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AMERICANS WITH DISABILITIES ACT

Challenges Faced by Transit Agencies in Complying With the Act's Requirements



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Ranking Minority Member
Committee on Banking, Housing
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United States Senate

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Chairman
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Ranking Minority Member
Committee on Public Works
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House of Representatives

The Americans With Disabilities Act (ADA) of 1990 (P.L. 101-336) prohibits discrimination on the basis of disability and applies to, among other things, public transit systems. Under the ADA, transit systems must progressively make their buses and rail systems accessible to persons with disabilities, including wheelchair users, and must provide alternative transportation to those who are unable to use the transit systems' fixed-route service. Alternative transportation, called paratransit (door-to-door) service, is typically provided in accessible vans or minibuses and sometimes by taxis.

Previously, section 504 of the Rehabilitation Act of 1973 gave transit agencies the option of providing either accessible fixed-route service or paratransit service, and many chose to offer the latter. The ADA requires that fixed-route transit be accessible and that paratransit service be comparable to fixed-route service. The Department of Transportation (DOT) defined comparable service in terms of six criteria. For example, paratransit service must be available during the same days and hours that fixed-route service is available. DOT also defined the criteria for determining eligibility for service, requiring that comparable paratransit service be offered to those individuals who are functionally incapable of using accessible fixed-route transit service. DOT gave transit agencies up to 5 years from January 1992 to comply with the paratransit requirements, although agencies can apply for a waiver, on the basis of an undue financial burden, to extend the deadline. No deadline was established for

achieving fixed-route accessibility, but most transit vehicles purchased or leased after August 1990 must be accessible.

As agreed with your offices, we (1) reviewed the early experiences of transit agencies in phasing in the ADA's paratransit requirements and identified challenges to successful implementation, (2) obtained information on transit agencies' projections of costs and time periods to implement the ADA's paratransit requirements, and (3) identified variables that affect the reliability of projections and the magnitude of potential costs. We visited 12 transit agencies to discuss their experiences with implementing the ADA's requirements. We also obtained 474 updated paratransit plans from transit agencies and analyzed their projections of costs and time periods to comply with the ADA's paratransit requirements. (App. I provides more details on our scope and methodology.)

Results in Brief

Among the challenges transit agencies face in complying with the ADA's paratransit requirements are (1) determining who meets the ADA's criteria for paratransit eligibility, (2) financing the level of paratransit service required by the ADA, and (3) deciding whether they will continue to serve individuals who have been receiving paratransit service but do not meet the ADA's eligibility criteria for such service. Difficulties in establishing an eligibility process included getting agreement from affected groups on the levels of service to be offered, making arrangements for the professional review of eligibility applications, and developing appeal procedures for those whose eligibility is denied. DOT officials told us in November 1993 that most transit agencies had established processes for determining eligibility but that many had not begun using them. DOT's regulations require that paratransit eligibility be determined for each trip a person requests, depending on factors that might pose a hardship for the disabled person, such as weather conditions. However, transit agencies told us they were skeptical of the practicality of this provision.

Previous paratransit service has often been affected by budget constraints that limited the number of vehicles and drivers. These limitations led to restraints on the hours of service and types of trips that could be made. Meeting the paratransit service levels required by the ADA will involve expanding most agencies' paratransit capacity. Confronted with higher costs to achieve the ADA's service criteria, transit agencies must decide whether to limit paratransit to those persons who are eligible under the ADA or continue to also serve many elderly and disabled persons who feel dependent on paratransit but are not eligible under the ADA.

We could not estimate the total costs of implementing the ADA's paratransit requirements because many of the transit agencies' 1993 updated plans contained incomplete financial data and projections. For the 389 plans that projected total paratransit costs through 1996—the end of the 5-year phase-in period—annual costs were expected to rise to about \$920 million in 1993 dollars. The 352 plans that provided pre-ADA baseline data estimated an increase in constant dollars of more than 100 percent in paratransit costs from the pre-ADA period through the end of the phase-in period. After working with transit agencies to better refine their cost projections, the Federal Transit Administration (FTA), the DOT agency responsible for overseeing the implementation of the ADA's transit requirements, estimated that the annual paratransit costs will be about \$700 million (1993 dollars). However, FTA characterized that estimate to us as an "aggregate of educated guesses." While approximately 61 percent of the agencies expected to be in compliance before 1996, about 39 percent planned to take the full 5-year phase-in period. As of November 1993, only two agencies had requested waivers delaying full compliance, and action is still pending on the requests. Some officials believe waiver requests will increase as the deadline approaches.

A projection of paratransit costs is subject to considerable uncertainty for several reasons: (1) Improved service may stimulate demand from persons who have made little use of paratransit service; (2) social service agencies that have been providing transportation to clients may decide to rely more on transit agencies; and (3) although the gradual acquisition of accessible fixed-route buses could moderate the demand for paratransit, transit agencies may have limited success in persuading paratransit riders to switch to fixed-route service.

The ADA Imposes New Minimum Requirements

The ADA is a civil rights law that prohibits discrimination against disabled persons in several areas, including public transit. Before the ADA became law, section 504 of the Rehabilitation Act of 1973, as amended, effectively required public transit agencies to offer disabled persons either accessible fixed-route service or special door-to-door service—paratransit. Senate and House reports accompanying the ADA stated that paratransit service was often inadequate, and the act required that (1) most transit vehicles purchased or leased after August 1990 be accessible to disabled persons, including those in wheelchairs; (2) rail transit systems be made accessible; and (3) paratransit service comparable to fixed-route service be offered to those who are unable to use the accessible fixed-route systems. Accessible transit vehicles commonly have hydraulic lifts for wheelchair users, but a

low-floor vehicle may be accessible with a ramp. Figure 1 illustrates paratransit and accessible fixed-route vehicles.

Figure 1: Paratransit and Accessible Fixed-Route Services



Paratransit passenger boarding a van with a wheelchair lift.



Passenger boarding an accessible fixed-route bus.

Source: Port Authority of Allegheny County (Pennsylvania).

The ADA also required each public transit agency operating a fixed-route system to submit an annual paratransit plan to the Secretary of Transportation; the first plan was due 18 months after the ADA's enactment, or January 26, 1992, detailing how compliance with the paratransit requirements will be achieved. FTA specified that these plans include estimates of the costs and time periods for achieving compliance.

No deadline was established for making fixed-route service accessible, but DOT allowed transit agencies up to 5 years from January 26, 1992, to comply with six criteria for making paratransit service comparable to fixed-route service. DOT decided that paratransit service would be essentially comparable to fixed-route service if

- no policies or practices result in capacity constraints (that is, enough service is available for all eligible trips requested);
- the service areas are comparable;
- service can be scheduled from 1 (next-day service) to 14 days in advance;
- trips are allowed for any purpose;
- paratransit fares are no more than twice the fixed-route fares (recognizing the much higher cost of paratransit trips); and
- paratransit service is available during the same hours and days as fixed-route service.

If a transit agency determines that meeting one or more of these criteria by January 26, 1997, will cause an undue financial burden, the agency may submit to FTA a request to delay compliance. If granted by FTA, the waiver allows the agency only to delay—not avoid—full compliance.

The act defined, on the basis of a person's functional ability to use fixed-route transit, three categories of eligibility for paratransit service: (1) persons who are unable to independently board, ride, or exit a fixed-route bus or rail car that is accessible to persons in wheelchairs; (2) disabled persons who could use accessible fixed-route vehicles, but who wish to travel a route that does not yet have accessible vehicles; and (3) persons who have specific impairment-related conditions that prevent travel to or from fixed-route boarding locations.

Transit Agencies Face Challenges to Implementing the ADA's Paratransit Requirements

Transit agencies face varying challenges as they move forward to implement the paratransit provisions of the ADA. Increased spending to upgrade paratransit service will constitute the majority of the costs to comply with the ADA, but transit agencies will also need to invest in making rail systems accessible and acquiring lift-equipped buses as older ones are retired. Agencies are finding the paratransit eligibility process difficult and administratively burdensome because of the complexity and subjectivity of deciding who is functionally unable to use accessible fixed-route service. Agencies also face the dilemma of deciding whether they can satisfy all eligible requests for trips and continue serving persons who have been using paratransit but are not eligible under the ADA.

ADA Will Affect Some Transit Agencies More Than Others

The ADA's impact on transit agencies will vary according to (1) the extent to which their fixed-route service was accessible before the ADA's enactment and (2) the amount of paratransit service they offered before the enactment. While many agencies offered paratransit service, they often

had less capacity than was needed to satisfy all trip requests, and service hours were more restricted than those of the fixed-route systems. Much of the available capacity was consumed by recurring trips for work or medical services, such as dialysis. The remaining trips might be limited to certain purposes, such as visits to the doctor, or provided simply on a first-come, first-served basis.

The transit agencies we visited varied in the extent to which their fixed-route service was accessible and their paratransit service approached the ADA's criteria. For example, one large agency we visited had chosen under section 504 of the 1973 act to make its fixed-route service accessible but offered relatively little paratransit service; therefore, it must spend substantial sums to increase paratransit capacity. Another large agency had modest fixed-route accessibility but an extensive paratransit service that is expected to be in compliance with the ADA's requirements by early 1994. More commonly, the agencies we visited had some accessible bus routes and some level of paratransit service but needed to invest considerably in both to achieve compliance.

Paratransit service is expensive. For the 12 transit agencies we visited, the cost per paratransit trip varied from \$7.11 to \$25.68 in 1992; the overall average was \$11.63. By comparison, the national average for fixed-route service, according to the American Public Transit Association (APTA),¹ was \$1.75 per trip. In 1993, FTA estimated that the cost of complying with the ADA's paratransit requirements would be \$700 million (1993 dollars) annually through 1999, accounting for about 78 percent of all costs in complying with the act. FTA estimated that about 86 percent of the cost of meeting paratransit requirements would be operating costs (for drivers, dispatchers, fuel, etc.). In addition to the paratransit costs, FTA estimated that transit agencies would spend \$65 million annually to make their fixed-route buses and railcars accessible and \$130 million annually to make rail stations accessible. The \$65 million includes \$50 million for adding and maintaining bus wheelchair lifts or ramps.² According to an APTA report,³ about half of the 51,625 transit motor buses in the nation were accessible to wheelchairs at the end of 1992. FTA reported that lift

¹A professional organization representing major commuter rail operations, motor bus and rapid rail transit systems, and organizations responsible for planning, designing, constructing, financing, and operating transit systems.

²In addition to wheelchair lifts or ramps, the ADA's accessibility requirements also call for safety features and equipment, such as slip-resistant floors, handrails, signs, and public information systems.

³1993 Transit Passenger Vehicle Fleet Inventory, American Public Transit Association, Apr. 1993.

manufacturers estimate that the transit bus fleet will be fully accessible by 2001.

Determining Paratransit Eligibility Under the ADA Is Viewed as a Difficult Process

The ADA's eligibility criteria are based on the premise that disability alone does not qualify a person for paratransit service. Rather, the impairment must be functionally evaluated to demonstrate that the disability, rather than simply making travel difficult or unpleasant, prevents the person from independently using the fixed-route system. For example, in the case of an elderly person with arthritis, a determination would have to be made of whether the person is capable of ascending the steps of a bus. DOT also introduced the concept of trip-by-trip eligibility—a determination for each requested trip of whether an individual actually needs paratransit service and cannot use the fixed-route service.

Officials at 11 of 12 transit agencies we visited told us that establishing eligibility processes has been difficult and time-consuming, citing reasons such as the following:

- The requirement for public participation in developing the process, especially individuals' and interest groups' concerns about losing paratransit service.
- The many arrangements that need to be made, such as developing application forms and review procedures for making eligibility determinations, establishing new relationships with eligibility-screening professionals (including physicians and nonprofit agencies with experience in assessing a wide range of disabilities), and developing appeal mechanisms.⁴
- The need to develop criteria for serving new types of clients, such as mentally impaired persons.

Progress in implementing eligibility processes has been slow. Of the 12 transit agencies we visited, only 3 had eligibility processes in place at the end of 1992. The 12 agencies planned to use varied approaches in determining paratransit eligibility. For example, one agency planned to screen all applicants by using basic skills tests to determine their functional inability to use fixed-route service. Another agency planned to screen application forms before applicants are certified by professionals; after the initial screening, some applicants will be referred to professionals for an evaluation of functional ability. DOT officials told us in

⁴As part of the eligibility process, transit agencies must include a process for individuals to appeal the denial of eligibility.

November 1993 that according to the agencies' updated plans for 1993, most transit agencies had developed processes for determining eligibility. However, while agencies may have processes on paper, many have little experience with implementing those processes.

While the establishment of an eligibility process may be challenging, some officials said that applying it to persons who believe that they need paratransit service may be even more difficult. For example, two persons, each living three blocks from a fixed-route stop for an accessible bus and each confined to a wheelchair, may appear objectively to be able to use the fixed-route service. But one may feel capable of traveling to the stop and waiting for the bus, while the other may feel very insecure and dependent on paratransit service. Transit officials must decide whether to insist that the latter person is capable of using fixed-route service and is thus ineligible for paratransit service. Some transit officials we spoke with expect their eligibility processes to evolve as they learn from determining eligibility on a day-to-day basis and from addressing appeals.

To assist transit operators with their eligibility processes, FTA issued the Americans with Disabilities Act Paratransit Eligibility Manual in September 1993. This manual provides guidance to transit operators in developing and implementing the ADA's paratransit eligibility determination processes, including experience gained during the first 1-1/2 years that the ADA's paratransit provisions were in place. Furthermore, on September 15, 1993, Project ACTION issued a request for proposals for two to three demonstration projects to, among other things, develop a model eligibility determination process and instructional guidance on assessing the functional skills and capabilities of disabled individuals.⁵ These activities are designed to improve transit agencies' ability to make eligibility determinations.

Under DOT's interpretation of the ADA, individuals in all three categories of eligibility may meet the eligibility standards for some paratransit trips but not for others. (See app. II.) For example, a disabled person's ability to get to and from transit stops may be affected by the weather. Similarly, some disabilities can be episodic in nature, affecting disabled persons' mobility more at some times than at others. Trip-by-trip eligibility determinations could be viewed as a way to contain costs, since some trips may be denied; however, most transit agency officials told us they considered the concept

⁵Project ACTION is a national research and demonstration program designed to improve access to transportation services for people with disabilities and assist transit providers in implementing the ADA. It is funded through a cooperative agreement with FTA and administered by the National Easter Seal Society.

of denying trips impractical. They cited (1) the difficulty of having all of the information necessary to make eligibility decisions on a trip-by-trip basis, (2) the administrative burden that the requirement creates for transit agencies, and (3) the potential liability in denying requests for paratransit service. Under DOT's regulations, a transit agency does not have to limit service on a trip-by-trip basis if it can provide all of the trips that eligible persons request. However, agencies may have to keep records based on trip-by-trip eligibility to demonstrate that they are complying with the ADA or to support an eventual request for a waiver because of an undue financial burden. DOT requires that only ADA-eligible trips be counted as a cost in waiver requests.

None of the 12 transit agencies we visited had attempted determining trip-by-trip eligibility; some intend to try it, or a variation of it. For example, some transit agencies plan to try seasonal eligibility for persons whose mobility depends on good weather. Some are also considering the acquisition of a sophisticated computer capability to attempt trip-by-trip eligibility determinations. Officials of one large transit agency said that, because of safety and liability concerns, they are reluctant to allow their dispatchers to deny service to persons with specific impairment-related conditions. They said that, with perhaps 1 million such decisions a year, service denials would inevitably result in unfortunate errors. Transit agencies may find it easier to just take a requester's word that paratransit service is needed. It must be noted, however, that such an approach would not provide the cost containment that providing service at the minimum level allowed under the ADA could provide.

Transit Agencies' Greatest Challenge: Financing Paratransit Service Under the ADA

Securing the financial resources to provide all eligible trips is transit agencies' greatest challenge in meeting the ADA's paratransit requirements, according to officials at all 12 of the agencies we spoke with. Meeting the paratransit service levels required by the ADA will involve expanding the agencies' trip capacity. Even though the existing paratransit systems at these agencies differ significantly, all 12 of the transit agencies we visited expected to expand service in one or more ways. In addition to overcoming capacity constraints, meeting the ADA's service criteria may require agencies to expand their days and hours of operation, reduce travel times, improve timeliness, and provide more convenient reservation systems. These improvements may require transit agencies (and their contractors) to add new vehicles, drivers, support staff, and equipment.

Officials at 9 of the 12 transit agencies visited told us that higher paratransit costs and the absence of new funding could force them to reduce existing fixed-route service or delay planned service expansion in order to make additional funding available for paratransit service. In the absence of additional funds from federal, state, or local sources, transit agency officials said they would also have to consider options such as (1) restricting paratransit service to those persons who meet the ADA's criteria, (2) requesting a waiver to delay full compliance with the ADA, and (3) increasing fares for all service. While the ADA did not provide funds for transit agencies to comply with the act's requirements, assistance could be available through existing federal transit assistance programs. However, traditionally the federal government has provided just a small share of total dollars needed to cover transit operating expenses. For example, federal subsidies in 1990 provided 5 percent of the total dollars available nationwide to cover transit operating costs. Since operations represent about 86 percent of the cost of paratransit, federal dollars may not go very far in helping transit operators with the costs of implementing the ADA's requirements.

The Cost of Meeting the ADA's Service Criteria Could Result in the Loss of Some Paratransit Service

The financial impact of the ADA's paratransit requirements may be greater than just the cost of providing upgraded service to persons who meet the ADA's criteria. In response to section 504 requirements, many transit agencies have provided paratransit service to a broader population of disabled persons than the ADA requires; for example, agencies have often extended this service to elderly persons. Although serving a broader population, transit agencies often had inadequate capacity before the ADA's passage and thus limited service in other ways, as described earlier. Confronted with higher costs to achieve the ADA's service criteria, transit agencies must decide whether to limit paratransit to persons who meet the ADA's criteria or continue to also serve many elderly and disabled persons who feel dependent on paratransit but are not eligible under the ADA.

According to a DOT regulatory impact analysis, which assessed the cost of compliance with the ADA's paratransit requirements, a 1990 survey of 160 transit agencies reported that about half limited paratransit service to the disabled, while the remainder also served elderly persons who had difficulty using fixed-route buses. The survey also indicated that many agencies accepted certification of disability from a physician, rather than evaluating the individual's functional need for paratransit service.

We found similar situations in our visits to transit agencies. Seven of the agencies served both elderly and disabled persons, while five served only the disabled. Two of the five that served only the disabled used a person's functional abilities as criteria for eligibility. The remaining three used less-stringent standards, thereby potentially serving a part of the disabled population that is not eligible for paratransit service under the ADA's criteria.

The seven agencies that served elderly and disabled persons who did not meet the ADA's eligibility criteria plan to continue providing them with service. Two of the five agencies that served only the disabled plan to continue serving disabled persons not eligible under the ADA. Officials from these agencies told us that expectations for this service had been created, and some said that restricting service to persons meeting the ADA's criteria would engender resistance from current riders and groups representing disabled persons.

Transit agencies must also decide whether to limit the paratransit service area to corridors, as defined in DOT's regulations. Before the ADA's passage, agencies typically provided paratransit service communitywide but DOT defined the ADA's minimum service area as a combination of a core area and corridors adjacent to fixed routes. Corridors must extend at least 0.75 mile on either side of fixed routes and may extend up to 1.5 miles. Thus, under the regulations some trips that were provided before the ADA's passage may no longer be eligible trips, if they originate or terminate outside of the corridors. Moreover, this limitation could mean that some persons who meet the physical requirements of eligibility under the ADA but live outside of a paratransit service corridor would not be eligible for pickup at their residences.

Only 1 of the 12 transit agencies we visited intended to limit paratransit service to DOT-defined corridors. DOT's guidance to transit agencies stated that the regulations are not intended to make transit agencies reduce their paratransit service areas to minimum criteria but to ensure that eligible persons receive the level of service required by the ADA. FTA's handbook for transit agencies points out that several features of the ADA and the regulations could be considered cost-containment measures by transit agencies that choose to offer minimum service levels and take the full 5 years to phase in a paratransit system. These features include the corridor-based definition of the paratransit service area, the requirement that eligibility be limited to persons who cannot otherwise use fixed-route service, and the 5-year phase-in period.

Transit Agencies' Projections of Compliance Costs and Time Periods

Many of the transit agencies' updated 1993 paratransit plans we reviewed contained incomplete financial data and projections, making it impossible to estimate the overall cost of implementing the ADA's paratransit requirements. When we totaled cost and time projections of those agencies that had complete information, they indicated, among other things, that paratransit costs would increase by more than 100 percent from 1991 through 1996. While about 61 percent of the updated plans projected that the transit agencies would comply with the paratransit requirements before 1996, the remainder expected to take the full 5-year phase-in period. Although few agencies have requested waivers delaying full compliance, some officials believe that such requests will increase as the deadline approaches.

Transit Agencies Expect Paratransit Costs to Double Under the ADA

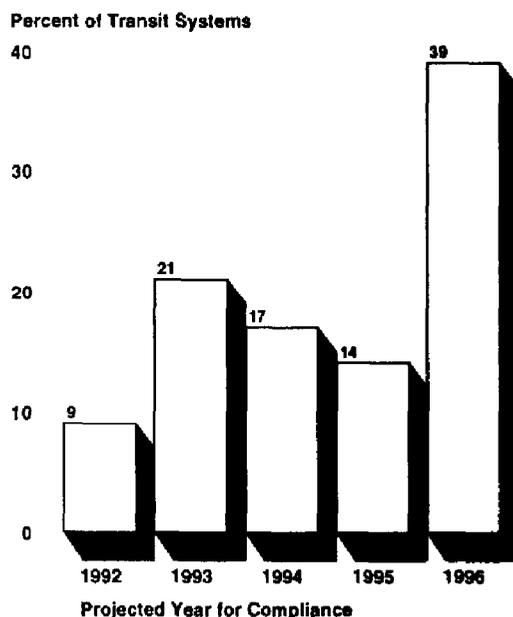
Of the 474 updated plans we received, 389 projected 1996 paratransit costs, estimating them at about \$920 million in 1993 dollars. For 352 plans, a comparison could be made with 1991, the last year before the ADA was implemented; these plans projected that paratransit costs would increase in constant dollars more than 100 percent by 1996. Transit agencies located in large urban areas projected about a 129-percent increase, medium-sized urban areas about a 100-percent increase, small urban areas about a 127-percent increase, and nonurban areas about a 63-percent increase. FTA officials told us that many of the transit agencies' updated plans contained cost projections that were too high. To help to address this problem, FTA worked with transit operators to revise their plans; however, FTA officials told us they still believe in many cases that the estimates are still educated guesses. Therefore, FTA aggregated costs from the revised updated plans and further adjusted this total downward to \$700 million annually (1993 dollars) through 1999. The following section of this report explains the uncertainties involved in projecting the demand for paratransit (and thus the costs) under the ADA.

For the 291 plans we received that contained complete data on total transit costs, paratransit costs were projected to rise from 2.6 percent of total transit costs in 1992 to 3.7 percent in 1996. It should be noted that these percentages do not include other costs that will be incurred to implement the ADA, such as acquiring accessible fixed-route buses and making rail systems accessible. However, as mentioned earlier, FTA has estimated that paratransit improvements will account for about 78 percent of the ADA's compliance costs.

Many Agencies' Projected Target for Compliance Is 1996

According to the 1993 updated plans we received, many transit agencies are taking advantage of the 5-year phase-in provisions of DOT's regulations. As shown in figure 2, of the 335 plans reporting projected compliance dates, about 39 percent do not anticipate full compliance until the fifth year—1996. However, about 9 percent have already reported achieving full compliance. Of the 474 updated plans we received, 139 did not include projected compliance dates. Because of funding pressures, achieving adequate paratransit capacity will usually be the last step in full compliance with the ADA's paratransit requirements.

Figure 2: Projected Year for Compliance With the ADA's Paratransit Requirements



Note 1: 139 of the 474 plan updates did not contain information on the projected year for compliance.

Note 2: 1996 includes transit systems reporting a January 1997 compliance date.

Source: Transit agencies' 1993 paratransit plan updates.

Requests for Waivers to Extend Compliance Deadline Are Likely to Increase

Several FTA officials as well as officials from some of the transit agencies we visited told us that the frequency of requests for waivers to extend the compliance deadline may increase as the date for full compliance draws near. Transit agencies that believe financial burdens will prevent them

from achieving full compliance within the required time period may request a waiver from FTA to delay their compliance with one or more of the paratransit service criteria. DOT has interpreted the act to mean that a waiver approval extends only the time allowed for reaching compliance with the service criteria; a waiver does not excuse a transit agency from meeting the ADA's other paratransit requirements, such as establishing a process to determine eligibility.

As of November 23, 1993, FTA had received only two requests for a waiver from transit agencies. Decisions on the disposition of both requests are still pending. None of the transit agencies we visited intended to apply for a waiver, but over half said they had not ruled it out. As mentioned earlier, transit agencies that believe they might apply for a waiver in the future would have to compile data on the trips eligible under the ADA even when they are providing service on a broader basis. This compilation is required because FTA will consider only the costs to provide such trips when evaluating waiver requests.

Projections of Demand for Paratransit, and Thus Costs, Are Subject to Much Uncertainty

Demand and cost projections for paratransit services under the ADA are uncertain because of many factors, including the following: (1) Improved service may stimulate demand from persons who had made little use of paratransit service; (2) social service agencies may reduce their own paratransit service and place increased reliance on public transit agencies to transport their clients; and (3) although the gradual acquisition of accessible fixed-route buses could moderate the demand for paratransit, transit agencies may have limited success in shifting paratransit riders to fixed-route service. While transit agencies widely expect much higher demand for paratransit—and therefore higher costs—because of the ADA, considerable uncertainty about the magnitude of these increases remains. Both FTA and transit agency officials consider the demand for paratransit service under the ADA to be the most important variable for understanding the ADA's impact on costs. Yet transit officials acknowledge that the demand under the ADA is very difficult to predict with any degree of accuracy and is therefore difficult to plan for. Cost estimation is critical because estimates that best reflect the future costs of implementing the ADA will be needed by the Congress, not only to monitor the ADA's implementation, but as input to FTA's biennial report on the transit needs of the nation and to DOT's budget requests for mass transit capital and operating funds.

Improved Service May Increase Demand

Estimating the demand for paratransit under the ADA is difficult for transit agencies because of uncertainty about the size of the eligible population and the extent to which improved paratransit service will stimulate demand. Officials at some of the transit agencies we visited told us that many people have not been using paratransit service, or use it less often than they would like to, because they have become discouraged by limits on its availability and quality. Most officials said that meeting the ADA's service criteria, including providing sufficient capacity for all eligible demand, would attract new riders and encourage current riders to take more trips. Some transit agency officials stated that as the ADA is implemented throughout society, disabled persons will gain access to more jobs and travel destinations, thus increasing their need to travel. In its regulatory analysis, DOT also recognized that this latent demand could be a major cause of higher paratransit costs, especially in larger cities. While this latent demand may be quite large, transit agency officials pointed out that estimating it is very difficult. However, one of the urban transit agencies we visited was operating a paratransit service that it believed was nearly equal to the ADA's service criteria and was providing over 2 million paratransit trips per year. Its experience may be useful to other transit agencies that are attempting to project the demand for paratransit service.

Social Service Agencies May Reduce Their Paratransit Services

Many of the transit officials we talked to are concerned that social service agencies may reduce their own transportation services now that the ADA requires transit agencies to satisfy all eligible requests for paratransit service. Social service agencies have collectively provided more paratransit service trips than the public transit agencies, either directly or by reimbursing transit agencies for some portion of the agencies' cost of providing the trips. The Community Transportation Association of America⁶ estimated that the federal government provided about \$1.1 billion to social service agencies for transportation in fiscal year 1989, and DOT estimated that about 15 percent of this amount was for trips that would now be eligible under the ADA. Social service agencies may reduce their reimbursement and reimburse only the fare charged, typically a small fraction of the real cost of providing paratransit service. For example, one urban transit agency has been transporting social service agencies' clients under contract for \$10 to \$12 per ride. The state department of public welfare is directing local social service agencies to consider using

⁶A national professional organization that focuses on improving transportation in rural areas, small cities, and wherever older Americans, people with disabilities, or poor people do not have access to conventional public transit.

paratransit service under the ADA and reimburse the transit agency only the fare charged, which would be about \$1.75 per ride.

Client transfers from social service agencies to paratransit systems under the ADA may have been limited to date, but some transit agencies are concerned that such transfers may soon increase and generate abrupt and large cost increases. Among the communities we visited, such increases have occurred on a large scale in one large midwestern city and on a small scale in a medium-sized northwestern city.

Shifting Paratransit Riders to Accessible Fixed-Route Service May Be Difficult

One source of uncertainty in projecting the demand for paratransit is how many persons currently using paratransit service will change to fixed-route service as it becomes accessible. DOT interprets the ADA to place more emphasis than previous law on fixed-route accessibility; paratransit serves only as a "safety net" for those who are functionally incapable of using accessible fixed-route service. According to FTA's paratransit handbook for transit agencies, as the ADA's provisions go into effect and new equipment and facilities are in place, it is expected that transit services for persons with disabilities will largely be provided by fixed-route services. However, transit agencies may have difficulty in getting resistant paratransit riders to change to fixed-route service. Thus, accessible fixed-route service may not moderate the demand for paratransit service to the extent anticipated.

Officials at some of the transit agencies visited told us that, given a choice, many persons with disabilities will elect to use paratransit rather than fixed-route service. Among the reasons they cited were (1) the greater convenience and security of door-to-door service, (2) the quality of paratransit service required under the ADA, and (3) the reluctance of some disabled persons to attract attention to themselves and possibly cause delays on fixed-route buses.

The Transportation Research Board noted that a major concern of transit providers is the poor utilization of fixed-route service by persons with disabilities.⁷ The Board is sponsoring a research project that is intended to develop a model program for attracting persons with disabilities to fixed-route service. Transit agencies are also helping to train and encourage disabled persons to use accessible fixed-route transit. A recent community program in a southwestern city enlisted the aid of experienced

⁷Announcement of Transit Research Projects, Transportation Research Board's Transit Cooperative Research Program, Apr. 1993.

fixed-route users to encourage others, but it achieved only modest success. The project director cited such deterrents as passengers' fatigue, fear of getting lost, embarrassment, or concern about delaying bus schedules. Transit agencies in several cities, such as Atlanta, Chicago, Houston, and Phoenix, have ordered low-floor buses that use boarding ramps. In addition to expediting the boarding of wheelchair users, these buses can also benefit elderly persons and parents with small children.

Even if persons with disabilities are willing to use fixed-route transit, many will have to wait some time for accessible vehicles. As mentioned earlier, the ADA did not set a deadline for fixed-route accessibility, requiring only that most transit vehicles purchased or leased after August 1990 be accessible. Many transit agencies currently have limited fixed-route accessibility, and consequently many wheelchair users will continue to need paratransit service. As mentioned, APTA reported that about 50 percent of the nation's buses were accessible to wheelchairs at the end of 1992. The fixed-route systems of the 12 transit agencies we visited ranged from have no accessibility to having over 80-percent accessibility. Thus, paratransit costs will continue to be incurred for persons who do not have accessible fixed-route service.

Conclusions

Paratransit service is expensive. Because of the expense, many transit agencies limited the availability of the service before the passage of the ADA by restricting service hours and the types of trips that could be taken or simply by having first-come, first-served reservation systems. The ADA requires transit agencies to offer paratransit service that is comparable to fixed-route service and, in particular, to have enough capacity to satisfy all trip requests by eligible persons. These requirements will increase the cost of paratransit service for transit agencies, although the impact will vary according to the extent of paratransit service offered before the ADA was enacted. Although DOT's capital grants may be used to purchase paratransit vehicles, most of the additional costs to transit agencies will be operating costs, for which federal assistance is very limited.

At the same time, the ADA defined eligibility for paratransit service in a way that seemed to exclude some of the disabled and elderly persons that transit agencies had been serving. Excluding these persons by strictly applying the ADA's rules would reduce costs but would be politically difficult for some transit agencies. A premise of the ADA is that many disabled persons, especially wheelchair users, will use fixed-route transit as the systems become accessible. Many transit officials, however, are

skeptical that the demand for paratransit may increase because of better service. Thus, the cost impact of the ADA's requirements on transit systems may be greater than would be expected from a strict interpretation of them.

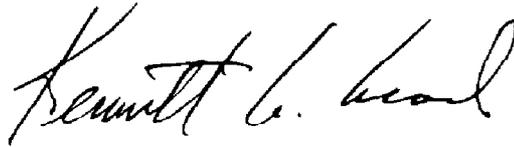
Transit agencies believe several of the ADA's paratransit requirements are difficult to implement for reasons of both administrative complexity and political sensitivity. These include determining eligibility on the basis of a functional evaluation of a person's ability to use fixed-route transit, determining eligibility on a trip-by-trip basis, and defining the paratransit service area as a series of corridors along fixed transit routes. DOT believes its regulations on these issues reflect the intent of the act. Experience in implementing these principles is still limited, but they may generate considerable controversy if fiscal pressures force transit agencies to economize in their paratransit service. By continuing to provide information to transit agencies as more experience is gained on best practices or on processes that were not successful, FTA can assist transit agencies as they move forward to comply with paratransit requirements.

Agency Comments

We discussed the contents of this report with officials from the Office of the Secretary of Transportation and FTA's Office of Grants Management and Office of Administration. The officials generally agreed with our findings. At their request, we have included information on recent efforts by FTA and Project ACTION to assist transit operators with their eligibility processes. We have also included information on FTA's most recent estimate of the ADA's paratransit costs. We have incorporated other comments and clarifications, as appropriate. As agreed with your offices, we did not obtain written comments on a draft of this report.

We are sending copies of this report to the Secretary of Transportation; the Administrator, Federal Transit Administration; the Director, Office of Management and Budget; participating organizations; and interested congressional committees. We will also send copies to other interested parties upon request.

Major contributors to this report are listed in appendix III. Please contact me on (202) 512-2834 if you or your staff have any questions.

A handwritten signature in cursive script, reading "Kenneth M. Mead".

Kenneth M. Mead
Director, Transportation Issues

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Abbreviations

ADA	Americans With Disabilities Act
APTA	American Public Transit Association
DOT	Department of Transportation
FTA	Federal Transit Administration
GAO	General Accounting Office

Objectives, Scope, and Methodology

This report provides information to the Congress on the early experiences of 12 transit agencies in implementing the Americans with Disabilities Act's (ADA) paratransit requirements and national information on the projected costs and time periods for compliance with the ADA. Our objectives were to

- review the early experiences of transit agencies in phasing in the ADA's requirements and identify challenges to successful implementation,
- obtain information on transit agencies' projections of costs and time periods to implement the ADA's paratransit requirements, and
- identify variables that affect the reliability of projections and the magnitude of potential costs.

We discussed the early experiences of transit agencies in implementing the ADA's paratransit requirements with officials from the following transit agencies:

- Chicago Transit Authority (Chicago, Ill.),
- Indianapolis Public Transportation Corporation (Indianapolis, Ind.),
- Kansas City Area Transportation Authority (Kansas City, Mo.),
- Lowell Regional Transit Authority (Lowell, Mass.),
- Massachusetts Bay Transportation Authority (Boston, Mass.),
- Municipality of Metropolitan Seattle's METRO (Seattle, Wash.),
- PACE (Arlington Heights, Ill.),
- Pierce Transit (Tacoma, Wash.),
- Port Authority of Allegheny County (Pittsburgh, Pa.),
- Southwest Ohio Regional Transit Authority (Cincinnati, Ohio),
- Tri-County Metropolitan Transportation District of Oregon (Portland, Oreg.), and
- Worcester Regional Transit Authority (Worcester, Mass.).

While these agencies may not be representative of all transit agencies, they did provide a mix in terms of (1) transit fleet size, (2) extent of paratransit service and accessibility of fixed-route service before the ADA's passage, and (3) geographic dispersion. The agencies also included some that operate bus systems only and some that also operate rail systems.

To obtain information on implementation experience as well as a better understanding of cost and time period projections, we interviewed

- federal officials responsible for implementing the ADA's paratransit requirements at the Federal Transit Administration (FTA) headquarters in

Washington, D.C., and FTA regional offices located in Boston, Mass., Kansas City, Mo., Chicago, Ill., and Seattle, Wash.;

- FTA consultants with responsibilities for reviewing paratransit plan reports submitted by transit agencies; and
- transit industry representatives from the American Public Transit Association and the Community Transportation Association of America located in Washington, D.C.

To obtain information on projected costs and time periods and variables affecting the reliability of projections, we did the following:

- We reviewed the Department of Transportation's (DOT) regulatory impact analysis assessing the cost of compliance with the ADA's paratransit requirements, DOT's regulations governing the ADA's paratransit requirements, the guidance FTA provided to transit agencies, and other related documents. We also reviewed FTA's recent projections of annual paratransit costs under ADA.
- We collected data from 474 paratransit plan updates prepared by transit agencies. FTA received 68 more plans than we collected for a total of 542. The additional plans were not available at the time of our analysis. The 474 plan updates we did receive had not been approved by FTA, and a number were incomplete. For example, only 389 updates contained information on projected paratransit costs in 1996. Also, baseline data on 1991 paratransit costs were provided by only 352 updated plans, and only 291 plans provided complete data on total transit costs. FTA had required that the cost figures in the paratransit plans be in 1992 dollars, but we did not verify that each plan complied with that requirement.

We also attended conferences dealing with paratransit service sponsored by the U.S. Department of Health and Human Services, the Community Transportation Association of America, and the American Public Transit Association. We performed our review between June 1992 and December 1993 in accordance with generally accepted government auditing standards.

Excerpts From FTA's Guidance on Determining Trip Eligibility

FTA's guidance to transit agencies suggested using a set of tests for determining paratransit trip eligibility:

- Does the individual's disability prevent getting to or from a station/stop at the point of origin or destination (of fixed-route service)?
- Can the individual board and utilize the vehicle at the station/stop?
- Can the individual independently recognize the destination and disembark?
- If a trip involves transfers or connections, are the paths of travel between lines or modes accessible and navigable by the individual?

A further understanding of the complexity of the process can be obtained from examining table II.1, which lists common disabilities and their functional impacts.

Table II.1: Excerpts From FTA's Guidance on Eligibility Determination

Functional impairment/ disability	Type of eligibility	Determining factors
Ambulatory disability, uses wheelchair	Conditional (2,3) ^a	Availability of accessible fixed-route service; distance to/from bus stop or rail station for trip requested; environmental conditions (terrain)
Ambulatory disability, uses walker	Conditional (2,3)	Distance to/from bus stop or rail station for trip requested; availability of accessible fixed-route service; environmental conditions (terrain)
Ambulatory disability, uses braces	Conditional (2,3)	Distance to/from bus stop or rail station for trip requested; availability of accessible fixed-route service; environmental conditions (terrain)
Ambulatory disability, uses other mobility aid	Conditional (2,3)	Distance to/from bus stop or rail station for trip requested; availability of accessible fixed-route service; environmental conditions (terrain)
Temperature sensitivities	Conditional (3)	Distance to/from stop/station; waiting time at stop/station; temperature
Cardiac condition	Conditional (3)	Distance to/from stop/station; environmental conditions (temperature, terrain)
Pulmonary condition	Conditional (3)	Distance to/from stop/station; environmental conditions (temperature, terrain)
Arthritis	Conditional (3)	Distance to/from stop/station; environmental conditions (temperature, terrain)
Conditions resulting in severe fatigue (HIV, ^b radiation/chemotherapy, dialysis)	Conditional (1,3)	
Severe lack of coordination/motor function (e.g., cerebral palsy, brain/spinal/peripheral nerve trauma, neurological conditions)	In all cases (1,3)	

(continued)

Appendix II
Excerpts From FTA's Guidance on
Determining Trip Eligibility

Functional impairment/ disability	Type of eligibility	Determining factors
Moderate lack of coordination/motor function (e.g., cerebral palsy, brain/spinal/peripheral nerve trauma, neurological conditions)	Conditional (2,3)	Distance to/from stop/station; availability of accessible fixed-route service
Profound or severe mental retardation	In all cases (1,3)	
Mild or moderate mental retardation	Conditional (1,3)	
Visual impairments (blindness, restricted vision)	Conditional (1,3)	Whether person has received travel training for trip requested; effective fixed-route communications practices in place (announcements, card systems, etc.); physical barriers in the environment
Hearing impairments	Conditional (1)	Effective fixed-route communications practices in place (signage, card system, etc.)
Communication Disabilities (disability-related speech or reading impairments)	Conditional (1)	Effective fixed-route communications practices in place (signage, card systems, etc.)

^aIndicates category of eligibility. (1) = unable to board, ride, or disembark from an accessible vehicle; (2) = able to use accessible vehicle, but accessible vehicle is not available; (3) = unable, due to impairment-related conditions, to get to stop/station.

^bHuman immunodeficiency virus.

Source: Federal Transit Administration (formerly the Urban Mass Transportation Administration), ADA Paratransit Handbook: Implementing the Complementary Paratransit Service Requirements of the Americans With Disabilities Act of 1990, Sept. 1991.

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