

Overview of the Process

The suggested in-person process for assessing ADA paratransit eligibility includes a paper application that is completed and then brought by the applicant to an in-person interview. Based on a review of the paper application and information collected in the interview, a decision is made on whether to also conduct a physical functional assessment, a cognitive functional assessment, or both. Following the interview and assessments, additional information may also be gathered (as needed) from professionals familiar with the applicant's disability and functional abilities. Figure 1 on the following page provides a flow-chart that illustrates the suggested process. A detailed description of the suggested process is provided below. Common variations to the process are then discussed.

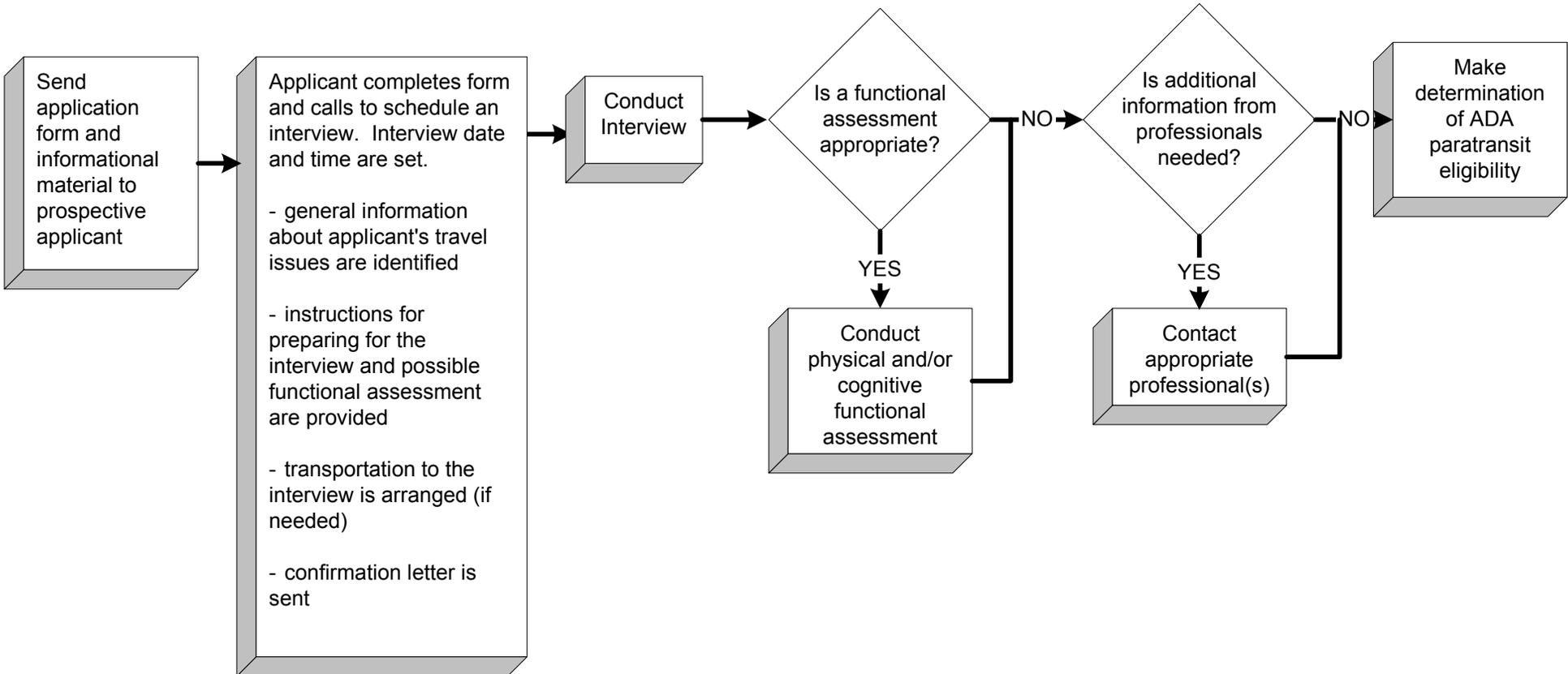
Suggested Process

A public information brochure describing ADA paratransit eligibility and giving this central phone number would be prepared and distributed where transit information is provided as well as at agencies and other locations that may be frequented by persons with disabilities. This public information would instruct individuals interested in applying for ADA paratransit eligibility to call a central phone number. Accessible methods of communication (TTY, relay services, e-mail address, etc.) would be provided for individuals who are unable to use voice phones. ***Examples of public information brochures are provided in Section 3 of this workbook.***

Individuals who call and request material to apply for ADA paratransit eligibility would be sent a copy of the general information brochure along with an application form. The application form would have a cover letter that also provides a description of ADA paratransit eligibility (in non-regulatory language) and which explains the full eligibility process. The cover letter to the application form would also invite applicants to call should they need assistance completing the application form.

Note that the design of application forms varies widely in the industry and that there is no "right" form. Shorter forms are used in some systems to get basic information that applicants may have difficulty providing at an interview (e.g., professional contact information, frequent trip information). General information about transit abilities is asked and more detailed information is obtained in the in-person interview. Other systems use more elaborate application forms that request more specific information about travel abilities, past experiences using fixed route services, and other information. Some systems also have separate forms for applicants with vision disabilities since travel issues for these applicants are somewhat different. It is recommended that local input on the design and content of application forms be obtained from individuals with disabilities, organizations representing individuals with disabilities, as well as representative disability membership organizations. It is also a good idea to "pre-test" application forms to ensure that they are clear and understandable.

Figure 1. Suggested Process



Verification of disability would also be obtained as part of the process. This can be done in several ways. One way would be to require that applicants obtain written verification of disability from a professional (either by having the applicant request that a professional complete part of the paper application form, or by having the applicant obtain a general statement of disability on the professional's letterhead). A second approach would be to ask the applicant to provide contact information for a professional familiar with his or her disability and functional abilities (along with a release form) and then to contact the professional once the applicant has provided this contact information. If this latter approach is used, applicants could also be encouraged to bring any available documentation of disability with them to the in-person interview.

The goal of completing determinations of eligibility within 21 calendar days of the receipt of a completed application should be considered when selecting the approach for obtaining professional verification of disability.¹ Making professional verification a required part of the application places an extra burden on applicants but ensures that this information is provided in a completed application. Obtaining verification of disability through follow-up with named professionals makes the process less burdensome to applicants, but then may require extra time and effort to contact and obtain information from named professionals. Again, local input should be obtained on the approach used to obtain verification of disability.

Examples of general information brochures, application forms and application form cover letters are provided in Section 3 of this workbook. A brochure, cover letter, and relatively brief form used in Chicago are provided. A cover letter, brochure and application form used in Dallas are also provided. The Chicago process encourages applicants to bring documentation of disability to the interview and requests the names of professionals who can be contacted for additional verification or information. The Dallas process requires applicants to obtain verification of disability from a professional and to bring this information with them to the interview.

Note that all materials associated with the process (public information brochure, cover letter, application form, etc.) must be available in alternative formats (large print, Braille, audio tape, computer disk) and provided to applicants upon request.

The instructions included in the application cover letter and the public information brochure would instruct applicants to call to schedule an in-person interview once they have completed the application form (and obtained any verification of disability required).

When applicants call to schedule an interview, staff would ask if they have completed all sections of the application form and if they have obtained documentation of disability (if required). If the applicant indicates that the application is complete and that any required

¹ Section 37.125 of the USDOT's ADA regulations requires that applicants be treated as eligible and provided service if a determination is not made within 21 calendar days of the receipt of a completed application. It is therefore desirable to make determinations within 21 days of the receipt of a completed application.

documentation of disability has been obtained, an in-person interview would be scheduled. To allow the eligibility determination process to be completed in a reasonable period of time, it is suggested that sufficient interview/assessment capacity be available to allow interviews to be scheduled within 7-10 days of the time that individuals call. The following general guidelines would be used for scheduling in-person interviews and assessments:

- If a physical disability is indicated, a physical functional assessment would be scheduled following the interview.
- If a cognitive disability is indicated, a Functional Assessment of Cognitive Transportation Skills (FACTS) assessment (described below and in Section 6 of this workbook) would be scheduled following the interview.
- If the applicant indicates that he or she is blind or legally blind, an in-person functional assessment would only be conducted if the transit system has access to Orientation and Mobility (O&M) Specialists or other qualified professionals who can conduct such an assessment. Otherwise, the determination of eligibility in these cases will be made based on information from the applicant (gathered from the application form and in-person interview) and follow-up with professionals familiar with the applicant's functional abilities. These options are discussed in more detail in Section 7 of this workbook.
- If the applicant indicates a vision impairment that does not meet the criteria of legal blindness, a physical functional assessment might be appropriate, particularly if other physical disabilities and limitations are noted.
- If the only disability indicated by the applicant is a psychiatric disability or a seizure condition, an interview but not a physical assessment would be scheduled. The determination of eligibility in these cases will be made based on information from the applicant and follow-up with professionals familiar with the applicant's disability and functional abilities. Again, a physical functional assessment might be appropriate if the applicant also indicates a physical disability.

The staff person might inquire about the general nature of the applicant's disability in order to get a general sense of the types of functional assessments that might be needed each day. However, since the interview might reveal the need for a different set of assessments, the scheduling of interviews should allow enough time between reviews for additional assessments as needed.

The staff person would then go through the list of things that the applicant should bring with them to the interview. Applicants should be asked to come with the primary mobility aid or aids that they would use when traveling in the community. The staff person would also indicate that the applicant may be asked to participate in a functional assessment (which might involve outdoor travel) and that the applicant should dress accordingly. A confirmation letter would then be sent to the applicant (in an accessible format if requested) confirming the date and time of the interview, noting items to be brought, and providing other instructions and information.

If the applicant indicates a need for transportation to the interview/assessment site, this would be provided free of charge by the transit agency. If needed, appropriate arrangements would be made as soon as the interview is scheduled.

On the appointed day and time, an interview would then be conducted. When the applicant arrives for the interview, the receptionist would request the application form brought by the applicant and would provide the form to the interviewer. The interviewer would review the information in the form to develop an understanding of the stated travel issues and to formulate appropriate follow-up questions. The interviewer should also review the form to ensure that it is complete. If some minor information has not been provided, this can be obtained during the interview. If missing information cannot be obtained as part of the interview (e.g., the application is missing required professional verification of disability), the interview and any subsequent functional assessments deemed necessary should still be conducted, but the application form should be given back to the applicant with instructions to complete the incomplete sections and return the completed form. A copy of the application should be made at the end of the interview and kept on file. The 21 day processing time would then begin at a date following the interview when a completed form is sent back.

The interview would allow applicants to describe their travel abilities and needs in their own words and for detailed information to be obtained to supplement what is provided in the application form.

Section 4 of this workbook provides guidance on conducting in-person interviews as well as examples of follow-up questions that might be asked in an interview. It also provides guidance on conducting follow-up with professionals familiar with the functional abilities of applicants. Forms for documenting the interview and for documenting follow-up with professionals are included.

If eligible individuals are required to have photo IDs, the applicant's picture would be taken as they are waiting to be interviewed. It would be explained that the photo will be used should the applicant be determined eligible so that the applicant does not assume that a photo was taken because they have been determined eligible.

The person conducting the interview would then decide if a physical or cognitive functional assessment needs to be conducted. The system would be designed to allow assessments to be conducted immediately following the interview. Requiring applicants to appear in-person a second time at another location for an assessment could be considered to be overly burdensome. If a different person will conduct the assessment, the applicant would be asked to wait briefly while this person takes time to review the application materials and information collected by the initial interviewer.

If the interviewer determines that an assessment is not needed and a completed application has been provided by the applicant, the interviewer would explain to the applicant that they will be notified about a final eligibility determination by mail within 21 days.² The applicant would also be informed that if a decision is not made within 21 days, "presumptive eligibility" would be granted and the applicant would be able to use the service until a decision can be made. It is

² In this suggested process, the 21 day "clock" would begin at the time of the interview (assuming a completed application has been provided) since this is the time at which the application form is received.

suggested that applicants not be told they are eligible or not eligible at the conclusion of the interview to allow time for consideration of all information collected and follow-up contacts with named professionals to be made as needed.

Applicants might not be asked to participate in functional assessments if the interviewer is reasonably certain that they are unconditionally eligible (unable to use fixed route service under any conditions). Physical or cognitive functional assessments may also not be appropriate for applicants whose only disability is blindness or if applicants indicate only a psychiatric disability or a seizure condition. In these cases, follow-up with professionals familiar with the applicants' travel abilities might be more appropriate to obtain any additional information deemed necessary.

A functional assessment would be appropriate if the interviewer is not certain whether the applicant might sometimes be able to use fixed route service. A functional assessment also might be appropriate if the interviewer feels the applicant is not eligible for paratransit service. Before denying the person eligibility, it might be useful to obtain the additional documentation and opinions from the assessment process.

The appropriate functional assessments would then be conducted. If physical and cognitive functional assessments are conducted by professionals under contract to the responsible public transit agency, a transit agency staff person (the eligibility coordinator or another member of the eligibility staff) might conduct the initial interview with the applicant. This way, decisions about the number of assessments required will be made by the transit system staff rather than the contractor (which could be a conflict). It is also possible, though, to have contracted professionals conduct both the interviews and assessments with proper management oversight. In either case, it is suggested that the transit agency review recommendations made by contractors and reserve the right to make the final eligibility decision.

If the transit agency's in-house staff includes appropriate professionals who can conduct functional assessments, the process could be streamlined to allow the person who conducts the interview to also conduct the physical functional assessment or cognitive assessment.

In some cases, the need for an additional functional assessment, not scheduled in advance might be indicated. For example, an applicant might indicate at the time an interview is scheduled that she has a physical disability. An interview might be conducted and it might be felt that the applicant may also have cognitive issues. A physical functional assessment as well as a cognitive assessment might therefore be needed. Similarly, an applicant who indicates only a cognitive disability in advance might be determined to have physical limitations that need to be assessed. While such situations are rare in actual practice (required in perhaps 5% or fewer cases), the process would be designed to allow for an additional assessment to be conducted in a timely way if needed. For example, additional staff trained to administer the FACTS test might be available as needed.

Section 5 of this workbook provides guidance on physical functional assessments. Step-by-step instructions for conducting assessments are included and a form for recording observations and recommendations is provided. Descriptions of the equipment and props needed for each element of the assessment are also provided. Recommended core competencies of staff involved in conducting physical functional assessments are also provided. A training CD is also provided.

Section 6 provides instructions for administering and scoring the Functional Assessment of Cognitive Transit Skills (FACTS). Two training CDs are also provided. This assessment tool was developed for Easter Seals Project ACTION in 1996. Information about the tool's development and validation can be obtained from Project ACTION.

After all parts of the in-person process have been completed (the interview and any assessments scheduled or required), a complete file for the applicant would be assembled. This file would include the initial application form, documentation of disability provided by the applicant, and completed interview and assessment forms. A decision regarding the need to obtain additional information from professionals familiar with the applicant would then be made.

Follow-up with professionals provides important determination information in many cases, but particularly where applicants have vision disabilities, psychiatric disabilities, seizure conditions, or health conditions. In such cases, it may not be possible to fully assess abilities based on a limited, one-time observation. Follow-up with professionals also can be important in cases where applicants have cognitive disabilities and the interview and FACTS test outcomes do not provide a clear decision.

It is important that follow be done with the appropriate professional. The professional should be familiar with the applicant (i.e., currently treating them or seen them recently) and should have an understanding of the applicant's functional abilities. For a person with a vision disability, this might be an Orientation and Mobility Specialist who has recently worked with the individual. For a person with a cognitive disability this might include a job coach or clinical social worker. For someone who has a seizure condition, this might be a neurologist who is currently treating the applicant.

Professional follow-up can be conducted either by telephone or by faxing a written request for information. Follow-up can be conducted by the transit agency's eligibility staff or by contractors who may have been hired to help with the assessment process. In cases where transit agencies have contracted with professionals to conduct functional assessments, it has been found that having these contractors also assist with professional follow-up can be effective. These contractors, who often are rehabilitation or medical professionals, may have more success obtaining information from their peers in the community than would a staff person from the transit agency.

Guidance on conducting follow-up with professionals is provided in Sections 4 and 8 of this workbook. Section 4 includes possible follow-up questions for professionals. Sample forms that can be used to document contacts by telephone also are provided. These forms can also be used to develop requests for information that could be faxed to professionals.

Making the Final Determination

A final decision regarding the applicant's ADA paratransit eligibility should then be made. It is recommended that the final decision be made by a staff person employed by the responsible transit agency even if some parts of the process (e.g., the functional assessments) are contracted out. The final decision should consider and give appropriate weight to all of the information gathered. This should include:

- Information provided by the applicant in the application form;
- Information obtained through the interview;
- Observations recorded as part of the functional assessment(s);
- Information obtained from professionals familiar with the applicant.

Listen closely to what the applicant says in the interview. Read thoughtfully what he or she has written on the application form. Consider the information provided by professionals familiar with the applicant as well as observations made as part of any functional assessments administered. Use all of this information to put together the various pieces of the issues faced by the applicant when traveling.

It is also important to consider all of the disabilities or health conditions that affect the applicant's travel abilities and the cumulative and synergistic effects that multiple disabilities might have on travel abilities. Can the effects of multiple disabilities create greater limitations than the individual conditions considered alone?

The final eligibility determination should also consider all of the abilities needed to use fixed route service. The various physical, cognitive and sensory issues that need to be considered are discussed in Sections 2 and 4 of this workbook.

The determination should consider the applicant's abilities to travel throughout the service area at various times and under various conditions. An applicant must not only be able to get to the transit system (perhaps from their home) but get to any destination within the service area once they exit the bus or train. The applicant must also be able to travel in various weather conditions. Considering all of the factors that affect the applicant's travel is discussed in more detail in Sections 1 and 2 of this workbook.

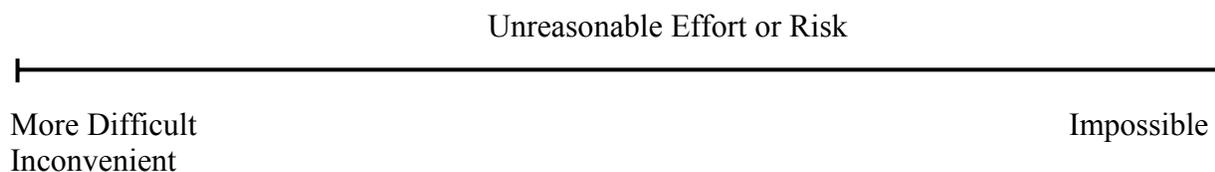
The determination also should consider the reasonableness of expecting the applicant to perform each task – under various conditions – needed to use the fixed route system. The USDOT

regulations note that individuals might not be eligible if using fixed route service is only more difficult or inconvenient. On the other hand, being “prevented” from using the fixed route system does not mean that it is literally impossible for the applicant to perform certain tasks. Appendix D of the USDOT regulations, which provides interpretations of the regulatory language, makes the following comment:

*“In the Department’s view, a case of “prevented travel” can be made not only where travel is literally impossible (e.g., someone cannot find the bus stop, someone cannot push a wheelchair through the foot of snow or up a steep hill) but also where the difficulties are so substantial that a reasonable person with the impairment-related condition in question would be deterred from making the trip.” **Federal Register, Vol. 56, No. 173, Page 45746.***

Figure 2 below illustrates this concept of “reasonableness” in determining if a person is “prevented” from using fixed route service. At one end of the continuum, it might only be inconvenient or more difficult to use the fixed route bus or train. This inconvenience or slight difficulty might not confer eligibility. At the other extreme, it might be literally impossible to navigate to or from or use the fixed route system. Somewhere between “inconvenient” and “impossible” using the fixed route system might require an “unreasonable effort” or entail an “unreasonable risk.” Even though it may still be possible to get to and use the fixed route service, this unreasonable effort or risk might make the applicant eligible.

Figure 2. Determination “Continuum”



Finally, the determination should consider that some individuals might be able to use the fixed route service under some conditions, but may not be able to use the fixed route service at other times. This concept of “trip eligibility” is clearly identified in the USDOT regulations. Section 37.123(b) states:

“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.”

Possible eligibility determination outcomes therefore include:

“UNCONDITIONAL ELIGIBILITY” (or “ALL TRIP ELIGIBILITY”). This outcome would be appropriate if it is determined that it is not reasonable to expect the applicant to use fixed route service for any trips, under all conditions.

“CONDITIONAL ELIGIBILITY” (or “SOME TRIP ELIGIBILITY”). This outcome might be appropriate if the individual can reasonably be expected to use fixed route service for some trips (when barriers that prevent travel are not present) but cannot be expected to use fixed route service under some conditions.

“TEMPORARY ELIGIBILITY” (or “TRANSITIONAL ELIGIBILITY”). This outcome might be appropriate if the applicant’s disability is only temporary or if his or her functional abilities are expected to change in the short-term. A term of eligibility that is less than the term typically granted might be appropriate. Temporary eligibility can be unconditional or conditional.

“NOT ELIGIBLE” (or “FIXED ROUTE ELIGIBLE”). This determination would be appropriate if the applicant can reasonably be expected to use fixed route service for any trips under all conditions.

If “Conditional Eligibility” is granted, the letter of determination should cite the specific conditions under which the person qualifies for complementary paratransit service. Also, if the person is found to be not eligible or if eligibility is limited in any way (i.e., conditional or temporary eligibility), the letter of determination must describe the process that can be used by the applicant to appeal the determination. Again, this documentation should be provided in accessible formats upon request.

Possible Process Variations

As noted in the “Introduction” to this report, ADA paratransit eligibility is determined using many different approaches. Some of the more common variations to the process suggested above, and the benefits and issues with each, are described below.

1. The paper application form could be mailed in by the applicant rather than being brought by them to the interview. Transit agency staff would then review the application to make sure it is complete. Staff would then contact the applicant to make an appointment for an interview. This approach can help to ensure that application forms are complete prior to the interview. It can also assist in determining the type or types of assessments that might be required. On the other hand, having the application form mailed-in adds another step to the process and it might be difficult to ensure that final decisions are made within 21 days of the receipt of a completed application. This approach also puts the burden on the transit agency to contact the applicant to arrange for an interview. Some applicants might be difficult to reach and multiple phone calls might be required.

2. It is also possible to have applicants complete an application form at the time of the interview. Interested individuals would simply call to schedule an interview. The interview would entail, in part, the completion of an application form. This approach would allow eligibility to be obtained even quicker since it would eliminate the time required to send out an application forms. On the other hand, it might result in higher denial rates since individuals would not be reviewing application material in advance and therefore might not have as detailed an understanding of the criteria for eligibility. It might also be difficult for applicants to provide some information “on the spot” at the time of the interview – such as the name and phone/fax of a professional who might need to be contacted.
3. Many transit systems conduct in-person interviews and assessments only on an “as needed” basis. A paper application is sent to interested individuals. The completed application form is then mailed-in to the transit agency. The transit agency staff then review the application form and attempt to make a decision based just on this information. Follow-up phone calls might also be made to supplement the information in the application form. Applicants are only asked to participate in an in-person interview and/or functional assessment if a determination cannot be made based on the application form and this follow-up. This approach avoids requiring in-person interviews and assessments of some applicants whose eligibility might be obvious. On the other hand, applicants who are required to appear in person might feel they are being singled out and might wonder why they had to participate in an interview/assessment while others they know did not. Note that if this process is used, much of the material contained in this report might still be useful. The interview guidance and assessment materials would be used for those applicants asked to participate in these processes. Follow-up with professionals might still be needed and the suggested material to do this could still be used.

Recertification of Current Riders

Transit systems that have determined ADA paratransit eligibility in the past based solely on a paper application form might determine that they have not been sufficiently thorough to ensure that only those persons who truly cannot use fixed route services are ADA paratransit eligible. The eligibility of current riders might be reviewed using a more thorough process as their term of eligibility expires. Some systems might, however, decide to request a recertification of all current riders in a shorter period of time. The following hints are offered should an expedited recertification be desired:

- Consider having all current riders, rather than only certain selected riders, participate in the expedited recertification. Asking only some riders to participate in a recertification might be perceived as inequitable and unfair.
- Consider using the new eligibility process just for new applicants for a period of time. This will allow the new process to be used with a smaller number of applicants. Staff (or contractors) will have time to become comfortable with the process and tools before the number of applicants is increased significantly when current riders are asked to reapply.

As noted in the “Introduction,” the suggested process and materials included in this report are designed primarily for the initial determination. Once an applicant has participated in the in-person process described in this report, it might not be necessary to require that they participate in the same process when it is time for them to request recertification. The following changes might be considered for recertification:

- A simplified application form, which only includes questions needed to update information about the applicant and his or her functional ability might be used.
- If the information obtained in the initial determination process indicates that the person’s functional abilities are not expected to change significantly, it might not be necessary to ask them to again participate in an in-person interview and/or functional assessment.
- If professional verification information has already been obtained, and if this information indicates that the applicant’s disability and functional ability are not expected to significantly change over time, it may not be necessary to request professional verification again.