



ASSOCIATION OF UNIVERSITY CENTERS ON DISABILITIES  

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RESEARCH, EDUCATION, SERVICE

*COUNCIL ON COMMUNITY ADVOCACY*

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**COMPLEMENTARY PARATRANSIT SERVICE FOR VISITORS**

**A NATIONAL REVIEW**

**DOCUMENTATION AND ELIGIBILITY REQUIREMENTS**

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This document has been prepared by Karen E. Irick, Parent and Consumer Liaison at the South Carolina University Center of Excellence in Developmental Disabilities, Center for Disability Resources, a UCEDD, to be submitted on behalf of the Association of University Centers on Disabilities Council on Community Advocacy as Talking Points or Written Communication or Oral Testimony before the United States Senate Committee on Banking, Housing, and Urban Affairs.

**49 CFR Subtitle A (10–1–10 Edition)**

**§ 37.127 - Complementary paratransit service for visitors.**

(a) Each public entity required to provide complementary paratransit service under § 37.121 of this part *shall make the service available to visitors* as provided in this section.

(b) For purposes of this section, *a visitor is an individual with disabilities who does not reside in the jurisdiction(s) served* by the public entity or other entities with which the public entity provides coordinated complementary paratransit service within a region.

(c) Each public entity *shall treat as eligible for its complementary paratransit service all visitors who present documentation that they are ADA paratransit eligible*, under the criteria of § 37.125 of this part, in the jurisdiction in which they reside.

(d) With respect *to visitors with disabilities who do not present such documentation, the public entity may require the documentation of the individual's place of residence and, if the individual's disability is not apparent, of his or her disability*. The entity shall provide paratransit service to individuals with disabilities who qualify as visitors under paragraph (b) of this section. The entity shall accept a certification by such individuals that they are unable to use fixed route transit.

(e) A public entity shall make the service to a visitor required by this section available for any combination of 21 days during any 365-day period beginning with the visitor's first use of the service during such 365-day period. *In no case shall the public entity require a visitor to apply for or receive eligibility certification from the public entity before receiving the service required by this section.*

**[56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996]**

## PREFACE

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The Federal Transportation Administration issued a statement in its' April 13, 2007 Federal Register Notice, "*If FTA receives specific complaints that ADA complementary paratransit providers are engaging in disparate treatment or disparate impact discrimination, we will investigate such complaints and work with the transit provider to ensure that paratransit service is being administered consistent with Title VI.* (72 FR 18736, April 13, 2007).

Relying on this statement, the Association of University Centers on Disabilities Council on Community Advocacy (AUCD COCA), respectfully submits to the United States Senate Committee on Banking, Housing, and Urban Affairs, the assertion that ADA complementary paratransit providers across the nation have adopted a policy and practice that is in direct violation of individuals with disabilities statutory rights set forth under the Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at Title 49 CFR §§ 37.125 (e) and 37.127 (e). Moreover, this claim is based upon results of a nationwide survey from ADA complementary paratransit providers and comments received from individuals eligible for ADA paratransit services. (APPENDIX A)

The Association of University Centers on Disabilities is a non-profit membership organization representing every state and territory in the United States comprising a network of university-based, interdisciplinary programs.

- 67 University Centers for Excellence in Developmental Disabilities (UCEDD) funded through the Administration on Intellectual and Developmental Disabilities (AIDD);
- 43 Leadership Education in Neurodevelopmental and Related Disabilities (LEND) programs in 37 states; and
- 15 Intellectual and Developmental Disabilities Research Centers (IDDRC) with current P30 core grant funding from the Eunice Kennedy Shriver National Institute for Child Health and Human Development. Eight IDDRCs are co-located in universities with UCEDDs or LENDs.

In 2011, the AUCD COCA, a national membership of persons with disabilities and family members who represent the UCEDD Consumer Advisory Councils, initiated an online study that

was conducted in three phases. In addition to dissemination of information at conferences and meetings, it was widely distributed through numerous disability related online listservs, to include the AUCD COCA listserv, and various social media sites. The purpose of the study was to determine if other ADA paratransit eligible individuals were experiencing similar issues in receiving paratransit services outside of their jurisdiction as many AUCD COCA members had reported.

In view of the findings of the study, this document seeks to demonstrate that the affirmative duty of paratransit service providers, in the light of Congress' intentions in ADA paratransit-eligible individuals traveling as visitors outside of their jurisdiction, is violated nationwide. As such, the AUCD COCA respectfully request a comment period be opened by the Federal Transit Administration, Department of Transportation via the Federal Register to explore changing the word 'documentation' to 'ADA Universal Identification Card'. We would further ask that the United States Senate Committee on Banking, Housing, and Urban Affairs conduct a hearing to explore the feasibility of the creation and implementation of a national exchangeable ADA Universal Identification Card, so that people with disabilities who are ADA paratransit-eligible can fulfill their travel needs nationwide as visitors without barriers, and to ensure that paratransit service is being administered consistent with statutory regulations.

## THE STUDY

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Phase (1) of the study was a random world wide web search to review the policies and procedures used by thirty-seven ADA complementary paratransit providers to provide service to visitors as defined in 49 CFR § 37.127.

Phase (2) entailed surveying selected ADA complementary paratransit providers to determine first hand, their procedures for providing paratransit services applicable to an ADA eligible individual from out of state or another county or jurisdiction while visiting their service area. The survey asked if service to and from the nearest airport was provided, if identification cards were issued, and what they thought about the idea of an interstate ADA eligibility identification card to serve as documentation as defined in 49 CFR § 37.125 (e).

Phase (3) culminated with the development and launch of the ADA Paratransit National Universal Identification Card Blog to collect stories from individuals with disabilities about their traveling experiences outside of their jurisdictions as visitors, and to find out what they thought about the idea of an interstate ADA eligibility identification card to serve as documentation. <http://adaparatransit.blogspot.com/2012/02/ada-para-transit-universal.html>

Although the ADA regulation § 37.125 (e) requires a *‘public entity provide documentation to each eligible individual stating that he or she is ADA paratransit eligible, that also include the name of the eligible individual, the name of the transit provider, the telephone number of the entity’s paratransit coordinator, an expiration date for eligibility, and any conditions or limitations on the individual’s eligibility including the use of a personal care attendant’*, the requirement is not specific to an identification card, thereby rendering the word “documentation” open to possible ambiguity. Nevertheless, in Phase (2) of the study, some service providers reported that they issue an identification card, but in most cases, it is not transferrable.

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## PHASE 1

In Phase (1) the review found that currently, in a large number of cities, when an eligible individual endeavors to travel to another service area, whether it is within the individual's state, the next county, or anywhere in the country, an application process that includes medical verification by a physician must be submitted before service is approved and scheduled. This policy and practice is in direct violation of § 37.127 (e). ADA complementary paratransit service must be provided to visitors without requiring that they apply for eligibility in advance. Any visitors who present ADA eligibility documentation that they are ADA paratransit eligible in the jurisdiction in which they reside must be provided service.

The web sites reviewed provided information about how to access transportation services by completing an online ADA application, which includes a medical verification form to be signed by a licensed physician, hours of operation, location of service areas, rights afforded to the individual, a glossary of terms, travel tips, cost of fare, frequently asked questions, etc. However, the majority provided little or no information on visitors' policy. If one needs further information a phone number is provided. Those that did provide information for visitors encouraged them to begin the application process before they arrive, by letter, telephone or fax, so that a completed application can be processed expeditiously; this process too, included medical verification by a licensed physician although some accept faxed documentation from the individual's paratransit provider.

## ISSUE

Requiring ADA paratransit eligible visitors to provide medical documentation each time they request paratransit service outside of their jurisdiction consequently incurs a cost to the individual either by private insurance, private pay, or Medicaid/Medicare programs. Moreover, this policy and practice is in direct violation of § 37.127 (e). ADA complementary paratransit service providers are required to provide visitors paratransit services without requiring them to apply for eligibility in advance. *[In no case shall the public entity require a visitor to apply for or receive eligibility certification from the public entity before receiving the service requested by*

*this section*]. Any visitor who presents ADA eligibility documentation that they are ADA paratransit eligible in the jurisdiction in which they reside must be provided service.

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## **PHASE 2**

Phase (2) survey results show the same results as Phase (1) - paratransit service providers require their own application to be completed when a request for transportation services to accommodate a visitor outside of their jurisdiction is received and medical verification is required. While some service providers reported that they issue an identification card, in most cases, it is not transferrable. All of the survey respondents reported to be supportive of an interstate ADA identification card.

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## PHASE 3

Finally on February 9, 2012, Phase (3) launched the ADA Paratransit National Universal Identification Card Blog site <http://adaparatransit.blogspot.com/2012/02/ada-para-transit-universal.html>. Since its inception, in addition to information dissemination about the blog at conferences and meetings, the blog has been widely distributed through various disability related listservs and newsletters.

Data from the blog show key word searches, referring URLs, referring sites, browsers, and operating systems used to view the blog. As of March 5, 2014, there are 26 comments submitted by individuals with disabilities specific to eligibility requirements as it relates to their traveling experiences outside of their jurisdictions as visitors. Additionally, other comments show an overwhelming support for the need to work toward interstate reciprocity among state paratransit systems so that people with disabilities can travel nationwide without real barriers.

There are a total 5,775 page views, with 4,207 of those page views being from the United States.

The remainder page views are from the following countries:

- Bangladesh
- Bolivia
- Brazil
- Canada
- Chile
- China
- Colombia
- Czech Republic
- Ecuador
- France
- Germany
- India
- Indonesia

- Latvia
- Morocco
- Netherlands
- Pakistan
- Peru
- Philippines
- Poland
- Portugal
- Puerto Rico
- Russia
- Sweden
- Ukraine
- United Kingdom

It is assumed that these international page views are due to foreign travelers' transportation needs upon arrival in the U.S. It is also assumed that the low comment rate, compared to the enormous number of page views, is due to visitors to the site not being persons with disabilities, but persons who are also in need of transportation services upon arrival at their destinations. However, we believe there is enough evidence to support our appeal.

ADA regulations also require that visitor status be granted to individuals with disabilities who reside outside of public transit areas as long as the disability is "apparent" or the person can provide reasonable documentation of a disability. If a visitor does not have ADA eligibility documentation or certification by other public transit systems, the paratransit service provider may request proof of residency, and if the disability is not apparent, proof of disability. The paratransit service provider must accept a certification by the visitor that he or she is unable to use fixed route transit. Furthermore, visitor eligibility is extended to individuals who have not been granted eligibility by any transit entity, but who indicate that they have a disability and are unable to use the fixed route system. Where the disability is apparent, the claim of inability to use the fixed route system should be accepted and service should be provided without further

documentation. If the disability is not apparent, the paratransit service provider can require visitors to send some form of documentation of their claimed disability or health condition.

Moreover, ADA regulations require that eligibility be provided to visitors for 21 days of service within a 365-day period and that the paratransit service provider shall not require a visitor to apply for eligibility in advance to receive the service. However, the paratransit service provider may request that the visitor apply for eligibility in order to receive additional service beyond 21 days of service within that 365-day period.

Based upon the information above, the COCA respectfully recommend the creation and implementation of a national exchangeable ADA Universal Identification Card so that people with disabilities can travel nationwide as visitors without barriers. We further recommend that the medical verification requirement for service in the individual's service area serves as proof of eligibility and be accepted for the issuance of an embossed (state emblem and the universal handicapped symbol) ADA Paratransit Eligibility identification card administered and issued through local Department of Motor Vehicles for a nominal fee to the individual user in each state. This ID card would serve as documentation required in 49 CFR § 37.125 (e) and § 37.127 (d).

We further request that the Office of Inspector General or the Secretary of Transportation issue a statement in its' Federal Register of Notice to ensure compliance until such time as an identification card is created and implemented.

**RECOMMENDATION FOR FEDERAL LANGUAGE CHANGE:**

49 CFR § 37.125 (e) – is amended by inserting “*to be submitted to local Department of Motor Vehicles for a nominal fee to the individual user in each state*” after “ADA Paratransit Eligible”.

## APPENDIX A

### **BLOG COMMENTS**

*All comments are written as submitted.*

*§37.127 (e) in no case shall the public entity require a visitor to apply for or receive eligibility certification from the public entity before receiving the service required by this section.*

*ADA complementary paratransit providers have adopted a policy and practice that are in direct violation of individuals with disabilities statutory right covered by Title 49 CFR 37.127(c).*

- As an individual with a physical disability and user of a power chair I support the concept of a universal identification card that would be honored across the United States for Para-transit services. In the past I have had the opportunity to travel to Anchorage, Alaska for a weeklong stay and also to Seattle, Washington for a weeklong stay. One trip was for work and the other trip was for a vacation in Alaska. In both cases I was able to get onto the website for the public transportation services in Anchorage and Seattle. I was required to fill out forms well in advance of my trip and e-mail them to Anchorage and Seattle and wait for a reply as to whether I qualified to use their Para-transit services. As an adult I found this ridiculous and very time-consuming. In both cases I was able to use their Para-transit services by providing my proof of eligibility from my local Para-transit services, in Logan Utah. The use of a universal identification card honored across the United States would eliminate this inconvenience and unnecessary step needed for travel in the present system. Even the difficulty of traveling from county to county within a state is ridiculously complicated and time-consuming to ensure that you are eligible. If I am eligible in my local area and it is documented I should be eligible anywhere within the United States to use any Para-transit services. I find it discriminating to go through all of this unnecessary red tape. Having said that, I do support the use of a universal identification card honored across the United States for utilizing any Para-transit service.
- I strongly agree with the idea of a universal ada paratransit id card. I have had to fill out complete applications even though I was only requesting visitor status.
- As an individual with a physical disability who uses a power chair for mobility, I support the concept of a universal identification card that would be honored across the United States for Para-transit services. I could cite several examples of instances in my life when I have traveled to other states and have had to qualify for Paratransit Services in the state in which I was traveling. However, I will only share one example. I traveled to Minnesota for a vacation. While there, I needed to use the Paratransit Services. I called the Paratransit provider before I left on vacation and told them that I qualified for services in my own community. I told them I would be traveling to their community and with the transportation. I asked if I could use the Paratransit System. I was told that I would need to qualify for their services. They faxed me the necessary forms which were quite extensive. I completed the form and mailed them back to the provider. It wasn't long before I received confirmation that I could indeed schedule a ride with their service. The process I shared may seem quite simple. However, it should be remembered that

each time I travel to another state or community in my own state, I am asked to go through the same process which is very time consuming and redundant. If it is clear to me that the universal identification card for individuals who qualify for Paratransit Services would solve this problem not only for the person using the system but for providers as well cutting down on paperwork and manpower.

- I am completely in favor of a national identification card. I am a Chicagoan, and I planned to visit a friend in St. Louis. Upon learning the extensive identification process that I would have to go through to get a paratransit ride, I had to cancel the trip, and I don't know when I will get the chance to see her again, seeing as how, just as many other adults, she works during the week and will not have the time to be running me around every moment. Speaking on a personal level, being a man with a disability, it is a matter of personal independence to NOT have to rely on someone or put the burden upon my best friend to drive me around while I am in town. It is imperative that someone who has a disability feel some measure of independence, seeing as how many of us already may require assistance in many other aspects of our daily life.
- I am completely in favor of a national identification card. As a person with a disability, the process of trying to use Paratransit in another state or even in another area of my state was a huge task. It took several phone calls and faxes and still was a hassle. Please think of it as a driver license and honor a Paratransit card in all parts of the country.
- Once I took the train to Bellingham Washington which is 3 counties from mine. I needed Para transit to get to couple places within the town. In order to do this, I had to have my doctor fill out paperwork saying I had a disability and I needed Para transit to get from place to place. It took a while to get an okay. An Universal ID Card would be good. I do see one problem and that is, would the local people get service first before the out of town people?
- In 2006 I traveled to Las Vegas for a week of relaxation. I have a paratransit card for my area, but not one for Las Vegas so I was originally denied service from the airport to my hotel. Through intervention from Guardian and Protective Services, Inc., I was allowed to use the service. I travel frequently, so a national identification card would help me.
- More and more communities have local ADA Paratransit Some list the communities they have agreements with to accept other communities cards, others don't. This creates confusion and hard feelings between drivers and passengers. I have had the situation happen more than once that I have been told my card would be accepted proof by someone in the office only to be refused by the driver. One card, one set of eligibility requirements would make using Paratransit easier, more cost effective, and less confrontational.
- When I applied for ADA paratransit back in 1993 I got a card in the mail to use paratransit so it worked out good. When I went to another city the card did not work so this Unverisational card would be awesome. How to put it into play is you would show paratransit driver and you would pay whatever it cost in the city you are in. I think this

would be great and I would like to see it happen as soon as possible.

- I am a person with a disability who is an active paratransit rider. It is very frustrating to deal with transportation across county lines. In order to get transportation in another county there is a whole different eligibility process to go through and it almost as bad as getting a visa to visit another foreign country. It would be nice to have a universal card.
- A universal ID would be extremely useful! A friend was living in Denver and was unable to access paratransit because he had to meet with the RTD people at their office, to establish eligibility, but since he didn't have an ID, he found it difficult to get to their office. Catch-22, anyone?
- I have had my paratransit card for about 20 years. It worked fine for my city, but when I had to travel elsewhere, the card was not honored. I travel often and a universal card would help me to have this important issue for me solved. I am legally blind so applying in every city I travel in is prohibitive. I go twice a year and visit as many as 6 cities per trip. I have relied on my travel agent to arrange for transportation based on where I stayed.
- I am a full-time wheelchair user currently using paratransit. I am also Ms. Wheelchair Tennessee 2012. Not only is transportation my state platform for the year, but traveling across the state for appearances is a challenge. Every county uses their own paratransit service, making travel difficult. While my ID card has been honored in other areas, the application process for services was long and time consuming. A universal ID card for paratransit services is something I support one hundred percent. It would expedite the process of arranging services in other cities, counties, and states throughout the country. I also love the idea of making them available at local DMVs at opposed to bus companies.
- Hi my name is Sarah Carmany. I have a mild disability. I live in Kalamazoo Michigan. I ride the fixed route transit. I'm a self-employed individual. I have a small housekeeping business. I clean residential and commercial buildings. I have about three or four residential clients that have hired me to clean for them. One of these clients lives in another county which makes transportation hard for me to get too and from her house. I can do one of two things. I can either not do her house which isn't fair to me or take paratransit. I have choose to do paratransit. Well there are a few problems with paratransit. One I would have to apply in both counties. Two is would be alot of waiting which will keep me tied up from cleaning my clients house. Three with me waiting for my eligibility I would probably be loosing clients. These are good reasons why a universal ADA card would be good for me even thought I ride the fixed route transit. The fixed route transit is go for going places with in the county but they don't cross the county lines to take me to me job in another county. So paratransit is good for that purpose. So see even people that ride the fixed route transit sometimes need to take paratransit. Yes the universal ADA card would be a good thing for everyone. I would like the US congress to introduce a bill for the universal ADA Paratransit card here in the United Sates and a bill to create universal Disability Discount for public transit in the United States under the ADA and ADA amendments Act. We would also like the US legislators to create a work group of Disability Advocates including individuals with disabilities,

Veterans groups and work groups and transit providers to facilitate the two bills that were mentioned above. Please consider this.

Other comments in support of the concept of a Universal ADA Paratransit Identification Card:

- I agree. The other consideration that must be taken into account is the cost to the Medicaid/Medicare system. The process of requiring an eligible beneficiary to go to their physician to have the medical portion of the paperwork completed to verify eligibility will invariably be a cost to the system. The use of a national identification card is not only a time saving measure, but a cost saving one as well.
- Although I do not use para-transit services personally, I have many friends who do. I fully support the development of a Universal ID for anyone who use these services. It's use would make travel outside of a person's home community much easier and less time consuming. I feel that people with disabilities should not have to complete extensive paperwork and "jump through a bunch of hoops" in order to use para-transit services in a different state or community than their own. I also feel that the current system prevents people with disabilities from traveling as much as they may want to because of the amount of added work that is required in order to utilize the necessary para-transit services at their destination. You might think about the issue this way: How would those people who have a Driver's License like to have to provide proof, in advance, that they are qualified to drive every time they would like to drive outside of their home community or state? It might just mean sending a copy of their current driver's license to the community they are traveling to, but it may be a more extensive process than that, requiring a trip to the doctor, etc. I know that I would not appreciate having to go through this process for every trip that I take. People using para-transit services should not have to go through it, either!
- I use a motorized chair, but haven't travelled on my own with a companion because I felt it would be out of the question. I would love to take a small vacation, but would need to be concerned about transportation when arriving at my destination.
- As a person with multiple disabilities and use a walker to get around and still have the need of a sighted guide, I fully support the idea of a universal ID card for all states/countries. I have a disabled son who has need of para-transit services and a universal ID card would help him. We both travel yearly to different places, both here in the US and Canada and in our territories. We have been paying a travel agency to arrange transportation from airports/Amtrak stations as neither one of us drive.
- Yes, I think an universal paratransit ID is a good idea. However, more importantly is for patrons to know they can request paratransit services when out of town.
- Even though I don't use the para-transit, it would be great idea to develop a National ID Card for para-transit users. Not only it would give people save time, they would able to receive the para-transit services more efficiently. I have physical disability and it takes some time to give all of my necessary information to the services. But with using this ID

card, it would save me time.

- For the past three months I have been working on a project with Easter Seals Project Action on Strengthening Inclusive Coordinated Transportation Partnerships to Promote Community Living. Through interviews with transit program directors and adults with disabilities who participate in the planning or implementation of coordinated transportation systems, I have learned a lot about the importance of effective and efficient transportation systems. I collected many personal stories from people with disabilities on why they are motivated to participate in efforts around coordinated and inclusive transportation, all of which stem from their personal experiences with public transportation and their desire to access and be a part of society. Having very little prior experience working with transportation issues, I heard the same sentiment echoed by many of the people I interviewed: transportation is vital to independent living. Involving people with disabilities in the planning and implementation of transportation systems is an important part of creating effective transportation systems, and ultimately promoting independent living for all. I am excited to see this blog serve as a forum for people to discuss their experiences with inefficient and ineffective transportation systems with the goal of a resolution. Even though the universal ID card is just one possible solution to improve the efficiency and accessibility of transportation, I applaud this and other efforts towards independent living and a future where everyone, including people living with developmental and other disabilities, are fully integrated, participating members of their communities.

Revised 3/5/2014