

Date of Hearing: April 22, 2019

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1351 (Lackey) – As Amended April 10, 2019

SUBJECT: Transit operators: paratransit and dial-a-ride services: assessment

SUMMARY: Requires the California State Transportation Agency (CalSTA), to conduct an assessment of the procedures public transit operators use to provide dial-a-ride and paratransit services to individuals with disabilities whom are visiting their service territory, and authorizes CalSTA to development statewide guidelines, if necessary. Specifically, **this bill:**

- 1) Requires CalSTA, in consultation with public transit operators, to conduct an assessment of the procedures public transit operators use to provide dial-a-ride and paratransit services to individuals with disabilities who are visiting their service territories and are certified to use another in-state public transit operator's similar dial-a-ride and paratransit services, to the extent available.
- 2) Requires the assessment to include, but not be limited to, timelines and methods for qualifying individuals to submit certification documents, including by electronic submission, to transit operators.
- 3) Requires CalSTA to publish the assessment on its internet website, on or before October 1, 2020.
- 4) Authorizes CalSTA, after the completion of the assessment, to adopt guidelines for the development of a statewide reciprocity program to enable individuals with disabilities whom a public transit operator has certified to use its dial-a-ride and paratransit services to use another in-state public transit operator's similar dial-a-ride and paratransit services, to the extent available.

EXISTING LAW:

- 1) Federal law requires a public entity which operates a fixed route transit system to provide a fixed route paratransit service to any individual with a physical or developmental disability.
- 2) Federal law requires a public entity to treat as eligible for its paratransit service any visitors, for not more than a combination of 21 days in a 365-day period, that present documentation, as specified, or may provide alternative documentation of their disability, as specified.
- 3) Requires a for-profit or nonprofit transit operator that receives funds through the Transportation Development Act (TDA) and that provides dial-a-ride or paratransit service to provide those services consistent with certain requirements.
- 4) Requires a transit operator to honor any current valid identification card for the type of transportation service or discount requested and that has been issued to an individual with disabilities by another transit operator. Authorizes a person who believes a transit operator is in violation to file a report with the transportation planning agency or county transportation commission, and may request the Attorney General to resolve any dispute.

- 5) Establishes in state government CalSTA, which consists of various state entities, including the Department of Transportation.

FISCAL EFFECT: Unknown

COMMENTS: The Americans with Disabilities Act (ADA, P. L. 101-336), requires public transit operators that provide fixed-route service to provide “complementary paratransit” service to people with disabilities who cannot use the fixed-route bus or rail service because of a disability. The ADA regulations specifically define a population of customers who are entitled to this service as a civil right. The regulations also define minimum service characteristics that must be met for this service to be considered equivalent to the fixed-route service it is intended to complement.

In general, ADA complementary paratransit service must be provided within 3/4 of a mile of a bus route or rail station, at the same hours and days, for no more than twice the regular fixed route fare. While the transit operator is required to provide paratransit for trips with origins and destinations within 3/4 of a mile of a route/station, paratransit eligible customers who are outside the service area could still use the service if they are able to use get themselves into the service area. The ADA further requires that paratransit rides be provided to all eligible riders if requested any time the previous day. The ADA allows providers to negotiate trip times with the customer, but no more than an hour before or an hour after the requested time.

The eligibility determination process for ADA complementary paratransit is developed by the transit operator in consultation with the local community. To qualify for this service, it is usually necessary to submit an application, and may also require supporting documentation, an in-person interview and/or an in-person assessment of the applicant’s ability to use fixed route service. Some transit operators have more rigorous processes and strictly limit eligibility to those people who are functionally unable to ride fixed route service. Other transit operators have less restrictive eligibility, or may use the ADA paratransit application process to determine eligibility for other kinds of demand-responsive services.

As mentioned, many transit operators offer more service than the ADA required service, such as for the elderly. In fact, California law clarifies that the terms “paratransit” and “dial-a-ride,” as used in California apply to a broader range of transportation services, and that not all individuals with disabilities under the state law are eligible for “ADA paratransit” under the federal law.

In California, public transit operators and other providers fund paratransit and other specialized services with federal, state, and local funds. Many transit operators in California contract with paratransit providers to provide ADA and other paratransit services in their area. For example, in Los Angeles, Access Services serves as the Los Angeles County Consolidated Transportation Services Agency on behalf of the county’s 45 public fixed route operators. Access facilitates the provision of complementary ADA paratransit services to certain persons with disabilities. Typically, vans or mini-buses are used to provide paratransit service, but also shared taxis and jitneys are important providers as a form of transportation.

As discussed, the eligibility determination process varies among transit operators. Some transit operators require only a written application for certification, while others require an in-person interview, or an onsite medical consultation. For example, in Sacramento, Sacramento Regional Transit (SacRT), provides paratransit services though an agreement with Paratransit, Inc.

Applicants for ADA eligibility are required to fill out an eight page application and describe their disability or condition that prevents them from using Sac RTs fixed-route service. When SacRT receives the completed application, it is evaluated, and eligibility is determined based on the applicant's functional ability to use SacRT's fixed-route transit system. An applicant may be eligible for ADA paratransit service if, as a result of a specific disability or health-related condition, the applicant is unable to travel to or from transit stops or stations within the service area; unable to independently board, ride or exit an accessible fixed-route (bus or light rail) vehicle, or cannot independently "navigate the system" even if the applicant is able to get to a transit stop and can get on and off the vehicle. As part of its eligibility process, SacRT may request additional information, such as a phone or in-person interview with the applicant, or written medical/professional verification if one was not provided with the application.

The ADA requires the transit operators to notify applicants by letter of its eligibility decision within 21 days of receipt of the completed application. An applicant who does not get written notice of eligibility determination within 21 days of receipt of the completed application may ask for and receive paratransit services until a decision is made.

Additionally, the ADA law and regulation lay out the requirements and processes for paratransit customers whom are visiting areas outside of their home territory where they are currently certified to receive service. Specifically, each transit operator must make service available to visitors from out of town on the same basis as it is provided to local residents, meaning under the same circumstances and service criteria. For the period of the visit, the visitor is treated exactly like an eligible local user. The transit operator must provide service to visitors who present documentation that they are ADA paratransit eligible in the jurisdiction in which they reside. If a visitor with a disability does not present such documentation, the transit entity may require proof of residency and of his or her disability, if the disability is not apparent. A transit operator is only required to provide service to a visitor for 21 days during any 365-day period; after that, the visitor is treated the same as a local person and may be required to apply for eligibility through the same processes established for residents. Additionally, California law requires that a transit operator must honor any current identification card which is valid for the type of transportation service or discount requested and which has been issued to an individual with disabilities by another transit operator.

AB 1351 requires CalSTA to conduct an assessment, in consultation with public transit operators, of the procedures that operators use to provide paratransit services to individuals with disabilities who are visiting their service territories and are certified to use another in-state public transit operator's similar dial-a-ride and paratransit services. The bill requires the assessment to take into account timelines and methods for qualifying individuals to submit certification documents to the transit operators including by electronic submission. The assessment must be completed and posted on CalSTA's website on or before October 1, 2020. After completion of the assessment, CalSTA may issue guidelines for the development of a state reciprocity program for visitors to utilize similar paratransit services away from home.

According to the author, "AB 1351 fosters a collaboration between the California State Transportation Agency and local public transit operators with the goal of assessing policies and procedures regarding to paratransit services for individuals with physical and developmental disabilities. Those eligible for paratransit services experience difficulty using paratransit services when they leave the service area of their primary residence. This bill allows stakeholders to identify any barriers or lags when it comes to allowing an eligible person access to paratransit services."

Committee comments: The author is concerned that there is a range of methods for applying for, evaluating, and verifying a visitor's eligibility for paratransit services when traveling in the state. Both federal ADA law and state law are clear that reciprocity of eligibility is required, and there are remedies for complaints of non-compliance. For example, transit operators in the Bay Area coordinate their paratransit-eligible customers through a region-wide database. So, if a customer travels outside of one transit operator's territory, other providers would have an easy ability to access their information for visitor status verification. However, it may be unclear to customers how to apply for visitor's status, including the method of application, and timelines for response. This can be especially true in smaller, more rural service areas. As mobility options for people with disabilities continue to increase, with the advent of autonomous vehicles, ridesharing services, and high-speed rail, travel outside of one's home service territory may also rise. This bill requires CalSTA to look at this issue statewide to better understand the current policies for visitors and determine if a statewide solution is needed.

Previous legislation: SB 1376, Chapter 701, Statutes of 2018, establishes the "TNC Access for All Act," which requires the California Public Utilities Commission (CPUC) to develop regulations relating to accessibility for person with disabilities who use transportation network company (TNC) services.

REGISTERED SUPPORT / OPPOSITION:

Support

Disability Rights California (*letter submitted for the February 22, 2019 version of the bill*)

Opposition

None on file

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