, as amended, by the enactment of the Americans with Disabilities Act, endeavored to ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing impaired and speech impaired persons in the United States.

(h) Title IV of the Americans with Disabilities Act mandates that the telecommunications companies providing telephone services within the state shall provide telecommunications relay services on or before July 25, 1993, to persons who are hearing impaired or speech impaired within their certificated territories in a manner that meets or exceeds the requirements of regulations to be prescribed by the Federal Communications Commission.

(2) It is the declared purpose of this part to establish a system whereby the citizens of Florida who are hearing impaired, speech impaired, or dual sensory impaired have access to basic telecommunications services at a cost no greater than that paid by other telecommunications services customers, and whereby the cost of specialized telecommunications equipment necessary to ensure that citizens who are hearing impaired, speech impaired, or dual sensory impaired have access to basic telecommunications services and the provision of telecommunications relay service is borne by all the telecommunications customers of the state.

(3) It is the intent of the Legislature:

(a) That a telecommunications access system be established to provide equitable basic access to the telecommunications network for persons who are hearing impaired, speech impaired, or dual sensory impaired.

(b) That the telecommunications access system includes a telecommunications relay service system that meets or exceeds the certification requirements of the Federal Communications Commission.

(c) That the telecommunications access system includes the distribution of telecommunications devices for the deaf that are compatible with the telecommunications relay service system and has the capability of incorporating new technologies as they develop.

(d) That the telecommunications access system includes the distribution of specialized telecommunications devices necessary for hearing impaired, speech impaired, or dual sensory impaired persons to access basic telecommunications services.

(e) That the telecommunications access system ensures that users of the telecommunications relay service system pay rates no greater than the rates paid for functionally equivalent voice communications services.

(f) That the telecommunications access system be as cost-efficient as possible without diminishing the effectiveness or the quality of the system.

(g) That the telecommunications access system uses state-of-the-art technology for specialized telecommunications devices and the telecommunications relay service and encourages the incorporation of new developments in technology, to the extent that it has demonstrated benefits consistent with the intent of this act and is in the best interest of the citizens of this state.

(h) That the value of the involvement of persons who have hearing or speech impairments, and organizations representing or serving those persons, be recognized and such persons and organizations be involved throughout the development, establishment, and implementation of the telecommunications access system through participation on the advisory committee as provided in s. 427.706.

(i) That the total cost of providing telecommunications relay services and distributing specialized telecommunications devices be spread equitably among and collected from customers of all local exchange telecommunications companies.

History.—s. 1, ch. 91-111.

427.703 Definitions.—As used in this part:

(1) “Administrator” means a corporation not for profit incorporated pursuant to the provisions of chapter 617 and designated by the Florida Public Service Commission to administer the

telecommunications relay service system and the distribution of specialized telecommunications devices pursuant to the provisions of this act and rules and regulations established by the commission.

(2) "Commission" means the Florida Public Service Commission.

(3) "Deaf" means having a permanent hearing impairment and being unable to discriminate speech sounds in verbal communication, with or without the assistance of amplification devices.

(4) "Dual sensory impaired" means having both a permanent hearing impairment and a permanent visual impairment and includes deaf/blindness.

(5) "Hard of hearing" means having a permanent hearing impairment which is severe enough to necessitate the use of amplification devices to discriminate speech sounds in verbal communication.

(6) "Hearing impaired" or "having a hearing impairment" means deaf or hard of hearing and, for purposes of this part, includes being dual sensory impaired.

(7) "Local exchange telecommunications company" means a telecommunications company certificated by the commission to provide telecommunications services within a specific geographic area.

(8) "Operating fund" means the fund established, invested, managed, and maintained by the administrator for the exclusive purpose of implementing and administering the provisions of this act pursuant to commission rules and regulations.

(9) "Ring signaling device" means a mechanism, such as a flashing light, which visually indicates that a communication is being received through a telephone line. This term also means a mechanism such as an adjustable volume ringer and buzzer which audibly and loudly indicates an incoming telephone communication.

(10) "Speech impaired" or "having a speech impairment" means having a permanent loss of verbal communication ability which prohibits normal usage of a standard telephone handset.

(11) "Specialized telecommunications device" means a TDD, a volume control handset, a ring signaling device, or any other customer premises telecommunications equipment specifically designed or used to provide basic access to telecommunications services for a hearing impaired, speech impaired, or dual sensory impaired person.

(12) "Surcharge" means an additional charge which is to be paid by local exchange telecommunications company subscribers pursuant to the cost recovery mechanism established under s. 427.704(4) in order to implement the system described herein.

(13) "Telecommunications company" includes every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every political

subdivision of the state, offering two-way telecommunications service to the public for hire within this state by the use of a telecommunications facility. The term "telecommunications company" does not include an entity which provides a telecommunications facility exclusively to a certificated telecommunications company, or a specialized mobile radio service operator, a private radio carrier, a radio common carrier, a cellular radio telecommunications carrier, or a cable television company providing cable service as defined in 47 U.S.C. s. 522.

(14) "Telecommunications device for the deaf" or "TDD" means a mechanism which is connected to a standard telephone line, operated by means of a keyboard, and used to transmit or receive signals through telephone lines.

(15) "Telecommunications facility" includes real estate, easements, apparatus, property, and routes used and operated to provide two-way telecommunications service to the public for hire within this state.

(16) "Telecommunications relay service" means any telecommunications transmission service that allows a person who is hearing impaired or speech impaired to communicate by wire or radio in a manner that is functionally equivalent to the ability of a person who is not hearing impaired or speech impaired. Such term includes any service that enables two-way communication between a person who uses a telecommunications device or other nonvoice terminal device and a person who does not use such a device.

(17) "Volume control handset" means a telephone which has an adjustable control for increasing the volume of the sound being produced by the telephone receiving unit or by the telephone transmitting unit.

History.—s. 1, ch. 91-111.

427.704 Powers and duties of the commission.—

(1) The commission shall establish, implement, promote, and oversee the administration of a statewide telecommunications access system to provide access to telecommunications relay services by persons who are hearing impaired or speech impaired, or others who communicate with them. The telecommunications access system shall provide for the purchase and distribution of specialized telecommunications devices and the establishment of statewide single provider telecommunications relay service system which operates continuously. To provide telecommunications relay services and distribute specialized telecommunication devices to persons who are hearing impaired or speech impaired, at a reasonable cost the commission shall:

(a) Investigate, conduct public hearings, and solicit the advice and counsel of the advisory committee established pursuant to s. 427.706 to determine the most cost-effective method for providing telecommunications relay service and distributing specialized telecommunications devices.

(b) Ensure that users of the telecommunications relay service system pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as duration of the call, time of day, and distance from the point of origination to the point of termination.

(c) Ensure that the telecommunications access system protects the privacy of persons to whom services are provided and that all operators maintain the confidentiality of all relay service messages.

(d) Ensure that the telecommunications relay service system complies with regulations adopted by the Federal Communications Commission to implement Title IV of the Americans with Disabilities Act.

(2) The commission shall designate as the administrator of the telecommunications access system a corporation not for profit organized for such purposes and incorporated pursuant to chapter 617. For the purposes of this part, the commission may order telecommunications companies to form such a corporation not for profit.

(3)(a) The commission shall select the provider of the telecommunications relay service pursuant to procedures established by the commission. In selecting the service provider, the commission shall take into consideration the cost of providing the relay service and the interests of the hearing impaired and speech impaired community in having access to a high-quality and technologically advanced telecommunications system. The commission shall award the contract to the bidder whose proposal is the most advantageous to the state, taking into consideration the following:

1. The appropriateness and accessibility of the proposed telecommunications relay service for the citizens of the state, including persons who are hearing impaired or speech impaired.
2. The overall quality of the proposed telecommunications relay service.
3. The charges for the proposed telecommunications relay service system.
4. The ability and qualifications of the bidder to provide the proposed telecommunications relay service as outlined in the request for proposals.
5. Any proposed service enhancements and technological enhancements which improve service without significantly increasing cost.
6. Any proposed inclusion of provision of assistance to deaf persons with special needs to access the basic telecommunications system.
7. The ability to meet the proposed commencement date for the telecommunications relay service.
8. All other factors listed in the request for proposals.

(b) The commission shall consider the advice and counsel of the advisory committee in the development of the request for proposals. The request for proposals shall include, but not be limited to:

1. A description of the scope and general requirements of the telecommunications relay service, including the required compliance with regulations adopted by the Federal Communications Commission to implement Title IV of the Americans with Disabilities Act, the required service provisions and service limitations, system design, service provider qualifications, and service description, type of calls to be provided, and charges to the users.

2. A description of the telecommunications relay service system standards.

3. A description of information to be provided by the bidder, including service provider qualifications, cost information, including cost per call and startup costs, a description of the system design, including network access and facilities to be provided, and relay operator standards.

4. A description of service provider reporting requirements.

(c) The commission shall establish a request for a proposals review committee, which shall include commission staff and designated members of the advisory committee, to review the proposals received by the commission and recommend a telecommunications relay service provider to the commission for final selection. By agreeing to serve on the review committee, each member of the review committee shall agree that he or she currently does not have and will not have any interest or employment, either directly or indirectly, with potential bidders that would conflict in any manner or degree with his or her performance on the committee.

(d) To the extent a bidder desires any portion of its proposal to be considered proprietary, confidential business information, the bidder shall make such request concurrent with filing its proposal and justify its request as provided in s. 364.183.

(4)(a) The commission shall establish a mechanism to recover the costs of implementing and maintaining the services required pursuant to this part which shall be applied to each basic telecommunications access line. In establishing the recovery mechanism, the commission shall:

1. Require all local exchange telecommunications companies to impose a monthly surcharge on all local exchange telecommunications company subscribers on an individual access line basis, except that such surcharge shall not be imposed upon more than 25 basic telecommunications access lines per account bill rendered.

2. Require all local exchange telecommunications companies to include the surcharge as a part of the local service charge that appears on the customer's bill, except that the local exchange telecommunications company shall specify the surcharge on the initial bill to the subscriber and itemize it at least once annually.

3. Allow the local exchange telecommunications company to deduct and retain 1 percent of the total surcharge amount collected each month to recover the billing, collecting, remitting, and administrative costs attributed to the surcharge.

(b) The commission shall determine the amount of the surcharge based upon the amount of funding necessary to accomplish the purposes of this act and provide the services on an ongoing basis; however, in no case shall the amount exceed 25 cents per line per month.

(c) All moneys received by the local exchange telecommunications company, less the amount retained as authorized by subparagraph (4)(a)3., shall be remitted to the administrator for deposit in appropriate financial institutions regulated under state or federal law and used exclusively to fund the telecommunications access system provided for herein.

(d) The surcharge collected by the local exchange telecommunications companies is not subject to any sales, use, franchise, income, municipal utility, gross receipts, or any other tax, fee, or assessment, nor shall it be considered revenue of the local exchange telecommunications companies for any purpose.

(e) From the date of implementing the surcharge, the commission shall review the amount of the surcharge at least annually and shall order changes in the amount of the surcharge as necessary to assure available funds for the provision of the telecommunications access system established herein. Where the review of the surcharge determines that excess funds are available, the commission may order the suspension of the surcharge for a period which the commission deems appropriate.

(5) The commission shall require each local exchange telecommunications company to begin assessing and collecting the surcharge in the amount of 5 cents per access line per month on bills rendered on or after July 1, 1991, for remission to the administrator for deposit in the operational fund. Each local exchange telecommunications company shall remit moneys collected to the administrator. On August 15, 1991, each local exchange telecommunications company shall begin remitting the moneys collected to the administrator on a monthly basis and in a manner as prescribed by the commission. The administrator shall use such moneys to cover costs incurred during the development of the telecommunications relay services and to establish and administer the specialized telecommunications devices system.

(6) The commission shall establish a schedule for completion of specific stages of the telecommunications relay service development and implementation except that the statewide telecommunications relay service shall commence on or before June 1, 1992.

(7) The commission shall require the administrator to submit financial statements for the distribution of specialized telecommunications devices and the telecommunications relay service to the commission quarterly, in the manner prescribed by the commission.

(8) The commission shall adopt rules and may take any other action necessary to implement the provisions of this act.

(9) The commission shall prepare an annual report on the operation of the telecommunications access system, which shall be available on the commission's Internet website. Reports must be prepared in consultation with the administrator and the advisory committee appointed pursuant to s. 427.706. The reports must, at a minimum, briefly outline the status of developments in the telecommunications access system, the number of persons served, the call volume, revenues and expenditures, the allocation of the revenues and expenditures between provision of specialized telecommunications devices to individuals and operation of statewide relay service, other major policy or operational issues, and proposals for improvements or changes to the telecommunications access system.

History.—s. 1, ch. 91-111; s. 11, ch. 2000-334; s. 139, ch. 2010-102.

427.705 Administration of the telecommunications access system.—

(1) Consistent with the provisions of this act and rules and regulations established by the commission, the administrator shall:

(a) Purchase, store, distribute, and maintain specialized telecommunications devices, either directly or through contract with third parties, or a combination thereof.

(b) Administer advertising and outreach services as required by the commission, either directly or through contract with third parties, or a combination thereof.

(c) Administer training services for recipients of specialized telecommunications devices and for telecommunications relay service users as directed by the commission through contract with third parties.

(d) Establish and maintain an operational fund with appropriate financial institutions regulated under state or federal law, and receive moneys from the local exchange telecommunications companies and deposit such moneys in the operational fund.

(e) Develop, test, and implement an accounting system and internal controls and procedures to receive, safeguard, and disperse moneys in the operational fund as directed by the commission.

(f) Develop and implement procedures for an independent audit and for compliance with commission reporting requirements, as directed by the commission.

(g) Administer and control the award of money to all parties incurring costs in implementing and maintaining the telecommunications access system, equipment, and technical support services in accordance with the provisions of this act.

(2) The administrator shall be audited annually by an independent auditing firm to assure proper management of any revenues it receives and disburses. The administrator's books and

records shall be open to the commission and to the Auditor General for review upon request. The commission shall have the authority to establish fiscal and operational requirements for the administrator to follow in order to ensure that the administrative costs of the system are reasonable.

(3) The administrator may apply to the commission for an adjustment in the amount of the monthly surcharge that a local exchange telecommunications company must impose on its customers. Prior to applying to the commission for such an adjustment, the commission may require the administrator to employ an independent accounting firm to perform an audit of the accounts of the administrator and the service providers relevant to the surcharge and file a report with the commission.

(4) In contracting for the provision of distribution of specialized telecommunications devices, outreach services, and training of recipients, the administrator shall consider contracting with organizations that provide services to persons who are hearing impaired or speech impaired.

(5) The administrator shall provide for the distribution of specialized telecommunications devices to persons qualified to receive such equipment in accordance with the provisions of this act. The administrator shall establish procedures for the distribution of specialized telecommunications devices and shall solicit the advice and counsel and consider the recommendations of the advisory committee in establishing such procedures. The procedures shall:

(a) Provide for certification of persons as hearing impaired, speech impaired, or dual sensory impaired. Such certification process shall include a statement attesting to such impairment by a licensed physician, audiologist, speech-language pathologist, hearing aid specialist, or deaf service center director; by a state-certified teacher of the hearing impaired; by a state-certified teacher of the visually impaired; or by an appropriate state or federal agency. The licensed physician, audiologist, speech-language pathologist, hearing aid specialist, state-certified teacher of the hearing impaired, or state-certified teacher of the visually impaired providing statements which attest to such impairments shall work within their individual scopes of practice according to their education and training. The deaf service center directors and appropriate state and federal agencies shall attest to such impairments as provided for in the procedures developed by the administrator.

(b) Establish characteristics and performance standards for specialized telecommunications devices determined to be necessary, and for the selection of equipment to be purchased for distribution to qualified recipients. The characteristics and standards shall be modified as advances in equipment technology render such standards inapplicable.

(c) Provide for the administrator to apply for, contract for, receive, and expend for the purposes of this part any appropriation, grant, gift, or donation from the Federal Government or any other public or private source.

(d) Require the administrator to purchase the equipment required by this part on a competitively bid basis, so that the best value per unit may be obtained on the equipment selected for purchase, unless the equipment is available from only one source, or the total amount of the subject transaction does not exceed \$5,000.

(6) All names, addresses, and telephone numbers provided to the Florida Public Service Commission or administrator by applicants for specialized telecommunications devices are confidential and exempt from the provisions of s. 119.07(1). The information shall be released to contractors only to the extent necessary for assignment and shipment of equipment, for provision of training in the use of equipment, and for inventory reconciliation purposes. Neither the administrator or any contractor shall release this information nor use it for any other purpose.

(7) The administrator shall assume responsibility for distribution of specialized telecommunications devices.

(8) The administrator shall submit financial statements to the commission quarterly, in the manner prescribed by the commission.

History.—s. 1, ch. 91-111; s. 1, ch. 92-2; s. 278, ch. 96-406; s. 52, ch. 99-5; s. 12, ch. 2000-334.

427.706 Advisory committee.—

(1) The commission shall appoint an advisory committee to assist the commission with the implementation of the provisions of this part. The committee shall be composed of no more than 10 persons and shall include, to the extent practicable, the following:

- (a) Two deaf persons recommended by the Florida Association of the Deaf.
- (b) One hearing impaired person recommended by Self-Help for the Hard of Hearing.
- (c) One deaf and blind person recommended by the Coalition for Persons with Dual Sensory Disabilities.
- (d) One speech impaired person recommended by the Florida Language Speech and Hearing Association.
- (e) Two representatives of telecommunications companies.
- (f) One person with experience in providing relay services recommended by the Deaf Service Center Association.
- (g) One person recommended by the Advocacy Center for Persons with Disabilities, Inc.
- (h) One person recommended by the Florida League of Seniors.

(2) The advisory committee shall provide the expertise, experience, and perspective of persons who are hearing impaired or speech impaired to the commission and to the administrator during all phases of the development and operation of the telecommunications access system. The advisory

committee shall advise the commission and the administrator on the quality and cost-effectiveness of the telecommunications relay service and the specialized telecommunications devices distribution system. The advisory committee may submit material for inclusion in the annual report prepared pursuant to s. 427.704.

(3) Members of the committee shall not be compensated for their services but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The commission shall use funds from the Florida Public Service Regulatory Trust Fund to cover the costs incurred by members of the advisory committee.

History.—s. 1, ch. 91-111; s. 45, ch. 94-324; s. 18, ch. 95-327; s. 140, ch. 2010-102; s. 4, ch. 2012-177.

427.707 Exemption from liability.—Neither the commission, the administrator, the provider of the telecommunications relay service, nor any agent, employee, representative, or officer of the foregoing shall be liable for any claims, actions, damages, or causes of action arising out of or resulting from the establishment, participation in, or operation of the telecommunications relay service, except where there is malicious purpose or wanton and willful disregard of human rights, safety, or property in the establishment, participation in, or operation of the telecommunications relay service.

History.—s. 1, ch. 91-111.

427.708 Certain public safety and health care providers required to purchase and operate TDD's.—

(1) The central communications office of each county sheriff's department shall purchase and continually operate at least one TDD.

(2)(a) The central communications office of each police department and each firefighting agency in a municipality with a population of 25,000 to 250,000 shall purchase and continually operate at least one TDD.

(b) The central communications office of each police department and each firefighting agency in a municipality with a population exceeding 250,000 persons shall purchase and continually operate at least two TDD's.

(3) Each hospital as defined in s. 395.002 shall purchase and continually operate at least one TDD.

(4) Each emergency telephone number "911" system, as provided in s. 365.171, and each agency receiving automatically routed calls through such a system shall purchase and continually operate at least one TDD.

(5) Each public safety office, health care provider, and emergency telephone number “911” system required to obtain a TDD pursuant to this section shall continuously operate and staff such equipment on a 24-hour basis.

(6) Each office or organization required to purchase TDD’s pursuant to this section shall buy such equipment which meets the same specifications as those selected by the commission.

(7) Each office or organization required to operate TDD’s pursuant to this section shall utilize equipment in accordance with standards established by the commission.

History.—s. 1, ch. 91-111; s. 80, ch. 92-289; s. 46, ch. 94-324; s. 19, ch. 95-327.

PART III

ASSISTIVE TECHNOLOGY DEVICE WARRANTY ACT

427.801 Short title.

427.802 Definitions.

427.803 Express warranty.

427.804 Repair of nonconforming assistive technology devices; refund or replacement of devices after attempt to repair; sale or lease of returned device; arbitration; limitation of rights.

427.805 Waiver.

427.806 Action for damages.

427.801 Short title.—This part may be cited as the “Assistive Technology Device Warranty Act.”

History.—s. 1, ch. 97-47.

427.802 Definitions.—As used in this part:

(1) “Assistive technology devices” means manual wheelchairs, motorized wheelchairs, motorized scooters, voice-synthesized computer modules, optical scanners, talking software, braille printers, environmental control devices for use by a person with quadriplegia, motor vehicle adaptive transportation aids, devices that enable persons with severe speech disabilities to in effect speak, personal transfer systems, and specialty beds, including a demonstrator, that a consumer purchases or accepts transfer of in this state for use by a person with a disability.

(2) “Person with a disability” means any person who has one or more permanent physical or mental limitations that restrict his or her ability to perform the normal activities of daily living and impede his or her capacity to live independently.

(3) "Assistive technology device dealer" means a person who is engaged in the business of selling assistive technology devices.

(4) "Assistive technology device lessor" means a person who leases an assistive technology device to a consumer, or holds the lessor's rights, under a written lease.

(5) "Collateral costs" means expenses incurred by a consumer in connection with the repair of a nonconformity, including the costs of obtaining an alternative assistive technology device.

(6) "Consumer" means any of the following:

(a) The purchaser of an assistive technology device, if the assistive technology device was purchased from an assistive technology device dealer or manufacturer for purposes other than resale.

(b) A person to whom the assistive technology device is transferred for purposes other than resale, if the transfer occurs before the expiration of an express warranty applicable to the assistive technology device.

(c) A person who may enforce the warranty.

(d) A person who leases an assistive technology device from an assistive technology device lessor under a written lease.

(7) "Demonstrator" means an assistive technology device used primarily for the purpose of demonstration to the public.

(8) "Early termination cost" means any expense or obligation that an assistive technology device lessor incurs as a result of both the termination of a written lease before the termination date set forth in that lease and the return of an assistive technology device to a manufacturer pursuant to this section. The term includes a penalty for prepayment under a financial arrangement.

(9) "Early termination saving" means any expense or obligation that an assistive technology device lessor avoids as a result of both the termination of a written lease before the termination date set forth in the lease and the return of an assistive technology device to a manufacturer pursuant to this section. The term includes an interest charge that the assistive technology device lessor would have paid to finance the assistive technology device or, if the assistive technology device lessor does not finance the assistive technology device, the difference between the total amount for which the lease obligates the consumer during the period of the lease term remaining after the early termination and the present value of that amount at the date of the early termination.

(10) "Manufacturer" means a business entity that manufactures or produces assistive technology devices for sale and agents of that business entity, including an importer, a distributor,

a factory branch, a distributor branch, and any warrantors of the manufacturer's assistive technology device, but not including an assistive technology device dealer.

(11) "Nonconformity" means a condition or defect of an assistive technology device which substantially impairs the use, value, or safety of the device and which is covered by an express warranty applicable to the assistive technology device, but does not include a condition or defect that is the result of abuse, neglect, excessive wear, or unauthorized modification or alteration of the assistive technology device by a consumer.

(12) "Reasonable attempt to repair" means, within the terms of an express warranty applicable to a new assistive technology device:

(a) A maximum of three efforts by the manufacturer, the assistive technology device lessor, or any of the manufacturer's authorized assistive technology device dealers to repair a nonconformity that is subject to repair under the warranty; or

(b) The passage of at least 30 cumulative days during which the assistive technology device is out of service because of a nonconformity that is covered by the warranty.

History.—s. 1, ch. 97-47; s. 17, ch. 99-307; s. 3, ch. 2001-214.

427.803 Express warranty.—A manufacturer who sells a new assistive technology device to a consumer, either directly or through an assistive technology device dealer, shall furnish the consumer with an express warranty for the assistive technology device. The duration of the express warranty must be at least 1 year after first delivery of the assistive technology device to the consumer. In the absence of an express warranty from the manufacturer, the manufacturer is considered to have expressly warranted to the consumer of an assistive technology device that, for a period of 1 year after the date of first delivery to the consumer, the assistive technology device will be free from any condition or defect that substantially impairs the value of the assistive technology device to the consumer.

History.—s. 1, ch. 97-47; s. 18, ch. 99-307; s. 4, ch. 2001-214.

427.804 Repair of nonconforming assistive technology devices; refund or replacement of devices after attempt to repair; sale or lease of returned device; arbitration; limitation of rights.—

(1) If a new assistive technology device does not conform to an applicable express warranty and the consumer reports the nonconformity to the manufacturer, the assistive technology device lessor, or any of the manufacturer's authorized assistive technology device dealers and makes the assistive technology device available for repair within 1 year after first delivery or return of the assistive technology device to the consumer, the nonconformity must be repaired at no charge to the consumer.

(2) If, after a reasonable attempt to repair, the nonconformity is not repaired, the manufacturer, at the direction of a consumer as defined in s. 427.802(6)(a)-(c), must do one of the following:

(a) Accept return of the assistive technology device and replace the assistive technology device with a comparable new assistive technology device and refund any collateral costs.

(b) Accept return of the assistive technology device and refund to the consumer and to any holder of a perfected security interest in the consumer's assistive technology device, as the interest may appear, the full purchase price plus any finance charge amount paid by the consumer at the point of sale, and collateral costs.

(c) With respect to a consumer as defined in s. 427.802(6)(d), accept return of the assistive technology device, refund to the assistive technology device lessor and to any holder of a perfected security interest in the assistive technology device, as the interest may appear, the current value of the written lease, and refund to the consumer the amount that the consumer paid under the written lease plus any collateral costs.

(3) The current value of the written lease equals the total amount for which the lease obligates the consumer during the period of the lease remaining after its early termination plus the assistive technology device dealer's early termination costs and the value of the assistive technology device at the lease expiration date if the lease sets forth the value, less the assistive technology device lessor's early termination savings.

(4) To receive a comparable new assistive technology device or a refund due under paragraph (2)(a), a consumer must offer to the manufacturer of the assistive technology device having the nonconformity to transfer possession of the assistive technology device to the manufacturer. No later than 30 days after the offer, the manufacturer shall provide the consumer with the comparable assistive technology device or refund. When the manufacturer provides the comparable assistive technology device or refund, the consumer shall return the assistive technology device having the nonconformity to the manufacturer, along with any endorsements necessary to transfer real possession to the manufacturer.

(5) To receive a refund due under paragraph (2)(b), a consumer must offer to return the assistive technology device having the nonconformity to its manufacturer. No later than 30 days after the offer, the manufacturer shall provide the refund to the consumer who paid for or the provider who billed a third party payor source for the assistive technology device. The provider shall return the manufacturer's refund to the third party payor source, unless the provider was not reimbursed by the third party payor. When the manufacturer provides the refund, the consumer shall return to the manufacturer the assistive technology device having the nonconformity.

(6) To receive a refund due under paragraph (2)(c), an assistive technology device lessor must offer to transfer possession of the assistive technology device having the nonconformity to its

manufacturer. No later than 30 days after the offer, the manufacturer shall provide the refund to the assistive technology device lessor. When the manufacturer provides the refund, the assistive technology device lessor shall provide to the manufacturer any endorsements necessary to transfer legal possession to the manufacturer.

(7) A person may not enforce the lease against the consumer after the consumer receives a refund due under paragraph (2)(c).

(8) An assistive technology device that is returned by a consumer or assistive technology device lessor in this state, or by a consumer or assistive technology device lessor in another state under a similar law of that state, may not be sold or leased again in this state, unless full disclosure of the reasons for return is made to any prospective buyer or lessee.

(9) Each consumer may submit any dispute arising under this part to an alternative arbitration mechanism established pursuant to chapter 682. Upon notice by the consumer, all manufacturers must submit to such alternative arbitration.

(10) Such alternative arbitration must be conducted by a professional arbitrator or arbitration firm appointed under chapter 682 and any applicable rules. These procedures must provide for the personal objectivity of the arbitrators and for the right of each party to present its case, to be in attendance during any presentation made by the other party, and to rebut or refute such a presentation.

(11) This part does not limit rights or remedies available to a consumer under any other law.

History.—s. 1, ch. 97-47; s. 19, ch. 99-307; s. 5, ch. 2001-214; s. 44, ch. 2001-279.

427.805 Waiver.—Any waiver by a consumer of rights under this part is void.

History.—s. 1, ch. 97-47.

427.806 Action for damages.—In addition to pursuing any other remedy, a consumer may bring an action to recover damages for any injury caused by a violation of this part. The court shall award a consumer who prevails in such an action twice the amount of any pecuniary loss, together with costs, disbursements, and reasonable attorney's fees, and any equitable relief that the court determines is appropriate.

History.—s. 1, ch. 97-47.

Appendix G
Rule 41-2
Florida
Administrative
Code

CHAPTER 41-2
COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

41-2.001	Purpose (Repealed)
41-2.002	Definitions
41-2.003	Commission Organization and Personnel (Repealed)
41-2.005	Member Department Responsibilities (Repealed)
41-2.006	Insurance, Safety Requirements and Standards
41-2.007	Reporting Requirements
41-2.008	Contractual Arrangements
41-2.009	Designated Official Planning Agency
41-2.010	Selection of Community Transportation Coordinator
41-2.011	Community Transportation Coordinator Powers and Duties
41-2.012	Coordinating Board Structure and Duties
41-2.013	Transportation Disadvantaged Trust Fund
41-2.014	Grants Program
41-2.015	Expenditure of Local Government, State, and Federal Funds for the Transportation Disadvantaged
41-2.016	Accessibility (Repealed)
41-2.0161	Program Monitoring of Performance (Repealed)
41-2.0162	Chronological Listing of Report Dates
41-2.018	Public Comment

41-2.001 Purpose.

Rulemaking Authority 427.013(9) FS. Law Implemented 120.53(1), 427.011-427.017 FS. History--New 5-2-90, Amended 6-17-92, 7-11-95, Repealed 7-15-12.

41-2.002 Definitions.

For purposes of this rule chapter, the following definitions will apply:

(1) "Americans with Disabilities Act" is a federal law, P.L. 101-336, signed by the President of the United States on July 26, 1990.

(2) "Coordination Contract" means a written contract between the Community Transportation Coordinator and an agency who receives transportation disadvantaged funds and performs some, if not all, of its own transportation services, as well as transportation services to others, when shown to be more effective and more efficient from a total system perspective. The contract reflects the specific terms and conditions that will apply to those agencies who perform their own transportation, as well as joint utilization and cost provisions for transportation services to and from the community transportation coordinator.

(3) "Designated Official Planning Agency" means the official body or agency designated by the Commission to fulfill the functions of transportation disadvantaged planning in areas not covered by a Metropolitan Planning Organization. The Metropolitan Planning Organization shall serve as the designated official planning agency in areas covered by such organizations.

(4) "Designated Service Area" means a geographical area recommended by a designated official planning agency, subject to approval by the Commission, which defines the community where coordinated transportation services will be provided to the transportation disadvantaged.

(5) "Emergency" means any occurrence, or threat thereof, whether accidental, natural or caused by man, in war or in peace, which results or may result in substantial denial of transportation services to a designated service area for the transportation disadvantaged population.

(6) "Emergency Fund" means transportation disadvantaged trust fund monies set aside to address emergency situations and which can be utilized by direct contract, without competitive bidding, between the Commission and an entity to handle transportation services during a time of emergency.

(7) "Florida Coordinated Transportation System" (FCTS) means a transportation system responsible for coordination and service provisions for the transportation disadvantaged as outlined in chapter 427, F.S.

(8) "Local Government" means an elected and/or appointed public body existing to coordinate, govern, plan, fund and administer public services within a designated, limited geographic area within the state.

(9) "Local Government Comprehensive Plan" means a plan that meets the requirements of sections 163.3177 and 163.3178, F.S.

(10) "Memorandum of Agreement" is the state contract for transportation disadvantaged services purchased with federal, state or local government transportation disadvantaged funds. This agreement is between the Commission and the Community Transportation Coordinator and recognizes the Community Transportation Coordinator as being responsible for the arrangement of the provision of transportation disadvantaged services for a designated service area.

(11) "Public Transit" means the transporting of people by conveyances or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the public. Public transit systems may be governmentally or privately owned. Public transit specifically includes those forms of transportation commonly known as "paratransit."

(12) "Regional Planning Council (RPC)" means the organization created under the provisions of section 186.504, F.S.

(13) "Reserve Fund" means transportation disadvantaged trust fund monies set aside each budget year to insure adequate cash is available for incoming reimbursement requests when estimated revenues do not materialize.

(14) "State Fiscal Year" means the period from July 1 through June 30 of the following year.

(15) "Transportation Disadvantaged Service Plan" means an annually updated plan jointly developed by the designated official planning agency and the Community Transportation Coordinator which contains a development plan, service plan, and quality assurance components. The plan shall be approved and used by the local Coordinating Board to evaluate the Community Transportation Coordinator.

(16) "Transportation Operator" means one or more public, private for profit or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated transportation development plan.

(17) "Transportation Operator Contract" means a written contract between the Community Transportation Coordinator and the Transportation Operators, as approved by the Commission, that outlines the terms and conditions for any services to be performed.

(18) "Trust Fund" means the Transportation Disadvantaged Trust Fund authorized in section 427.0159, F.S., and administered by the Commission.

Rulemaking Authority 427.013(10) FS. Law Implemented 427.011-427.017 FS. History--New 5-2-90, Amended 6-17-92, 1-4-94, 7-11-95, 5-1-96, 10-1-96, 3-10-98, 8-10-09.

41-2.003 Commission Organization and Personnel.

Rulemaking Authority 427.013(9) FS. Law Implemented 427.012 FS. History--New 5-2-90, Amended 6-17-92, 3-10-98, Repealed 7-15-12.

41-2.005 Member Department Responsibilities.

Rulemaking Authority 427.013(9) FS. Law Implemented 427.0135 FS. History--New 5-2-90, Amended 6-17-92, 6-15-93, 7-11-95, 3-10-98, Repealed 1-7-16.

41-2.006 Insurance, Safety Requirements and Standards.

(1) The Community Transportation Coordinator, shall ensure compliance with the minimum liability insurance requirement of \$200,000 per person and \$300,000 per incident, which are comparable to section 768.28(5), F.S., limits, for all transportation services purchased or provided for the transportation disadvantaged through the Community Transportation Coordinator. The Community Transportation Coordinator will indemnify and hold harmless the Local, State, and Federal governments and their entities, departments, and the Commission from any liabilities arising out of or due to an accident or negligence on the part of the Community Transportation Coordinator and all Transportation Operators under contract to them.

(2) Each Community Transportation Coordinator, and any Transportation Operators from whom transportation service is purchased with local government, state or federal transportation disadvantaged funds, shall ensure the purchaser that their operations and services are in compliance with the safety requirements as specified in section 341.061(2)(a), F.S. and chapter 14-90, F.A.C.

(3) Each Community Transportation Coordinator, and any Transportation Operators from whom service is purchased or funded by local government, state or federal transportation disadvantaged funds shall assure the purchaser of their continuing compliance

with the applicable state or federal laws relating to drug testing.

(4) The Community Transportation Coordinator and any Transportation Operator from whom service is purchased or arranged by the Community Transportation Coordinator shall adhere to Commission approved standards. These standards include:

(a) Drug and alcohol testing for safety sensitive job positions within the coordinated system regarding pre-employment, randomization, post-accident, and reasonable suspicion as required by the Federal Highway Administration and the Federal Transit Administration;

(b) An escort of a passenger and dependent children are to be transported as locally negotiated and identified in the local Transportation Disadvantaged Service Plan;

(c) Use of child restraint devices shall be determined locally as to their responsibility, and cost of such device in the local Transportation Disadvantaged Service Plan;

(d) Passenger property that can be carried by the passenger and/or driver in one trip and can safely be stowed on the vehicle, shall be allowed to be transported with the passenger at no additional charge. Additional requirements may be negotiated for carrying and loading rider property beyond this amount. Passenger property does not include wheelchairs, child seats, stretchers, secured oxygen, personal assistive devices, or intravenous devices;

(e) Vehicle transfer points shall provide shelter, security, and safety of passengers;

(f) A local toll free phone number for complaints or grievances shall be posted inside the vehicle. The TD Helpline phone number 1(800)983-2435 shall also be posted inside all vehicles of the coordinated system. The local complaint process shall be outlined as a section in the local Transportation Disadvantaged Service Plan including, advising the dissatisfied person about the Commission's Ombudsman Program as a step within the process as approved by the local Coordinating Board. All rider information/materials (brochures, user's guides, etc.) will include the TD Helpline phone number;

(g) Out of service area trips shall be provided when determined locally and approved by the local Coordinating Board, except in instances where local ordinances prohibit such trips;

(h) Interior of all vehicles shall be free from dirt, grime, oil, trash, torn upholstery, damaged or broken seats, protruding metal or other objects or materials which could soil items placed in the vehicle or provide discomfort for the passenger;

(i) Billing requirements of the Community Transportation Coordinator to subcontractors shall be determined locally by the local Coordinating Board and provided in the local Transportation Disadvantaged Service Plan. All bills shall be paid within 7 working days to subcontractors, after receipt of said payment by the Community Transportation Coordinator, in accordance with section 287.0585, F.S.;

(j) Passenger/trip data base must be maintained or accessible by the Community Transportation Coordinator on each rider being transported within the system;

(k) Adequate seating for paratransit services shall be provided to each rider and escort, child, or personal care attendant, and no more passengers than the registered passenger seating capacity shall be scheduled or transported in a vehicle at any time. For transit services provided by transit vehicles, adequate seating or standing space will be provided to each rider and escort, child, or personal care attendant, and no more passengers than the registered passenger seating or standing capacity shall be scheduled or transported in a vehicle at any time;

(l) Drivers for paratransit services, including coordination contractors, shall be required to announce and identify themselves by name and company in a manner that is conducive to communications with the specific passenger, upon pickup of each rider, group of riders, or representative, guardian, or associate of the rider, except in situations where the driver regularly transports the rider on a recurring basis. Each driver must have photo identification that is in view of the passenger. Name patches, inscriptions or badges that affix to driver clothing are acceptable. For transit services, the driver photo identification shall be in a conspicuous location in the vehicle;

(m) The paratransit driver shall provide the passenger with boarding assistance, if necessary or requested, to the seating portion of the vehicle. The boarding assistance shall include opening the vehicle door, fastening the seat belt or utilization of wheel chair securement devices, storage of mobility assistive devices, and closing the vehicle door. In the door-through-door paratransit service category, the driver shall be required to open and close doors to buildings, except in situations in which assistance in opening/closing building doors would not be safe for passengers remaining on the vehicle. Assisted access must be in a dignified manner. Drivers may not assist wheelchair up or down more than one step, unless it can be performed safely as determined by the passenger, guardian, and driver;

(n) Smoking is prohibited in any vehicle. Requirements for drinking and eating on board the vehicle will be addressed in the

local Transportation Disadvantaged Service Plan;

(o) The Community Transportation Coordinator and the local Coordinating Board shall jointly develop a policy on passenger no-shows. Assessing fines to passengers for no-shows is acceptable but such policy and process shall be identified in the local Transportation Disadvantaged Service Plan;

(p) All vehicles providing service within the coordinated system, shall be equipped with two-way communications in good working order and audible to the driver at all times to the base;

(q) All vehicles providing service within the coordinated system, shall have working air conditioners and heaters in each vehicle. Vehicles that do not have a working air conditioner or heater will be scheduled for repair or replacement as soon as possible;

(r) First Aid policy shall be determined locally and provided in the local Transportation Disadvantaged Service Plan;

(s) Cardiopulmonary Resuscitation policy shall be determined locally and provided in the local Transportation Disadvantaged Service Plan;

(t) Driver background screening shall be determined locally, dependent upon purchasing agencies' requirements, and provided in the local Transportation Disadvantaged Service Plan;

(u) In areas where fixed route transportation is available, the Community Transportation Coordinator should jointly establish with the Local Coordinating Board (LCB) a percentage of total trips that will be placed on the fixed route system;

(v) The Community Transportation Coordinator should establish and address the passenger pick-up windows in the local Transportation Disadvantaged Service Plan. This policy should also be communicated to contracted operators, drivers, purchasing agencies and passengers;

(w) The Community Transportation Coordinator and the LCB should jointly establish and address the percentage of trips that will be on-time in the local Transportation Disadvantaged Service Plan. This performance measure should be communicated to contracted operators, drivers, purchasing agencies, and passengers. This measure should also be included as a part of the Community Transportation Coordinator's evaluation of its contracted operators, and the LCB's evaluation of the Community Transportation Coordinator;

(x) The Community Transportation Coordinator should establish and address in the local Transportation Disadvantaged Service Plan a minimum 24 hour advanced notification time to obtain services. This policy should be communicated to contracted operators, purchasing agencies and passengers;

(y) The Community Transportation Coordinator and the LCB should jointly establish and address in the service plan a performance measure to evaluate the safety of the coordinated system. This measure should be used in the Community Transportation Coordinator's evaluation of the contracted operators, and the LCB's evaluation of the Community Transportation Coordinator;

(z) The Community Transportation Coordinator and the LCB should jointly establish and address in the local service plan a performance measure to evaluate the reliability of the vehicles utilized in the coordinated system. This measure should be used in the Community Transportation Coordinator's evaluation of the contracted operators, and the LCB's evaluation of the Community Transportation Coordinator;

(aa) This performance measure can be used to address the accessibility of the service. The Community Transportation Coordinator and the LCB should jointly determine if a standard for a call hold time is needed in the coordinated system and address this in the local service plan. If determined to be necessary, this standard should be included in the LCB's evaluation of the Community Transportation Coordinator;

(bb) The Community Transportation Coordinator and the LCB should jointly establish and address in the local service plan a performance measure to evaluate the quality of service provided within the coordinated system. The measure should be used in the Community Transportation Coordinator's evaluation of the contracted operators, and the LCB's evaluation of the Community Transportation Coordinator.

Rulemaking Authority 427.013(9) FS. Law Implemented 287.0585, 427.011(11), 427.013, 427.0155, 427.0157, 768.28 FS. History—New 5-2-90, Amended 6-17-92, 5-1-96, 10-1-96, 3-10-98, 6-3-01, 7-3-03, 9-3-18.

41-2.007 Reporting Requirements.

(1) Each state agency shall, by September 15 of each year, provide the Commission with an accounting of the actual amount of funds expended and the total number of trips purchased during the previous fiscal year.

(2) Each Designated Official Planning Agency shall provide to the Commission prior to each state fiscal year, an estimate of all transportation disadvantaged funds anticipated to be available for the upcoming state fiscal year budget. The estimate shall include the following information:

(a) Each local government agency within jurisdiction of the Official Planning Agency shall report an estimate of the direct federal funds and local government transportation disadvantaged funds anticipated to be available through the coordinated system for the upcoming state fiscal year to the Official Planning Agency, and

(b) The Official Planning Agency shall request from each federal government agency within its jurisdiction, an estimate of the direct federal transportation disadvantaged funds anticipated to be available through the coordinated system for the upcoming state fiscal year.

(3) The estimate mentioned in subsection (2), above, shall include the following information identified by county:

(a) A brief description of the project or program;

(b) The dollar amount of transportation disadvantaged funds reported by categories of Coordinated, Non-Coordinated, Transportation Alternatives, or Other if applicable; and

(c) The estimated number of one-way passenger trips to be provided reported by categories of Coordinated, Non-Coordinated, Transportation Alternatives, or Other if applicable.

(4) Each Metropolitan Planning Organization or designated official planning agency shall annually compile a report accounting for all local government and direct federal funds for transportation for the disadvantaged expended in its jurisdiction, and forward this report by September 15 to the Commission.

(5) Upon receipt of the state agency and Official Planning Agency combined annual budget estimates, the Commission shall develop and distribute a statewide report outlining the expected expenditures for all transportation disadvantaged services through the coordinated system for the state fiscal year.

(6) Each Community Transportation Coordinator shall by September 15 of each year report required operating statistics to the Commission. The operational statistics will be compiled into a report by the Commission and utilized as a part of the analysis of the Community Transportation Coordinator's performance evaluation and the trip and equipment grant distribution. The Community Transportation Coordinator's report shall be reviewed by the Coordinating Board with a copy provided to the Metropolitan Planning Organization or Designated Official Planning Agency.

(7) Each Community Transportation Coordinator shall utilize the Chart of Accounts defined in the American Association of State Highway and Transportation Officials, Inc., Comprehensive Financial Management Guidelines For Rural and Small Urban Public Transportation Providers, dated September 1992, incorporated herein by reference, for its financial management. A copy of this document may be obtained from the Commission office located at 2740 Centerview Drive, Suite 1A, Tallahassee, Florida 32301. A copy of the document may also be viewed at Comprehensive Financial Management Guidelines on the Commission's website at www.dot.state.fl.us/ctd/, Community Transportation Coordinators with existing and equivalent accounting systems will not be required to adopt this Chart of Accounts but will be required to prepare all reports, invoices, and fiscal documents relating to the transportation disadvantaged functions and activities using the chart of accounts and accounting definitions as outlined in the above referenced manual.

(8) The Commission shall make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1 of each year. The report will contain a summary of the Commission's accomplishments for the preceding state fiscal year, the most current operational statistics for transportation disadvantaged services, identified unmet needs and a financial status of the Transportation Disadvantaged Trust Fund. Copies of the report will also be made available to member departments, Metropolitan Planning Organizations, Designated Official Planning Agencies and Community Transportation Coordinators, and others upon request.

Rulemaking Authority 427.013(9) FS. Law Implemented 427.012(8), 427.013(3), (7), (8), (9), (12), (13), (16), 427.0135(1), 427.015(1) FS. History—New 5-2-90, Amended 6-17-92, 11-17-92, 1-4-94, 7-11-95, 5-1-96, 3-10-98, 12-6-09, 3-5-13.

41-2.008 Contractual Arrangements.

The following contractual arrangements will be required of the Community Transportation Coordinator:

(1) A Memorandum of Agreement will be required and shall be a binding contract between the Commission and a Community Transportation Coordinator. It shall be utilized as the contract recognizing the Community Transportation Coordinator as a State contract vendor for a designated service area. The format of the Memorandum of Agreement will contain the Commission's

minimum requirements and shall be utilized by the Community Transportation Coordinator. The Coordinating Board shall approve the Memorandum of Agreement prior to submittal to the Commission.

(2) Transportation Operator Contract. The Community Transportation Coordinator shall enter into a standard contract, as approved by the Commission, with each Transportation Operator as to specific terms and conditions that apply to each Transportation Operator for services to be performed. The contract shall include the minimum requirements contained in the Memorandum of Agreement and other local requirements for local service delivery. The Community Transportation Coordinator will be responsible for monitoring the terms of the contract.

(3) Coordination Contract. The Community Transportation Coordinator shall enter into a Coordination Contract to show the specific terms and conditions, as outlined in the Memorandum of Agreement with those agencies who receive transportation disadvantaged funds and who, from a total system approach, can perform more effectively and more efficiently their own transportation under those conditions not covered in rule 41-2.015, F.A.C., herein. The contract shall include the requirements of reporting, insurance, safety, and other terms that apply equally to any transportation operator. The contract also shall include any relative information regarding joint utilization and cost arrangements for the provision of transportation services to and from the coordinator. The Community Transportation Coordinator will be responsible for monitoring the terms of the contract. The contract shall be approved by the Coordinating Board and shall be reviewed annually to determine whether the continuation of said contract arrangement is the most cost effective and efficient utilization that is possible.

Rulemaking Authority 427.013(9) FS. Law Implemented 427.013(10), (15), 427.015(2), 427.0155(7), 427.0157(1) FS. History—New 5-2-90, Amended 6-17-92, 7-11-95, 10-1-96, 3-10-98.

41-2.009 Designated Official Planning Agency.

(1) Metropolitan Planning Organizations shall serve as the designated official planning agency in urbanized areas. In areas not covered by a Metropolitan Planning Organization, agencies eligible for selection as Designated Official Planning Agencies include County or City governments, Regional Planning Councils, Metropolitan Planning Organizations from other areas, or Local Planning Organizations who are currently performing planning activities in designated service areas. Eligibility for continued designation by the Commission will be conditioned on the agency's resources, capabilities and actual performance in implementing the responsibilities and requirements of chapter 427, F.S.

(2) Metropolitan Planning Organizations and Designated Official Planning Agencies shall include a Transportation Disadvantaged element in their Transportation Improvement Program (TIP). Such element shall include a project and program description, the planned costs and anticipated revenues for the services, identification of the year the project or services are to be undertaken and implemented, and assurances that there has been coordination with local public transit and local government comprehensive planning bodies, including input into the mass transit or other elements of local and regional comprehensive planning activities. Areas not required to develop a federally-required TIP shall report equivalent information in the Transportation Disadvantaged Service Plan.

(3) Each Designated Official Planning Agency shall provide each Coordinating Board with sufficient staff support and resources to enable the Coordinating Board to fulfill its responsibilities. In areas where a Metropolitan Planning Organization or Designated Official Planning Agency serves as the Community Transportation Coordinator and desires to utilize the same staff for the Coordinating Board, such agency shall abstain from any official actions that represent a conflict of interest, specifically in the evaluation process of the Community Transportation Coordinator.

(4) In consultation with the Community Transportation Coordinator and Coordinating Board, each Metropolitan Planning Organization or Designated Official Planning Agency shall develop and annually update, a Transportation Disadvantaged Service Plan. The Transportation Disadvantaged Service Plan shall be developed in a manner which assures that local planning agencies, responsible for preparing comprehensive plans, have the opportunity to review and comment on it, and shall not be inconsistent with applicable local government comprehensive plans, MPO long range comprehensive plans, transit development plans, and other local, regional, and state transportation plans. The Transportation Disadvantaged Service Plan shall be reviewed for final disposition by the Coordinating Board and the Commission.

(5) Consolidate the annual budget estimates of local and directly funded federal government transportation disadvantaged funds and forward to the Commission no later than the beginning of each state fiscal year.

Rulemaking Authority 427.013(9) FS. Law Implemented 427.013(21), 427.015 FS. History—New 5-2-90, Amended 6-17-92, 1-4-94, 3-10-98.

41-2.010 Selection of Community Transportation Coordinator.

(1) Designation, selection, or revocation of designation of any Community Transportation Coordinator shall be subject to the approval of the Commission.

(2) Selection of agencies as Community Transportation Coordinators or Transportation Operators may be negotiated without competitive acquisition, upon the recommendation of the Metropolitan Planning Organization or Designated Official Planning Agency that it is in the best interest of the transportation disadvantaged. This includes circumstances such as emergencies, or insufficient competition availability.

(3) Selection of the Community Transportation Coordinator will be accomplished through public competitive bidding or proposals in accordance with applicable laws and rules.

(4) In cases where selection is accomplished by a request for proposal (RFP), the RFP shall, at a minimum, identify the following information:

(a) The scope and nature of the services and coordination required, and a request for the proposer's plan to provide same.

(b) A request that the proposer identify the resources, and accounting system techniques to be used in their audit trail for all services.

(c) A request that the proposer identify their organizational structure and key personnel, their financial capacity, equipment resources, and experience and qualifications, including the most recent financial audit by a certified public accountant.

(d) A request that the proposer demonstrate the ability to coordinate a multitude of funding and service provisions, in addition to serving the needs of the general public or other transportation disadvantaged.

(e) A request that the proposer identify specific means by which it plans to comply with the provisions of the Americans with Disabilities Act, P.L. 101-336, chapter 760, F.S., and any applicable local regulations governing disabled accessibility requirements, access to transportation, and discrimination.

(f) A demonstration by the proposer of plans for the provision of the most economically cost effective, quality services to the transportation disadvantaged, and plans which demonstrate coordination with the public school system, local public transit systems, private sector operators and other governmental agencies that provide services to the transportation disadvantaged within the designated service area.

(g) A demonstration by the proposer of plans to comply with safety requirements as specified in section 341.061, F.S.

(h) An indication by the proposer of plans to comply with any state, federal, or local laws relating to drug testing.

(i) A sample Memorandum of Agreement for review by the respondent.

(j) A statement advising proposers of any local resources that exist or are planned that should be recognized in the bidders proposal.

(5) The announcement of the request for proposal shall be published in at least the largest general circulation newspaper in the designated service area and in the Florida Administrative Register. The advertised announcement shall include the time, date and place of a public meeting to provide information and answer questions about the request for proposal.

(6) Upon evaluation of the proposals, each Metropolitan Planning Organization or Designated Official Planning Agency, upon consultation with the Coordinating Board, shall recommend to the Commission a Community Transportation Coordinator.

(7) Upon resignation or termination of any Community Transportation Coordinator, the Metropolitan Planning Organization or Designated Official Planning Agency shall complete the recommendation process for a new Community Transportation Coordinator within 90 days after termination date for non-bid Community Transportation Coordinators and within 150 days after termination date for bid/RFP Community Transportation Coordinators. In the absence of these circumstances, the requirements of subsection 41-2.010(8), F.A.C., below shall apply.

(8) In cases of termination of the Community Transportation Coordinator, or in unforeseen emergencies, the Commission shall work with the Metropolitan Planning Organization or Designated Official Planning Agency and the Coordinating Board in an expeditious manner to provide for the continuation of services to the transportation disadvantaged in the designated service area, by providing or arranging the necessary technical assistance.

(9) The utilization of firms defined as minority business enterprises shall be encouraged to the extent possible utilizing the most recent certified minority business listing published by the Florida Department of Management Services.

Rulemaking Authority 427.013(9) FS. Law Implemented 427.013(10), (15), 427.015(2), 427.0155(7), 427.0157 FS. History—New 5-2-90, Amended 6-17-92, 7-11-95, 10-1-96, 3-10-98, 4-8-01, 1-29-18.

41-2.011 Community Transportation Coordinator Powers and Duties.

(1) Each Community Transportation Coordinator shall be responsible for the short-range operational planning, administration, monitoring, coordination, arrangement, and delivery of transportation disadvantaged services originating within their designated service area on a full-time basis. Local management personnel with day-to-day decision making authority must be physically located in each designated service area, unless otherwise authorized by the Commission.

(2) Where cost effective and efficient, the Community Transportation Coordinator shall subcontract or broker transportation services to Transportation Operators. The Coordinating Board is authorized to recommend approval or disapproval of such contracts to the Community Transportation Coordinator, providing the basis for its recommendation. Within 30 days of its receipt of the Coordinating Board's recommendation, the Community Transportation Coordinator shall accept or reject the recommendation, providing written reasons for its rejection. All Transportation Operator contracts shall be reviewed annually by the Community Transportation Coordinator and the Coordinating Board as to the effectiveness and efficiency of the Transportation Operator or the renewal of any Coordination Contracts previously approved. Each Community Transportation Coordinator will ensure the terms set forth for monitoring said Transportation Operators and Coordination Contractors are in compliance with standards pursuant to rule 41-2.006, F.A.C.

(3) Pursuant to the conditions set forth in the Memorandum of Agreement, the Community Transportation Coordinator shall develop, implement, and monitor an approved Transportation Disadvantaged Service Plan. This plan shall be approved by the Coordinating Board and forwarded to the Commission for review and final disposition.

(4) Each Community Transportation Coordinator shall submit a report on operational statistics by September 15, each year to the Commission. A copy should also be provided to the Metropolitan Planning Organization or Designated Official Planning Agency.

(5) The Community Transportation Coordinator shall maximize the utilization of school bus and public transit services in accordance with section 427.0158, F.S. Any utilization data shall be included in operational statistics provided to the coordinated system.

(6) In cooperation with the local Coordinating Board, the Community Transportation Coordinator shall review all applications for local government, federal and state transportation disadvantaged funds submitted from or planned for use in their designated service area. If funds are recommended for approval, the Community Transportation Coordinator, in cooperation with the Coordinating Board, will develop and implement cost-effective coordination strategies for their use and integration into the coordinated system.

(7) Funding to support the Community Transportation Coordinator's functions associated with documented coordination activities may be obtained from a coordination fee as part of each trip arranged, from subsidies received or both and upon approval by the Coordinating Board.

(8) Each Community Transportation Coordinator shall be aware of all of the transportation disadvantaged resources available or planned in their designated service area in order to plan, coordinate, and implement the most cost effective transportation disadvantaged transportation system possible under the conditions that exist in the designated service area.

(9) Contractual administration of Community Transportation Coordinators shall be accomplished through a Memorandum of Agreement between the Commission and the Community Transportation Coordinator in accordance with the procedures of the Commission. Transportation services purchased from or arranged by the Community Transportation Coordinator will be billed to purchasing agencies by the Community Transportation Coordinator at the rates identified in the approved Transportation Disadvantaged Service Plan or Coordination Contract and recognize any special conditions as specified by the purchasing agency. Payment for services will be made directly to the Community Transportation Coordinator unless otherwise agreed upon, in writing, by the purchaser and the Community Transportation Coordinator. Other contractual arrangements shall be followed as specified in this rule chapter.

Rulemaking Authority 427.013(9) FS. Law Implemented 427.0155 FS. History—New 5-2-90, Amended 6-17-92, 6-15-93, 7-11-95, 5-1-96, 10-1-96, 3-10-98.

41-2.012 Coordinating Board Structure and Duties.

The purpose of the Coordinating Board is to identify local service needs and to provide information, advice, and direction to the Community Transportation Coordinator on the coordination of services to be provided to the transportation disadvantaged through the Florida Coordinated Transportation System (FCTS). Each Coordinating Board is recognized as an advisory body to the

Commission in its service area. The members of the Coordinating Board shall be appointed by the Metropolitan Planning Organization or the Designated Official Planning Agency. A Coordinating Board shall be appointed in each county. However, when agreed upon in writing, by all Boards of County Commissions in each county to be covered in the service area, multi-county Coordinating Boards may be appointed. The structure and duties of the Coordinating Board shall be as follows:

(1) The Metropolitan Planning Organization or Designated Official Planning Agency shall appoint one elected official to serve as the official chairperson for all Coordinating Board meetings. The appointed chairperson shall be an elected official from the county that the Coordinating Board serves. For a multi-county Coordinating Board, the elected official appointed to serve as Chairperson shall be from one of the counties involved.

(2) The Coordinating Board shall hold an organizational meeting each year for the purpose of electing a Vice-Chairperson. The Vice-Chairperson shall be elected by a majority vote of a quorum of the members of the Coordinating Board present and voting at the organizational meeting. The Vice-Chairperson shall serve a term of one year starting with the next meeting. In the event of the Chairperson's absence, the Vice-Chairperson shall assume the duties of the Chairperson and conduct the meeting.

(3) In addition to the Chairperson, except for multi-county Coordinating Boards which shall have as a representative an elected official from each county, including the Chairperson, one of whom shall be elected Vice-Chairperson, the following agencies or groups shall be represented on the Coordinating Board, in every county as voting members:

- (a) A local representative of the Florida Department of Transportation;
- (b) A local representative of the Florida Department of Children and Family Services;
- (c) A local representative of the Public Education Community which could include, but not be limited to, a representative of the District School Board, School Board Transportation Office, or Headstart Program in areas where the School District is responsible;
- (d) In areas where they exist, a local representative of the Florida Division of Vocational Rehabilitation or the Division of Blind Services, representing the Department of Education;
- (e) A person recommended by the local Veterans Service Office representing the veterans of the county;
- (f) A person who is recognized by the Florida Association for Community Action (President), representing the economically disadvantaged in the county;
- (g) A person over sixty representing the elderly in the county;
- (h) A person with a disability representing the disabled in the county;
- (i) Two citizen advocate representatives in the county; one who must be a person who uses the transportation service(s) of the system as their primary means of transportation;
- (j) A local representative for children at risk;
- (k) In areas where they exist, the Chairperson or designee of the local Mass Transit or Public Transit System's Board, except in cases where they are also the Community Transportation Coordinator;
- (l) A local representative of the Florida Department of Elderly Affairs;
- (m) An experienced representative of the local private for profit transportation industry. In areas where such representative is not available, a local private non-profit representative will be appointed, except where said representative is also the Community Transportation Coordinator;
- (n) A local representative of the Florida Agency for Health Care Administration;
- (o) A local representative of the Agency for Persons with Disabilities;
- (p) A representative of the Regional Workforce Development Board established in chapter 445, F.S.; and
- (q) A representative of the local medical community, which may include, but not be limited to, kidney dialysis centers, long term care facilities, assisted living facilities, hospitals, local health department or other home and community based services, etc.

(4) Except for the Chairperson, the non-agency members of the Board shall be appointed for three year staggered terms with initial membership being appointed equally for one, two, and three years. The Chairperson shall serve until elected term of office has expired or otherwise replaced by the Designated Official Planning Agency. No employee of a community transportation coordinator shall serve as a voting member of the coordinating board in an area where the community transportation coordinator serves. However, community transportation coordinators and their employees are not prohibited from serving on a coordinating board in an area where they are not the coordinator. However, an elected official serving as Chairperson of the coordinating board, or other governmental employees that are not employed for the purpose of making provisions for transportation and are not directly supervised by the community transportation coordinator shall not be precluded from serving as voting members of the coordinating board.

(5) The Board shall meet at least quarterly and shall perform the following duties in addition to those duties specifically listed in section 427.0157, F.S.:

(a) Maintain official meeting minutes, including an attendance roster, reflecting official actions and provide a copy of same to the Commission and the Chairperson of the designated official planning agency.

(b) Annually, provide the Metropolitan Planning Organization or Designated Official Planning Agency with an evaluation of the Community Transportation Coordinator's performance in general and relative to Commission and local standards as referenced in rule 41-2.006, F.A.C., and the performance results of the most recent Transportation Disadvantaged Service Plan. As part of the Coordinator's performance, the local Coordinating Board shall also set an annual percentage goal increase for the number of trips provided within the system for ridership on public transit, where applicable. In areas where the public transit is not being utilized, the local Coordinating Board shall set an annual percentage of the number of trips to be provided on public transit. The Commission shall provide evaluation criteria for the local Coordinating Board to use relative to the performance of the Community Transportation Coordinator. This evaluation will be submitted to the Commission upon approval by the local coordinating board.

(c) Appoint a Grievance Committee to process and investigate complaints, from agencies, users, transportation operators, potential users of the system and the Community Transportation Coordinator in the designated service area, and make recommendations to the Coordinating Board or to the Commission, when local resolution cannot be found, for improvement of service. The Coordinating Board shall establish a process and procedures to provide regular opportunities for issues to be brought before such committee and to address them in a timely manner. Rider brochures or other documents provided to users or potential users of the system shall provide information about the complaint and grievance process including the publishing of the Commission's TD Helpline service when local resolution has not occurred. All materials shall be made available in accessible format, upon request by the citizen. Members appointed to the committee shall be voting members of the Coordinating Board.

(d) All coordinating board members should be trained on and comply with the requirements of section 112.3143, F.S., concerning voting conflicts of interest.

Rulemaking Authority 427.013(9) FS. Law Implemented 427.0157 FS. History—New 5-2-90, Amended 6-17-92, 11-16-93, 1-4-94, 7-11-95, 5-1-96, 10-1-96, 3-10-98, 4-8-01, 12-17-02, 7-3-03, 6-14-18.

41-2.013 Transportation Disadvantaged Trust Fund.

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. The use of minority-owned businesses is encouraged, utilizing the most recent certified companies published by the Department of Management Services. Funds deposited and appropriated into the Trust Fund will be utilized for:

(1) Commission administrative and operating expenses, including financial assistance, through a grant agreement, to designated official planning agencies to assist the Commission in implementing the program in each local area.

(2) A Grants Program to provide for the funding of non-sponsored trips, including the purchase of capital equipment.

Rulemaking Authority 427.013(9) FS. Law Implemented 427.013, 427.0159, 427.016 FS. History—New 5-2-90, Amended 6-17-92, 1-5-93, 6-26-94, 7-11-95, 3-10-98, 2-20-13.

41-2.014 Grants Program.

(1) Eligible Applicants. Grant funds will be allocated annually to the following entities:

(a) Community Transportation Coordinators who have an executed Memorandum of Agreement.

(b) Metropolitan Planning Organizations or Designated Official Planning Agencies approved by the Commission.

(2) Types of Grants.

(a) Trip and Equipment Related. Trip and equipment related grant funds may be used for the provision of non-sponsored transportation disadvantaged services and for the purchase of capital equipment to be used for services provided to the transportation disadvantaged. Capital equipment expenditures will be limited to no more than 25% of the Commission participation and the required match.

(b) Planning Related. Planning related grant funds may be used by an eligible Metropolitan Planning Organization or Designated Official Planning Agency to assist the Commission in their responsibilities at the local level as identified in chapter 427, F.S., including support to the local Coordinating Board.

(c) Innovation and Service Development. Innovation and service development related grant funds may be awarded competitively to support projects that:

1. Enhance the access of older adults, persons with disabilities, and low income individuals to healthcare, shopping, education, employment, public services, and recreation;
2. Assist in the development, improvement, and use of transportation systems in non-urbanized areas;
3. Promote the efficient coordination of services;
4. Encourage private transportation provider participation.

(3) Match Requirement. Eligible grant recipients for the trip and equipment grants only, must provide at least 10% of the total project cost as a local match. The match must be cash generated from local sources. Voluntary dollar collections do not require a match.

(4) Distribution of Grant Funds. On or about December 15 of each year, the Commission shall allocate a portion identified as the Grants Program of the Transportation Disadvantaged Trust Fund in the following manner:

(a) An annual amount of \$1,372,060 of the Grants Program shall be designated for planning grants to assist the Commission with implementation and maintenance of the program at the local level. Beginning with the 2002/2003 grant cycle, the annual cap will be adjusted by the same percentage increase equivalent to state employees as set by the Legislature.

(b) The voluntary dollar collections will be returned to the county where said funds were collected. The voluntary dollar collections shall be designated for additional trips at the local level.

(c) The remaining portion of funds, except as specified in paragraph 41-2.014(4)(b), F.A.C., will be appropriated for the Grants Program and designated for trip and equipment related grants, subject to limitations of paragraphs 41-2.014(1)(a) and (2)(a), F.A.C.

(5) Distribution of Trip and Equipment Related Grant Funds. Each eligible applicant's allocation will be determined for the county or counties within the designated service area for which the applicant provides coordinated transportation disadvantaged services.

(a) In order to maintain system and service stability, the Commission's Fiscal Year 99/00 Allocation of Trip and Equipment Grant Funds, dated 02/99, incorporated herein by reference, shall be the base allocation for each subsequent year's distribution for trip and equipment related grant funds. No county shall receive less than the base allocation unless the Commission's five year cash-flow forecast falls below the Fiscal Year 99/00 levels allocated to the trip and equipment grant related program.

(b) If the level of funding available for distribution to the trip and equipment grant program falls below the base as stated in paragraph 41-2.014(5)(a), F.A.C., a proportionate adjustment to the base allocation will be made. Such adjustment will be based on the five year cash-flow forecast of the Commission, and each county's share of the Fiscal Year 99/00 trip and equipment related grant allocation.

(c) Allocation of additional trip and equipment grant funds above the amount used in the base allocation will be allocated to eligible applicants based on a comparative ranking of all eligible applicants in each of the following four categories:

1. The applicant's total county area in square miles as a percentage of the total square miles of all eligible applicants.
2. Total system passenger trips provided as a percentage of all eligible applicant trips reported.
3. Total system vehicle miles traveled as a percentage of all eligible applicants vehicle miles traveled and reported.
4. Total county population as a percentage of the total population of all eligible applicants.

(d) Each category will represent one fourth of the trip related grant funds.

(e) The latest required operational statistics report which is submitted by September 15 of each year will be used for obtaining the applicant's coordinated vehicle miles and coordinated passenger trips data. For purpose of this section, coordinated vehicle miles or passenger trips shall not include those services provided through an approved transportation alternative.

(6) Distribution of Planning Related Grants. Planning related grant funds will be apportioned for distribution to the planning agencies as follows:

(a) 25% of the planning allocation shall be divided into shares equal to the percentage of population each county has relative to the total state population, with each planning agency receiving a share for each county within its jurisdiction;

(b) 75% of the planning allocation shall be divided into shares equal to the number of counties throughout the state, with each planning agency receiving no more than one share for each county within its jurisdiction. Eligible applicants not requiring the total

amount of funding available may recommend to the Coordinating Board that any excess funds be allocated to the Community Transportation Coordinator for additional non-sponsored trip needs. The Commission shall reallocate any eligible excess funds to that particular county or service area's normal allocation. A local cash match of at least 10% shall be required to obtain this additional allocation.

(7) Distribution of Innovation and Service Development Grant Funds. Innovation and service development related grant funds will be awarded competitively to support such projects based upon available funding identified by the Commission.

(8) All grant applicants will provide their request for funds to the Commission no later than October 1 each year, unless otherwise approved by the Commission.

(9) Prioritization of Non-sponsored Transportation Services. The Community Transportation Coordinator, with approval of the Coordinating Board, shall have the authority to prioritize trips for non-sponsored transportation disadvantaged services which are purchased with Transportation Disadvantaged Trust Funds. Any prioritization of trips or eligibility criteria which is developed shall consider all of the following criteria:

- (a) Cost Effectiveness and Efficiency.
- (b) Purpose of Trip.
- (c) Unmet Needs.
- (d) Available Resources.

Rulemaking Authority 427.013(9), 427.013(10) FS. Law Implemented 427.013, 427.0159, 427.016 FS. History—New 5-2-90, Amended 6-17-92, 7-21-93, 6-26-94, 10-1-96, 3-10-98, 1-13-04, 8-5-18.

41-2.015 Expenditure of Local Government, State, and Federal Funds for the Transportation Disadvantaged.

(1) Any agency purchasing transportation services or providing transportation funding for the transportation disadvantaged with transportation disadvantaged funds shall expend all transportation disadvantaged funds through a contractual arrangement with the community transportation coordinator or an approved coordination provider except as provided in subsections (2) and (3), below.

(2) When it is better suited to the unique and diverse needs of a transportation disadvantaged person, the sponsoring agency may purchase or provide transportation by utilizing the following alternatives:

- (a) Privately owned vehicle of an agency volunteer or employee;
- (b) State owned vehicles;
- (c) Privately owned vehicle of a family member or custodian;
- (d) Common carriers, such as commercial airlines or bus; and
- (e) Emergency medical vehicles.

(3) The sponsoring agency may utilize other modes of transportation when the community transportation coordinator determines it is unable to provide or arrange the required service. Information pertaining to these denials for service shall be reported by the community transportation coordinator on a quarterly basis or more frequently as specified by the local coordinating board.

(4) All agency applications for transportation disadvantaged operating and capital assistance funds beyond those identified in the normal state legislative budget process shall be made available to the Coordinating Board for such review.

(5) The Commission shall request all funding requests containing a transportation disadvantaged fund component from the Florida State Clearinghouse. Said funding request shall be reviewed by the Commission. The Commission will respond when there are funding requests that conflict with the intent and provisions of chapter 427, F.S., and the rules thereof.

Rulemaking Authority 427.013(9) FS. Law Implemented 427.013(16), 427.016 FS. History—New 5-2-90, Amended 6-17-92, 7-11-95, 3-10-98.

41-2.016 Accessibility.

Rulemaking Authority 427.013(9) FS. Law Implemented 427.013(4) FS. History—New 5-2-90, Amended 6-17-92, Repealed 7-15-12.

41-2.0161 Program Monitoring of Performance.

Rulemaking Authority 427.013(9) FS. Law Implemented 427.013 FS. History—New 6-17-92, Amended 5-1-96, Repealed 1-7-16.

41-2.0162 Chronological Listing of Report Dates.

The following reports are listed in chronological order by due date and the recipient of the report:

- (1) January 1 – Commission Annual Report due to Governor and Legislature.
- (2) September 15 – Annual Operating Report of Community Transportation Coordinator due to Commission.
- (3) September 15 – Transportation Improvement Programs in urbanized areas due to Commission.
- (4) September 15 – Annual report of the actual amount of funds expended and trips purchased due from each state agency.
- (5) September 15 – Annual report accounting for all local government and direct federal funds for transportation for the disadvantaged expended in its jurisdiction due from each designated official planning agency or metropolitan planning organization.

Rulemaking Authority 427.013(9) FS. Law Implemented 427.013, 427.0135, 427.015, 427.0155, 427.016 FS. History--New 6-17-92, Amended 6-15-93, 1-4-94, 7-11-95, 5-1-96, 3-10-98, 8-10-09.

41-2.018 Public Comment.

The Commission for the Transportation Disadvantaged invites and encourages all members of the public to provide comment on matters or propositions before the Commission or a committee of the Commission. The opportunity to provide comment shall be subject to the following:

(1) Members of the public will be given an opportunity to provide comment on subject matters before the Commission after an agenda item is introduced at a properly noticed Commission meeting.

(2) Members of the public shall be limited to five (5) minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Commission members, staff or Commission counsel. The chair of the Commission may extend the time to provide comment if time permits.

(3) Members of the public shall notify Commission staff in writing of his or her interest to be heard on a proposition or matter before the Commission. The notification shall identify the person or entity, indicate its support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons.

Rulemaking Authority 286.0114 FS. Law Implemented 286.0114 FS. History--New 2-13-14.

Appendix H
Rate Calculation
Model Worksheets

Comprehensive Budget Worksheet

Version 1.4

CTC: Jacksonville Transportation Authority Connexion Services
County: Duval

1. Complete applicable GREEN cells in columns 2, 3, 4, and 7

	Prior Year's ACTUALS from July 1st of 2018 to June 30th of 2019	Current Year's APPROVED Budget, as amended from July 1st of 2019 to June 30th of 2020	Upcoming Year's PROPOSED Budget from July 1st of 2020 to June 30th of 2021	% Change from Prior Year to Current Year	Proposed % Change from Current Year to Upcoming Year	Confirm whether revenues are collected as a system subsidy VS a purchase of service at a unit price. Explain Changes in Column 6 That Are > ± 10% and Also > ± \$50,000
1	2	3	4	5	6	7

REVENUES (CTC/Operators ONLY / Do NOT include coordination contractors!)

Local Non-Govt

Farebox	\$ 232,514	\$ 224,267	\$ 228,752	-3.5%	2.0%	
Medicaid Co-Pay Received						
Donations/ Contributions						
In-Kind, Contributed Services						
Other						
Bus Pass Program Revenue						

Local Government

District School Board						
Compl. ADA Services						
County Cash	\$ 1,400,588	\$ 1,305,012	\$ 1,331,112	-6.8%	2.0%	
County In-Kind, Contributed Services						
City Cash	\$ 150,054	\$ 152,985	\$ 156,045	2.0%	2.0%	
City In-kind, Contributed Services						
Other Cash						
Other In-Kind, Contributed Services						
Bus Pass Program Revenue						

CTD

Non-Spons. Trip Program	\$ 1,677,271	\$ 2,263,384	\$ 2,308,651	34.9%	2.0%	
Non-Spons. Capital Equipment						
Rural Capital Equipment						
Other TD (specify in explanation)						
Bus Pass Program Revenue						

USDOT & FDOT

49 USC 5307	\$ 169,204	\$ 224,926	\$ 229,425	32.9%	2.0%	
49 USC 5310						
49 USC 5311 (Operating)						
49 USC 5311 (Capital)						
Block Grant						
Service Development						
Commuter Assistance						
Other DOT (specify in explanation)						
Bus Pass Program Revenue						

AHCA

Medicaid						
Other AHCA (specify in explanation)						
Bus Pass Program Revenue						

DCF

Alcohol, Drug & Mental Health						
Family Safety & Preservation						
Comm. Care Dis./Aging & Adult Serv.						
Other DCF (specify in explanation)						
Bus Pass Program Revenue						

DOH

Children Medical Services						
County Public Health						
Other DOH (specify in explanation)						
Bus Pass Program Revenue						

DOE (state)

Carl Perkins						
Div of Blind Services						
Vocational Rehabilitation						
Day Care Programs						
Other DOE (specify in explanation)						
Bus Pass Program Revenue						

AWI

WAGES/Workforce Board						
Other AWI (specify in explanation)						
Bus Pass Program Revenue						

DOEA

Older Americans Act						
Community Care for Elderly						
Other DOEA (specify in explanation)						
Bus Pass Program Revenue						

DCA

Community Services						
Other DCA (specify in explanation)						
Bus Pass Admin. Revenue						

Rate Base Adjustment Worksheet

Version 1.4

CTC: Jacksonville Transportation Authority Connexion Services

County: Duval

DO NOT COMPLETE THIS WORKSHEET UNTIL THE 3rd YEAR OF USING THE RATE CALCULATION MODEL TO COMPUTE RATES FOR SERVICE!

Section I - Identification of Actual Subsidy Revenue

1. Complete applicable **GREEN** cells in column 3; **YELLOW** and **BLUE** cells are automatically completed in column 3
2. Complete applicable **GOLD** cells in column 5.

1	2	3	4	5
	Prior Year's ACTUALS from July 1st of 2018 to June 30th of 2019	What amount, if any, of the Actual Rev. in col. 2 was generated at the per unit rate of the prior year's rate spreadsheet, OR used as local match?	Actual Rate Subsidy Revenue EXcluded from the Rate Base	What amount, if any, of the Actual Revenue in col. 4 came from Grant Funds to purchase equipment, OR was used as match for the purchase of equipment?

APD				
Office of Disability Determination	\$ -	\$ -	\$ -	
Developmental Services	\$ -	\$ -	\$ -	
Other APD (specify in explanation)	\$ -	\$ -	\$ -	
Bus Pass Program Revenue	\$ -	\$ -	\$ -	
DJJ				
DJJ	\$ -	\$ -	\$ -	
Bus Pass Program Revenue	\$ -	\$ -	\$ -	
Other Fed or State				
xxx	\$ -	\$ -	\$ -	
xxx	\$ -	\$ -	\$ -	
xxx	\$ -	\$ -	\$ -	
Bus Pass Program Revenue	\$ -	\$ -	\$ -	
Other Revenues				
Interest Earnings	\$ -	\$ -	\$ -	
xxxx	\$ -	\$ -	\$ -	
xxxx	\$ -	\$ -	\$ -	
Bus Pass Program Revenue	\$ -	\$ -	\$ -	
Balancing Revenue to Prevent Deficit				
Actual or Planned Use of Cash Reserve	\$ -	\$ -	\$ -	
Total Revenues =	\$ 3,629,631	\$ 1,677,271	\$ 1,952,360	\$ -

\$ 1,952,360

Amount of Actual Operating Rate Subsidy Revenue

Section II - Actual v. Budgeted Operating Rate Subsidy Revenue

1. In the **GREEN** cell below, input the Total Budgeted Operating Rate Subsidy Revenue from Fiscal Year that appears below:

2018 - 2019

Actual Operating Rate Subsidy Revenue =	\$ 1,952,360	
Same Fiscal Year's Total Budgeted Operating Rate Subsidy Revenue =	na	
Actual Operating Rate Subsidy Revenue Over / (Under) Budgeted Operating Rate Subsidy Revenue =	\$ -	Rate Base Adjustment

Once Completed, Proceed to the Worksheet entitled "Budgeted Rate Base"

The 1st year for which the budgeted rate subsidy revenue will be available for use on this worksheet will be 2 years after starting to use this rate calculation model, meaning the 3rd year of use.

For the 1st and 2nd year of use, enter NA in the GREEN cell to the left. The worksheet will then show \$0 rate base adjustment.

In the 3rd year of use, enter the budgeted operating rate subsidy revenue from 2 years before. It can be found on the Budgeted Rate Base worksheet for that year. If you have already adjusted Actual Prior year differences in subsequent years and do not wish to make this correction, enter NA and the worksheet will show \$0 rate base adjustment. Typically a rate base adjustment is NOT needed.

Worksheet for Program-wide Rates

CTC: Jacksonville Trans Version 1.4
County: Duval

1. Complete Total Projected Passenger Miles and ONE-WAY Passenger Trips (**GREEN** cells) below

- Do **NOT** include trips or miles related to Coordination Contractors!
- Do **NOT** include School Board trips or miles UNLESS.....
- INCLUDE** all ONE-WAY passenger trips and passenger miles related to services you purchased from your transportation operators!
- Do **NOT** include trips or miles for services provided to the general public/private pay UNLESS..
- Do **NOT** include escort activity as passenger trips or passenger miles unless charged the full rate for service!
- Do **NOT** include fixed route bus program trips or passenger miles!

PROGRAM-WIDE RATES	
Total Projected Passenger Miles =	760,000
Rate Per Passenger Mile = \$	3.38
Total Projected Passenger Trips =	72,000
Rate Per Passenger Trip = \$	35.63

Fiscal Year

2020 - 2021

Avg. Passenger Trip Length =	10.6 Miles
-------------------------------------	-------------------

Rates If No Revenue Funds Were Identified As Subsidy Funds	
Rate Per Passenger Mile = \$	5.60
Rate Per Passenger Trip = \$	59.08

Once Completed, Proceed to the Worksheet entitled "Multiple Service Rates"

Vehicle Miles

The miles that a vehicle is scheduled to or actually travels from the time it pulls out from its garage to go into revenue service to the time it pulls in from revenue service.

Vehicle Revenue Miles (VRM)

The miles that vehicles are scheduled to or actually travel while in revenue service. Vehicle revenue miles exclude:

- Deadhead
- Operator training, and
- Vehicle maintenance testing, as well as
- School bus and charter services.

Passenger Miles (PM)

The cumulative sum of the distances ridden by each passenger.

Worksheet for Multiple Service Rates

CTC: Jacksonville Tra Version 1.4
 County: Duval

1. Answer the questions by completing the GREEN cells starting in Section I for all services
2. Follow the DARK RED prompts directing you to skip or go to certain questions and sections based on previous answers

SECTION I: Services Provided

1. Will the CTC be providing any of these Services to transportation disadvantaged passengers in the upcoming budget year?.....

Ambulatory	Wheelchair	Stretcher	Group
<input checked="" type="radio"/> Yes	<input checked="" type="radio"/> Yes	<input checked="" type="radio"/> Yes	<input type="radio"/> Yes
<input type="radio"/> No	<input type="radio"/> No	<input type="radio"/> No	<input checked="" type="radio"/> No
Go to Section II for Ambulatory Service	Go to Section II for Wheelchair Service	Go to Section II for Stretcher Service	STOP! Do NOT Complete Sections II - V for Group Service

SECTION II: Contracted Services

1. Will the CTC be contracting out any of these Services TOTALLY in the upcoming budget year?....

Ambulatory	Wheelchair	Stretcher	Group
<input checked="" type="radio"/> Yes	<input checked="" type="radio"/> Yes	<input checked="" type="radio"/> Yes	<input type="radio"/> Yes
<input type="radio"/> No	<input type="radio"/> No	<input type="radio"/> No	<input checked="" type="radio"/> No
Answer # 2 for Ambulatory Service	Answer # 2 for Wheelchair Service	Answer # 2 for Stretcher Service	Do Not Complete Section II for Group Service

2. If you answered YES to #1 above, do you want to arrive at the billing rate by simply dividing the proposed contract amount by the projected Passenger Miles / passenger trips?.....

Ambulatory	Wheelchair	Stretcher	Group
<input type="radio"/> Yes	<input type="radio"/> Yes	<input type="radio"/> Yes	<input type="radio"/> Yes
<input checked="" type="radio"/> No			

3. If you answered YES to #1 & #2 above, how much is the proposed contract amount for the service?
 How many of the total projected Passenger Miles relate to the contracted service?
 How many of the total projected passenger trips relate to the contracted service?

Ambulatory	Wheelchair	Stretcher	Group
Leave Blank	Leave Blank	Leave Blank	Do NOT Complete Section II for Group Service

Effective Rate for Contracted Services:

	Ambulatory	Wheelchair	Stretcher	Group
per Passenger Mile =				
per Passenger Trip =				
	Go to Section III for Ambulatory Service	Go to Section III for Wheelchair Service	Go to Section III for Stretcher Service	Do NOT Complete Section II for Group Service

4. If you answered # 3 & want a Combined Rate per Trip PLUS a per Mile add-on for 1 or more services, INPUT the Desired per Trip Rate (but must be less than per trip rate in #3 above =
 Rate per Passenger Mile for Balance =

Combination Trip and Mile Rate			
Leave Blank and Go to Section III for Ambulatory Service	Leave Blank and Go to Section III for Wheelchair Service	Leave Blank and Go to Section III for Stretcher Service	Do NOT Complete Section II for Group Service

Worksheet for Multiple Service Rates

CTC: Jacksonville Tra Version 1.4
 County: Duval

1. Answer the questions by completing the GREEN cells starting in Section I for all services
2. Follow the DARK RED prompts directing you to skip or go to certain questions and sections based on previous answers

SECTION III: Escort Service

1. Do you want to charge all escorts a fee?.....
 Yes
 No
Skip #2 - 4 and Section IV and Go to Section V
2. If you answered Yes to #1, do you want to charge the fee per passenger trip OR
 per passenger mile?.....
 Pass. Trip **Leave Blank**
 Pass. Mile
3. If you answered Yes to # 1 and completed # 2, for how many of the projected
 Passenger Trips / Passenger Miles will a passenger be accompanied by an escort? Leave Blank
4. How much will you charge each escort?..... Leave Blank

SECTION IV: Group Service Loading

1. If the message "You Must Complete This Section" appears to the right, what is the projected total
 number of Group Service Passenger Miles? (otherwise leave blank).....
 Loading Rate **0.00** to 1.00
 And what is the projected total number of Group Vehicle Revenue Miles?

SECTION V: Rate Calculations for Multiple Services:

1. Input Projected Passenger Miles and Passenger Trips for each Service in the GREEN cells and the Rates for each Service will be calculated automatically
 * Miles and Trips you input must sum to the total for all Services entered on the "Program-wide Rates" Worksheet, MINUS miles and trips for contracted services IF the rates were calculated in the Section II above
 * Be sure to leave the service BLANK if you answered NO in Section I or YES to question #2 in Section II

		RATES FOR FY: 2020 - 2021				
		Ambul	Wheel Chair	Stretcher	Group	
Projected Passenger Miles (excluding totally contracted services addressed in Section II) =	760,000 =	570,000	190,000		Leave Blank 0	
Rate per Passenger Mile =		\$2.86	\$4.91	\$0.00	\$0.00	\$0.00
					per passenger	per group
Projected Passenger Trips (excluding totally contracted services addressed in Section II) =	72,000 =	45,360	26,640		Leave Blank	
Rate per Passenger Trip =		\$28.18	\$48.31	\$0.00	\$0.00	\$0.00
					per passenger	per group

2. If you answered # 1 above and want a COMBINED Rate per Trip PLUS a per Mile add-on for 1 or more services,...

		Combination Trip and Mile Rate				
		Ambul	Wheel Chair	Stretcher	Group	
...INPUT the Desired Rate per Trip (but must be less than per trip rate above) =					Leave Blank \$0.00	
Rate per Passenger Mile for Balance =		\$2.86	\$4.91	\$0.00	\$0.00	\$0.00
					per passenger	per group

		Rates If No Revenue Funds Were Identified As Subsidy Funds				
		Ambul	Wheel Chair	Stretcher	Group	
Rate per Passenger Mile =		\$4.75	\$8.14	\$0.00	\$0.00	\$0.00
					per passenger	per group
Rate per Passenger Trip =		\$46.73	\$80.11	\$0.00	\$0.00	\$0.00
					per passenger	per group

Program These Rates Into Your Medicaid Encounter Data

Worksheet for Multiple Service Rates

1. Answer the questions by completing the GREEN cells starting in Section I for all services
2. Follow the **DARK RED** prompts directing you to skip or go to certain questions and sections based on previous answers

CTC: Jacksonville Tra Version 1.4
County: Duval