Canadian Urban Transit Association

Canadian Code of Practice for Determining Eligibility for Specialized Transit

CUTA
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CANADIAN URBAN TRANSIT ASSOCIATION
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ACKNOWLEDGEMENTS

TABLE OF CONTENTS

Code of Practice Administration

Code of Practice (COP) can be defined as a set of recommended or best practices that are:

Defined by one or more individuals or corporations;

Designed to influence, shape, or benchmark behaviour; and

Applied consistently by participants and/or reach a consistent outcome.

The Canadian Code of Practice for Determining Eligibility for Specialized Transit (the "Code") was completed and endorsed by the Canadian Urban Transit Association (CUTA) on June 2nd 2013.

Introduction

The Canadian Urban Transit Association (CUTA) has sponsored a member funded research study of the specialized transit eligibility certification programs in Canada, with the goal of developing this voluntary Code of Practice, based upon industry best practices, that can be customized and adopted by transit systems throughout Canada. CUTA retained Nelson\Nygaard Consulting Associates, a U.S.-based transportation consulting firm with extensive experience in the field of specialized transit eligibility programs, including work specifically in a number of Canadian cities, to document the Canadian experience and draw on best practices from the U.S. and Canada. Nelson\Nygaard was assisted in this effort by the Western Canada-based firm Urban Systems, and Jacques Lussier of Québec.

This Code of Practice is part of a body of research that also contains a best practices report entitled "Specialized Transit Eligibility Certification Programs: Overview of Canadian and U.S. Experience", which provides groundbreaking research on eligibility practices in Canada, followed by lessons learned from over two decades of experience in the U.S. following the implementation of the Americans with Disabilities Act (ADA) in 1990. The final piece of research consists of implementation strategies to encourage implementation of the Code of Practice in a wide variety of geographic and organizational contexts.

The Purpose of Accurate Eligibility Certification Programs

There are a number of compelling reasons why specialized transit systems should consider implementing more accurate eligibility certification programs. They can be briefly summarized as follows:

Accessibility Improvements in Conventional Transit

In response to legislative requirements and technological improvements, most transit agencies throughout Canada have enhanced the accessibility of their fleets through the purchase of low-floor or lift-equipped buses and improved securement systems. In addition, enhanced training of conventional transit operators in the service they provide to riders with disabilities has become much more commonplace, and many agencies provide travel training for people who wish to learn how to ride conventional transit. Furthermore, many jurisdictions have invested heavily in the improved accessibility of bus stop amenities and removal of path-of-travel barriers. As a result, conventional transit systems offer mobility options that did not exist at the time when many

current specialized transit riders were registered. By continuing to use inaccurate eligibility programs, or failing to recertify current registrants under more accurate programs, transit agencies are missing out on the opportunity to fully realize a return on their investments, and many people with disabilities are not fully aware of the expanded options that are available to them.

Equity

In many specialized transit systems which currently have "open" eligibility programs, where most applicants are found fully eligible with unconditional system use, there are also significant service capacity constraints. Riders are denied trips, many report long wait times to get through on the telephone to reserve trips, some have given up requesting rides because they know none are available at the times that they need them, and a majority of trips are assigned to subscription riders, leaving limited availability for spontaneous trips. Many of these constraints are not readily apparent in operational reports due to discouraged demand, but have been identified in discussions with transit agencies throughout Canada.

In other words, the net effect of open eligibility programs is a situation in which specialized transit services are ostensibly available to a large pool of people, but in reality provide service that does not meet the mobility needs of many of these registrants. Since open certification programs inevitably result in many registrants who can in fact take some of their trips on conventional transit, this has a particularly severe impact on those for whom this is not an option. Inaccurate processes therefore are very inequitable in their impact on those for whom these services are intended.

Increased Demand

A number of factors are leading to increased demand for specialized transit in Canada. The primary reasons are changing demographics, aging in place, accessible work environment, increased engagement of people with disabilities in public life, and legislative changes. Since none of these changes will – or should – be expected to be reversed, unconstrained specialized transit systems can anticipate significant increases in demand in the coming years. As indicated previously, this demand is currently not fully apparent as individuals have given up trying to use specialized transit because they understand that their system is too constrained to meet their needs. However, the experience in the U.S., where legislative changes prohibit placing limits on the provision of service, suggest that Canadian systems can expect very significant increases in demand when artificial constraints are removed by legislation (such as the AODA), or individuals come to rely more heavily on specialized transit as they become increasingly integrated into mainstream employment and other activities.

In short, enhancing the accuracy of eligibility processes is the most equitable and cost-effective way of serving the mobility needs of individuals who have no other mobility choice than to rely on specialized transit.

Applicable Provincial Legislation

Many Canadian provinces have adopted general human rights legislation for people with disabilities that can be applied to specialized transit. However, Ontario and Quebec have adopted legislation that specifically pertains to specialized transit eligibility. While an earlier form of

legislation has been in effect in Quebec since the early 1980's, the eligibility requirements of the Accessibility for Ontarians with Disabilities Act (AODA) do not come into effect until January 2014. Many of the legal requirements in the AODA have been adapted from the Americans with Disabilities Act (ADA), and in some instances the AODA is more stringent than the ADA. For example, non-eligibility related requirements in the AODA, such as fare parity for conventional and specialized transit systems, could have a significant impact on specialized transit demand, highlighting even further the need for accurate eligibility programs in Ontario. While other provinces have not yet adopted similar forms of legislation, transit systems would be well-positioned to address potential demand increases if they proactively adopted more accurate eligibility assessments before being required to comply with new provincial legislation.

Escalating Operating Costs

Specialized transit system operating costs have grown dramatically in recent years throughout Canada due to key factors such as increased labour and capital costs and increased demand. In a fiscal environment in which financial resources grow at a pace consistent with demand increases, a focus on accurate eligibility may not be needed. However, since this is rarely the case, agencies need to identify effective cost saving methods that also minimize the impact on the mobility of people with disabilities. Enhancing the accuracy of eligibility certifications, rather than increasing fares or cutting back on service is a more equitable approach to managing demand in order to contain cost increases.

Factors to Consider in Selection of Eligibility Certification Model

When selecting the most suitable eligibility model for local needs, transit agencies need to weigh a number of factors. The Codes described below are intended to be flexible enough for policy makers to take these various factors into account as they attempt to balance short-term costs versus long-term savings, the availability of professional resources in their communities, the financial and operational capacity of the agency to meet increased demand, and the level of trust between the transit system and representatives of the disability community. In addition, there may be geographic constraints that will shape the eligibility model selected by each transit system, such as the isolation of certain communities where specialized transit service is the only transit mode available. Engaging community members and educating policy makers about these different tradeoffs will be critical to the success of the selected model.

THE CODE

Section 1: Transit Systems Covered by this Code

This Code deals with specialized transit service provided by public, private and non-profit transit agencies throughout the provinces and territories of Canada. In some instances local legislation may override the codes stipulated in this document, although in general legislation appears to be lagging behind rapidly changing trends in the field of specialized transit. This is particularly true in the application of eligibility certification programs for specialized transit.

Section 2: Definitions

Capacity Constraints: This is a limit on the amount of specialized transit service that is provided, such as waiting lists, trip limits, and service denials.

Conditional Eligibility: In this category of eligibility, the individual can be reasonably expected to make some trips on the conventional service under certain conditions.

Eligibility: Refers to the standards which qualify an individual for service.

FACTS: Functional Assessments of Cognitive Transit Skills is a validated test that is used to determine the abilities of applicants with cognitive disabilities. Details can be found in Section 12.1

Mobility Coordinators: These are the professionals tasked with assessing the abilities of an applicant to use transit, and knowledgeable about alternative transportation options available in a community. Also known as "evaluators" or "assessors."

Mobility Assessments: These are also known as "functional assessments" or "transit skills assessments", and involve a process in which an applicant participates in an interview followed by a guided walk or roll through a course that simulates the various tasks involved in using transit.

Recertification: This is a process whereby individuals who have been determined eligible to use specialized transit for a reasonable term, such as three years, are required to request recertification, often through a more abbreviated process (Section 64 (3) of the AODA allows for recertification "at reasonable intervals.")

Orientation and Mobility Specialists: These are professionals who have received specialized training to help people with visual impairments to travel independently in the community.

Specialized Transit: Also known as "paratransit", "door-to-door", or "demand-response" service. In this report refers to service that is limited to people with disabilities.

Subscription Service: Providing specialized transit or demand-response transportation over an extended period of time for repetitive trips for purposes including but not limited to employment, education, or ongoing medical treatment.

Visitor: A visitor is anyone with a disability who does not reside in the jurisdiction served by the transit system.

Travel Training: Also known as mobility training, this alternative provides potential riders with the skills and information needed to use the conventional transit system independently.

Section 3: Community Involvement in Development of Process

It is critical that the disability community be involved in the development of an enhanced eligibility process. Early involvement ensures that community members understand the rationale behind improving the process, and view this as an expansion of mobility options for those who need the service the most, rather than a "take-back" of services.

Section 4: Time Limit for Completion of Eligibility Process/ Eligibility Term

4.1   Range of time limits depending on eligibility process used

Many systems that rely on paper-based applications can process these applications in a week or less, as they are largely a "rubber stamp" process that does not require significant follow-up. This is evident in the extremely high eligibility approval rates reported by systems that use this model. However, when a more effective element is introduced through the form of individual contact with the applicant, either via a telephone or in-person interview, or in-person mobility assessment, this necessitates a longer period of review. The AODA allows 14 days for this process to be completed (Section 65 (1)), the Quebec Eligibility Policy allows 45 days, and in the U.S. the allowable limit is 21 days. Systems may choose one of these three options in order to ensure that the process is implemented in a reliable manner.

4.2   Recertification

Since most Canadian systems have used a paper-based process since the inception of their service, there are likely substantial proportions of their current registrants who would be found conditionally eligible under a more accurate process, or would choose not to reapply because they realize that they would be found ineligible under a new and more accurate process. For this reason, recertification of existing riders can be the most controversial aspect of implementation of a new process, as some individuals who have relied on the service will no longer be allowed to do so. Recertification of current registrants is, however, the most critical factor in terms of realizing the cost savings from a more accurate process, as it addresses the problem of current frequent riders who have lifelong certification but actually could be riding the conventional service. Even if a small proportion of current subscription riders who are on the service due to an inaccurate screening process, shifted to conventional service, significant funds would be freed up for provision of service to those who are eligible. Alternately, these funds could be used to enhance the accessibility of the conventional transit system. If this is the case, explicitly stating this use of the funds can go a long way towards building community support for a more accurate process.

For those systems that have eligibility terms, three years is considered an optimal length of time. One year is too frequent and results in unnecessary administrative costs, while longer than three years is considered to be too lengthy to maintain an updated database and determine if there have been any changes in the registrants' profile. Once individuals have participated in a more accurate assessment (any model that exceeds a paper-based process), there is no need for them

to participate in a similar process once their eligibility term has expired. Many systems that adopt in-person assessments simply require that registrants submit a postcard confirming their current address and updating any changes in their abilities and mobility aids used. As noted in the Definitions section, the AODA states that systems "may require a reassessment of the eligibility of temporarily eligible registrants at reasonable intervals."

Section 5: Steps in the Application Process

5.1   Calling to apply for eligibility certification

Transit agencies should require that individuals or their caregivers call the agency to initiate the application process. There are a number of benefits to this approach, rather than making the applications available on the web. Web-based applications artificially drive up the volume of applications due to the ease with which these can be downloaded. Social service agencies are more likely to print large quantities of these forms to make available to their clients. As a result, if there are any changes made to the form, applicants submit outdated forms, thus slowing down the process for both the applicants who have to resubmit and the administrative staff who have handle the additional workload.

In addition, the telephone contact provides a valuable opportunity for a conversation between the transit system staff person (or contractor) and the applicant to discuss the purpose of the specialized transit system, and who it is intended to serve. If it becomes apparent that the caller is unlikely to be found eligible and chooses not to apply, the staff person can explore alternative mobility options that would be better suited to the caller given his or her abilities.

5.2   Use of paper application forms

Paper applications can provide useful baseline information in making an eligibility determination. However, they are very limited in their ability to make accurate determinations. For this reason, the industry trend in the past decade has been towards relying less heavily on the paper application, and more so on face-to-face contact with the applicant. In fact, as systems rely more heavily on the in-person assessment, they have been able to shorten the application form, and even eliminate the requirement that applicants submit the application ahead of time. While this may be used as a strategy for gaining community support, it does have its limitations. The effectiveness of eligibility interviews can be diminished by the lack of information available to the Mobility Coordinator prior to the interview.

5.3   Requirement for professional (medical) waiver versus medical verification

Most systems require that applicants provide a waiver that allows the Mobility Coordinator to contact the applicants' healthcare provider in order to clarify information about their functional abilities. However, some agencies find that submission of a medical verification form providing information about the applicant's abilities can be very helpful. It is important that these forms do not directly ask the professional whether the applicant should be eligible or not, as this can create a problem when there is a difference of opinion between the Mobility Coordinator and the

healthcare provider. Rather, requested information should focus on the diagnosis and onset of disability, and how this disability or health condition affects the applicant's ability to ride transit.

Section 6: Decision Whether to Refer to In-Person Assessment

6.1 Should all applicants be referred to an in-person assessment or only a sub-set of applicants?

This is a complex issue that can be addressed in a number of ways. The key considerations are whether a system has the financial resources to conduct universal in-person assessments; equity issues that can arise when determining the threshold for who should be required to come in for the assessment; diminishing returns on the investment in the in-person process for those who could be found eligible without appearing in-person.

Many systems in North America that have adopted in-person assessments have chosen to apply this to all applicants. There are a number of benefits to this approach – it treats everyone equally and consistently, it allows for dialog with all applicants about the range of mobility options in a community, and it is the most accurate process based on the quality of the eligibility outcomes. However, these benefits need to be weighed against the cost of applying this requirement to all applicants, and the public response to assessing individuals whose disabilities would appear to most people to unequivocally prevent them from using conventional transit.

6.2 Use of Contractors versus In-House Staff

Most systems that conduct in-person assessments contract out this function. This is largely due to the lack of a rehabilitation therapy background of existing transit staff, and, in smaller systems, the absence of a need for a full-time professional with this background to be in the employment of the transit system. However, the City of Winnipeg provides an excellent example of a transit system that has incorporated these professionals into its existing staff. For those agencies that are able to adopt this approach, it does allow for increased quality control and accurate eligibility determinations.

Contracting with entities to conduct these assessments does present challenges. Firstly, there are very few that have direct experience with making assessments specifically on individuals' ability to ride transit. In addition, the per unit costs can appear to be exorbitant before taking into account the cost benefits of more accurate assessments. However, there are very valuable resources that can be used to educate professionals with a rehabilitation background, or those who have worked in the disability field, to conduct mobility assessments. These may be found in the Appendix to this report.

Section 7: Transportation to Assessment Locations

7.1   Offering transportation or making it available upon request

If a transit system requires an individual to come in for an assessment, it is important that transportation to the assessment not present a barrier to being granted eligibility. In the U.S. all transit agencies are required to provide this service to the assessment at no cost to the applicant. However, no such requirement is specifically called out in Canadian legislation. As a result, those systems that do have an in-person requirement either expect individuals to make their own way to the assessment, or they respond to specific requests for transportation, but do not explicitly offer this service.

In order to ensure that those who do not have the resources to independently travel to an assessment, transit agencies should make transportation available, or at least explore alternative transportation options with the applicant before making a decision of whether to provide this service.

Section 8: In-Person Interviews

8.1   Selection of facility location

Prevailing lease costs often determine the location of interview facilities. However, to the extent possible, it is desirable that facilities be located in a central location, a neighborhood which feels safe, that has easy access to transit and private vehicles, and is fully accessible. There should also be sufficient parking for those who are driving applicants to their interviews.

8.2   Facility size and layout

The facility size reflects the anticipated volume of applications, so this would need to be carefully calculated based on previous application trends, and anticipated responses to the eligibility requirements. However, it is preferable for interview rooms to be private in order to ensure the confidentiality of the interviewees. Some agencies install windows between the interview rooms and the rest of the office for safety reasons. The assessment center should be welcoming in its layout, with a water fountain, comfortable seats, and possibly television in the waiting room. These amenities all contribute to the applicants' sense of ease prior to the interview, which is intended to be a supportive process, rather than a "test." Applicants who participate in an effective in-person process often describe it as a respectful and empowering experience, as they leave with more of a sense of the range of mobility options available to them.

8.3   Staff professional background

Professionals with a variety of backgrounds can conduct eligibility interviews, although social workers are often trained specifically in the skill of assessment interviews. There are a variety of interview techniques that can help enhance the effectiveness of the interview process, by creating an atmosphere in which the applicant feels comfortable to honestly discuss their functional abilities in the use of transit. These are contained in the document to "Determining ADA

Paratransit Eligibility: An Approach, Guidance and Training Materials," which can be obtained from the Easter Seals Project ACTION office at (800) 659-6428.

In addition, a disability rights organization in the U.S. has published a document that is intended to support applicants who participate in an interview and functional assessment process. This document can easily be adapted to a Canadian environment, and may be found in the Appendix.

8.4   Format of interview

The purpose of an interview is to receive, give and clarify information about the applicant's functional abilities. Interviewers must be willing to listen, not jump to conclusions, and ask for clarification when the applicant's statements are unclear. Interviewers need to anticipate that some applicants will be skeptical of the process, of the interviewers background/skills, and of her ability to "put herself in my shoes." It can be helpful to use a checklist for the interview in order to ensure that information gathered is consistent from one interview to the next. However, a common pitfall of interviews occurs when the interviewer asks questions that are not relevant to the specific applicant. For example, if an applicant has displayed no signs of cognitive impairments, it can be perceived as condescending if the interviewer asks "do you know your telephone number and street address?"

Interviews have the advantage of being less costly than mobility assessments (discussed in the next section) due to the reduced time per assessment and the lower skill qualification required. However, they may not be as effective as a mobility assessment as there is very limited opportunity to observe the applicants ambulate through a variety of tasks required to ride transit.

Section 9: Mobility Assessment

9.1   Format of mobility assessment

Mobility assessments for people whose application is based on a physical disability are intended to evaluate strength, balance, coordination, endurance, range of motion, and distance, and may include simulated trips to and from a bus or train stop, boarding a bus/train, negotiating a curb or curb cut, and crossing a street.

A mobility assessment can involve passage through a series of steps in a specially designed interior course that can include ramps, stairs, curbs, seats and a farebox arranged in a similar fashion to a bus. In fact, some agencies incorporate either an out-of-service bus or a part of a bus as part of their assessment course. The assessment might include an evaluation of the applicant's ability to:

1. Understand and remember transit system information

2. Get to and from a transit stop/station over a variety of surfaces

3. Wait at a stop/station

4. Identify the appropriate bus/train

5. Board and alight the bus/train and pay the fare

6. Recognize the destination and signal for the bus to stop

For a full description of the elements involved in a physical mobility assessment, the reader is referred to Project ACTION document cited above.

9.2   Universal or partial mobility assessments

A key question facing transit agencies is not only whether all participants should be required to appear for in-person assessments (as discussed in Section 6.1) , but also whether all of those should participate in a mobility assessment. For those persons who do appear for in-person assessments, participating in a mobility assessment should not be universal, but rather limited to those for whom information gathered in an interview is insufficient to make a determination. Contractors may also charge less for an interview than a full mobility assessment.

9.3   Selection of facility location

The facility used for mobility assessment can be similar to that described previously for interviews, with the following additional considerations:

The facility should allow for an optional outdoor route that can incorporate many of the environmental elements that could be encountered by individuals who ride a bus, such as sidewalks in various states of repair, passing traffic, controlled and uncontrolled intersections, and a street crossing that is typical of the community where the facility is located (such as multiple lanes in larger communities). Finding the optimal location that can meet all these criteria is less important than initiating an in-person assessment, so this should not be allowed to delay implementation of the in-person process.

9.4   Facility size and layout

The facility size will likely be larger than the facility used for interview-based assessments. The extra space will be required to accommodate an internal course which can be used for the mobility assessment. In addition, if the FACTS test (described in 12.1) is administered by the agency for applicants with cognitive disabilities, this will require an additional room. In order to illustrate the general size requirements, transit agencies serving large communities (with over 50 daily applicants) will likely require a facility in the 5,000 to 8,000 square foot range. For those with 10 to 50 daily applications, a facility half the size should suffice. Smaller systems are more likely to depend on interviews due to lack of local resources.

9.5   Facility amenities

Facility amenities vary greatly depending on available resources and the priorities of the transit system. Some North American agencies that have implemented mobility assessments have renovated buildings at a cost of hundreds of thousands of dollars, while others have used existing offices with a small number of props that cost a few thousand dollars. Optimally, the facility should incorporate basic elements of a simulated bus trip necessary to conduct the interview and basic physical assessments, such as a Tinetti (balance) Test and the FACTS test.

Some of the elements of the assessment could include a ramp, a curb, a curb cut, a bus seating arrangement, a farebox, different walking surfaces and potential obstructions routinely found in the environment.

Other equipment needs that might be considered include a projector and phone for the FACTS test, equipment necessary to produce basic photo ID cards, and the ability to produce correspondence in alternative formats. Many assessment centers also have a television and DVD player in the office waiting area for the purpose of playing informational DVDs or other DVDs that create a welcoming environment for the applicants.

9.6   Staff professional background

The staff person performing mobility assessments should have appropriate certification and/or a degree and at least one year of experience performing evaluations of a person with a disability's functional abilities. Common backgrounds for individuals performing the assessments include those who have experience in the rehabilitation field (such as physical, occupational or recreational therapists), nurses, social workers, and emergency medical technicians. However, individuals from a variety of other professional backgrounds have been successfully trained to perform these assessments.

9.7   Staff training

Due to the limited number of transit agencies that have already implemented mobility assessments in Canada, there are very few professionals who can provide on-the-job training to those who are new to this field. However, for professionals with a rehabilitation background, familiarity with the aforementioned Project ACTION manual should be sufficient to conduct an adequate mobility assessment. For those who are able, participation in one of the four annual two day trainings provided by the National Transit Institute (associated with Rutgers University in New Jersey - http://www.ntionline.com/courses/courseinfo.php?id=8) can be an effective means of learning the skills required to conduct the whole range of assessments, including interviewing techniques. Since these classes are usually oversubscribed, a Canadian version of this training would be the most effective means of disseminating these skills to potential Mobility Coordinators throughout Canada.

Section 10: Eligibility Outcomes

10.1   Full, Conditional and Temporary Eligibility

For those who are granted specialized transit eligibility, there are generally three eligibility categories: full; conditional; and temporary eligibility. Different names are used throughout Canada to refer to these terms, so this Code of Practice will attempt to standardize the terms that are most descriptive.

Full Eligibility: When it is not reasonable to use the conventional (fixed-route) service under any circumstance, regardless of weather, distance to the stop, time of day etc. This is also known as unconditional eligibility. Also referred to as unconditional eligibility

Conditional Eligibility: In this category of eligibility, the individual can be reasonably expected to make some trips on the conventional service. For example, a person may be able to reach bus stops that are no more than three blocks away, and where there is a safe, accessible path of travel, but she may require paratransit if distances are greater than three blocks, or if there are path of travel obstacles such as steep hills, deep snow or ice, or other obstacles. Another person may have a variable health condition; on some days conventional transit is possible, and on other days not. In contrast to the former description of conditional eligibility, where the agency makes the determination of whether a particular trip is eligible or not, for those with variable health, the rider himself makes the decision. This category is also known as "good day, bad day" eligibility.

Temporary Eligibility: An individual can be found fully or conditionally eligible, but on a temporary basis. This category applies to individuals whose disabilities prevent them from using specialized transit for a limited period of time.

Section 11: Conditional Eligibility and Trip Eligibility Screening

11.1   Applying conditional eligibility

For riders who have conditional eligibility, for each trip they request, the transit system may assess (or "screen") whether that particular trip's circumstances meet the conditions under which the rider is eligible. This is known as trip-by-trip eligibility, or simply trip screening.

Conditional eligibility and trip screening are based on a two stage process. First, in conditional eligibility, the transit system determines an individual's ability to ride conventional transit. Second, in trip eligibility, the transit system applies the individual's conditions to his or her specific trips.

It is critical that when transit agencies determine that an individual is conditionally eligible, they should identify all conditions that affect travel. Omitting any of the conditions that affect travel will inappropriately limit the rider's eligibility. Some Canadian systems find individuals seasonally eligible, thus limiting their specialized transit trips to cold weather or snow and ice conditions. However, these same individuals may also be unable to use conventional transit due to a lack of curb cuts, thus being unable to travel on a bus even during summer months.

11.2   Path-of-travel assessments

In order to implement comprehensive trip-by-trip eligibility, transit agencies can incrementally build a database inventorying the assessment levels of key locations throughout their service area. Many transit agencies view the prospect of building such a database as too labor-intensive and time consuming. However, documentation of even a small number of locations that have heavy usage by specialized transit riders can be critical to effectively screen trips by frequent/subscription riders. A checklist should be used that will enable staff without previous experience to document all the potential barriers in a location, and catalogue this information in ways that will be useful to call takers who receive trip requests. Transit agencies can flag locations that are requested three times by the same subscription rider as candidates for environmental assessments. This allows the agency to prioritize the locations that are most likely to provide the information needed to screen trip requests from the most frequent riders.

Section 12: Eligibility Assessment Guidelines for People with Different Disabilities

12.1   People with Cognitive Disabilities

The physical component of mobility assessments has been described in Section 9.1. However, for those applicants who have a cognitive or psychological disability, the assessment should evaluate orientation, safety awareness, memory, learning skills, problem solving, navigation skills, and motivation. It could include testing an individual's ability to make simple and complex trips; tests of abstract thinking abilities such as memory, judgment, and self-initiation; resistance to distraction; impulse control; and communication. The FACTS test which has specifically been developed to conduct this evaluation has been scientifically validated, and can be conducted by trained staff who have no background in the field of psychology. For more information on the FACTS test, see:

 ://projectaction.easterseals.com/site/DocServer/FACTS_Series.pdf?docID=9823

12.2   People with Visual Impairments

A visual ability assessment is used to determine whether an applicant's visual disability prevents her from using the transit system's bus and/or train system. For applicants who are legally blind (based on the visual acuity statement provided by the applicant), it is optimal to use the services of an orientation and mobility specialist (O&M Specialist) to conduct the assessments, rather than relying on a Mobility Coordinator. However, since many jurisdictions may not have an O&M Specialist, agencies should rely on the submission of a medical professional who is familiar with the applicant's visual disability.

12.3   People with Seizures

For individuals whose application is based on seizures, agencies should not conduct a mobility assessment unless other disabilities are also indicated, as it is highly unlikely that the applicant will experience an episode during the course of an assessment. However, an interview is still recommended to provide the opportunity to discuss the range of mobility options in a community, if indeed these exist. Determinations in these cases will be based on information provided by the applicant and their medical provider, with possible follow-up via telephone to the medical provider. Since some people with seizures are able to ride transit, in order to make this determination some of the key information that should be requested from the medical provider includes:

- Date of onset

- Type – petit mal or grand mal

- Frequency

- Medication

12.4   People with Psychiatric Conditions

Making eligibility determinations based on psychiatric disability can be some of the most challenging as the effects of psychiatric conditions on ability to ride transit may not be readily apparent. As with seizure conditions in which the applicant's condition may not be manifest during the course of an assessment, transit agencies should not conduct a mobility assessment unless other disabilities are also indicated. Determinations in these cases will be based on information provided by the applicant and their medical provider, with possible follow-up via telephone to the medical provider. This information should include verification and extent of the disability, the treatment and prognosis, and how the applicant's disability affects her ability to ride transit. It is also important to clarify what is different about specialized transit that makes travel possible when conventional transit is not considered to be an option. The Diagnostic and Statistical Manual (DSM-IV) and Merck Manual are considered useful resources by some transit agencies in making these determinations and helping to understand the specific psychiatric conditions.

Section 13: Other Eligibility Certification Models

13.1   Telephone Interviews

Very few systems rely solely or even primarily on telephone interviews. However, in small and/or rural systems where transportation to in-person assessments would be both impractical and too costly, telephone interviews should be considered as a substantive enhancement over existing paper-based processes. Guided phone interviews at least allow the Mobility Coordinator to engage in a two-way conversation with the applicant (where the individual's disability allows for this), in which the range of individual abilities and mobility resources can be discussed.

Some transit agencies may choose a hybrid of telephone interviews and in-person assessments as a way of containing costs and reserving in-person assessments for those applicants whose functional abilities are most difficult to determine without an observation.

13.2   Web-based Process

A new approach that has been adopted by a handful of transit agencies in the U.S. relies primarily on web-based eligibility certification. Under this model, applicants usually need to create an on-line account, complete the application, and then mail or e-mail a healthcare form completed by a professional who is familiar with their abilities. However, applicants who have difficulty using the web do have the option of submitting paper applications. In both cases, the information is then reviewed by the professional on the evaluation team who has specific expertise in the disability that is the basis for the person's application. Team members include medical doctors, physical and occupational therapists, registered nurses, social workers etc. Eligibility outcomes are relatively similar to those from in-person assessments in terms of the breakdown of eligibility categories, but not in terms of level of detail. In a small number of cases, if determinations cannot be easily determined, in-person mobility assessments are conducted.

Section 14: Eligibility for Visitors

14.1   Proof of eligibility in home system

A visitor is anyone with a disability who does not reside in the jurisdiction served by the transit system. Visitors presenting documentation that they are eligible for specialized transit in their home jurisdiction should be treated by the transit system as eligible, with no further documentation required. If the visitor does not have documentation and does not have an apparent disability, he can be required to submit documentation before being granted eligibility.

The problem with this approach is that there are many Canadian systems that provide eligibility to almost every applicant, and if a system is already over-constrained and has a "stricter" eligibility program, there could be repercussions in granting temporary eligibility to those certified under a less rigorous process. By limiting visitor eligibility to 21 days, transit agencies can limit their exposure under these circumstances. And ultimately the percentage of specialized system riders who are visitors is always very small, except during extraordinary events such as the Winter Olympics or other international events.

Section 15: Appeals Process

15.1   Different Appeals Models

Individuals who are denied eligibility (or are granted eligibility that is less than they believe is appropriate such as conditional instead of full eligibility), should be provided an opportunity to appeal the decision. Some systems also allow registrants to appeal service suspensions due to no-shows.

There are two main appeals models. The first, and more traditional approach, consists of a panel which is often made up of individuals who represent different constituencies, such as the disability community, the transit system, and a social service/medical agency. This model has the advantage of appearing to be well-balanced in terms of a variety of different perspectives being represented, and therefore is often the most politically acceptable approach. In addition, if the representatives participate on a voluntary basis or as part of their job description, this can be an inexpensive approach.

However, this model has some significant disadvantages. It is quite common for appeals panel members to be appointed based on their political affiliation rather than their knowledge of the transit skills of people with a variety of disabilities. A person who uses a wheelchair may have very limited knowledge of the skills required for an individual with a cognitive disability to ride transit. Similarly, a transit staff person or board member may not be familiar with different barriers in the environment if they don't have a disability themselves. Another disadvantage of the appeal panel model is that the administrative costs are often underestimated. For example, unless the system is large and the panel meets on a routine basis, it can be challenging to schedule appeal hearings that everyone can attend, and if an individual cancels in the last minute and a majority vote is required, this can disrupt the procedures. Recruiting reliable and skilled volunteers can also be a time-consuming process.

A more effective model is one in which the transit system has on retainer a variety of professionals with expertise in different disabilities, such as physical therapists for appellants with physical disabilities, psychiatrists for those with psychiatric conditions, or O&M Specialists for those with visual disabilities, and these are called upon on a case by case basis. Since the number of appeals is usually very small, the costs of using these professionals' services can be contained.

Since smaller transit agencies may operate in jurisdictions that do not have access to these professionals, the appeals panel may be their model of choice, and can be designed to be as effective as possible. For example, if at least one of the panelists is a professional with a rehabilitation background, she can provide the necessary medical background to inform the others of how a particular disability could affect an individual's functional ability to ride transit. In addition, establishing an informal level of review by internal staff can often resolve issues before they rise to the level of a full-fledged appeal.

Whichever model is adopted, it is important that the individual(s) conducting the appeal be well-versed in the:

- skills required to ride transit
- level of accessibility and scope of services of the conventional transit system
- ability of people with different disabilities to perform different tasks
- service policies of the specialized transit system

15.2 Appeals Procedures

Applicants should be given 60 days to appeal their eligibility determination, and the process should not be onerous or overly judicial (note: Section 64 (6) of the AODA allows 30 days from the time a complete application form has been received). It is critical that the person or persons reviewing the appeal have had no role in the original determination, although that individual may be called in to provide an explanation for the determination. Appeal decisions must be in writing, and in clear language that is readily understood by the appellant.

Other considerations are that the decision be based on the exact same eligibility criteria as used by the specialized transit system, that preceding similar determinations be taken into account, and that the appellant be allowed to bring an advocate with them in order to make their case.

Generally an appeals process in which 20 to 30 percent of the original determinations are overturned may reflect both a healthy appeals process and an effective eligibility process. If 100 percent of decisions were overturned, then this could indicate that either the Mobility Coordinator is not effective in her role or that the eligibility process is overly politically driven. If none of the decisions are overturned, this could reflect inability of the appeals panelists to override the Mobility Coordinator due to lack of confidence in their knowledge of disabilities and the skills required to ride transit.

Section 16: Eligibility Determination Letters

When communicating with applicants, it is important that the eligibility determination letter provide sufficient information for the applicant to have a clear understanding of what level of service they are entitled to, and if denied eligibility, the reasons for the denial

16.1 Letter Content for Eligible Applicants

All communications with applicants who are found permanently or temporarily eligible should contain the following contents:

- Name of transit system
- Eligibility determination (more detail below)
- Expiration date
- Identification card (if the agency uses one)
- A Riders' Guide explaining how to use the program
- Contact information if the registrant has questions

In addition to these elements, for those who are found conditionally eligible, the letter should contain the following statement:

"Based upon a review of your application for eligibility certification, the (name of transit system) has determined that you are eligible to use specialized transit service when one or more of the following conditions exist:"

Some examples:

- Cannot ambulate more than three blocks
- Conventional transit trip requires a transfer
- Temperature (below 10 degrees or above 26 degrees Celsius)
- Snow and/or ice
- Fatigue following treatment
- Hills, uneven terrain
- Not trained to the destination
- Stop not accessible
- No seat at stop
- Dusk to dawn (give times, can vary by season)
- Manual wheelchair/service animal not available
- Curb cuts
- Parking lots

As mentioned previously, providing clear descriptions of the conditions is important not only for the reservationist/call taker, but also for the rider who needs to be well-informed about which trip requests are likely to be eligible.

16.2   Eligibility Denial Letter Content

For applicants who have been determined ineligible, the letter should provide detailed information about the reasons for the decision, with a reminder of who the specialized system is intended to serve. The letter should encourage the applicant to ride the conventional service, and provide instructions on how to appeal the decision.

The applicant should also be reminded that if there is any change in her ability to ride conventional transit in the future, she may submit a new application. Many transit systems attach a guide on how to ride conventional transit to this letter, and a description of the travel training program if one exists in their jurisdiction.

APPENDIX

Additional Resources

If this Code of Practice is obtained as a separate document from the first technical report in this project, *"Specialized Transit eligibility Certification Programs: An Overview of Canadian and U.S. Experience*," the reader is advised to review the findings of that report, as they provide much of the basis for the content of this Code.

The following two resources, while produced for a U.S. audience, contain valuable information for practitioners who seek to implement an in-person assessment, and for people with disabilities who plan to apply for eligibility:

Easter Seals Project ACTION, 2004, "Determining ADA Paratransit Eligibility: An Approach, Guidance and Training Materials," prepared by TranSystems Inc. and ACCESS Transportation Systems.

Disability Rights Education and Defense Fund (DREDF), " **Paratransit Eligibility: How to Make Your Case**" — in cooperation with **for Equality** (Illinois Protection & Advocacy), for individuals who are planning on applying for paratransit eligibility in an in-person process.