

**840-RICR-00-00-2**

## **TITLE 840 - RHODE ISLAND PUBLIC TRANSIT AUTHORITY**

### **CHAPTER 00 - N/A**

#### **SUBCHAPTER 00 - N/A**

#### **PART 2 - ELIGIBILITY FOR RIPTA'S AMERICANS WITH DISABILITIES ACT (ADA) PARATRANSIT SERVICES**

### **2.1 Authority**

- A. RIPTA hereby adopts regulations to implement the provisions of the Federal ADA Paratransit Regulations, which are codified at 49 C.F.R. §§ 37.123, 37.125 and 37.127 and explained at 49 C.F.R. Part 37, Appendix D.
- B. RIPTA's regulations delineate the standards and procedures for an individual to be deemed eligible for RIPTA's ADA Paratransit Services and receive complimentary paratransit services.
- C. More detailed information regarding RIPTA's ADA Paratransit Services may be found at <http://www.ripta.com/ride-paratransit-services>.

### **2.2 Incorporated Materials**

These regulations hereby adopt and incorporate 49 C.F.R. §§ 37.123, 37.125 and 37.127 (2017) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

### **2.3 Standards for ADA Paratransit Eligibility (49 C.F.R. § 37.123)**

- A. An individual may be eligible for ADA paratransit services on the basis of a permanent or temporary disability.
- B. If an individual meets the ADA eligibility criteria with respect to some trips but not others, RIPTA has the right to limit the individual's eligibility only to those paratransit trips for which he or she meets the eligibility criteria.
- C. An individual must meet the criteria of at least one of the below-described categories to be eligible for ADA paratransit services:
  - 1. Category 1: Any individual with a disability who is unable, as a result of physical or mental impairment (including a vision impairment or cognitive 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 RIPTA's fixed route public transit system that is readily accessible to and usable by individuals with disabilities.

- a. Eligibility in Category 1 is based on an individual's inability to board, ride or disembark independently on a RIPTA fixed route bus, as a result of his or her disability.
2. 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 RIPTA vehicle, if that individual wishes to travel on a route on RIPTA's system during hours of operation at a time, or within a reasonable period of time, when such vehicle is not being used to provide designated public transportation on the route.
    - a. Category 2 applies to an ADA eligible individual, who could use accessible fixed route transportation, but such accessible transportation is not available within a reasonable period of time on the fixed route that the individual would like to travel. This category is route based, not system based. All RIPTA vehicles have wheelchair ramps or lifts and other riding assistance devices. Category 2 refers to incidents when a vehicle device is not functioning RIPTA will transport the individual within a reasonable period of time by alternative vehicles.
  3. Category 3: Any individual with a disability who has a specific impairment-related condition that prevents such individual from traveling to a boarding location or from a disembarking location on RIPTA's system.
    - a. Category 3 concerns an individual who has a specific impairment-related condition that prevents him or her from getting to and from a fixed route stop. Under the ADA, this category should be construed narrowly. The key eligibility criterion concerns the interaction between an individual's impairment and an environmental barrier (whether distance, weather, terrain or architectural barriers).
- D. RIPTA reserves the right to recertify an individual's eligibility at reasonable intervals to ensure that changed circumstances have not invalidated or altered the individual's ADA eligibility.

## **2.4 RIPTA's Process to Determine ADA Paratransit Eligibility (49 C.F.R. § 37.125)**

- A. All information about the eligibility process, including applications for eligibility, notices and determinations concerning eligibility, shall be made available in accessible formats, upon request.

- B. Requests for the ADA Paratransit Application shall be made to RIPTA in writing, by phone, or via email or in person.
- C. An application may be submitted by mail or in person. If an individual has not received a determination of eligibility within twenty-one (21) days following the receipt by RIPTA of a complete application, the applicant shall be treated as eligible and receive service until and unless RIPTA denies the application.
- D. If the RIPTA Ride office determines an individual to be eligible for ADA Paratransit Service, a confirmation letter shall be sent to that individual. The letter shall include RIPTA's name, the telephone number of the RIPTA Ride Customer Service Office, an expiration date for eligibility, and any conditions or limitations on the individual's eligibility, including the use of a personal care attendant.
- E. The following procedures shall apply in the case of a denial of ADA paratransit eligibility:
  - 1. A denial letter shall be sent to the applicant and shall state specifically the reasons for the finding. The letter will include materials about the RIPTA Reduced Fare Bus Pass Program for Seniors and Individuals with Disabilities.
  - 2. The applicant may appeal the denial decision within sixty (60) days and may reapply for ADA Paratransit service in the future if there has been any change in his or her condition.
  - 3. The applicant must submit his or her appeal in writing or via e-mail to the attention of RIPTA's Executive Director of Paratransit Services. As part of the appeal, the applicant may supply additional information pertaining to his or her disability.
  - 4. RIPTA's Chief Executive Officer has designated the Executive Director of Paratransit Services (EDPS) to review the appeal, provided that the EDPS was not involved in the initial decision to deny eligibility. In such incidents the RIPTA Chief Legal Counsel shall review the appeal.
  - 5. RIPTA's Executive Director of Paratransit Services or his/her designee will hold an appeal hearing within fourteen (14) days of the receipt of the appeal letter. The hearing will give the applicant, and his or her representatives, an opportunity to be heard and to present information and arguments. The applicant will receive a written notification of RIPTA's decision on the appeal.
  - 6. RIPTA is not required to provide paratransit service pending the determination on appeal. However, if RIPTA has not made a decision within thirty (30) days of the completion of the appeal hearing, paratransit service shall be provided to the applicant from that time until and unless a decision to deny the appeal is issued.

- F. RIPTA may suspend, for a reasonable period of time, the provision of paratransit service to an ADA certified individual who displays an unacceptable pattern or practice of missed trips during a six-month period. Before suspending service, RIPTA shall provide the individual with written notice explaining the basis for the suspension, setting forth the proposed sanction and alerting the individual of his or her right to appeal the decision in writing within sixty (60) days to RIPTA's Executive Director of Paratransit Services for review and determination. Upon RIPTA's receipt of an appeal of the suspension, RIPTA's Executive Director of Paratransit Services will hold an appeal hearing within fourteen (14) days. At the appeal hearing, the appellant will have the opportunity to be heard and to present written and oral information. RIPTA will issue a written decision on the appeal within thirty (30) days of the completion of the appeal hearing. The proposed sanction is stayed pending the outcome of the appeal.

## **2.5 Complimentary Paratransit Service for Visitors (49 C.F.R. § 37.127)**

- A. RIPTA will treat as eligible for its ADA paratransit services any visiting individual, regardless of place of residence, who presents documentation that he or she is eligible for ADA paratransit services in the jurisdiction in which he or she resides.
- B. With respect to visitors with disabilities who do not present documentation of ADA eligibility within their place of residence, RIPTA will require documentation of the individual's place of residence and, if the individual's disability is not readily apparent, of his or her disability (e.g., a letter from a physician or rehabilitation professional). Once this documentation is presented to RIPTA's satisfaction, RIPTA will make paratransit service available on the basis of the individual's certification that he or she is unable to use a fixed route transit system.
- C. RIPTA shall make paratransit service available to a visitor for any combination of twenty-one (21) days during the 365-day period beginning with the visitor's first use of RIPTA's service during such 365-day period. Any visitor seeking service beyond this aggregate twenty-one (21) day period must complete an application for RIPTA eligibility certification in accordance with § 2.4 of this Part.

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PARATRANSIT SERVICE (840-RICR-00-00-2)**

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