



Hampton Roads Transit (HRT)
Unified Service Plan and Policy for
Complementary Paratransit Services
Under The American with Disabilities Act
(ADA) Revised August 08, 2012

Policy

Hampton Roads Transit's policy is to strictly comply with the Americans with Disabilities Act (ADA) complementary Paratransit regulations issued by the U.S. Department of Transportation..

Eligibility

Eligibility for Paratransit Service is strictly limited to persons who, because of their disability, are unable to use the fixed route public transit service. If an individual meets the eligibility criteria for some trips but not for others, the individual will receive Paratransit Service only for those trips for which they are eligible. Persons accompanying an eligible individual will receive services as required by the ADA regulations.

Service Criteria

Paratransit Service is available only in strict compliance with the requirements of the ADA regulations

- Area of service must be within $\frac{3}{4}$ -mile of the current fixed route service
- Service is provided on an appointment basis with limits on advance reservations. Reservations will be taken up to 7 days prior but not less than 5 PM on the day prior to the requested trip.
- Availability of Subscription Service will be maintained
- Current fare is \$3.00 for each trip
- No trip purpose restrictions or priorities other than conditions specified within a customer's eligibility assessment
- Daily hours of available service are regulated by the current operating schedules of fixed route services
- No capacity constraints

Passenger Rights and Responsibilities

This plan includes a policy statement on passenger rights and responsibilities.

Paratransit passengers have the following rights:

- Courtesy and respect from public transit personnel, including timely phone service and accurate information
- Service comparable to fixed route
- Information available in accessible format(s)
- Open public involvement process for changes in service or fares
- Reasonably well-maintained vehicles

Paratransit passengers have the following responsibilities:

- Respect for other passengers and public transit personnel
- Obey vehicle and service rules, including but not limited to:
 - No eating, drinking or smoking
 - Curb-to-curb service
 - Comply with service rules for scheduled pick up time
 - Keep service animal under control
 - Schedule and use Paratransit Service only when fixed route service cannot be used because of disability
 - Limit “no shows” and late cancellations since these affect the availability and timeliness of service to others. Refer to HRT’s Paratransit No Show and Late Cancellation Policy for definitions, guidelines, and applicable sanctions.
 - When using audio or video devices, please use earphones; loud music will not be tolerated on any HRT vehicle
 - When using cell-phones, please talk quietly

Appeals

Appeals for denials of eligibility or for suspension of Service will be handled by a three member panel, including one member of HRT staff and one member of the Hampton Roads Transit Advisory Committee for persons with disabilities. Refer to HRT’s Appeals Policies and Procedures for ADA Complementary Paratransit Services for applicable guidelines.



For more information call 757-222-6087



HAMPTON ROADS TRANSIT

Hampton Roads Transit
(HRT) Paratransit Service

No-Show and Late Cancellation Policy

Effective April 15, 2002
Revised August 08, 2012

It is the policy of Hampton Roads Transit that Paratransit passengers who establish a pattern or practice of excessive “No-Shows” or “Late Cancellations” shall be subject to suspension of Service. This policy is necessary in order to recognize the negative impact “Late Cancellations” and/or “No Shows” have on the service provided to other passengers as well as the cost of providing Paratransit Services.

A passenger is considered a “No Show” if the passengers fails to board or fails to be ready to board at the scheduled pick-up location when the driver has waited 5 minutes during the Paratransit Service “on-time” window for service. An on-time window is defined as 15 minutes prior to or 15 minutes after the negotiated/scheduled pick up time.

For example, if the passenger has a 2:00 pm negotiated pick-up, the driver may arrive anytime between 1:45 and 2:15 and be considered on-time; the vehicle is required to wait up to 5 minutes for the passenger. Effective January 2002, passengers will be informed of the full “minus-and-plus” range for the on-time pickup when the trip is scheduled. In this example, assume the driver arrives at 2:12. The driver then waits a full 5 minutes. If the passenger is not on-board or ready to board by 2:17, the passenger is considered a No-Show. Similarly, the driver will only wait 5 minutes if the vehicle arrives on the “early” side of the window. For this same scheduled 1:45-2:15 pm pickup, if the driver arrives at 1:50, the passenger will be considered a No-Show if they are not on-board or ready to board by 1:55pm.

A passenger is considered a “Late Cancellation” if the passenger cancels scheduled Paratransit Service at any time two (2) hours or less before the beginning of the passenger’s scheduled pickup window.

Any combination of three (3) Late Cancellations or No Shows in any consecutive three-month period or less will be deemed “excessive” and is defined as a “violation” of this policy. Passengers with excessive Late Cancellations/No-Shows will be subject to sanctions as described below.

In addition, passengers must pay HRT the required full fare (\$3.00) for any trip(s) wherein the passenger was either a No-Show or Late Cancellation.

If a passenger no-shows or late cancels for an “outbound” trip and has one or more other trips (e.g. return) on the same day, HRT will not automatically cancel the subsequent trip(s). It is the passenger’s responsibility to either take the later trip(s) or cancel it/them in a timely manner if they wish to avoid being charged with any additional No-Show or Late Cancellation.

A trip missed by a passenger for reasons beyond a passenger’s control, including Paratransit error or uncontrollable or unpredictable impacts of their disability, will not count as a No-Show. Documentation of impacts may be required.

HRT will notify individuals of No-Shows and/or Late Cancellations after each occurrence to assist in the early resolution of misunderstandings and to identify conditions beyond the control of the individual.

An individual with excessive No-Shows/late Cancellations will:

- Receive written notice of the violation citing the specific trips missed over the specific time period of occurrence and the proposed sanction.
- Within five working days (Monday-Friday, excluding holidays) of receipt of the notice be allowed to present information and arguments to the Manager of Paratransit Services or designee. Failure to exercise this right will not preclude the individual from filing an appeal regarding the sanction imposed.
- Receive written notice of the decision and, if applicable, the effective date and duration of any suspension (the “Suspension Notice”).

The passenger may appeal the decision of HRT by filing an appeal within 60 days from the date of the Suspension Notice. Appeals will be handled in accordance with the provisions of the Unified Service Plan and Policy for Complementary Paratransit Services under the Americans with Disabilities Act (ADA). If appealed, the sanction will be stayed pending the outcome of the appeal. HRT must continue to provide Paratransit Service, upon request, to the passenger until the appeal is resolved. However, if the passenger continues to accrue additional No-Shows or Late Cancellations during the appeal period, these may be considered in the determination of the proposed sanction; the passenger will be so notified. If the passenger does not appeal or waives their right to appeal, the sanctions noted below will be imposed.

Any combination of three (3) Late Cancellations or No-Shows in any consecutive three month period or less is defined as a “violation” of this policy. Sanctions will be imposed as follows:

First Violation

Fourteen day suspension of Paratransit Service.

Second Violation

One month suspension of Paratransit service. Passenger has option in lieu of suspension to pay the “full cost” (\$20 per trip) for each No-Show or Late

Cancel that they have incurred during this interval, including No-Shows or Late Cancels that occur prior to appeal hearing.

Third Violation

Three month suspension of Paratransit Service. Passenger has option in lieu of suspension to pay twice the “full cost” (\$40 per trip) for each No-Show or Late Cancel that they have incurred during this interval, including No-Shows or Late Cancels that occur prior to appeal hearing.

Fourth Violation

One-year suspension of Paratransit Service and the passenger has the responsibility to request reinstatement of active eligibility.

In cases where suspension of Service occurs, passengers must also pay the fare (\$3.00 per trip) that would have been paid had the trip(s) been taken before Paratransit Service will be resumed.

If more than two years elapse between any two stages of violations, the progression of sanctions and suspensions would start at the first step.

Exception for Subscription Services: Subscription Service is provided as a mutual convenience for passengers and HRT, and is not required by the ADA regulations. If a person with Subscription privileges accrues three or more No-Shows or Late Cancellations within any one-month period, the Subscription will be cancelled and the individual notified. The passenger must then use the standard Paratransit Service and have two consecutive months with no more than one No-Show or Late Cancellation before Subscription Service may be restored. Restoration of Subscription privileges is at HRT’s discretion. In addition, other sanctions and/or violations described above apply for the individual passenger.

Exception for Contract Services: Contract service is provided as a mutual convenience for passengers, agencies, and HRT, and is not required by the ADA regulations. Paratransit Service(s) must be notified of any cancellation(s) by 5:00 p.m. the evening before service is to be provided, or the contracting agency will be charged the fare(s) for such passenger(s), even if the trip is not taken. In addition, other sanctions and/or violations described above apply for the individual passenger.



For more information call 222-6087



HAMPTON ROADS TRANSIT

Paratransit Service Scheduling Revisions for a Pending or Declared Emergency Effective 08/01/2013

Requesting Your Same Day Ride:

Reservations are generally accepted from one (1) to seven (7) days in advance of your requested ride and up until 5:00 p.m. the day before. In the case of a declared or pending emergency, Hampton Roads Transit may respond to same day trip requests for evacuation and transportation within the regular Paratransit service area. Announcements will be made on our website and all our normal media communication systems that the same day trip requests will be considered.

Please note: Only requests related to an evacuation or the emergency situation will be considered. Same day trips may be scheduled as long as fixed route service operations continue within the area requested and providing vehicles with operators remain available. Following an emergency situation, Hampton Roads Transit will consider same day trip requests from clients returning to their residences providing fixed route service has been restored to the area requested. All other standard policies for utilizing Paratransit Services will remain in effect.

Passenger responsibilities remain in effect at all times and each certified rider is limited to two (2) grocery bags or similar sized carry-on packages. The operator cannot carry packages for anyone. As always, trained service dogs are permitted in accordance to the ADA Guidelines, but they must be kept under your control. Pets can only be transported on Paratransit vehicles as stated in regular HRT guidelines.

Personal trips to and from the grocery store or pharmacy, for example, will not be considered “emergency” related during pending or declared emergency situations. Plan on stocking necessities and filling prescriptions well before transportation services may be affected and schedule your regular trips accordingly.

Paratransit pick-ups will still be based on a thirty (30) minute window. You will be given a pick-up window when making your reservations. For example, if you have a 2:00 p.m. pick-up, the driver may arrive anytime between 1:45 and 2:15 and will be considered on time.

If you will be accompanied by a personal care attendant (PCA) or companion (guest), please tell the reservationist. A PCA may accompany a certified client at no additional charge. Your eligibility status must indicate that you are eligible to have a PCA travel with you. Companions and any additional guest(s) must pay the \$3.00 Paratransit fare, just as you do. If you request to have more than one companion travel with you, your request may or may not be accommodated depending on space availability.



Hampton Roads Transit (HRT)
Appeals Policies & Procedures for ADA
Complementary Paratransit Services
Effective February 15, 2002
Revised August 08, 2012

§ I. The HRT “Unified Service Plan and Policy for Complementary Paratransit Services under the Americans with Disabilities Act (ADA)” adopted by the commission on July 12, 2001 requires the following composition and process for Appeals Panels:

“Appeals under this process will be determined by a three or five-member panel. One member shall be a staff member from HRT. A second member shall be a voting member of the Hampton Roads Transit Advisory Committee for Persons with Disabilities. The additional member(s) shall be from one of the member cities Advisory Committees, or Mayors Committees on Disabilities or Human Rights, agreed upon by the two other panel members, or, if none is available, another outside person(s) agreed upon by the two other panel members. A majority decision of the Appeals Panel shall be final and binding.”

In the interest of fairness to all participants, all individuals who serve on an ADA Appeals Panel for HRT Paratransit must agree to abide by the following:

1. Receive Appeals Panel training from HRT and legal representatives before participating on a Panel. As the need arises, panelists will receive additional training.
2. Must comply with all relevant laws, regulations and agree to follow processes and procedures established.
3. No individual involved in the original determination to deny eligibility or to impose a sanction shall have a decision-making role in the appeal of that decision (this is also known as “separation of functions”).
4. All hearings, deliberations, and decisions must be conducted with strict compliance with the need for objectivity, confidentiality, consistency, and documentation regarding the process and all participants.
5. Panel candidates or Panelists must promptly disclose any known or potential issues relating to conflict of interest, bias, or anything that might have the appearance of impropriety if they were to participate on an Appeals Panel.
6. Members of HRT staff may only serve in that role on a Panel, even if they are eligible for “third party” category.
7. There are no quotas for Appeals outcomes-the critical issues are independent judgment by Panelists and the integrity of the decision process.

8. Service on any Appeals Panel is voluntary and appreciated.

§ II. General Rules for Appeals:

1. All information regarding appeals must be readily available, including the availability of accessible formats upon request.
2. To the extent feasible, Appeals Hearings will be conducted on both sides of the HRT service area.

§ III. Eligibility (full or partial):

1. HRT defines a complete application as the application form; and if deemed necessary, an in-person interview and functional assessment; and such outside professional verification and documentation (medical or otherwise) as is reasonably necessary for the eligibility determination. If, by a date 21 days following the submission of a complete application, HRT has not made a determination of eligibility, the applicant shall be treated as eligible and shall be provided Paratransit Service until and unless HRT denies the application.
2. An appeal must be filed within 60 days of the date of a denial of an individual's application. No appeal requests will be accepted beyond 60 days after determination.
3. For denials of eligibility, HRT is not required to provide Paratransit Service to the individual pending the determination on appeal.

Note: If an individual has been granted conditional, trip by-trip, or temporary eligibility, but is appealing for unconditional eligibility, the individual will be provided Paratransit Service in accordance with their "limited" approved eligibility while the appeal is pending.

4. If HRT has not made a decision within 30 days of the completion of the appeal process, the individual shall be provided Paratransit Service, upon request, until and unless a decision to deny the appeal is issued.
5. If an individual who has been denied eligibility wishes to re-apply, they must identify those circumstances or condition(s) which they believe have changed their ability to use fixed-route public transit.

§ IV. Sanction(s) for Behavior:

1. Service may be suspended, for a reasonable period of time, for any individual who establishes a pattern or practice of missing or late-cancelling scheduled

- trips, or for conduct that is violent, seriously disruptive, or illegal or that is prohibited on fixed route vehicles.
2. Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips that are missed due to HRT error or because of the individual's disability) shall not be a basis for determining whether a pattern or practice of missing scheduled trips exists.
 3. An appeal must be filed within 60 days of the date of the Suspension Notice. No appeal requests will be accepted beyond 60 days after a Suspension Notice.
 4. For suspension of Service, the sanction is stayed pending the outcome of the appeal.
 5. For conduct that is violent, seriously disruptive or illegal, a requirement for the individual to use a personal care attendant may be mandated pending a determination from the Appeal Panel as a compromise in lieu of suspension or termination of Service.
 6. If HRT has not made a decision within 30 days of the completion of the appeal process, the individual shall be provided Paratransit Service, upon request, from that time until and unless a decision to deny the appeal is issued.

§ V. Policies/Procedures for Appeals Hearings and Decisions:

1. Each individual who has the right to appeal any eligibility denial or sanction(s) will be notified, in writing, of that right, of the reason(s) for the decision, and of the appeal procedures.
2. Any eligibility determination or sanction may be appealed.
 - Request for appeal must be in writing and explain the specific reason(s) for disagreeing with the initial determination or sanction.
At a minimum: For eligibility: must include a description of the individual's functional limitation(s) and why they are unable to ride fixed-route. For sanctions: must identify reasons why the behavior was "beyond the individual's control" and/or why it was not a "pattern or practice".
 - A mandatory "Appeal Request Form" will be made available with the Notice to help structure Appellant's explanations.
 - Upon written authorization by the Appellant, another individual or organization may file an appeal on their behalf.
3. Upon receipt of Appeal, HRT will assemble the Appeals Panel and schedule the hearing.
 - To the extent possible, include expertise on the Panel particular to the disability or situation claimed.
 - Hearings should be scheduled as promptly as reasonably possible.
 - HRT reserves the right to "expedite" the scheduling of a hearing, in its discretion (e.g., re-certification, sanctions for behavior)
 - If unable to contact Appellant, HRT must document attempts and process followed. It is the responsibility of Paratransit applicants and passengers to keep HRT informed of their current mailing address.
 - Appeals should be conducted in person.
 - The reason for this is to mirror substance and process of the initial determination as much as possible.

- Upon written request by Appellant, the Appeals Panel will act solely upon written materials submitted. This serves as a waiver of the right to an in-person hearing.
 - For documented good cause, Appellant can request a postponement of the Appeal Hearing. However, if the individual requests such a postponement, they are not entitled to any further stay of sanction (e.g., suspension).
4. Appellant and Panelists should identify any “special needs” for hearing (e.g. accessible formats for materials, sign interpreter, audio-visual equipment, etc).
 - Transportation to and/or from the hearing is the responsibility of Appellant (if subject of hearing is eligibility, Paratransit will not provide transportation; if subject of hearing is sanction, Appellant may ride Handi-Ride, at their own cost, within their eligibility limits).
 5. Preparations-HRT is responsible for all records that have been submitted to HRT, for providing copies of Appellant submittals (if timely), and for ensuring logistics and accessibility of room. All hearings will be recorded.
 6. Select Chairperson to conduct this hearing.
 7. Call to order and introductions of persons present.
 8. Present testimony and documents.
 - Appellant has burden of proof to state their case; HRT will rebut only “as needed”
 - Appellant has opportunity to present additional written materials and supporting information. Materials received by HRT five business days before hearing will be reproduced by HRT, including accessible formats if needed.
 - If Appellant wishes to present additional written materials at, or less than five business days before, the hearing, he or she must provide copies for all Panel members (including accessible formats, if needed), for the HRT attorney and one “for the recording secretary.
 - Appellant has the opportunity to confront and present witnesses, within reasonable time limits.
 - To reduce burden on Appellant and Panelists, public portion of the hearing should be concluded within one hour, whenever possible.
 9. Deliberations
 - Closed to public, including Appellant
 - If additional information/review is needed, should minimize hardship to Appellant (including HRT to provide transportation to/from and subsequent meeting(s) deemed necessary, unless the continuance is at the request of the Appellant)
 10. Panel will document findings and reasons.

11. HRT will correspond results to the Appellant in writing within 30 days of the hearing, with reason(s) for the final decision.
 - If unable to contact Appellant, HRT must document attempts and process followed. It is the responsibility of Paratransit applicants and passengers to keep HRT informed of their current mailing address.
12. As stated in paragraph 2 “A majority decision of the appeals panel shall be final and binding”. Should the Appellant feel their case had not been treated objectively, they have the right to contact the Federal Transit Administration (FTA) to file a complaint.



For more information call 757-222-6087