

RTAP NEWS

New Hampshire RTAP Quarterly Newsletter

August 2015

ADA Reasonable Accommodation Rule Change

On March 13, 2015, the U.S. Department of Transportation published a final rule in the Federal Register that will have impact on all providers of public transportation. The rule addresses the concept of “reasonable accommodation” in the delivery of transit services and may require a public transit provider to go beyond what is required in U.S. DOT’s existing ADA regulation.

A transit system must make reasonable accommodations in policies, practices, or procedures when such accommodations are necessary to avoid discrimination on the basis of disability, unless the recipient can demonstrate that making the accommodations would fundamentally alter the nature of the service, program, or activity or result in an undue financial and administrative burden.

The new rules give public transportation providers the flexibility to implement their own method of compliance with the reasonable accommodation requirement. However, there some basic rules to follow:

a) The provider must **make information about the process for requesting and receiving a rea-**

sonable modification accessible. Wherever information about the public transportation system is published, information about reasonable accommodations should also be included. It is also required that people with disabilities are able to access this information, which means that the information has to be available in alternative formats when requested.

b) The provider must **make the process for requesting a reasonable accommodation easily accessible to those people with disabilities.**

c) While the rule encourages individuals to make reasonable modification requests in advance, a transit agency may find situations where such requests cannot be made due to some barrier at the destination. In these instances, **operating personnel may be required to make a determination on responding to the individual’s request while in revenue service.** This means bus operators, dispatch personnel, and/or operations supervisors must be trained on these rules in order to ensure that inadvertent discrimination against an individual with disabilities does not occur.

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Lift Equipped Vehicles

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Tri-State Transit Conference



www.tristatetransitconference.com

**Vermont, Maine, New Hampshire
September 9-11, 2015
Hosted by NHDOT at: Mill Falls at the Lake
Meredith, NH
www.tristatetransitconference.com**

Transportation professionals from Maine, New Hampshire, and Vermont will gather for education, socialization, and exhibitions at Mill Falls at the Lake in Meredith, NH.

This annual Northern New England Event is your most cost effective, exciting opportunity to exchange best practices, share challenges, discover answers, and return home relaxed and motivated!

Industry professionals will lead workshops on: Marketing and Fundraising; Changes to WC19 and WC20; Accessible Lift Maintenance; Performance-Based Transportation Planning; ADA Reasonable Accommodations; "Super Circular;" Driver Safety and Crisis Management; Demand Response Scheduling; Building Boards That Work; Reasonable Suspicion and DAPM Drug and Alcohol Training; Maintenance Manager 101; Ask FTA Round Table, and more.



Our vendors will showcase what is new for 2015 and beyond! During the keynote, you will be entertained and inspired by the insight and sword-swallowing charisma of Roderick Russell as he shines a new light on how to set and achieve goals. You will hear a fresh perspective from Scott Bogren of the CTAA and Mary Beth Mello from FTA.

You will eat, drink and be merry as you relax with a BBQ on the shores of beautiful Lake Winnepesaukee, chill to the sounds of a local band and cheer on the Pats as you watch them kick off another winning season during our Big Night IN!

Conference Registration Fees:	Early/Late*
Transit Association Members:	\$50 / \$75
Non-Members:	\$75 / \$100
Spouses/Guests:	\$75
Single Day Registration	\$50
(Fee Includes: designated meals, breaks, & Big Night IN)	

TRI-STATE CONFERENCE REGISTRATION IS OPEN

[Click Here](#) to go to our fast and easy online registration page

If you are not able to register online, please contact Terri Paige for assistance at (603) 731-5196 or tpaige@rlsandassoc.com

[Click Here](#) to see the tentative agenda and how to make hotel reservations.

Reporting Accessible Trips: What is an accessible trip, and why is NHDOT asking me to report it?

The New Hampshire Department of Transportation (NHDOT) requires that sub-recipients receiving FTA Section 5310 operating funds, either through the Purchase of Service (POS) program or the RCC Formula program, report not only the total number of trips provided, but also the breakdown between the number of ADA accessible trips provided and the total number of ambulatory trips provided. You may be wondering why you, as a provider, have to report this information, and what exactly is considered an accessible trip.

FTA Section 5310 funding is made available to ensure that seniors AND individuals with disabilities are able to access transportation that they need to allow them to remain independent in their communities. FTA requires that all 5310 projects, including volunteer driver programs, have accessible vehicles available for individuals with disabilities. FTA Section 5310 funds are made available to provide service to seniors AND individuals with disabilities and, therefore, each region/sub-recipient must ensure that accessible vehicles are available to provide accessible trips. NHDOT requires accessible trips to be reported so that it can ensure that all sub-recipients are complying with this FTA requirement.

So, what is the definition that NHDOT is using for an accessible trip?

- Accessible trips=trips that require the use of your accessible lift or the deployment of your ramp
- Ambulatory trips=trips that did not require use of your lift or ramp

Does this mean that a provider has to provide 100% service delivery to individuals requesting accessible trips? No, trip denials for accessible requests should be of a similar ratio to that of ambulatory requests, and providers should review trip denials at least every quarter to ensure non-discriminatory service delivery. For instance, a region or provider should not have a 5% ambulatory service denial rate and an 80% accessible service denial rate, as this would indicate that the service was designed for ambulatory individuals and precludes those requiring accessible service from benefiting from Federally-funded program.

Any and all marketing materials, service descriptions, websites, etc., that advertise and describe your 5310-funded service must include that the service is fully ADA accessible. Volunteer Driver Programs without an accessible vehicle would need to have an agreement in place with a provider of accessible transportation to accommodate accessible requests. If a person with a disability calls, the agency should field the request directly, without the requestor being subject to a different process than that of a person requesting an ambulatory ride. If needed, the person's information should be recorded, and then the agency should pass the information on to the agency with the accessible vehicle.

Providers and sub-recipients need to ensure that their data collection and call in-take process addresses the NHDOT required data collection.

If you have questions regarding this reporting requirement, you can review the information available on the NHDOT website [here](#) or contact NHRTAP at tpaige@rlsandassoc.com.

Your Safety, Your Life, and your Passengers' Lives Are Riding on Them

Many drivers are aware of the importance of their vehicle's strength during a crash. But are we as familiar with one of the most important features of our vehicle in avoiding a crash – tires? A vehicle's tires are the only thing between your drivers and clients and the road. To help ensure they can perform their best in a critical driving situation, drivers should properly inspect each tire during the pre-trip inspection. The time spent checking the tires is minimal compared to the safety consequences of tire failure.

Underinflated tires lead to sluggish handling, longer stopping distances, increased stress to tire components, and heat buildup. These consequences can lead to catastrophic failure of the tire, such as separation or blowout. Underinflated tires also decrease fuel economy. Whereas, properly inflated tires strike the perfect balance of maximized safety and fuel economy, both of which are related to the amount of surface contact between the tire and the road.

Tire Pressure Monitoring System (TPMS) Indicator



All passenger cars, light trucks, and vans that are Model Year 2008 or newer are equipped with TPMS.

- A NHTSA (National Highway Traffic Safety Administration) study of tire inflation pressure and tire pressure monitoring systems (TPMS) showed that 12 percent of all passenger vehicles in the United States of model years 2004-2011 (with and without TPMS) have at least one tire underinflated by at least 25 percent.
- NHTSA estimates that TPMS reduces by more than half (56%) the likelihood that a vehicle will have one or more severely underinflated tires.
- Your agency can improve its gas mileage by up to 3.3 percent if drivers keep the vehicle tires inflated to the proper pressure.

Do you know the recommended service life for your tires? Check your vehicle owner's manual for specific recommendations for tire replacement. Some tire manufacturers cite six years, while others recommend ten years as the maximum service life for tires. Look at the sidewall of the tire for the tire identification number (TIN). The last four digits are the week and year that

the tire was manufactured. Note that some older tires may have the TIN on the inside sidewall. And, don't forget about the spare tire. Even if it has not been used and the tread is not worn, the tire may be too old to operate safely.

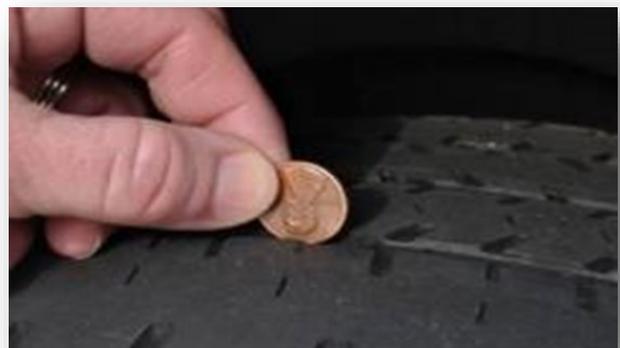
Even though a tire may have a lot of remaining tread, its integrity may be compromised. The effect of aging may not be visibly detectable. Tires age whether they are driven on or not, a concern for the infrequently used vehicles and spare tires in your inventory.

NHTSA reviewed data from the National Motor Vehicle Crash Causation Survey for tire-involvement before the crash occurred. About 9% of the estimated total crashes were "tire-related crashes." Some of the issues leading to the crashes included tread separations, blowouts, bald tires, and underinflated tires.

With tread depth at 2/32" or less, vehicles experienced tire problems before the crash three times more often than vehicles with tread depth between 3" and 4/32." Try the penny test. Place a penny in the tread of the tires with Lincoln's head upside down and facing the driver. If the driver can see the top of Lincoln's head, it is time to purchase new tires. According to the tire industry, the average new tire for a car starts with a tread depth of 10/32" to 11/32."

If you have any questions or concerns, contact the RTAP office (603)731-5196.

References: NHTSA (National Highway Traffic Safety Administration) Safety in Numbers Vol. 1 Issue 3 June 2013



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- d) At least one person at each public transportation entity must be designated as the responsible party to review, evaluate, implement, or document reasonable accommodation requests.
- e) The entity must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant and must ensure that it has documented its response.

The passenger requesting a reasonable accommodation is not required to use the term “reasonable accommodation” or “reasonable modification” when making a request.

Covered entities must have put these policies and procedures in place by **July 13, 2015**. Reasonable accommodation requires modifications in policies, practices, and procedures, when necessary, in order to avoid discriminating against individuals with disabilities. As the name suggests,

there is a “reasonable” standard, and the three exceptions to this rule (see table below) give a general idea as to its limitations.

To review the Federal Register in its entirety, go to <http://www.gpo.gov/fdsys/pkg/FR-2015-03-13/pdf/2015-05646.pdf>

Visit the NHRTAP website to see a sample reasonable accommodation policy that can be used as a template to create your own policy, <http://newhampshirertap.com/Resource.html>

When in doubt about a reasonable accommodation request or policy, it is always best to contact NHDOT or NHRTAP (603) 731-5196 tpaige@rlsandassoc.com for advice.

Exception 1:	Making the accommodation would fundamentally alter the nature of the public transportation service.
Exception 2:	Making the accommodation would create a direct threat to the health or safety of others.
Exception 3:	The individual requesting the accommodation is able to fully use the transportation entity's service without the accommodation being made.

New National RTAP Technical Brief Evaluates Strategies on How to Safely Secure and Transport Passengers with Large and/or Heavy Wheeled Mobility Devices

National RTAP's newest technical brief, [Oversized Wheeled Mobility Devices](#), gives you the information you need to be informed about the ADA requirements related to large and/or heavy wheelchairs and the revised ADA wheelchair definition.

New Hampshire DOT Updates

This fall, NHDOT will be conducting compliance reviews for all FTA Section 5311/5311(f) subrecipients to ensure that we, as a state, are adhering to [FTA requirements](#). Please contact NHRTAP now for assistance if you have any questions regarding FTA compliance. We can be reached at (603) 731-5196 or tpaige@rlsandassoc.com.

FTA Section 5310 subrecipients might find this Q&A section on the NHDOT website helpful: <http://www.nh.gov/dot/org/aerorailtransit/railandtransit/grants.htm>. If you don't find the answer that you need there, contact NHRTAP at (603) 731-5196 or tpaige@rlsandassoc.com, and we will be happy to assist you.

CALENDAR

August:

No Training Scheduled. Training will resume in September after the Tri-State Transit Conference

September:

- 9-7-15 Labor Day
- 9-9-15 Start of Tri-State Transit Conference
- 9-11-15 End of Tri-State Transit Conference
- 9-19-15 Passenger Assistance Training (8hrs)
Saturday (8am—4:30pm)
Advance Transit, Wilder, VT
- 9-26-15 Passenger Assistance Training (8hrs)
Saturday (9am—5pm)
McConnel Center, Dover, NH

October:

- 10-10-15 Passenger Assistance Training (8hrs)
Saturday (8am—4:30pm)
North Country Transit, Berlin, NH
- 10-10-15 Passenger Assistance Training (8hrs)
Saturday (8am—4:30pm)
Community Action Program, Concord, NH

October:

- 10-17-15 Defensive Driving—Van/Bus Driver
Saturday (8am—12pm)
Advance Transit, Wilder, VT
- 10-17-15 Emergency Procedures
Saturday (12:30pm—4:30pm)
Advance Transit, Wilder, VT
- 10-24-15 Defensive Driving—Van/Bus Driver
Saturday (8am—12pm)
North Country Transit, Berlin, NH
- 10-24-15 Emergency Procedures
Saturday (12:30pm—4:30pm)
North Country Transit, Berlin, NH
- 10-31-15 Halloween

The current NHRTAP transit staff training schedule can be found at:

<http://www.newhampshirertap.com/Training.html>

Please contact [Terri Paige](#) at (603) 731-5196 with any training needs, questions, and/or requests.

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If you are not receiving this newsletter directly, or know of someone who is not currently receiving it, and would like to, please contact Zach Kincade (zkincade@rlsandassoc.com). This publication is free.

