



VENTURA COUNTY TRANSPORTATION COMMISSION
COORDINATED ADA ELIGIBILITY CRITERIA
AND CERTIFICATION GUIDELINES

JULY 2010

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AND CERTIFICATION GUIDELINES**

The Americans with Disabilities Act (ADA) is civil rights legislation intended to ensure that transit agencies do not discriminate against persons with disabilities in the provision of fixed route services. ADA encourages persons with disabilities to use fixed route service to the maximum extent possible by emphasizing access to such service. The complementary paratransit service prescribed by ADA is intended for those individuals who are unable to use fixed route service. Consequently, to qualify to use ADA complementary paratransit services, persons with disabilities must be found functionally unable to use accessible fixed route service and certified as being eligible to use complementary paratransit service.

The Ventura County Transportation Commission (VCTC), on behalf of the Ventura County fixed route transit operators, has developed a coordinated countywide eligibility process to provide certification to those individuals who qualify for ADA paratransit services. This process will be administered by the VCTC ADA Certification Coordinator (currently the title of this position is Manager-Transit Dependent Programs) in cooperation with the Ventura County transit operators.

Currently, ADA Eligibility Certifications are processed and issued by Mobility Management Partners, Inc. (ADA Certification Contractor) under the supervision of VCTC's ADA Certification Coordinator.

The eligibility certification process has been designed to conform to the requirements of the ADA, its implementing regulations and to meet the needs of Ventura County transit operators and the community served by these operators. The certification process described here has been designed to address only ADA paratransit eligibility; it does not address any other paratransit service which may be provided by transit operators.

The ADA clearly intends that complementary paratransit service be provided for those individuals whose disability prevents them from using the regular fixed-route system. The proposed certification process is designed to clearly identify eligible individuals without greatly inconveniencing the applicant.

DEFINITION OF ADA PARATRANSIT ELIGIBILITY FOR VENTURA COUNTY

In accordance with ADA Subpart F-Paratransit as a Complement to Fixed Route Service, Section 37.123 (Appendix A), an ADA paratransit eligible rider is an individual who is unable to independently board, ride, disembark, or access a fixed-route vehicle due to:

1. A physical or mental impairment, including a visual impairment, which precludes an individual from using accessible fixed route transportation;
2. Lack of provision of accessible fixed-route equipment; or
3. A specific impairment-related condition, which in relation with the physical environment, prevents travel to or from the fixed-route system.
 - a. A condition that makes traveling to or from boarding and disembarking location more difficult, but not impossible, does not qualify.
 - b. Architectural barriers not under the control of the transit provider and environmental barriers do not, alone, qualify an individual. The interaction of the impairment-related condition and barriers may qualify, if the combination prevents the individual from traveling to the boarding or disembarking location.

To be considered eligible for ADA paratransit service in Ventura County, the individual must meet one or more of the criteria described below. Examples of eligible disabilities follow each criterion; however, this list is neither exhaustive nor all-inclusive.

1. Inability, with or without limited assistance from the fixed route vehicle's driver to board, ride or disembark from an accessible fixed route vehicle. Examples include:
 - a. Inability to ascend and/or descend steps or to ride a lift as it ascends or descends.
 - b. Inability to understand fares, bus schedules and routes, transfers, etc.
 - c. Inability to ascertain the appropriate fixed route vehicle.

2. Inability to use the fixed route bus or rail system, with or without the assistance of the driver, because the system is inaccessible. Examples include:
 - a. The fixed route vehicle is not accessible or stops on a fixed route line are not accessible. Note: all fixed route buses in Ventura County are equipped with wheelchair ramps or lifts.
 - b. When transit centers or rail stations are inaccessible or the accessibility equipment, such as elevators, are inoperable.

3. Inability, due to a person's disability in conjunction with the environment, to get to or from a fixed route bus or rail stop. Examples include:
 - a. Fatigue causing an inability to travel up to 3/4 of a mile or to get to or from a fixed route stop.
 - b. Inability to navigate barriers, such as road construction, potholes, hills, etc., which are not under the control of the transit agency and which, in conjunction with the individual's disability, prevent the individual from getting to or from a fixed route stop.
 - c. Inability to cross streets without assistance.
 - d. Inability to wait at or travel to a fixed route stop due to environmental sensitivities such as a respiratory disability affected by smog, a need to avoid exposure to the elements of body parts due to burn injury, or sensitivity to extreme heat or cold.
 - e. Inability to locate or know the location of the appropriate fixed route bus or rail stop.

APPLICATION PROCESS

All individuals are welcome to apply for complementary paratransit service regardless of whether such service is currently operating in the applicant's area of residence. If found eligible for service, the user may use complementary paratransit within the currently operating service area.

Information about the ADA and ADA certification is available from VCTC's ADA Certification Contractor at 1-(888)-667-7001. This information includes

- Contact information and hours of service for the ADA complementary paratransit service in each transit provider's service area
- A pamphlet, in English and Spanish, describing eligibility requirements and application procedures will be provided to all applicants and potential applicants upon request
- Applications for ADA eligibility in English and Spanish

An application is required from an individual interested in becoming ADA Paratransit Eligible in Ventura County to document the specific disability or disabilities that would make the individual eligible under the stated definitions. The application will further require the applicant to explain how the disability or disabilities prevent the use of a fixed-route system. (Sample application in Appendix A)

All materials will be made available on request in accessible formats appropriate to the user.

Applicants for ADA eligibility may submit applications directly to VCTC's ADA Certification Contractor or may elect to work with a social service agency, which will submit the application to the certification contractor.

ELIGIBILITY CERTIFICATION PROCESS

The eligibility certification process must provide a consistent and equitable process for determining applicants' eligibility for ADA complementary paratransit service. The VCTC eligibility process will rely on a combination of in-person interviews, recommendations from social service agencies, input from medical care providers and functional evaluations of the applicant's disability, as necessary. An eligibility determination will be prepared for each completed application received.

Applications submitted to VCTC's ADA Certification Contractor will be reviewed for completeness, and physician evaluations will be requested. Incomplete applications will be returned to the applicant.

NEW APPLICANTS

Once an application has been received and a physician's evaluation completed, applicants for new ADA certifications will be scheduled for an in-person interview, which is a brief one-on-one discussion with the applicant about how the person's disability prevents him or her from using the regular fixed route system. Typical questions asked during the interview involve what kind of transportation the applicant currently uses, whether they can walk up or down steps, how fast and how far the applicant can travel with their wheelchair or other mobility device, etc. The applicant may bring back-up materials, documentation and a caregiver or advocate, if they wish to provide additional information.

The interview will take place at a designated location such as a social service office, senior center or government office. Complementary transportation will be provided to the interview, if requested.

The in-person interviews involve reviewing with the applicant the nature of their disability as described in their application and doctor's evaluation. It also consists of an explanation of ADA Certification, Dial-A-Ride, Paratransit Service, and other resources that are available to the client (ex.travel training, senior centers, and fixed route service), as well as taking a picture of the client. The applicant will be asked a series of questions relevant to determining the person's disability or ability to use fixed route service.

If the applicant's eligibility status is not clear based on the interview alone (for example, when the applicant is insufficiently experienced with public transit to answer a question about their ability to use it), the interviewer will perform standard functional, visual, and cognitive tests. Examples of these tests include:

- Assessment of standing balance, both static and dynamic;
- Ability to navigate independently;
- Ability to tell time;
- Ability to communicate with others independently;
- Recognize landmark;
- Remember directions to a location;
- Ability to read a bus schedule; and
- Function without danger to self or others
- Negotiate a curb or curb cut;
- Negotiate three steps, if ambulatory;
- Maneuver into a space measuring the size of a wheelchair lift platform (30in. x 48in.), when using a mobility device;

RECERTIFICATION

Eligible users must re-certify to remain eligible for ADA complementary paratransit service. The process for recertification depends upon the individual's disability and the type of eligibility initially given to the individual.

1. For those individuals certified as unconditional or conditional, recertification is required after three years.
2. Individuals given temporary eligibility are required to be recertified after the granted time period of eligibility has ended.

For re-certifications of existing ADA users, an application and physician evaluation are often sufficient to recertify the applicant; however, in cases when there has been a change in physical or mental condition or when the physician's evaluation is unclear or inconsistent with the applicant's current eligibility status, an in-person interview and/or functional assessment will be required.

For both new applications and applications for recertification, ADA eligibility will be determined within 21 days of the date an application is found to be complete. If a determination is not made within 21 days, paratransit service will be provided to the applicant until an eligibility determination is made.

An individual who qualifies for ADA eligibility certification is given one of three certification levels: Unconditional, Conditional or Temporary. The definitions and situations which apply to the levels are as follows:

1. **UNCONDITIONAL** - Individuals are certified for unconditional use of complementary paratransit service under the following circumstances:
 - a. An individual who cannot independently board, or disembark an accessible fixed route vehicle, even with limited assistance provided by the driver of the fixed route vehicle, under any condition.
 - b. An individual who does not have the cognitive ability to navigate the Ventura County fixed-route transit system or any portion of the system
2. **CONDITIONAL**- Individuals are certified for conditional eligibility to use ADA complementary paratransit service when the following situation(s) apply:

a. The individual has a specific impairment-related condition which fluctuates, or is transient in nature, that when combined with the environment restricts the individual from using the fixed route system. Examples include the following:

- A respiratory disability that is aggravated during a smog alert in the area in which they are traveling
- A condition(s) where the individual cannot tolerate excessive heat or cold while waiting at a fixed route boarding location

b. The individual has the ability to navigate the system on some trips, but not on others, such as:

- When a trip involves a transfer(s).
- When the individual can travel to familiar locations, such as: work, recreation facilities, social facilities, medical facilities, etc.

c. The combination of a specific impairment-related condition and the interaction of this condition with barriers in the environment that prevent access to and from the fixed route system.

3 TEMPORARY - An individual who, for a limited period of time, cannot independently use the fixed route system. Temporary eligibility can be provided for up to one year. Types of temporary eligibility include the following:

a. A temporary cognitive disability(s) that may resolve itself over a period of time, or which can be controlled through medication or other manners, such as: seizures, mental conditions(s), etc.

b. Temporary cognitive disability that could be resolved through travel training.

c. A medical situation, such as an operation, broken limbs, etc., which will heal over time.

d. A decision pending an initial eligibility status, commencing with the 22nd day after the submittal of a complete application.

e. An appeal decision which is pending, commencing with the 31st day after the appeal hearing.

f. Visitors from outside Ventura County who provide documentation of ADA eligibility are eligible for 21 (non-consecutive) days, starting

the day of their first trip.

Individuals determined to be eligible for ADA complementary paratransit service will be notified of their eligibility by letter. The notification of certification will specify any conditions of eligibility, including termination dates and limits on trips that may be taken. If a personal care attendant or a service animal is required, that will also be noted. Photo identification cards, certifying eligibility for ADA complementary paratransit service and specifying the termination date and any conditions of eligibility, will be issued to individuals found to be eligible. If eligibility is restricted, specific eligibility phrases (Appendix B) will be included on the identification card and in the database provided to the transit providers.

Prior to issuing an eligibility denial or conditional approval, the proposed certification will be reviewed and approved or modified by a manager working for the ADA Certification Contractor (currently the Project Manager of ADA Certification Services).

Individuals determined to be ineligible for ADA complementary paratransit service or who are determined to be eligible on a conditional basis will also be notified by letter. The reasons for the ineligibility finding or conditional approval will be clearly stated in terms of the DOT implementing rule and of VCTC's ADA process. A description of the process for appealing the ineligibility finding will also be enclosed.

MAXIMUM WHEELCHAIR SIZE AND WEIGHT

If an applicant for ADA certification who utilizes a wheelchair which is “oversized” or when the wheelchair-plus-passenger weight exceeds the federal requirement, the applicant may be issued a card, but they will be informed that the transit provider will not accept them on the service. Limits are as follows:

- Wheelchair dimensions—30 inches by 48 inches
- Wheelchair-plus-passenger weight—600 pounds

PERSONAL CARE ATTENDANTS

During the eligibility process, the ADA Certification Consultant will utilize information from the applicant and the applicant’s physician to determine the applicant’s need for a Personal Care Attendant. If the applicant requires a Personal Care Attendant for some or all trips, the ADA Certification Consultant will include this information with the certification determination.

CERTIFICATION OF CHILDREN

Children who are old enough to ride transit unaccompanied, based on the transit agencies' minimum age policy, will be certified on the same basis as adults. Those too young to ride transit unaccompanied, based on the transit agencies' minimum age policy, will not be considered for certification as individuals. However, if the child's disability prevents use of fixed-route transit, even when the child is assisted by an adult, the child and assisting adult can be considered for certification together.

VCTC OVERSIGHT

At any time after a certification denial or conditional approval has been made by the ADA Certification Contractor, the VCTC ADA Certification Coordinator may review the case file, seek additional information as deemed necessary and consult with the ADA Certification Contractor. Based on the information received, the nature of the applicant's disability and the applicant's ability to use fixed route transit, the VCTC ADA Certification Coordinator, in consultation with the VCTC Programming Director, may change the eligibility determination and direct that the requested ADA certification be issued without condition or modified to include less restrictive conditions.

ADMINISTRATIVE APPEALS PROCESS

The Ventura County Transportation Commission is required by the ADA to provide an administrative appeals process to provide recourse for individuals denied ADA eligibility. Every person who is denied eligibility for complementary paratransit service may appeal that decision. Persons who are classified as "conditionally approved" may also appeal that decision. To appeal an eligibility finding, an individual determined to be ineligible or conditionally eligible for ADA paratransit service must notify the VCTC ADA Certification Coordinator, in writing, within 60 days of denial, that the individual wishes to appeal the decision. The appellant may utilize a representative, such as a lawyer, therapist, or advocate during the appeals process, at the appellant's cost. Appeals will be heard by a five member appeals panel designated specifically to hear appeals on ADA eligibility findings. The appeals panel and appeals process are further described in Appendix C.

The VCTC ADA Certification Coordinator will be responsible for assembling the record of the appellant's case, distributing it to panel members, and scheduling the meeting of the appeals panel.

The appeals process will verify that the certification process was followed and that certification criteria were consistently applied. It will ensure that the appellant has an opportunity to be heard and to present information and arguments.

The ADA Certification Coordinator will make sure that the appeal is scheduled in a timely manner (normally within 30 days of the filing of the appeal unless postponed by the appellant). Written findings on appeal will be issued within 30 days of the date the appeal hearing. If a finding is not made within 30 days of the hearing, ADA complementary paratransit service will be provided to the appellant until the appeal is approved or denied. Once the determination is made, the ADA Certification Coordinator will notify the appellant in writing, or in an accessible format if requested, of the finding and the reason(s) for the finding. The appeal decision is the final determination of eligibility. If the applicant is determined to be ineligible, the applicant may file a new eligibility application if their condition changes.

VISITORS POLICY

In accordance with ADA Subpart F-Paratransit as a Complement to Fixed Route Service, Section 37.127 (Appendix H), visitors will be considered eligible for ADA complementary paratransit service for 21 days in any calendar year if they provide: documentation of ADA eligibility for their jurisdiction or residence; or, if they do not have such documentation, documentation of their place of residence and, if their disability is not apparent, documentation of their disability.

The 21 day period covers 21 days of non-consecutive use during a calendar year. If a visitor submits an application for paratransit eligibility in Ventura County within the 21 day period of presumed eligibility, the visitor will continue to be eligible until a determination of eligibility is made. If the visitor does not submit an application for paratransit eligibility within the 21 day period, the visitor will no longer be eligible for service once the 21 day period has expired.

APPENDICES

APPENDIX A

APPLICATION AND INFORMATIONAL DOCUMENTS

The attached documents are samples to illustrate the types of information which may be required of applicants and information available to the general public about ADA eligibility.

- ADA Paratransit Services Eligibility Application
- ADA Paratransit Services Eligibility Application, Spanish
- ADA Recertification Application
- Physician Evaluation of Disability
- “Are You Eligible for ADA Transportation?” Brochure.
- “Are You Eligible for ADA Transportation?” Brochure,
Spanish

Copies of these attachments can be found on the website:

www.goventura.org under Publications/ADA

APPENDIX B

CONDITIONAL ELIGIBILITY PHRASES

The VCTC ADA Certification Coordinator will maintain a list of Conditional Eligibility Phrases, which may be used to indicate conditions under which a passenger, who is otherwise able to use fixed-route transit, will be eligible to use ADA paratransit service. The phrases in use at the time of adoption of these guidelines are as follows:

1. Bus stop not accessible: If the applicant is normally able to travel to and from bus stops in the system and utilize fixed route transit, but there is some impediment to his/her independent travel from home to nearest bus stop (for example Architectural barriers such as construction, missing curb cuts, ramps or uneven/missing sidewalk).
2. Greater than xx Distance from bus stop: For trips that require traveling more than (e.g. ¼ mile) to or from the boarding or disembarking location. Would apply to a person who is frail or has cardiac conditions (for example) which limit their stamina.
3. When smog alert exceeds level (1,2,3): For people with breathing difficulties/asthma such as but not limited to COPD.
4. Unfamiliar location: Normally a temporary designation for a passenger becoming familiar with a stop. This designation is subject to re-evaluation, as the passenger gains familiarity with the stop, typically after 12 to 20 trips from/to that stop within a period of three months.
5. Intersection conflict (right turn or greater than x lanes): Depending on a person's disability, this refers to 1) for people with visual impairments who use auditory cues (traffic direction) to determine a safe time to cross the street—any intersection that allows right turns on red signal. 2) Also depending on size of street and time available to cross, persons with limited (slower) gait function may be unable to cross safely in the time allowed.
6. Trip requires multiple transfers: If unreasonable to expect depending on the severity of the person's limitations.
7. Forecasted environmental temperature exceeds: 80 degrees for example, depending on heat sensitive conditions such as but not limited to MS, Neuropathy , Fibromyalgia, brain and spinal cord injuries
8. Forecasted environmental temperature less than: 70 degrees for example, depending on cold sensitive conditions such as but not limited to MS, Neuropathy, Fibromyalgia, brain and spinal cord injuries and Arthritis.

9. When it is raining/rain is forecast: depending on humidity sensitive conditions such as but not limited to MS, Fibromyalgia, Neuropathy , brain and spinal cord injuries and Arthritis
10. Fatigue following treatment: A person may be able to take public transit to treatment such as Dialysis, but many not be able to return home using public transit due to fatigue post-treatment.
11. Episodic: Persons with disabilities that are marked by periods and degrees of wellness that may include seizures, arthritis, diabetes, multiple sclerosis, cancer, HIV/AIDS, and even mental and mood disorders.
12. Seating not available at stop: Architectural barrier requires environmental barrier analysis (City specific) to ensure available rest area for persons with various disabilities including secondary conditions such as fatigue, heat sensitivity, limited balance and/or neuropathy.
13. Dawn to dusk: Persons with visual impairments may have difficulty transporting independently with limited natural light.
14. Environmental Barriers: This includes all natural environmental barriers for people using mobility devices or with limited balance walking independently and requires city specific environmental barrier analysis (such as hilly terrain, low hanging trees, broken sidewalks due to natural environment obstructions or overgrown landscape/debris).
15. Assistive Technology Unavailable: For temporary unavailability of assistive technology needed by the passenger (including service animal).

APPENDIX C

APPEALS PROCEDURE AND APPELLANT INFORMATION

When an eligibility appeal is filed, an Appeals Panel will be assembled to hear the appeal. This panel will be composed as follows:

- One representative of a transit operator which is not the operator in the applicant's service area
- One paratransit rider recommended by an operator or social service agency
- One volunteer professional with related medical or therapy training
- One representative of a social service agency dealing with disabled individuals
- One member of VCTC CTAC/SSTAC

In cases when no volunteer professional with related training is available, a VCTC staff member, who is not involved in the certification process, may be substituted. In cases when all five members are not available or do not arrive at the meeting, three members would constitute a quorum.

The ADA Certification Coordinator will maintain a list of available volunteers from each of these categories. The list will be numbered, and the Coordinator will invite the next eligible member of each group to participate.

For social service agencies and transit operators, each agency will be listed rather than a specific representative. If the primary contact is not available for a hearing, their agency will be offered the opportunity to appoint another representative.

The appeal panel will meet in the transit service area where the applicant lives. When the panel meets, the ADA Certification Coordinator will provide documentation about the case and general information about ADA eligibility. The applicant and/or their representatives will be able to present their case, and the ADA Certification Contractor will provide the basis of their eligibility decision.

After the applicant and ADA Certification Contractor depart, the five member panel will deliberate, reach a decision and state the reasons for the decision. The ADA Certification Coordinator will record the decision and reasons for the decision and provide a written response to the applicant. If the appeal is granted, the eligibility change will become effective immediately.



AMERICANS WITH DISABILITIES ACT (ADA) ELIGIBILITY CERTIFICATION APPEALS PROCEDURE

If your application for certification under the Americans with Disabilities Act (ADA) is denied, or if you received approval with conditions, the Ventura County Transportation Commission (VCTC) must provide you with written notice listing the specific reasons for your denial/conditional approval. The VCTC must also provide you with information about your right to appeal the decision. The appeals procedure is as follows:

- 1 a) You may appeal the decision up to 60 calendar days after your application has been denied or issued with conditions. The start of the appeal time period begins as of the date of the letter informing you that your request for ADA eligibility has been denied or conditionally approved.

b) You must submit your appeal in writing or by email to the address shown below. Your submittal should state your reasons for believing that your eligibility determination should be revised. Please contact Ed Webster, the Ventura County Transportation Commission ADA Certification Coordinator, if you need assistance preparing your appeal (see contact information in the box below).
- 2 a) Your appeal will be considered by an appeals panel. The panel will consist of people familiar with the ADA law, disabilities, public transit and the appeals procedure. The panel may include transit operators, and representatives from social service agencies. The person who reviewed the application and denied eligibility, and any other person involved in the decision, will *not* be a voting member of the appeals panel.

b) You will have a chance at this hearing to restate your reasons for eligibility and present any additional documentation you feel will support your claim of eligibility.

c) The appeal will be decided by a majority vote of the appeals panel.
- 3 One or more members of the initial certifying agency may be present to state the reason for the initial denial of eligibility, or a written statement regarding the reason for the original denial may be submitted. This person will not be a voting member of the appeals panel.
- 4 a) You will be notified via postal delivery in writing of the appeal panel's decision within 30 calendar days of the date of the appeals hearing. If notification is not made within this time, you will be presumed eligible for transportation service until a

decision is reached and you are notified. This does *not* mean you will continue to be eligible for transportation service if the appeals panel upholds denial/conditional approval of service.

b) If the appeals panel decides you are eligible, you will be authorized to begin using paratransit service immediately following the appeals panel's decision to grant eligibility.

5 a) If the appeals panel decides that you are not eligible, you may file a complaint with the United States Department of Transportation, Office of Civil Rights. The telephone number and/or address will be provided to you.

b) You may also file a complaint with the United States Department of Justice. This review may be either administrative or judicial. The telephone number and/or address will be provided to you.

6 If you are denied eligibility for complementary paratransit service, it does not mean you can never qualify for this service. If your condition changes to the extent that you believe you may qualify, you are entitled to reapply.

Notification of appeal should be sent to:

**Ventura County Transportation Commission
Attn: ADA Certification Coordinator
950 County Square Drive, Suite 207
Ventura, CA 93003**

or you may fax it to (805) 642-4860

If you have any questions about the appeals process, please call
Ed Webster, ADA Certification Coordinator
Phone: (805) 642-1591 ext. 113.
Email: ewebster@goventura.org