

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF CERTIFYING) RESOLUTION NO. 92-1547
THAT TRI-MET'S COMPLEMENTARY)
PARATRANSIT PLAN CONFORMS TO) Introduced by
METRO'S REGIONAL TRANSPORTA-) Councilor David Knowles
TION PLAN)

WHEREAS, The U.S. Department of Transportation issued a final rule implementing the transportation provisions of the Americans with Disabilities Act (ADA) on September 6, 1991; and

WHEREAS, The final rule as applied to the Portland metropolitan area requires Tri-Met to develop a paratransit plan which conforms to the Regional Transportation Plan (RTP); and

WHEREAS, The final rule requires that the Metropolitan Planning Organization (MPO) review the paratransit plan and certify that it conforms to the RTP; and

WHEREAS, The Joint Policy Advisory Committee on Transportation certifies that it has reviewed the ADA paratransit plan prepared by Tri-Met as required under 49 CFR part 37.139(h) and finds it to be in conformance with the RTP (the transportation plan developed under 49 CFR part 613 and 23 CFR part 450 [the UMTA/FHWA joint planning regulation]); and

WHEREAS, The Joint Policy Advisory Committee on Transportation recommends certification by the Metro Council; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby certifies that it has reviewed the ADA paratransit plan prepared

by Tri-Met (included as Exhibit A) as required under 49 CFR part 37.139(h) and finds it to be in conformance with the RTP, the transportation plan developed under 49 CFR part 613 and 23 CFR part 450 (the UMTA/FHWA joint planning regulation), for a period of one year.

ADOPTED by the Council of the Metropolitan Service District
this 23rd day of January, 1992.



Jim Gardner, Presiding Officer

AC:AMZ:lmk
92-1547.RES
1-6-92

PROPOSED AMERICANS WITH DISABILITIES ACT
JOINT COMPLEMENTARY PARATRANSIT PLAN
OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION
DISTRICT OF OREGON (TRI-MET)
AND THE MOLALLA TRANSPORTATION DISTRICT
EXECUTIVE SUMMARY
(Revised 11-26-91)

The following summary outlines Tri-Met's and the Molalla Transportation District's plan to comply with the complementary paratransit provisions of the Americans with Disabilities Act.

WHAT IS THE AMERICANS WITH DISABILITIES ACT? The Americans with Disabilities Act (ADA) extends the protections of the Civil Rights Act of 1964, which prohibits discrimination based on "sex, religion, color, race or national origin" to persons with physical or mental disabilities. The law guarantees equal opportunity for persons with disabilities in employment, transportation, public accommodations, public services, and telecommunications.

The ADA requires transit agencies to provide next day demand responsive paratransit service to eligible individuals with disabilities at the same times and days fixed route service operates in corridors adjacent to the fixed routes. All transit agencies must fully comply with the complementary paratransit provisions of the ADA by January 26, 1997.

WHO IS ADA ELIGIBLE? Individuals who, as the result of a physical or mental impairment, cannot use accessible fixed route transit and whose ride begins and ends within three-quarters of a mile of a transit route; this includes all areas surrounded by transit routes (Attachment 1 - LIFT ADA Service Area).

In addition, ADA eligibility includes:

- o Persons who could use fixed route accessible transportation (big buses with lifts or MAX), but buses with lifts are not available for the trip or on the route these persons would travel. (Please note: Tri-Met plans to have all buses and bus routes accessible by 1997; currently 61% of Tri-Met's buses are lift-equipped, and an additional 108 accessible buses will be ordered. All weekend fixed-route service is accessible.)
- o Individuals who have a specific impairment related condition that prevents them from getting to or traveling from a transit stop or station.

- o Individuals who have a conditional or temporary disability that prevents them from using accessible fixed route transit on occasion.
- o Temporary physical, mental, or environmental conditions may qualify a customer for door-to-door LIFT service for the period the temporary conditions exists, even if the person routinely uses fixed-route service.

HOW WILL TRI-MET DETERMINE ADA ELIGIBILITY? To determine ADA eligibility for LIFT service, Tri-Met will continue to use its present eligibility system which requires certification from a professionally trained person that the individual cannot (or under certain circumstances, cannot) use fixed-route buses or MAX. Rides requested must begin and end within the LIFT ADA Service Area.

WHAT WILL SERVICE HOURS BE? WHAT AREA WILL BE SERVED? Between 4:30 AM and 2:30 AM weekdays, Saturdays and Sundays, LIFT service will be provided to all origins and destinations that are within three-quarters of a mile of a transit route. This includes all areas surrounded by transit routes (Attachment 1 - LIFT ADA Service Area). LIFT service to Sandy and Estacada will end at 10:00 p.m.

Tri-Met will review the service areas and times when the complementary paratransit plan is updated annually.

WHAT ABOUT TRIP PRIORITIES? Tri-Met will discontinue prioritizing LIFT ADA trip requests based on trip purpose by September 1993 for midday, evening, and weekend rides. Tri-Met will discontinue prioritizing LIFT ADA trip requests based on trip purpose during peak hours by September 1994.

WHAT ABOUT RESPONSE TIME? Tri-Met may negotiate with individuals on the pickup time, but will not require individuals to be picked up more than one hour before or one hour after his or her requested trip time.

LIFT reservation service will be open seven days a week from 8:30 AM to 4:30 PM beginning September 1992.

Tri-Met will provide next day reservation service by September 1994, earlier if possible. At this time, individuals will be able to call in at 4:30 PM in order to schedule an ADA LIFT trip as early as 4:30 AM the next day. Until then, Tri-Met will continue the present 48 hour advance notice reservation service.

WHAT WILL FARES BE? Under the ADA, fares for complementary paratransit service may be no more than twice the fare that would be charged to an individual paying full fare for a similar trip on the fixed- route system. Tri-Met proposes that the current \$.50

LIFT fare be retained at least until September 1993. In the meantime, Tri-Met and the Committee on Accessible Transportation (CAT) will study future LIFT fares. Integrated fixed-route Honored Citizen and LIFT fares will be analyzed along with other options.

WHAT ABOUT INDIVIDUALS WHO RECEIVE PARATRANSIT SERVICE TODAY, BUT WHOSE TRIP REQUEST IS NOT ADA ELIGIBLE BECAUSE IT DOES NOT BEGIN AND END WITHIN THE LIFT ADA SERVICE AREA?

Tri-Met's intent is that no customer presently receiving LIFT service will be made worse off by this plan. ADA eligible individuals who currently (as of 1/26/92) receive on-going LIFT rides that begin and/or end outside the LIFT ADA Service Area will continue to receive those rides on a guaranteed basis. In addition, hours of service availability will be expanded to 4:30 AM to 2:30 AM weekdays, Saturdays, and Sundays. ADA eligible individuals not currently (as of 1/26/92) receiving on-going LIFT service, who request trips that begin or end outside the LIFT ADA service area, will be provided service on a space available basis.

The service area and times will be reviewed annually.

To meet the paratransit requirements of the ADA, Tri-Met is proposing a three-year phase-in of additional LIFT service. Gradual phase-in will allow LIFT customers and Tri-Met to evaluate the service and make necessary modifications in order to achieve full compliance with the paratransit provisions of the ADA before the January 26, 1997 date. Three important milestones in the plan are:

September 1992: LIFT service will be extended to evenings, Saturdays, and Sundays and midday service will increase. *Goal:* Provide all requested LIFT ADA rides within the LIFT ADA Service Area during weekday midday, evenings, and weekends by September 1993.

September 1993: Additional LIFT vehicles begin service to meet peak hour ride requests within the LIFT ADA Service Area. *Goal:* Provide all LIFT ADA Service Area ride requests by September 1994.

September 1994: Next day LIFT reservation service begins, earlier if possible. *Goal:* Full ADA compliance achieved by September 1994.

WILL THE PLAN BE UPDATED? Tri-Met will update the Complementary Paratransit Plan annually. At that time, all previous decisions will be reviewed. The Committee on Accessible Transportation may continue to be fully involved in all aspects of each update.

WHAT ABOUT MOLALLA? Tri-Met provides LIFT rides in Molalla today, as well as in other rural areas. These rides are funded through Tri-Met's Section 18 contract with the State of Oregon, and, in addition, 6% of cigarette tax revenues received by Tri-Met must be used outside the Tri-Met district. This joint plan allows for coordinated paratransit service for the Molalla Transportation District and Tri-Met, and meets the requirements of the ADA. Current levels of paratransit service will be maintained until the coordinated plan goes into effect.

Copies of the full revised proposed complementary paratransit plan are available on request. (Also available in large print, tape, or braille upon request.) For copies call:

Elaine Tourville,

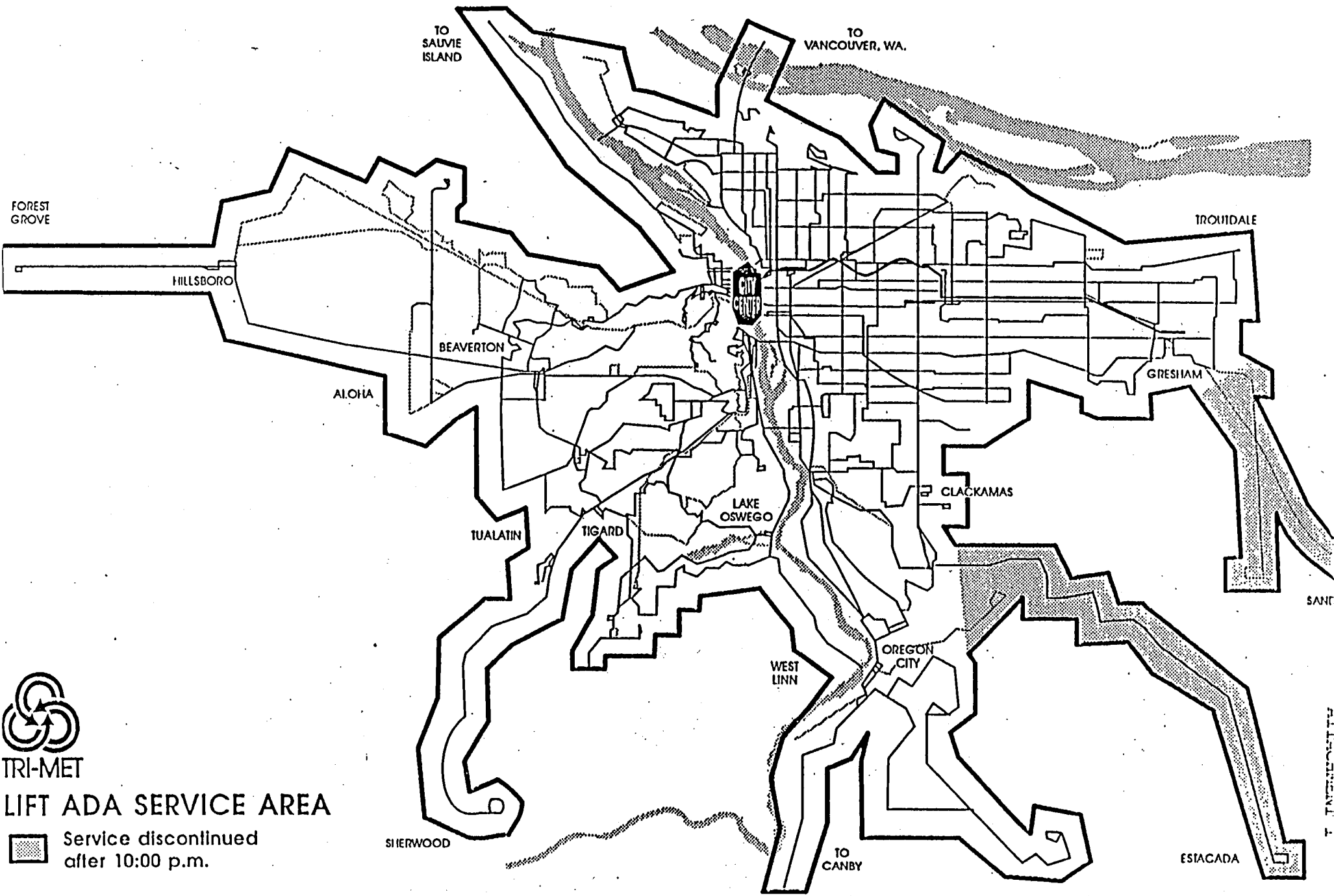
Tri-Met Paratransit Secretary

503-238-4988, or

TDD 238-5811 (8:30 a.m. to 4:30 p.m. weekdays; provide your name, address and request)


Copies of the Americans with Disabilities Act are available at the Tri-Met library at 4012 S.E. 17th Avenue in Portland.

565.CC/dsj



TRI-MET

LIFT ADA SERVICE AREA

 Service discontinued after 10:00 p.m.

Appendix A

Groups representing persons with disabilities, social service agencies working with people with disabilities, and most Tri-County area Senior Centers were mailed the special agendas for the public hearings (11/20/91 and 12/18/91) on Tri-Met's proposed and revised (11/26/91) proposed Complementary Paratransit Plan (CPP) with the plan's summary attached. The mailing list included, but was not limited to, the following:

AARP

Access Oregon
Albertina Kerr Centers
American Cancer Society
American Red Cross
Catholic Community Services of Portland
Clackamas Community College
 Disabled Student Services
Coalition of Handicapped Organizations
Commission for the Blind
Community Ear
Developmental Disabilities Council
East County MS Support Group
Easter Seal Society of Oregon
Foster Grandparent Program
Goodwill Industries
Gray Panthers
Human Solutions
Oregon Disabilities Commission
Loaves & Fishes Centers, Inc.
Madison High School
 Special Education Department
Multiple Sclerosis National Society
Muscular Dystrophy Association
Northwest Portland Ministries
Oasis
Oregon Paralyzed Veterans
Oregon City High School
 Special Services Department
Oregon Council for the Blind
People First
Portland Community College
 Handicapped Student Services
Portland Habilitation Center
Portland Impact
Portland State University
 Handicapped Student Services

Project Linkage
Providence Elder Place
Portland Adventist Medical Center
Quadriplegics United Against Dependency
Rainbow Adult Living
Tuality Community Hospital
Rehabilitation Institute of Oregon
REO: Community Re-entry Service
SOAR
Spina Bifida Association
St. Vincent DePaul Rehabilitation Center
Students with Disabilities Union
Tri-County Respite Care
United Seniors
United Cerebral Palsy
Vocational Aptitude Programs
Mt. Hood Community College
Volunteers of America of Oregon

TRANSPORTATION AND PLANNING COMMITTEE REPORT

RESOLUTION NO. 92-1547, For the Purpose of Certifying that Tri-Met's Complementary Paratransit Plan Conforms to Metro's Regional Transportation Plan

Date: January 15, 1992

Presented by: Councilor Buchanan

COMMITTEE RECOMMENDATION: At the January 14, 1992 Transportation and Planning Committee meeting, Councilors Devlin, Gardner, McLain and myself voted 4 to 0 to recommend Council adopt Resolution No. 92-1547. Councilor Bauer was excused.

COMMITTEE DISCUSSION/ISSUES: Ann Zeltmann, Transportation Department, presented Resolution No. 92-1547 which certifies Tri-Met's Complementary Paratransit Plan meets requirements of the Americans With Disabilities Act (ADA) of 1990. Per the ADA, Metro, as the federally designated MPO (Metropolitan Planning Organization) for the Portland region, must review the Tri-Met plan and certify its compliance with the ADA.

Under the ADA, protections of the Civil Rights Act of 1964 are extended to persons with physical or mental disabilities, resulting in extensive planning and operations changes for transportation services. Ms. Zeltmann summarized the Staff Report and described the types of service Tri-Met provides disabled riders: fixed route service, such as accessible busses, and para-transit or door-to-door service for citizens unable to use fixed route service. Jurisdictions must comply with ADA service provisions by January 26, 1997, but Tri-Met's plan targets many changes to be in place by September 1994. Ms. Zeltmann said Tri-Met's estimated additional annual cost for the service adjustments is \$2.5 million.

Resolution No. 92-1547 is linked also to Ordinance No. 92-433, which amends Metro's Regional Transportation Plan (RTP) to respond to the ADA requirements. Together, Resolution No. 92-1547 and Ordinance No. 92-433 fulfill the federal requirements. The Federal Transit Administration (FTA, formerly UMTA) must receive both documents by January 26, 1992 for Tri-Met to be in compliance with the ADA.

The Committee did not raise any questions or concerns about the resolution or Tri-Met's plan. Final action on Ordinance No. 92-433 however, was deferred until a special Committee meeting Tuesday, January 21, to address issues separate from RTP amendments for the ADA.

As a Council representative on the Tri-Met Handicapped Transportation Committee, I want to note that Tri-Met and the Portland area are well ahead of the rest of the country in meeting the ADA requirements. The Tri-Met plan is very comprehensive and reflects a lot of diligent, effective work.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 92-1547 FOR THE PURPOSE OF CERTIFYING THAT TRI-MET'S COMPLEMENTARY PARATRANSIT PLAN CONFORMS TO METRO'S REGIONAL TRANSPORTATION PLAN

Date: January 3, 1992

Presented by: Andrew Cotugno

PROPOSED ACTION

This resolution certifies to the Federal Transit Administration (FTA) (formerly the Urban Mass Transportation Administration) that Tri-Met's recently adopted Complementary Paratransit Plan conforms to Metro's Regional Transportation Plan. Tri-Met is required to obtain this certification from Metro to meet the requirements of the Americans With Disabilities Act of 1990.

TPAC has reviewed Tri-Met's Paratransit Plan and recommends approval of Resolution No. 92-1547.

FACTUAL BACKGROUND AND ANALYSIS

The Americans with Disabilities Act (ADA), enacted by the U.S. Congress in 1990, extends the protections of the Civil Rights Act of 1964 to persons with physical or mental disabilities. The Act prohibits discrimination and guarantees equal opportunity for disabled persons in employment, transportation, public accommodations, public services, and telecommunications. The U.S. Department of Transportation issued a final rule implementing the transportation provisions of the ADA on September 6, 1991. As applied to the Portland metropolitan area, the rule imposes extensive planning and operations requirements on Tri-Met, and planning requirements on Metro.

A. Operations and Planning Requirements: Tri-Met.

The Act addresses the needs of two classes of disabled persons, those who are able to ride accessible fixed route buses and those who must depend on paratransit services.

1. Fixed route service. The Act requires that as fleet vehicles are replaced, they must be replaced with accessible vehicles until 100% of the fleet is accessible to the disabled. Although this is a new federal policy, it has been a Tri-Met policy for a number of years. Tri-Met expects to have a 100% accessible fleet by 1997.

The final rule also requires that all rail cars and certain rail stations be accessible to the disabled. All MAX trains are currently accessible through a system of lifts which are located at each station. Current plans are to have the entire light rail system accessible to the disabled as it is built, although the method of accessibility is currently being reconsidered.

In summary, accessibility of Tri-Met fixed route service meets the requirements of the new Act.

2. Paratransit Service. The new rule reflects an alteration in philosophy about who should be eligible for paratransit services and how much service should be available, and thus will require Tri-Met to make fairly extensive changes to its current paratransit service. The rule requires Tri-Met to develop a paratransit plan explaining how it plans to comply with the Act. The plan must be submitted to FTA by January 26, 1992. Tri-Met has until January 26, 1997 to implement the plan, thus bringing itself into compliance with the law.

On December 18, 1991, the Tri-Met Board adopted the proposed Americans with Disabilities Act Joint Complementary Paratransit Plan of the Tri-County Metropolitan Transportation District of Oregon and the Molalla Transportation District as its response to the requirement that a plan be developed for the Portland metropolitan area. The plan outlines the requirements of the Act as applied to Tri-Met's service area, the deficiencies of the current service when compared to the requirements of the new Act, and the remedial measures which will be taken to bring Tri-Met into compliance with the Act. Tri-Met is planning a three-stage service expansion to bring itself into compliance with the ADA. Tri-Met's goal is to be in full compliance with the ADA by September 1994, approximately 2 1/2 years earlier than required. The plan will be updated each year. At that time all previous decisions will be reviewed.

The most significant issues addressed in the Tri-Met Paratransit Plan include the following:

- a. Eligibility. The ADA requires complementary paratransit service to be provided to all individuals who, as the result of a physical or mental impairment, cannot use accessible fixed route transit.

Tri-Met currently applies a similar rule to establish eligibility. Therefore, Tri-Met will continue to use its present eligibility determination and appeals process.

- b. Demand for service and demand estimation. The ADA requires paratransit service to be provided to all of those who are eligible for the service within one hour of their requested trip time. The ADA further requires transit agencies to estimate demand by ADA-eligible individuals for such paratransit services.

Tri-Met is not currently using demand estimation techniques for its paratransit service because such

techniques do not exist, as they do for fixed route services. Tri-Met will work with existing ridership data, information available from the disabled community, and data acquired as it expands service to develop better methods for estimating demand. Service will be expanded in stages until the requirements of the law are met.

Tri-Met personnel believe that capacity constraints which exist in the current system mask the actual demand. Those constraints include a 48-hour reservation system, the right to turn down requests which exceed capacity, and limited service hours. Tri-Met currently turns down approximately 1% of trip requests. However, there is a sense that demand may increase by as much as 25% to 50% as the service is extended to evenings and weekends and as disabled persons who have been turned down in the past regain confidence in the new service.

- c. Service area and service times. The ADA requires that paratransit service be provided to all origins and destinations that are within three-quarters of a mile of a transit route. In suburban areas, service may be provided within one and one-half miles around transit routes. Similar standards apply to light rail lines. The ADA also requires that paratransit service be provided during the same time periods that transit service is offered.

Tri-Met's current geographical service area for paratransit exceeds the service area for fixed route service. However, current service hours for paratransit (6 AM to 6 PM) are fewer than for fixed route service.

Tri-Met plans to address the requirements of the final rule by increasing the service hours for paratransit to match those of the fixed route service (4:30 AM to 2:30 AM), and by redeveloping the service area so that it complies with the new rule. Tri-Met will continue to serve any ADA-eligible persons currently receiving ongoing paratransit rides but whose trip begins or ends outside of the new service boundaries.

- d. Response time. The ADA requires that a reservation service be available during normal business hours of the transit operation and that service be available on the next day.

Tri-Met currently requires 48 hours advance notice. Tri-Met will provide next-day reservation service by September 1994, or earlier if possible.

- e. Fares. The ADA permits paratransit fares to be no more than twice the fare that would be charged to an individual paying full fare for a similar trip on the fixed route system.

Tri-Met paratransit fares are currently \$.50 per trip. Fixed route fares are \$.90 for 2-zone trips and \$1.20 for 3-zone trips. Tri-Met has no current plans to increase paratransit fares as permitted under the ADA.

- f. Trip purpose restrictions. The ADA does not permit transit agencies to impose restrictions or priorities based on trip purpose.

Tri-Met currently does restrict trips based on purpose. The Paratransit Plan calls for a multi-year three-stage expansion of service. The current restrictions will be eliminated by September of 1994, when the service has fully expanded to comply with the ADA.

- g. Capacity constraints. The ADA prohibits the use of mechanisms which constrain demand, such as waiting lists, limits on numbers of trips, and operational patterns which make the service unattractive.

Tri-Met does not engage in such practices, except that the 48-hour reservation system currently in use and the right to refuse trips may be perceived as capacity constraints. As explained above, both of these aspects of the paratransit operation will be eliminated when the service is fully expanded by September 1994.

B. Planning Requirements: Metro.

The final rule requires Metro, as the Metropolitan Planning Organization, to review Tri-Met's paratransit plan and certify that the plan conforms to the Regional Transportation Plan (RTP). This certification is one of the required components of Tri-Met's submittal to the Federal Transit Administration, and without the certification Tri-Met cannot be found to be in compliance with the ADA. The RTP, as amended by Ordinance No. 91-433, will conform to the requirements of the ADA.

The following provisions in the RTP, as amended by Ordinance No. 91-433, respond to the requirements of the ADA:

- Tri-Met will continue to develop Complementary Paratransit Services which comply with the ADA;
- Tri-Met will continue to specify lifts on all new transit vehicles until 100 percent of the fleet is accessible;

- Tri-Met will continue to work with local jurisdictions to make transit stops accessible; and,
- Tri-Met will continue to develop other facilities and services which are accessible to the disabled as required by the ADA.

In future updates and amendments to the Regional Transportation Plan, Metro will further examine the special needs of the disabled population to ensure that the RTP continues to respond in full to the requirements of the ADA.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 92-1547.

AZ:lmk
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