



PARATRANSIT PLAN

Of the

FORT SMITH TRANSIT (FST)

AMERICANS WITH DISABILITIES ACT OF 1991 (as amended)

The 2019 Paratransit Plan will be Maintained on File for Review by the
Federal Transit Administration, U.S. Department of Transportation

TABLE OF CONTENTS

I.	INTRODUCTION AND BACKGROUND.....	2
II.	CITY OF FORT SMITH TRANSIT (FST).....	4
III.	FIXED-ROUTE SERVICE.....	5
IV.	INVENTORY OF EXISTING PARATRANSIT SERVICE.....	7
V.	DISCUSSION OF THE DISCREPANCIES BETWEEN EXISTING PARATRANSIT AND WHAT IS REQUIRED BY REGULATION.....	7
VI.	DISCUSSION OF THE PUBLIC PARTICIPATION REQUIREMENTS AND HOW THEY HAVE BEEN MET.....	8
VII.	THE PLAN FOR PARATRANSIT SERVICE.....	8
VIII.	ELIGIBILITY PROCESS.....	8

I. INTRODUCTION AND BACKGROUND

Intent of the ADA and Requirement for Plan

The Americans with Disabilities Act of 1991 (as amended) (ADA) calls for, among other things, the development of a complementary paratransit plan and implementation of the service defined by the plan. Regulations printed in the 1991 Federal Register define the following:

- Paratransit service requirements;
- The content of the plan;
- Deadlines for submitting the plan;
- Deadlines for meeting the service requirements.

The intent of ADA regulations is to create and maintain a fully accessible fixed route system. This was achieved by the imposition of design standards on all fixed route vehicles purchased after October 1, 1991. As the department hopes to demonstrate in this plan, staff believes FST currently meets full compliance with the requirements of the ADA.

The ADA establishes a civil right to the use of fixed route services that are available to the general population of an area. The ADA specifically does not attempt to address the total transportation needs of persons with disabilities. It simply establishes the right to the same level of transit service at a comparable fare that is provided to persons without a disability.

This document constitutes the plan of Fort Smith Transit (FST). This plan will serve as a guide for passengers and employees when interpreting department services and procedures as they relate to the requirements. The updated plan will remain on file for view by the Region VI Office of the Federal Transit Administration (FTA).

FST does not anticipate any milestones towards full compliance. In the event the department discovers the inability to maintain full compliance, department staff will provide to the public and the FTA, the department's progress in meeting the milestones. Fort Smith Transit will adhere to the public review process in the event of plan modification.

FST has been operating a demand response service since 1996. Necessary modifications to the service will obviously affect the current users of the service, and the plan has been developed with the intent of minimizing adverse effects, if any, to the existing users.

The content of this document is specified by the ADA, as follows:

- General information about the entity submitting the plan (FST);
- A description of the current fixed route system;

- A description of existing paratransit service, discrepancies between what is required by regulation and the proposed paratransit service;
- Information about the proposed eligibility determination process;
- A description of the public participation process used to develop the plan;
- A discussion of efforts to coordinate the provision of service with other public entities in overlapping or contiguous areas; and
- Required certifications and resolutions.

Required Service Standards

FST will demonstrate how it currently meets the criteria required below. The ADA requires FST to provide paratransit service that meets the following service criteria:

Service Area. The paratransit service area must at a minimum cover a space three-fourths of a mile on both sides of the fixed route regular bus service. FST’s service area falls wholly within the city limits of Fort Smith. The existing paratransit/demand response service meets and exceeds this standard. FST’s origin-to-destination service prioritizes all ADA paratransit services over any additional services to prevent conflict with capacity constraints.

Hours and Days of Service. The paratransit service must operate during the hours and days that the fixed route service operates. Generally, this is 7:00 a.m. until 6:00 p.m. Monday through Saturday. The paratransit service is designed to meet this standard. Demand Response services are also available daily from 5:30 a.m. until 7:00 a.m. and from 6:00 p.m. to 7:00 p.m. FST meets or exceeds this standard.

Response Time. The regulations call for “next day service”. In other words, an eligible Paratransit user should be able to request service at any time between the hours of 8:00 a.m. and 5:00 p.m. on the day prior to requiring transportation. The existing origin-to-destination service requires previous day notification for ADA eligible clients. FST adheres to the next day service requirements. FST meets this standard with the use of two full time scheduler/dispatchers during business hours and by offering voicemail for Sunday and holiday scheduling. Confirmation for trip reservation requests received by voicemail can be achieved by phone as early as 5:30 a.m. the day of the intended ride.

Trip Purpose. Requests for all types of trip purposes must be made on an equal basis without prioritizing according to purpose or need. FST’s paratransit service presently meets this standard. FST will not prioritize for the purpose of the trip.

Fares. The fare charged by the paratransit service can be no more than double the fare that a person without a disability would have paid for a similar trip on the fixed route system. FST meets this standard with a base fixed route fare of \$1.25 and paratransit fare of \$2.50 per passenger trip during fixed route operating hours. It should be noted that

Fort Smith Transit provides additional demand response services before and after the operating hours of the fixed routes at a costs of \$3.00 per passenger trip.

Capacity Constraint. The service cannot be operated with policies, operating practices, or waiting lists that limits the availability of ADA paratransit service. FST will not impose operational practices or policies that limit the availability of ADA paratransit service.

II. FORT SMITH TRANSIT GENERAL INFORMATION

Charter

The Fort Smith Transit Department is a public corporation organized pursuant to Arkansas State Statutes. It was created in 1996 by a local agreement executed by the chief elected officials of the City of Fort Smith.

FST is funded locally from a portion of a one-cent county sales tax. Transit advertising makes up a small contribution towards local revenues. FST receives state revenues from a rental car sales tax program. It also receives federal operating and capital assistance from the appropriations of the 5307 urbanized area formula funds, as well as Section 5339 bus and bus facilities capital funds of the Federal Transit Administration for buses. The passengers also assist in the funding of operating expenses through paid fares. More information on budgeting and funding can be provided through the department's annual report.

Organization

The City Administrator oversees the Transit Director and the Transit Director supervises an administration staff, drivers and mechanics as necessary to maintain operations of the department. The Transit Advisory Commission was established April 7, 1998, consisting of five members appointed by the Mayor, each serving a staggered term. The Transit Advisory Commission assist in decisions relating to passenger appeals, marketing/advertising, shelters, special projects, bus zones, stops, routes, passenger requirements, as well as other related issues.

FST's administrative and operation's office is located at 6821 Jenny Lind Road, Fort Smith, AR 72908. City Administration is located at 623 Garrison Avenue, Fort Smith, AR. Mailing address for the FST is P.O. Box 1908, Fort Smith, AR 72902. FST employs approximately twenty (20) operators, and four (4) maintenance personnel to support the operations. Ten (10) additional employees are involved in the administration, supervision, and information services of FST. Ticket sales, information, registration and scheduling are made available through the transit office on Jenny Lind or by phone at (479) 783-6464.

The local funding process, as mentioned, relies on a portion of a one-cent county sales tax. The budget process followed by FST begins in late June and starts by projecting goals and the cost of providing the next fiscal years' service. Performance measures and revenue projections are also generated and made available for the budget review by the Fort Smith Board

of Directors in November. A federal budget is expected to be in place on or before the first federal quarter or October 1st of each year.

The legislative history of the ADA reveals that complementary paratransit is seen as an interim measure, and that the intent of ADA is to create accessible fixed route systems. The thrust of ADA is to require all transit systems to replace their generally inaccessible, i.e., non-lift equipped, vehicles with fully accessible vehicles. Fort Smith Transit meets this standard with all revenue vehicles being lift equipped and through the provision of complementary paratransit service, as well as additional demand response services.

III. FIXED-ROUTE SERVICE

Current Fixed-route

FST currently operates six (6) fixed routes which primarily intersect at a transfer station facility located at 200 Wheeler Avenue. The transfer station serves as a hub with amenities to allow passengers to connect with other routes to complete their destination without additional charge. The department also operates a deviated fixed route in the Central Business Improvement District of Fort Smith.

The fixed routes now transport more than 85% of the total ridership. All fixed routes can be accessed for a fee of \$1.25. Reduced fare for fixed routes is available for the elderly and disabled (subject to approval of reduced fare application), or by presenting a Medicare card with a photo ID. The fixed route system is designed for persons to walk or traverse up to four blocks to obtain access. The demand response system can provide service for passengers residing or traveling beyond the four block area.

Changing Fare and Fixed Route Service

Changes likely to affect passengers negatively, or reduction in service, will be discussed at public hearings or posted for solicitation of comments prior to any change. A future project focus will be to improve bus stop access and boarding areas throughout existing fixed routes.

Fleet

FST's fleet consists primarily of cut-away vans from 20 feet to 30 feet in length with seating from 9 to 16 passengers. The department also owns and operates a rubber tire trolley which seats up to 24 persons. Each vehicle in the fleet is lift equipped and contains two locations for mobility devices.

Hours and Days of Service:

FST’s fixed routes operate from 7:00 a.m. until 6:00 p.m. Monday through Saturday. The last transfer is at 5:00 p.m. FST’s operates demand response origin-to-destination service during the same fixed route hours and additionally from 5:30 a.m. until 7:00 a.m. and from 6:00 p.m. to 7:00 p.m. daily. There is no Sunday service and the Fort Smith Transit Department is either closed or operates limited demand service on the following holidays:

(C) = Closed (O) = Open (L) = Limited Service

New Year’s Day (L)	Fourth of July (C)	Day after Thanksgiving Day (L)
Martin L. King Day (L)	Labor Day (L)	Christmas Eve (L)
Good Friday (L)	Veteran’s Day (O)	Christmas Day (C)
Memorial Day (L)	Thanksgiving Day (C)	

History

In 1996, the City of Fort Smith contracted with a private enterprise, Community Resource Group (CRG), to develop and implement a transportation system that would meet the needs of Fort Smith residents.

The CRG began its initial service in Fort Smith with five 25 passenger buses, one rubber tire trolley and one eight passenger van. CRG chose to serve the Fort Smith residents by operating their entire fleet as demand response.

In August of 1997, the City of Fort Smith assumed all operations of the CRG system. Upon separation of the private enterprise, what was known as the Fort Smith Public Transit became the City of Fort Smith, Transit Department or Fort Smith Transit.

With a steady increase in ridership in 1998, the Transit Department expanded its three existing routes by doubling the buses on each route. Demand response services began operating in two different directions, clockwise and counter clockwise. Routine points of interest were identified using this method of transportation which ultimately lead to the development of the fixed route system.

The fixed routes were implemented in June of 1999 and expansion routes were added in 2001. Altering the initial demand response system to a combination fixed route/paratransit system was somewhat challenging as passengers had become accustomed to the high quality of origin-to-destination services. As a result, FST was very lenient during the initial ADA certification process and issued a great number of certifications with minimal criteria. Additional services were instated to insure a smooth and positive transition.

Ridership has been on a steady incline since inception of the fixed routes. The Federal Transit Administration, Region VI, presented an award to Fort Smith Transit in 2004 and the state of Arkansas presented an award in 2004 and 2005 for the highest percentage increase in

ridership. Fort Smith Transit also received the FTA Region VI awards for excellence in grants management in 2015 and 2017 and transit system of the year award in 2019.

In 2008 FST modified its paratransit system operations from the traditional hub and spoke fashion to a route assignment method to reduce the number of transfers and provide more efficient ride times for passengers. FST tightened its controls throughout the eligibility re-certification process to render availability for additional paratransit registrants. Some additional services were trimmed back to accompany the recertification process at that time.

FST recognizes that re-certification processes are an adjustment for routine riders. When necessary to recertify, the department's intent is not to depersonalize existing services but to maximize the service potential overall and to redirect the more personal service to those passengers requiring assistance. In reality, when assembling a schedule, FST attempts to comply with each rider's request. FST staff provides at least 30 days' notice and accept, review and consider comments from passengers prior to a recertification process.

IV. INVENTORY OF EXISTING PARATRANSIT SERVICE

FST operates three full time demand response routes and provides origin-to-destination services using accessible buses throughout the day. The department's primary objective is to fulfill the requirements of ADA by offering origin-to-destination paratransit services within three-quarters of a mile from either side of all fixed routes.

All origin-to-destination services require a one day advance reservation. On call service is available for passengers that cannot schedule a return trip such as doctor appointments etc., and some delays are expected due to sequential scheduling.

Additional Services: Demand response service is available to all passengers requesting transportation beyond the fixed route corridor to the city limits of Fort Smith. Demand response service is also available for passengers desiring transportation before and after the operations of the fixed routes at \$3.00 per passenger trip.

Subscription service is available (maximum of fifty percent capacity) for some routine riders. The department also operates a downtown shuttle as a deviated fixed route.

V. DISCUSSION OF THE DISCREPANCIES BETWEEN EXISTING PARATRANSIT AND WHAT IS REQUIRED BY REGULATION

FST is confident that its existing system is in full compliance with what is required by regulation.

VI. DISCUSSION OF THE PUBLIC PARTICIPATION REQUIREMENTS AND HOW THEY HAVE BEEN MET

FST has made every effort to include the public in all phases of service and paratransit plan development. The following committees have been established to ensure public participation.

The Operations Committee was formed to process ADA applications. The Operations Committee consists of six members (the driver supervisor, three transit drivers and two citizens from the community).

The Transit Advisory Commission consists of five community members appointed by the Fort Smith Board of Directors to serve in an advisory capacity and make recommendations regarding passenger policies, marketing, services and promotions, etc. The Transit Advisory Commission also serves as an appeal board for passenger grievances or passenger concerns involving the eligibility process. More information regarding the Transit Advisory Commission's actions and participation can be found in the meeting minutes in the department's records.

VII. THE PLAN FOR PARATRANSIT SERVICE

FST has no plans to alter paratransit service. Additional services will be reviewed periodically to ensure paratransit service levels do not fall below published requirements. Areas served outside the fixed route corridor are subject to change to meet requirements.

VIII. ELIGIBILITY PROCESS

The ADA defines who has civil rights to the complimentary paratransit system. The law requires FST to establish a procedure to determine ADA paratransit eligibility. A person who is eligible is termed "ADA paratransit eligible". To determine who is ADA paratransit eligible, FST uses procedures recommended in FTA Circular 4710.1.

It is important to note that under ADA, eligibility does not solely apply to an individual's disability, but it applies to an individual disability and the circumstances of their desired trip. Even though a person may be generally thought of as having a disability, if their trip begins or ends outside the paratransit service area, then the ADA paratransit eligibility does not apply.

Eligibility Language from the ADA Regulations and Statute

ADA Paratransit eligibility: Standards. 37.123

Title 49: Transportation

Subtitle A: Office of the Secretary of Transportation

PART 37: TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (ADA)

Subpart F: Paratransit as a Complement to Fixed Route Service 37.123 - ADA paratransit eligibility: Standards.

(a) Public entities required by Sec. 37.121 of this subpart to provide complementary paratransit service to the ADA paratransit eligible individuals described in paragraph (e) of this section.

(b) If an individual meets the eligibility criteria of this section with respect to some trips but not others, the individual shall be ADA paratransit eligible only for those trips for which he or she meets the criteria.

(c) Individuals may be ADA paratransit eligible on the basis of a permanent or temporary disability.

(d) Public entities may provide complementary paratransit service to persons other than ADA paratransit eligible individuals. However, only the cost of service to ADA paratransit eligible individuals may be considered in a public entity's request for an undue financial burden waiver under Sec. 37.151-37.155 of this part.

(e) The following individuals are ADA paratransit eligible:

(1) Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable individuals with disabilities.

(2) Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route.

(i) An individual is eligible under this paragraph with respect to travel on an otherwise accessible route on which the boarding or disembarking location which the individual would use is one at which boarding or disembarking from the vehicle is precluded as provided in Sec. 37.167(g) of this part.

(ii) An individual using a common wheelchair is eligible under this paragraph if the individual's wheelchair cannot be accommodated on an existing vehicle (e.g., because the vehicle's lift does not meet the standards of part 38 of this title), even if that vehicle is accessible to other individuals with disabilities and their mobility wheelchairs.

(iii) With respect to rail systems, an individual is eligible under this paragraph if the individual could use an accessible rail system, but--

- (A) *There is not yet one accessible car per train on the system; or*
- (B) *Key stations have not yet been made accessible.*

(3) *Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system.*

(i) *Only a specific impairment-related condition which prevents the individual from traveling to a boarding location or from a disembarking location is a basis for eligibility under this paragraph. A condition which makes traveling to boarding location or from a disembarking location more difficult for a person with a specific impairment-related condition than for an individual who does not have the condition, but does not prevent the travel, is not a basis for eligibility under this paragraph.*

(ii) *Architectural barriers not under the control of the public entity providing fixed route service and environmental barriers (e.g., distance, terrain, weather) do not, standing alone, form a basis for eligibility under this paragraph. The interaction of such barriers with an individual's specific impairment-related condition may form a basis for eligibility under this paragraph, if the effect is to prevent the individual from traveling to a boarding location or from a disembarking location.*

(f) Individuals accompanying an ADA paratransit eligible individual shall be provided service as follows:

(1) *One other individual accompanying the ADA paratransit eligible individual shall be provided service--*

(i) *If the ADA paratransit eligible individual is traveling with a personal care attendant, the entity shall provide service to one other individual in addition to the attendant who is accompanying the eligible individual;*

(ii) *A family member or friend is regarded as a person accompanying the eligible individual, and not as a personal care attendant, unless the family member or friend registered is acting in the capacity of a personal care attendant;*

(2) *Additional individuals accompanying the ADA paratransit eligible individual shall be provided service, provided that space is available for them on the paratransit vehicle carrying the ADA paratransit eligible individual and that transportation of the additional individuals will not result in a denial of service to ADA paratransit eligible individuals;*

(3) *In order to be considered as "accompanying" the eligible individual for purposes of this paragraph (f), the other individual(s) shall have the same origin and destination as the eligible individual.*

In other words, ADA attempts to establish a definition of a functional disability, rather than a permanent individual determination. A person may be ADA paratransit eligible initially because they are a wheelchair user and their nearest bus route is not lift-equipped. However, over time as the bus service becomes fully accessible; the person would be able to access the fixed-route service and would no longer be ADA paratransit eligible.

Prior to scheduling any trip, FST, through the paratransit dispatching staff, will first make the determination that the trip is within the ADA paratransit service area. If the trip passes that test, then the following four functional eligibility recommendations by the handbook applies:

1. Does the individual's disability prevent them from getting to and from a bus stop at point of origin or destination?
2. Can the individual board and utilize the vehicle at the stop?
3. Can the individual recognize the destination and disembark?
4. If the trip by fixed route involves a transfer or other connection, are the paths between the routes accessible and navigable by the individual?

FST obtains professional staff trained to take information over the phone, through email or the general mail service. The department also handles requests through Arkansas Relay Services (7-1-1) for the hearing impaired. If the above criteria apply, the dispatching staff will grant temporary eligibility to the passenger and advise them of the eligibility process. The eligibility application form included at the end of this chapter is then forwarded to the applicant for completion.

The Operations Committee meets on call to review applications on file. If ADA paratransit eligibility is denied on an individual basis, a written reason will be provided. In some cases it may be necessary to request authorization to receive information or certifications from the applicant's physician, therapist, or other professional familiar with the applicant's medical or physical condition giving rise to a functional disability. This procedure is used only when necessary. Any information so obtained will be kept confidential to the maximum extent possible.

The federal register requires notification within twenty-one (21) days of submission of a properly completed form or temporary eligibility will be granted. FST grants temporary eligibility via phone conversation until such time the application has been reviewed and a determination is made by the Operations Committee.

FST will provide ID documentation, upon the request of the applicant, which may be utilized for travel in other cities with paratransit systems.

Appeal Process

If a person is declined for either an individual trip or ADA paratransit eligibility, that person has a right to appeal the decision. Appeals should be made in writing to the Transit Director of the Fort Smith Transit Department:

Transit Director
Fort Smith Transit Department
P.O. Box 1908
Fort Smith, AR 72902

The Transit Director or his designated representative will conduct a review of the denial and the appellant's application and any additional information that may be provided by the appellant, such as physician's or therapist's certifications. The Transit Director may review the appeal with the Transit Advisory Commission (TAC). FST may grant temporary eligibility until the TAC responds to the appeal.

The appellant will have the right to be heard in person and to have interpretive support if required. The appellant can be represented or assisted by a third party, including an attorney or a counselor.