

Southeast Area Transit District Board of Directors Meeting
July 19, 2023
9:30 AM

The meeting will be held **in person** at the Council of Governments Office, 5 Connecticut Avenue, Norwich

AGENDA

1. Roll Call
2. Public Comment
3. Minutes of June 21, 2023, Meeting
4. Communications:
5. Reports:
 - a) Management Report: Accept and File
 - b) Financial Report: Accept and File
6. Old Business:
 - a) New London Smart Ride Update
 - b) Passenger Suspension Policy
7. New Business:
 - a) Items from Board Members and SCCOG Staff
8. Adjournment
9. Next meeting: August 16, 2023 (Note – SCCOG Meeting has been cancelled).

Member Municipalities
East Lyme Griswold Groton Lisbon Montville
New London Norwich Stonington Waterford

If language assistance is needed, please contact SEAT at 860-860-886-2631, information@seatransit.org
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Minutes of the June 21, 2023
Meeting of the Southeast Area Transit District Board of Directors

Board Members Present: Mark Oefinger, via Zoom (Groton), Carey Redd II (New London), Danielle Chesebrough (Stonington), Robert Brule (Waterford), Dana Bennett (Griswold), Thomas Sparkman (Lisbon), Ronald McDaniel (Montville)

SEAT Staff: Michael Carroll (General Manager), Cherise Simpson

SCCOG: Kate Rattan; Amanda Kennedy

Other Attendees: Sendra Childs, ATU Local 1209 President

1. **Roll Call**: Called to order at 9:32 am by Chairman McDaniel; it was noted that a quorum was present.
2. **Public Comment**: Sendra Childs, Union President of Local 1209, stated that she is extremely disappointed that the company did not acknowledge Juneteenth. She stated that the holiday is special to a lot of the employees at SEAT. She also stated that there is a need for bus stops. She stated that she does not know where we are at with the bus stops, but they are desperately needed.
3. **Minutes of April 19, 2023**: Motion to approve: Sparkman / Brule
4. **Communications**: CONNDOT Supplemental Agreement was executed
5. **Reports**:
 - a. **Managers' Report**: Mr. Carroll reported a 29% decline in ridership after the resumption of fares beginning April 1st, however ridership is tracking at pre-COVID levels. In both April and May, ridership rebounded to where it was a year ago and appears to have stabilized. Road calls went up significantly after the resumption of fare collection, with nearly all road calls due to farebox issues. In response to the calls, one of the Service Lane attendants has been shifted over to repairing fareboxes resulting in a slight decline in road calls. Service Interruptions were tracked in April and May as well. Many were due to road closures and constructions issues which tend to be reactive rather than proactive. Norwich updates SEAT frequently on road closures and Mr. Carroll stated if the towns provide advance notice of closures, they add SEAT to the distribution list. The Gold Star Bridge closure at the end of April created major operating impacts for SEAT service with several buses taking four plus hours travel between Groton and Norwich on the back roads. Mr. Carroll commended the staff and operators saying that they did a marvelous job that day trying to

react to that unfortunate situation. Mr. Carroll stated that they had to pass on implementing the Gold Star Shuttle service to mitigate the long-term sidewalk closure due to staffing shortages. CTDOT was able to secure a private contractor to run that service. SEAT is looking to hire additional operators and hopes to start training classes next month. Mr. Carroll stated that if additional funds are forthcoming for expanded service, SEAT will be hiring more operators to support the expansion. SEAT staff did a couple of route adjustments: Route 5 will serve the Easter Seals facility in the Industrial Park on every trip, adding more running time requiring the bus use Washington Street directly to the Norwich Transportation Center rather than traveling through downtown. Route 8 is now serving the Oak Tree Village apartments. The Norwich Transportation Center is now fully staffed. Mr. Carroll intends that the new staff at NTC will handle booking SmartRide and HOP reservations allowing SEAT to terminate the third-party call center service starting in July. Mr. Carroll has had discussions with the Town of Groton and the Subbase about an opportunity to secure a parcel of land close to the Subbase which will become a small transportation hub. This will serve as a small transportation hub for SEAT, including a satellite electric bus charging station and parking. Mr. Carroll will reach out to CTDOT and FTA to see if funding can be secured. Mr. Carroll was contacted by the Town of Preston regarding bus stops near the proposed River Walk development. The correspondence is in the packet related to that matter. SEAT submitted the MicroTransit proposals to the State in response to their RFP including Saturday Stonington HOP service; Waterford/Quaker Hill HOP service; Mystic-Noank HOP service; and late-night Smart Ride service. SEAT may learn about the results of the proposals in the month of August. If any of them are approved, services could start in November. Mr. Carroll has been spending a lot of time on GTFS (General Transit Feed Specification) which is the data that Google, and other developers use to map bus routes and stops. Mr. Carroll stated it is challenging and time-consuming work. He has submitted a clean GTFS feed to Google to update SEAT routes in Google maps. This will serve as a basis for the bus stop program. Mr. Carroll will be reaching out to Board members throughout the summer and work with local Public Works staff to initiate bus stop sign installations. Discussions of bus stops and locations ensued amongst the Board members. Mr. Carroll is meeting with a vendor later in the day, who was approved for a statewide MicroTransit bus grant. He will consider electric vehicles to replace the existing MicroTransit fleet. Although SEAT's current facility will not be able to support charging heavy-duty electric buses, it may be able to support small vans, etc. Motion to file and accept: Sparkman / Brule.

- b. **Financial Report:** Mr. Carroll stated the financial statement for May is attached. SEAT's expenses are tracking on budget. The various modes are broken out so Board members can better understand HOP and SmartRide costs. SEAT is still waiting for reimbursement from the State for June of 2022. SEAT is cautiously optimistic the funds will be forthcoming but, in the meantime, SEAT is using the Line of Credit to pay bills. SEAT is waiting for the Transit Operating document for FY24 which allows SEAT to bill the State for the first quarter of FY24. Motion to file and accept: Sparkman / Brule

6. **Old Business:**

- a. **New London Smart Ride Update:** Mr. Carroll stated after the fare resumption ridership declined, at around 3,000 boarding per month now as opposed to nearly 5,000 boardings per month during the fare-free period. The wait times significantly improved with the ridership decline at around 20 minutes versus 40 minutes to 120 minutes during the fare-free period. Ridership declined on the HOP service as well. Mr. Redd stated he would like to see the numbers of how many times SmartRide goes to the Hartford Healthcare Center. Residents have informed Mr. Redd that the SmartRide service seems to be working out very well. Mr. Carroll stated that if SmartRide is continued he will consider excluding the New London fixed route corridors from Smart Ride service to avoid "cannibalizing" riders from the fixed route service, and better allow SmartRide to fill service gaps with the current fixed route service. Calls are going to be transitioned from the call center to staff at NTC. There was a slight increase in the app usage to make reservations.

7. **New Business:**

- i. **Passenger Suspension Policy:** The proposed policy is to clarify and define how to suspend passengers. Several years ago, the Board approved a policy the circumstances for a service suspension. Recently SEAT had to suspend some people, but staff felt that the procedures needed to be refined. Mr. Carroll spoke with SEAT's attorney, and she provided some drafts from work that she had done at other transit districts. The proposed policy is a result of those discussions. Mr. Carroll is seeking Board approval. Motion to accept the policy as presented: Sparkman / Brule. Discussion: Mr. Oefinger stated that he had an issue with some of the wording in line item #3. Mr. Oefinger would like to see the appeals procedure. For Item 6: Would the bus sit on the side of the road until something happens or how will it work? Discussion ensued surrounding

these issues. Motion to table until legal counsel reviewed the policy based upon the discussion and prepare a revision: Passero / Brule

- ii. **FY24 Audit Engagement:** Mr. McDaniel signed three engagement letters.
- iii. **CTDOT Supplemental Agreement:** Mr. McDaniel executed this agreement as well.
- iv. **Smart Ride Continuation:** Mr. Carroll stated that Smart Ride is approved through the end of the fiscal year. With additional Federal one-time Federal operating assistance Mr. Carroll's recommended a quarterly renewal for SmartRide through FY24, with Board approval today of the continuation of SmartRide through October 1, 2023. Mr. Carroll reminded the Board the funds for SmartRide are one-time Federal COVID relief monies, and after the funds are exhausted, SEAT will need to rely on traditional funding sources of CTDOT, local monies and fares. To date, CTDOT has not indicated if it will fund Smart Ride through the traditional funding sources. Discussions ensued surrounding said subject.
- b. **Items from Board Members and SCCOG Staff:** Mr. Redd asked if Mr. Carroll had any discussions regarding the expansion of transit and what population areas may be affected via the Shoreline East study. Mr. Carroll responded that the study did not include extensive transit expansion options, focusing more on rail solutions.
- c. **Adjournment:** 10:28 am Sparkman / Brule

8. **Next Meeting:** July 19, 2023

Southeast Area Transit District Board Meeting
Report of General Manager
July 13, 2023

Operations

- **Road Calls:** 86 road calls were conducted in June, with all resolved without loss of service. 50 were Farebox related, 13 for clean-ups and only 6 were “Major Mechanical” failures.
- **Service Interruptions:** There were 13 service interruptions in June: 0 related to mechanical failures, 1 due to late schedules; 12 due to road closures/traffic and 0 due to passenger injury/disruption. If possible, we ask local public works departments to advise SEAT of any planned closures/construction.
- **COVID Update:** No reported COVID cases among employees. SEAT continues to offer paid time off for vaccines/boosters as well as rapid test kits to its employees.
- **Staff Updates:** We are staffed at 88% for fixed-route and 70% for Smart Ride operators. We continue to fill the coverage gaps with overtime and continue operator recruiting efforts. Two (2) bus operator trainees have started classes and should complete their training in August. A servicer, Rob Tillinghast, was promoted to Electronics Technician, focusing on fareboxes, cameras and AVL systems on the buses. We were able to backfill his servicer position. We continue advertising for a Mechanic and Facilities Manager.
- **Norwich Intermodal Transportation Center (NTC):** Hours have been expanded from 7 AM to 7 PM, Monday through Friday, and 7 AM to 6 PM on Saturdays. The Customer Service Representatives are handling MicroTransit call reservations and we have terminated SEAT’s call-center contract with Spare.
- **CTDOT MicroTransit Request for Proposals (RFP):** No updates currently.
- **GTFS/Bus Stop Update:** I have been focused on preparing a “clean” GTFS with bus stops; the file has been submitted to Google and Transit App (which was recently updated) and am working with SEAT’s CAD/AVL bus software vendor, Syncromatics, on integrating the data into their system as well. Kate Rattan (SCCOG) hosted a web meeting with CTDOT representatives to discuss the implementation of SEAT’s bus stop program. I plan to reach out to town Public Works staff to discuss implementation on local roads.

Ridership/June

- **Fixed Route:** June declined ridership by 3% compared to May (83,182 vs 85,700) and was 14% less than last June (83,182 vs 96,495) – which was fare-free. YTD ridership is up by 49% (1,159,863 vs 778,952) and seems to be leveling off to pre-COVID rates.
- **Paratransit:** June ADA ridership declined compared to May (539 vs 567). Compared to last year June ADA ridership increased by 29% (539 vs 495). The YTD change is 51% more than last year (6,716 vs 4,435) and exceeds pre-COVID levels even with the resumption of fare collection in April.
- **Stonington “HOP” Update:** The June ridership declined compared to May (648 vs 665). The YTD ridership increased by 57% over last year (7,927 vs. 5,050). Average wait times dropped slightly in June to 31 minutes from 32 minutes in May but rose again in May to 32 minutes. App bookings remained stable at 62%.

- **New London “Smart Ride” Update:** The NL Smart Ride June ridership decreased compared to June (2,925 vs 2,969). Average wait times increase to 21 minutes in June vs. 18 minutes in May. Since the resumption of fare collection average wait times hover around 20 minutes versus 40 minutes during the fare-free period. App bookings remained stable at 78%. The “No Show” rate was at 6% in June.

Safety Events: June

- **Fixed Route**
 - 4 minor collisions: 3 non-preventable; 1 preventable.
 - 1 pedestrian collision.
 - 2 disruptive passenger incidents reported: both requiring law enforcement assistance.
- **Paratransit**
 - None reported.
- **MicroTransit**
 - None reported.
- **Support Vehicles**
 - None reported.

Financial Statements/June: The June report is attached. The reports include a breakout of all services, Fixed Route, ADA, HOP and Smart Ride.

- **SEAT Reserve:** Balance (\$327,667) = fully allocated to expenses.
- **Line of Credit:** SEAT has drawn \$417,000 from the Line.
- **CTDOT Reimbursements:** The June 2022 payment remains outstanding.

FY24 Operating Budget: Staff continue to refine the budget utilizing updated data; we are also awaiting decisions from CTDOT about the various proposed service enhancements shared previously. In addition, we will be recommending additional staff to better meet FTA requirements related to procurement, facilities and GTFS; these positions would be funded with FTA grants.

Capital Update/Capital Projects: Staff has finalized the FTA capital grant for five (5) to seven (7) MicroTransit buses, software, equipment, and administrative expenses and is securing pricing from the approved vendor on the small buses/vans after receiving confirmation from CTDOT the small bus line item remained in the approved program.

Battery Electric Bus/Facility Program (BEB): Preliminary site plans have been prepared for upgrades to the SEAT facility in Preston.

FTA and CTDOT Updates: None

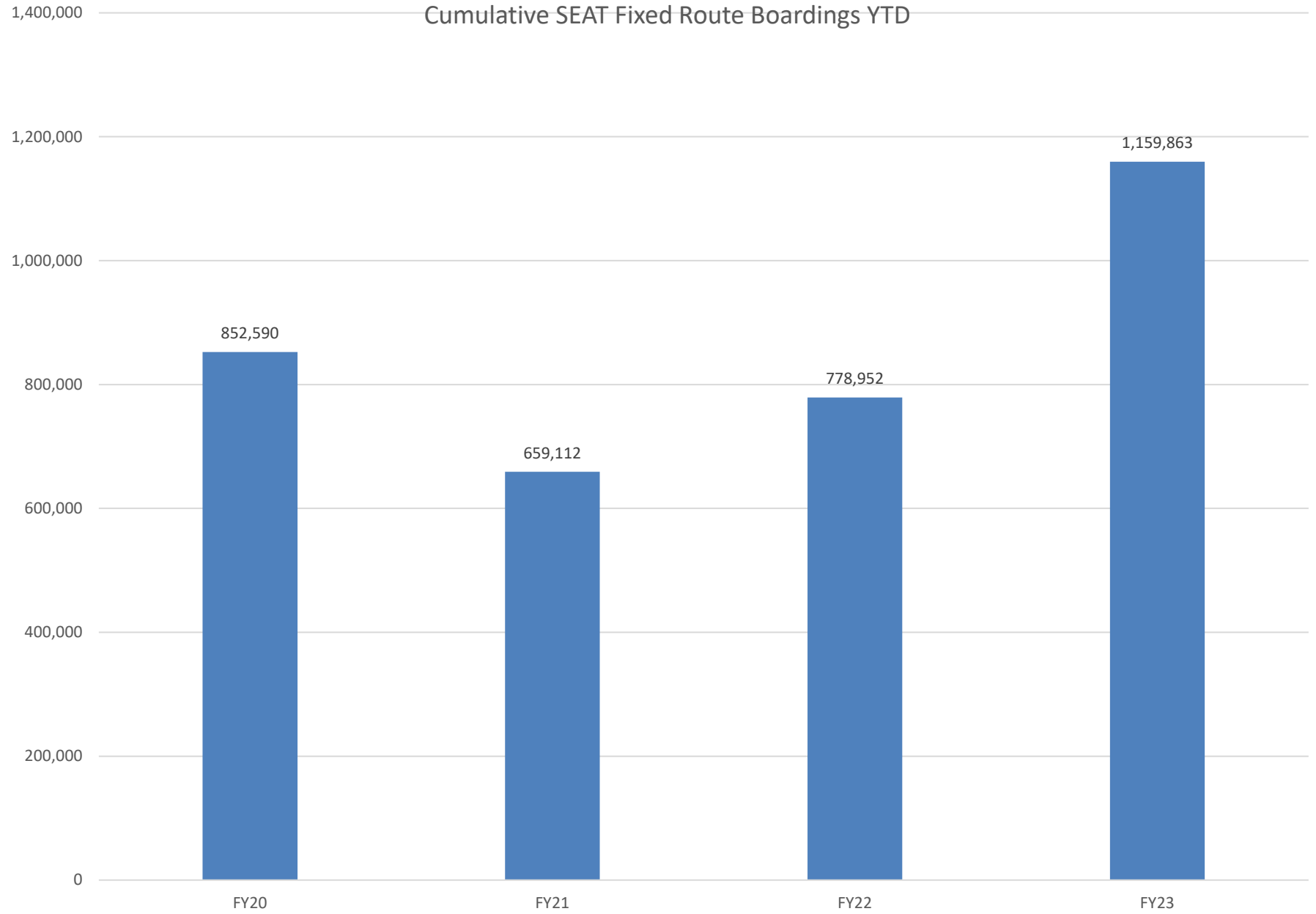
SEAT FIXED ROUTE RIDERSHIP

Jun-23

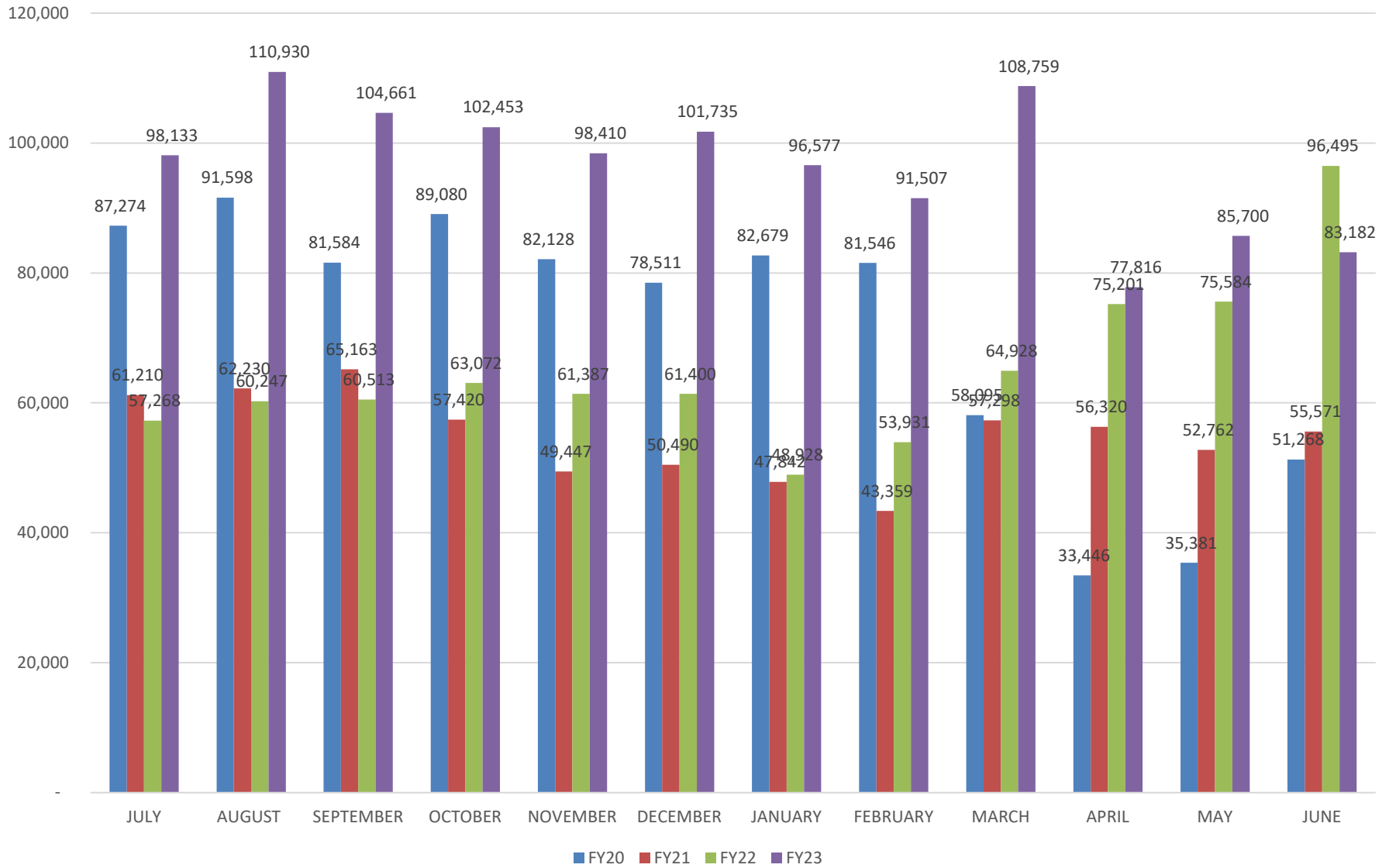
MONTH	FY20	FY21	FY22	FY23	% Change FY23/FY22	% Change FY23/FY20	Scheduled Revenue Hours	Scheduled Revenue Miles	Pax/Rev Hour mph	% Change Prior Month (Rides)
JULY	87,274	61,210	57,268	98,133	71%	12%	5,434	83,740	10.5	15.4
AUGUST	91,598	62,230	60,247	110,930	84%	21%	5,907	91,012	10.2	15.4
SEPTEMBER	81,584	65,163	60,513	104,661	73%	28%	5,479	84,425	11.0	15.4
OCTOBER	89,080	57,420	63,072	102,453	62%	15%	5,646	86,983	11.2	15.4
NOVEMBER	82,128	49,447	61,387	98,410	60%	20%	5,045	79,646	12.2	15.8
DECEMBER	78,511	50,490	61,400	101,735	66%	30%	5,616	87,794	10.9	15.6
JANUARY	82,679	47,842	48,928	96,577	97%	17%	5,631	88,047	8.7	15.6
FEBRUARY	81,546	43,359	53,931	91,507	70%	12%	5,210	80,250	10.4	15.4
MARCH	58,095	57,298	64,928	108,759	68%	87%	5,888	90,737	11.0	15.4
APRIL	33,446	56,320	75,201	77,816	3%	133%	5,420	83,474	13.9	15.4
MAY	35,381	52,762	75,584	85,700	13%	142%	5,704	87,909	13.3	15.4
JUNE	51,268	55,571	96,495	83,182	-14%	62%	5,756	89,932	16.8	15.6
YTD Total	852,590	659,112	778,952	1,159,863	49%		66,736	1,033,949	17.4	15.5

FY22

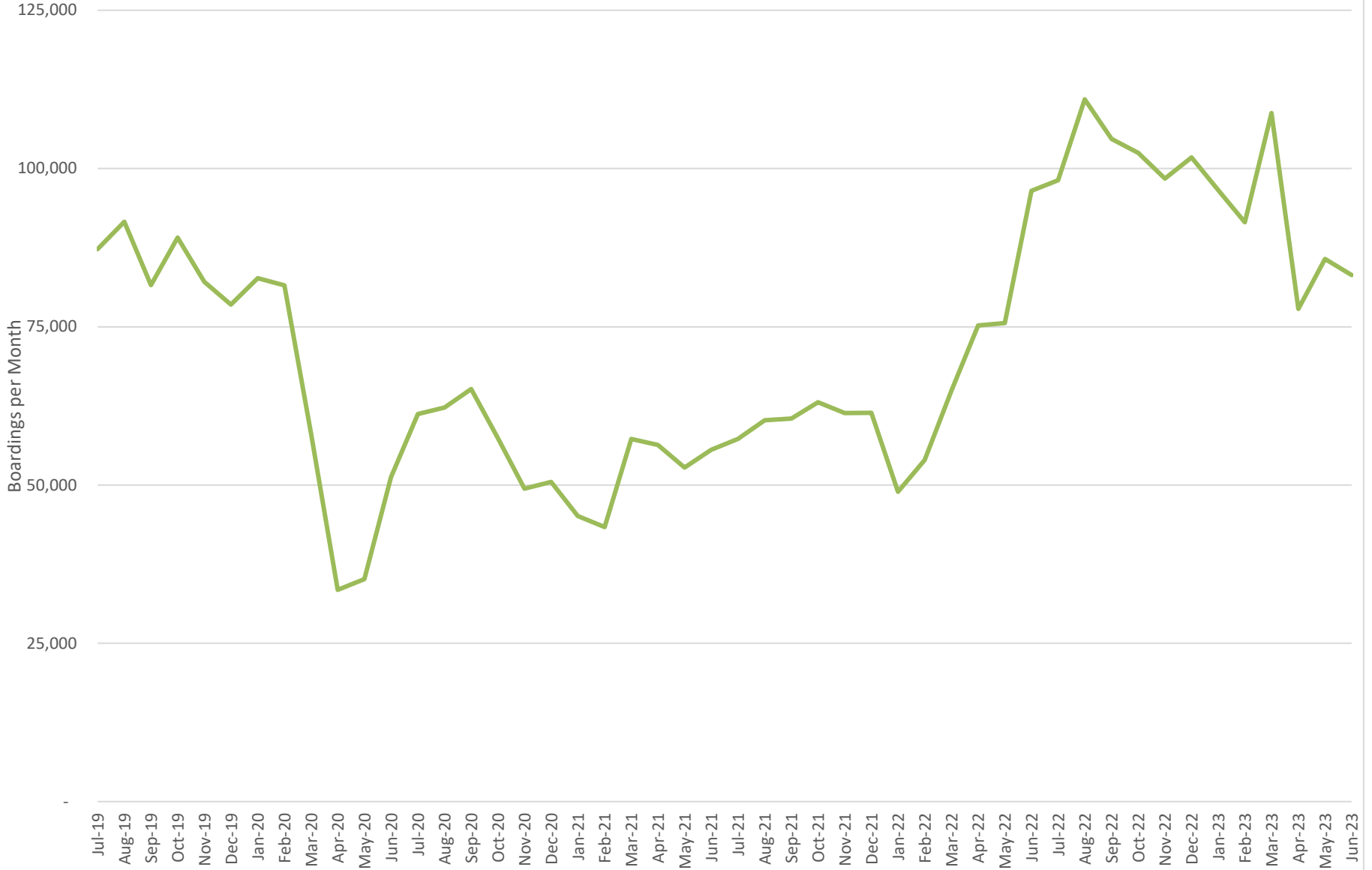
Cumulative SEAT Fixed Route Boardings YTD



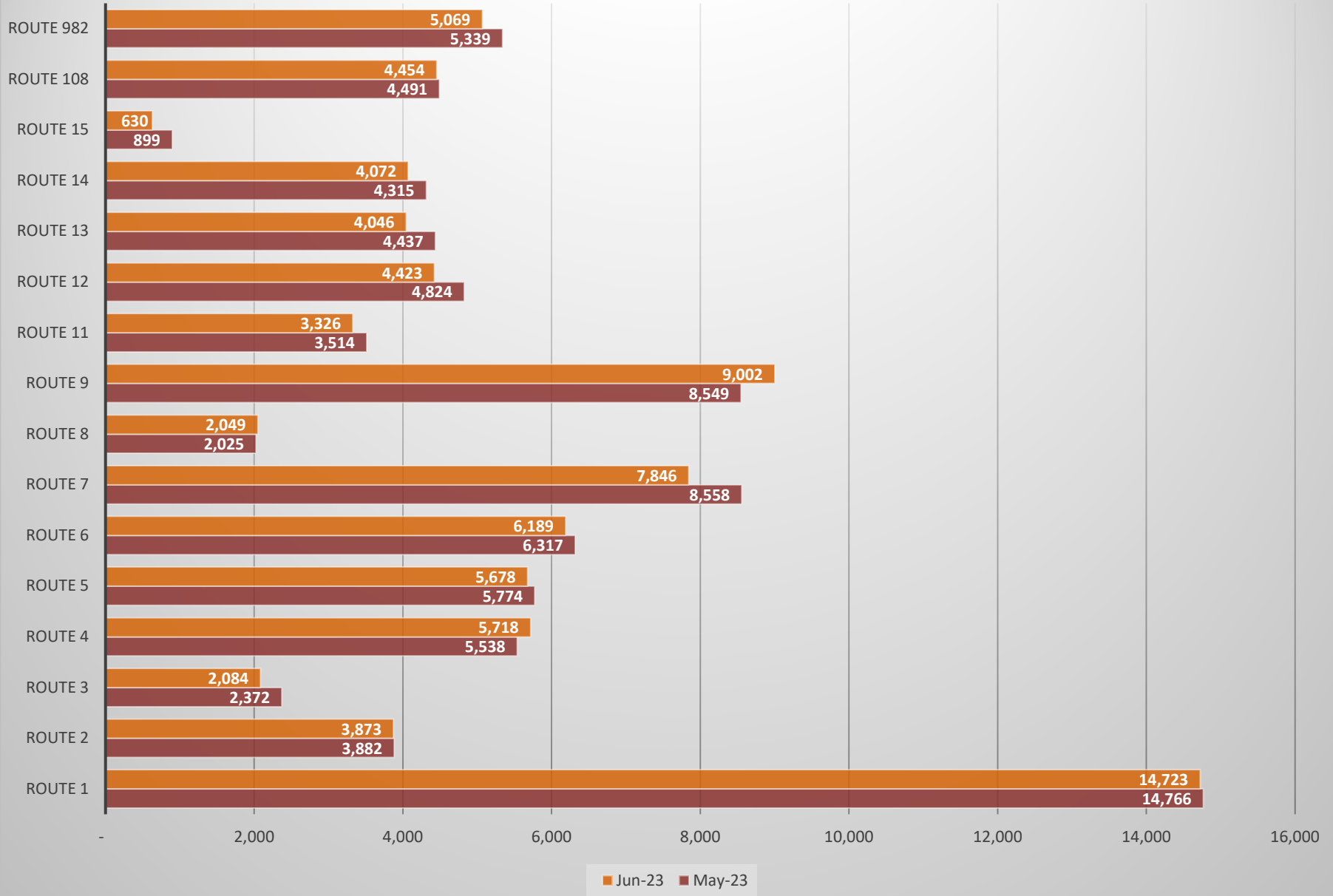
SEAT Monthly Fixed Route Boardings FY20/FY21/FY22/FY23



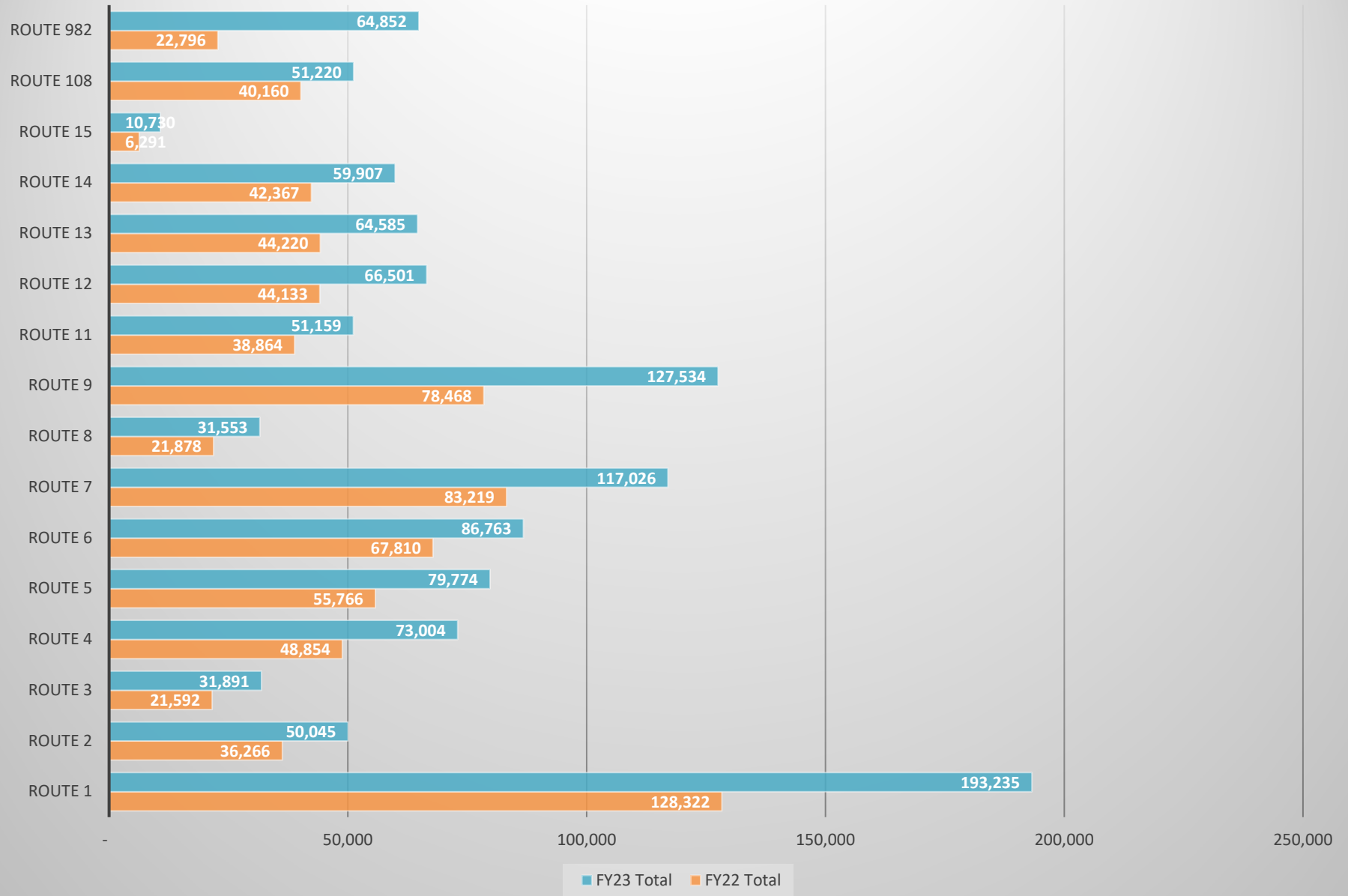
SEAT Fixed Route Boardings FY20-FY23



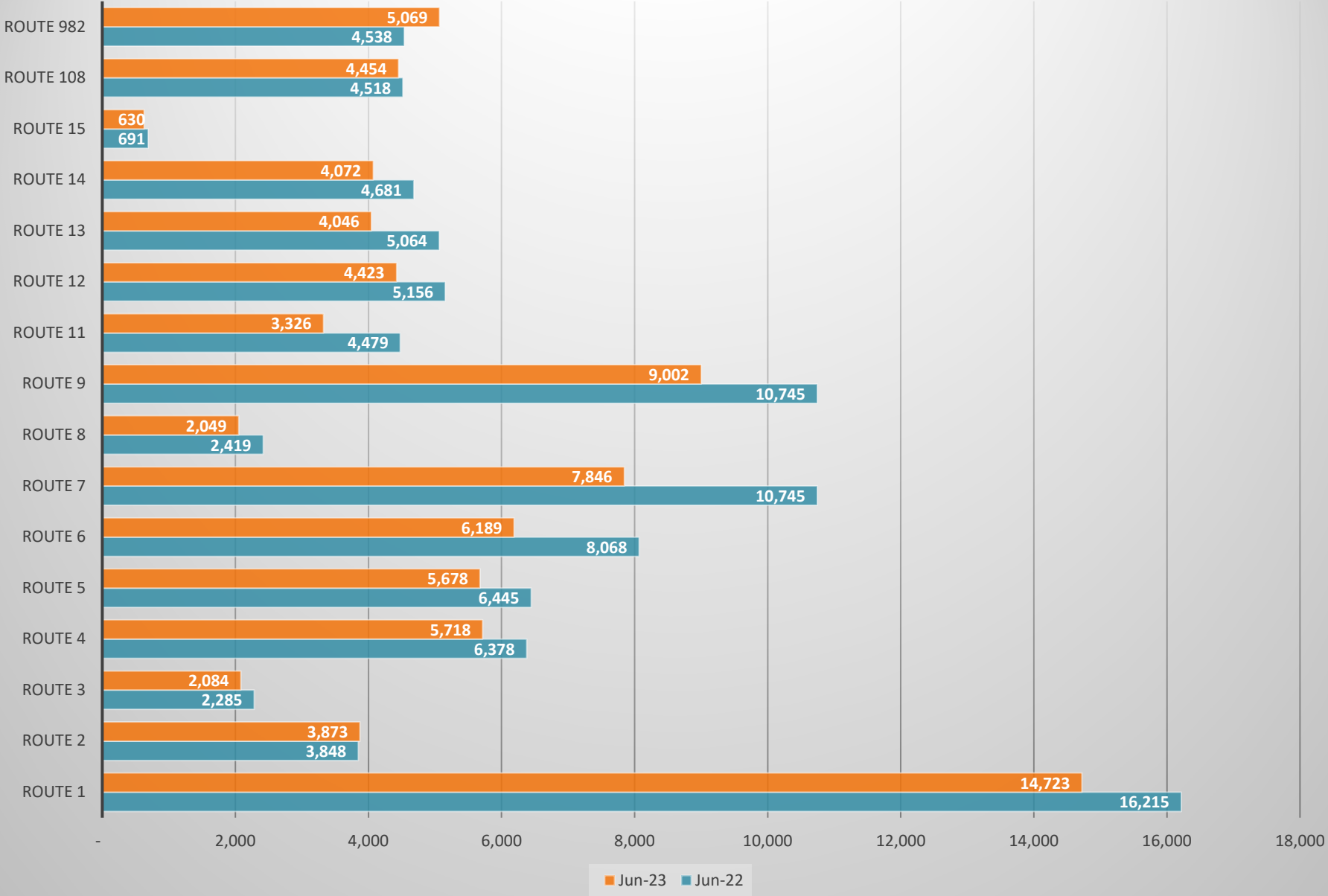
Monthly Ridership by Route Comparison June-May 2023



Ridership by Route, Year-to-Date Totals FY23 vs FY22



Monthly Ridership by Route Comparison June 23/June 22

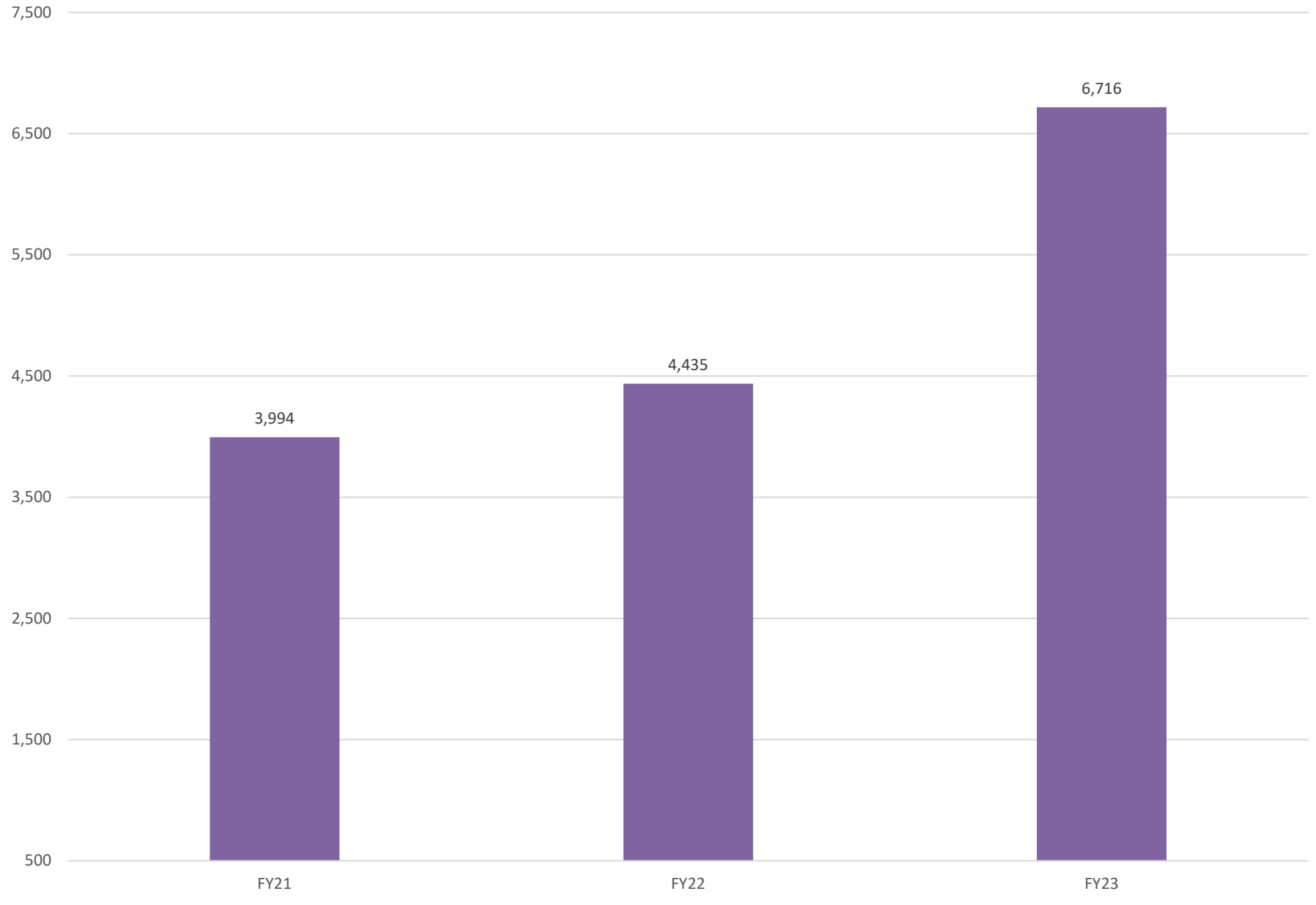


SEAT ADA PARATRANSIT RIDERSHIP

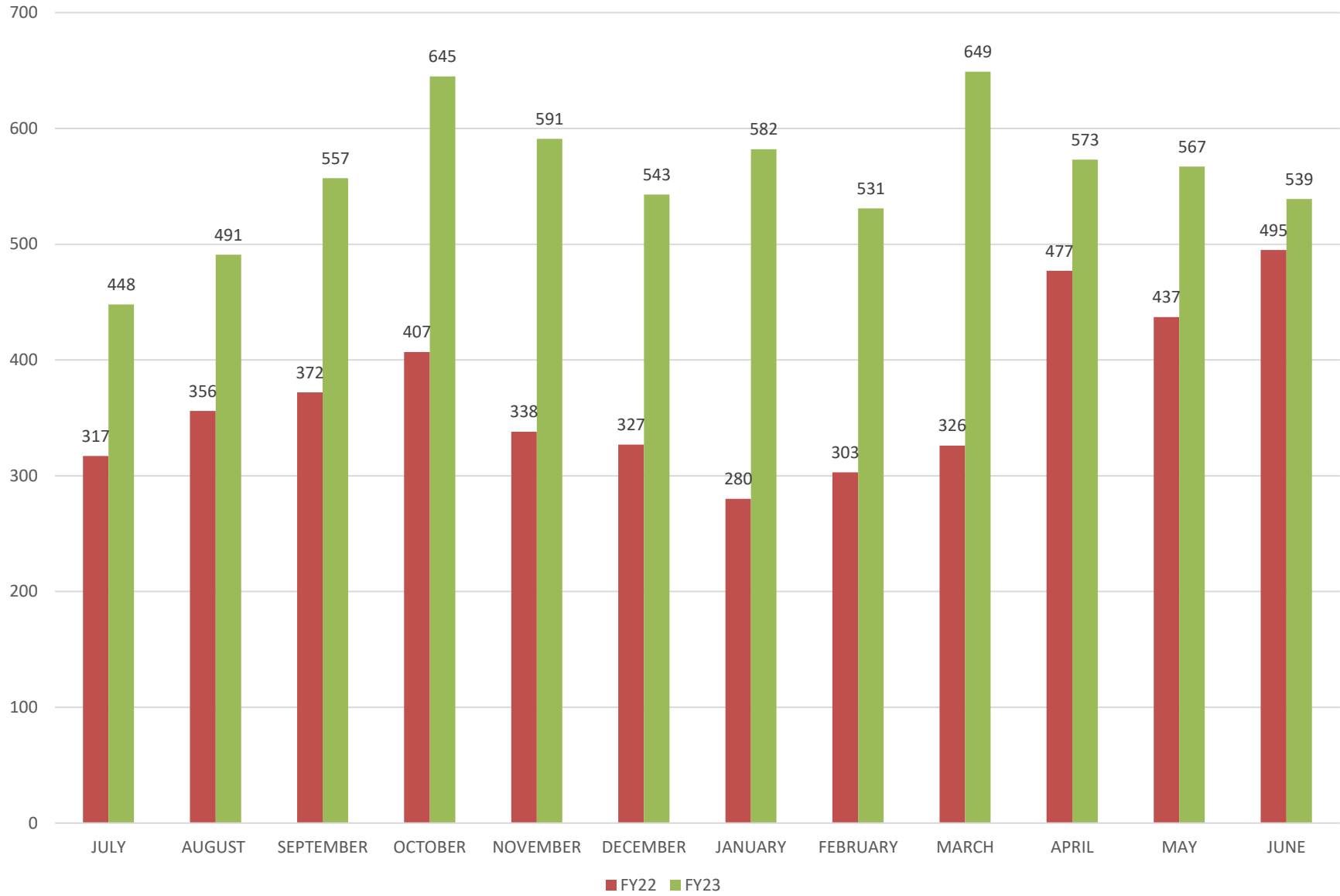
Jun-23

MONTH	FY19	FY20	FY21	FY22	FY23		Revenue	Revenue	Total	Total	Avg	Pax Miles	Service
							Hours	Miles	Hours	Miles	Boardings /Veh Hr (Spare)		
JULY	542	551	447	317	448	41.3%	340.1	4,734.1	482.8	6,742.1	0.9	3,166.7	13.9
AUGUST	516	522	442	356	491	37.9%	339.1	4,963.0	480.9	7,003.5	1.0	3,209.2	14.6
SEPTEMBER	457	501	425	372	557	49.7%	398.0	5,780.9	523.6	7,645.9	1.1	3,905.8	14.5
OCTOBER	555	537	342	407	645	58.5%	453.0	6,692.0	585.4	8,389.7	1.1	4,276.6	14.8
NOVEMBER	477	453	244	338	591	74.9%	414.7	5,891.7	566.1	7,664.8	1.1	3,871.7	14.2
DECEMBER	473	349	296	327	543	66.1%	376.0	5,194.0	521.8	6,937.5	0.9	3,487.6	13.8
JANUARY	516	439	310	280	582	107.9%	409.0	5,822.0	552.3	7,526.2	1.1	3,613.3	14.2
FEBRUARY	504	400	302	303	531	75.2%	393.7	5,498.6	542.9	7,165.5	1.0	3,402.6	14.0
MARCH	579	278	344	326	649	99.1%	503.3	6,755.9	654.3	8,790.8	1.0	4,112.9	13.4
APRIL	530	144	303	477	573	20.1%	463.5	5,501.1	635.6	7,641.2	0.9	3,476.0	11.9
MAY	554	159	252	437	567	29.7%	497.6	5,979.6	690.9	8,437.3	0.8	3,976.2	12.0
JUNE	511	292	287	495	539	8.9%	478.0	6,153.0	687.5	8,519.8	0.8	4,087.7	12.9
TOTAL	6,214	4,625	3,994	4,435	6,716	51.4%	5,066	68,966	6,924	92,464	1.3	44,586	13.6

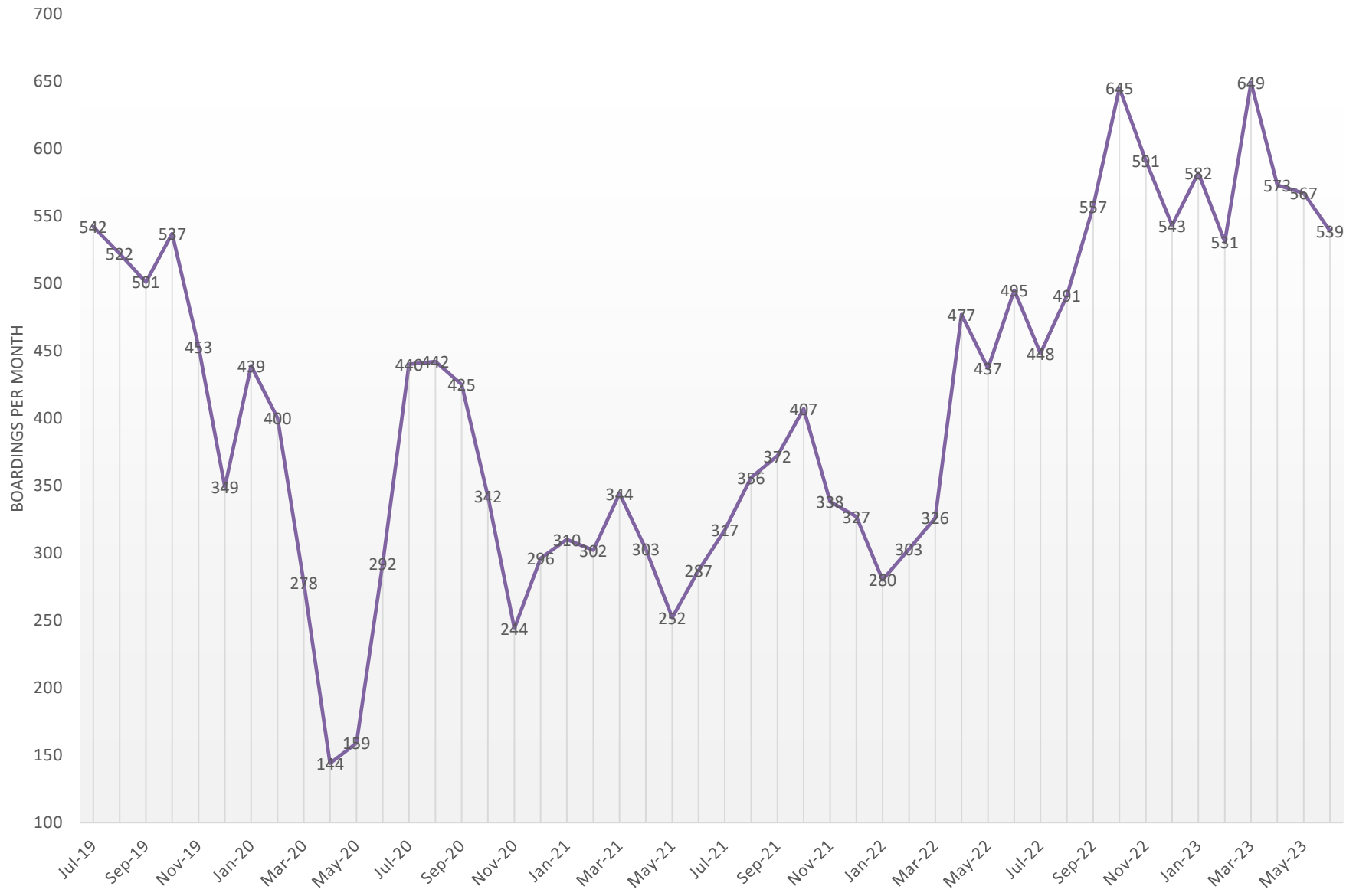
FY21, FY 22, FY23 Cumulative SEAT ADA Paratransit Boardings YTD



SEAT (ECTC) Monthly Paratransit Trips FY22-23



SEAT ADA Monthly Boardings FY20-23



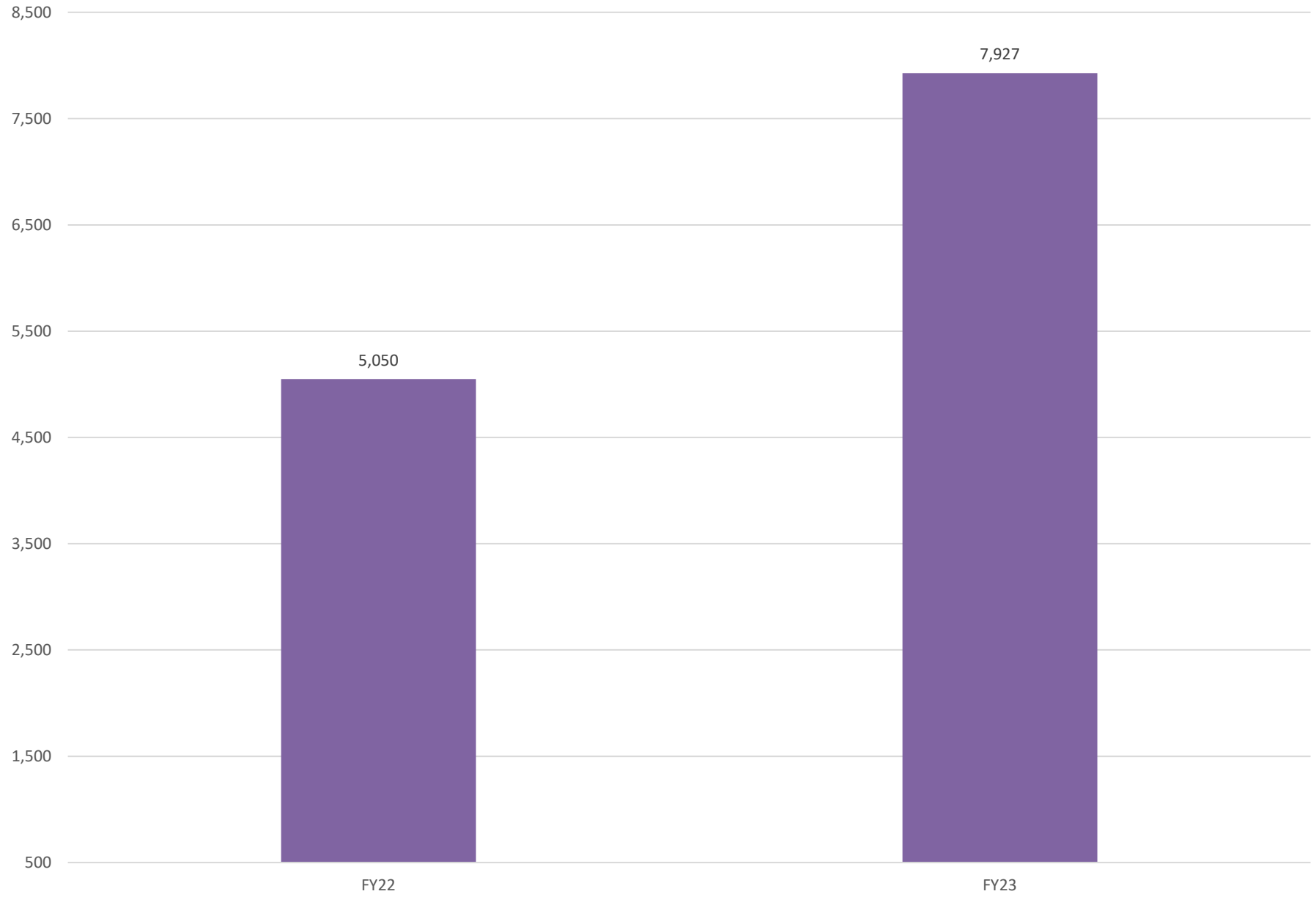
SEAT HOP RIDERSHIP

Jun-23

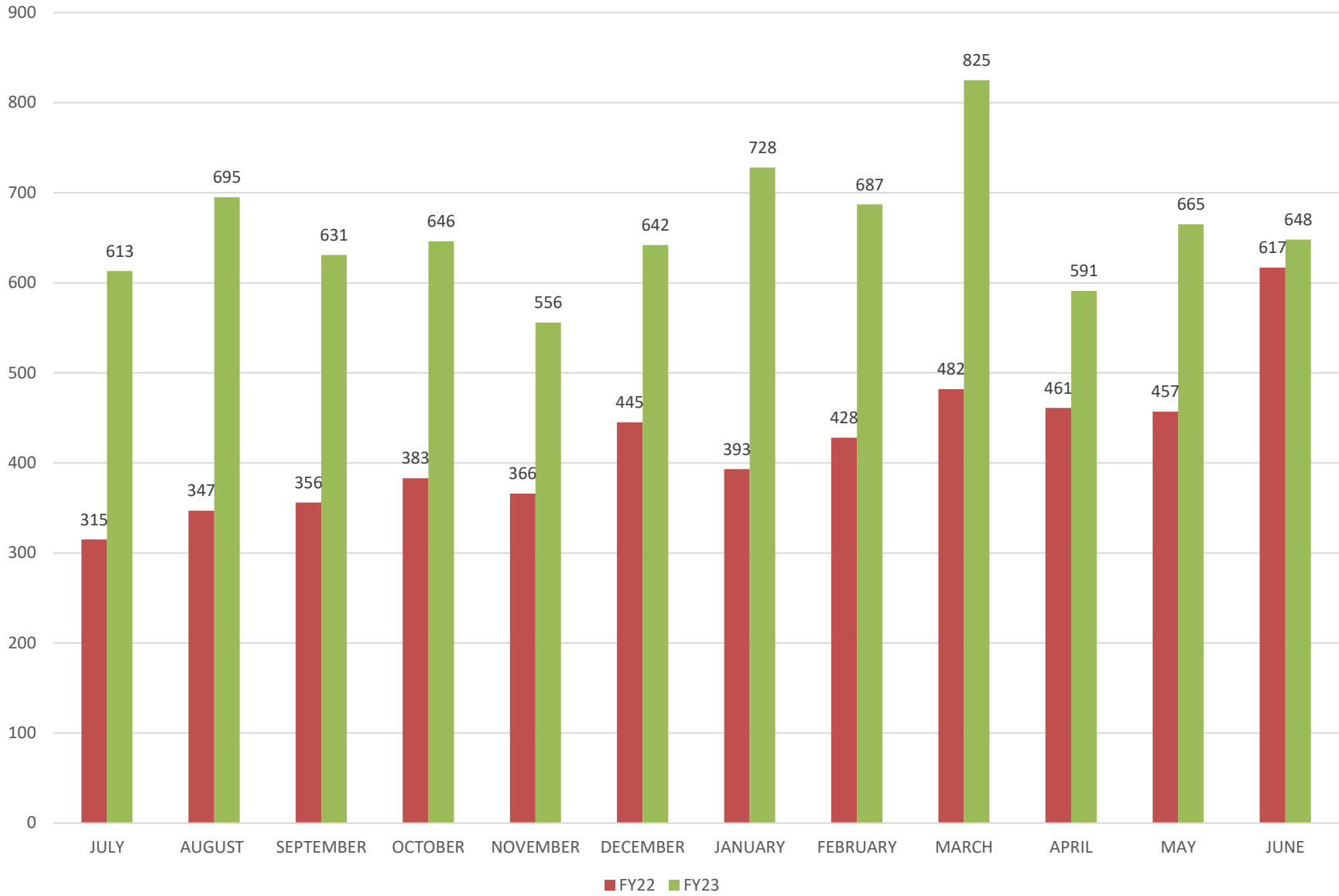
MONTH	FY22	FY23	% Change	Revenue Hours	Revenue Miles	Total Hours	Total Miles	Pax Miles	Avg Boardings/ Veh Hr (Spare)	Service mph	Mean Wait Time (Minutes)	Dispatch Bookings	App Bookings	Web Bookings	Flag Down Bookings	Average Requests Per Rider	Percent No Shows
JULY	315	613	94.6%	250.5	4,178.5	316.1	5,417.6	2,741.5	2.0	16.7	28.6	42%	57%	1%	1%	7.8	3.2%
AUGUST	347	695	100.3%	256.8	4,763.8	349.1	6,137.4	2,916.7	2.0	18.6	30.5	42%	56%	1%	2%	9.0	2.5%
SEPTEMBER	356	631	77.2%	238.1	4,306.6	319.9	5,547.7	2,723.8	2.0	18.1	25.6	42%	57%	0%	1%	8.9	2.2%
OCTOBER	383	646	68.7%	240.0	4,331.0	315.5	5,349.1	2,380.0	2.0	18.0	23.0	42%	57%	2%	3%	8.7	2.2%
NOVEMBER	366	556	51.9%	237.3	3,790.6	318.2	5,023.5	2,162.7	1.8	16.0	16.7	42%	58%	0%	2%	8.6	1.6%
DECEMBER	445	642	44.3%	240.1	3,942.9	317.4	5,182.3	2,311.6	2.0	16.4	19.9	47%	52%	1%	0%	8.7	2.0%
JANUARY	393	728	85.2%	241.4	4,504.4	241.4	5,691.5	2,713.5	2.3	18.7	21.2	39%	59%	2%	0%	8.8	2.6%
FEBRUARY	428	687	60.5%	225.9	4,366.9	319.0	5,619.2	2,532.3	2.3	19.3	24.8	40%	59%	1%	0%	9.2	1.5%
MARCH	482	825	71.2%	269.9	5,379.6	348.5	6,849.6	3,270.2	2.0	19.9	33.3	36%	61%	1%	1%	9.6	2.9%
APRIL	461	591	28.2%	240.2	3,652.4	303.0	5,141.6	2,274.8	1.5	15.2	22.3	37%	62%	0%	0%	8.3	1.4%
MAY	457	665	45.5%	255.9	4,515.4	334.0	5,836.5	2,671.8	1.7	17.6	31.7	34%	64%	2%	0%	8.9	3.1%
JUNE	617	648	5.0%	255.0	4,327.0	333.0	5,559.2	2,601.4	2.0	17.0	30.8	37%	62%	0%	0%	8.5	3.2%
TOTAL	5,050	7,927	57.0%	2,951	52,059	3,815	67,355	31,300	2.7	17.6							

Note: Implemented Spare Software

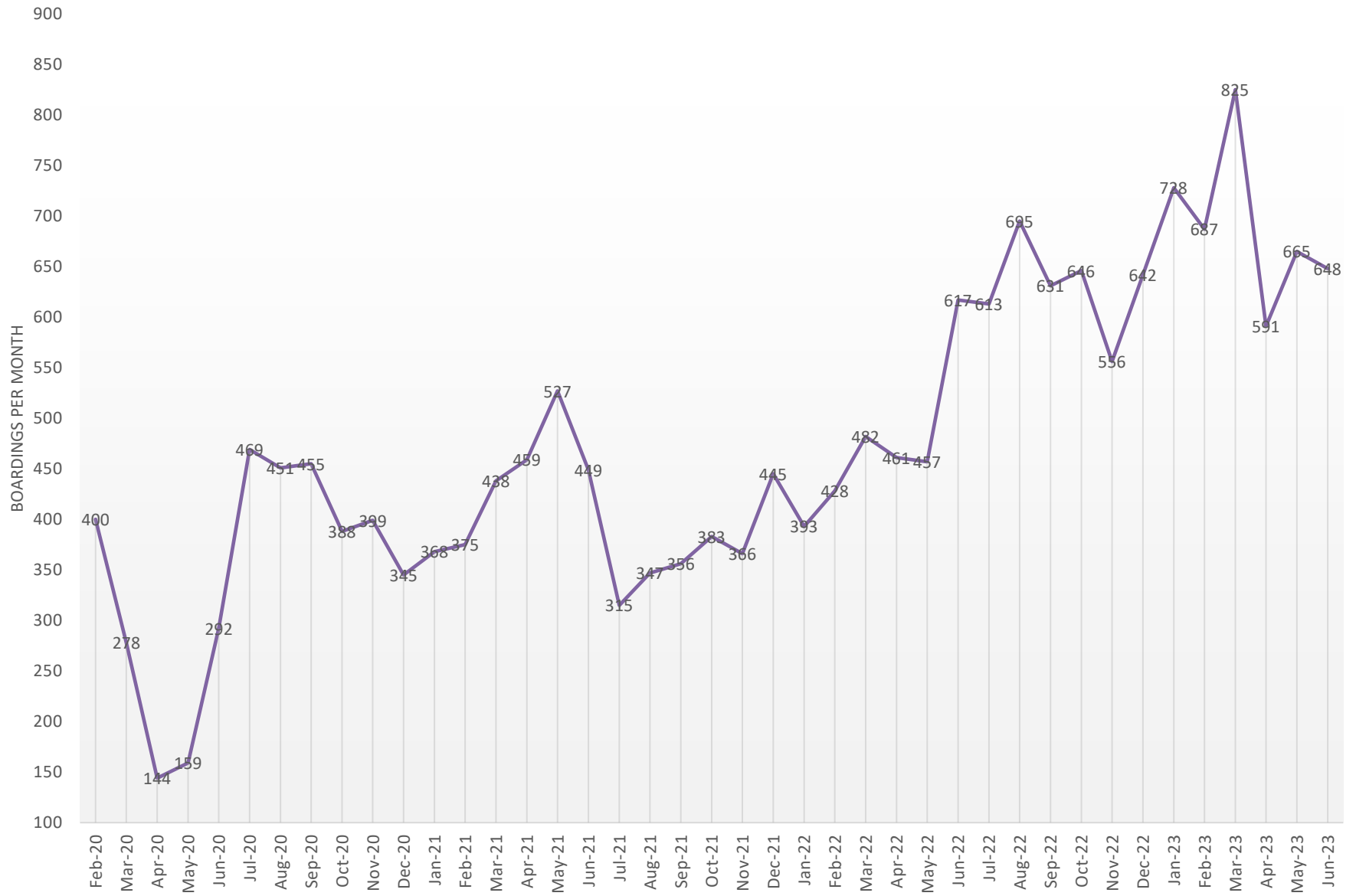
FY 22, FY23 Cumulative HOP Boardings YTD



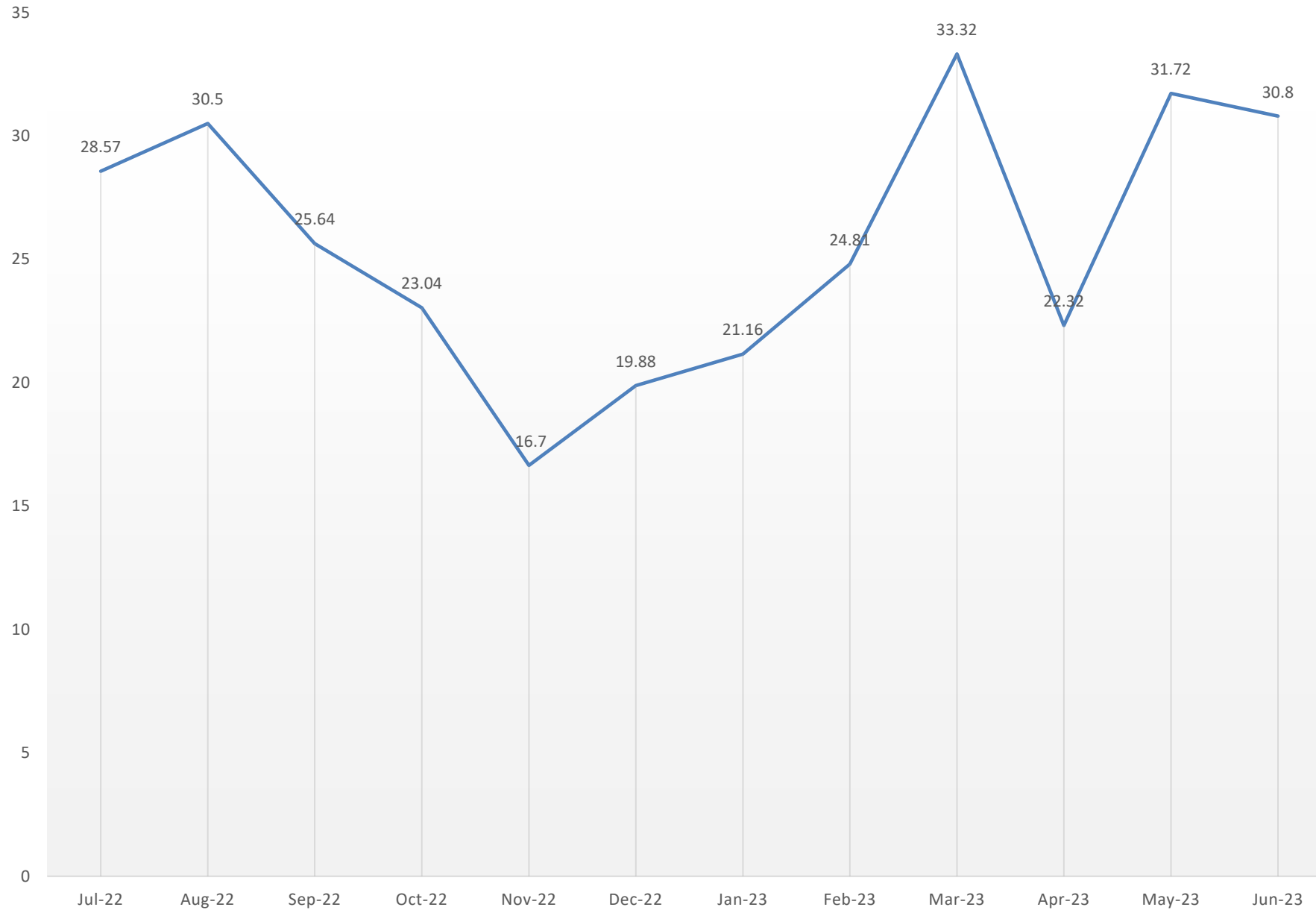
SEAT Monthly HOP Trips FY22-23



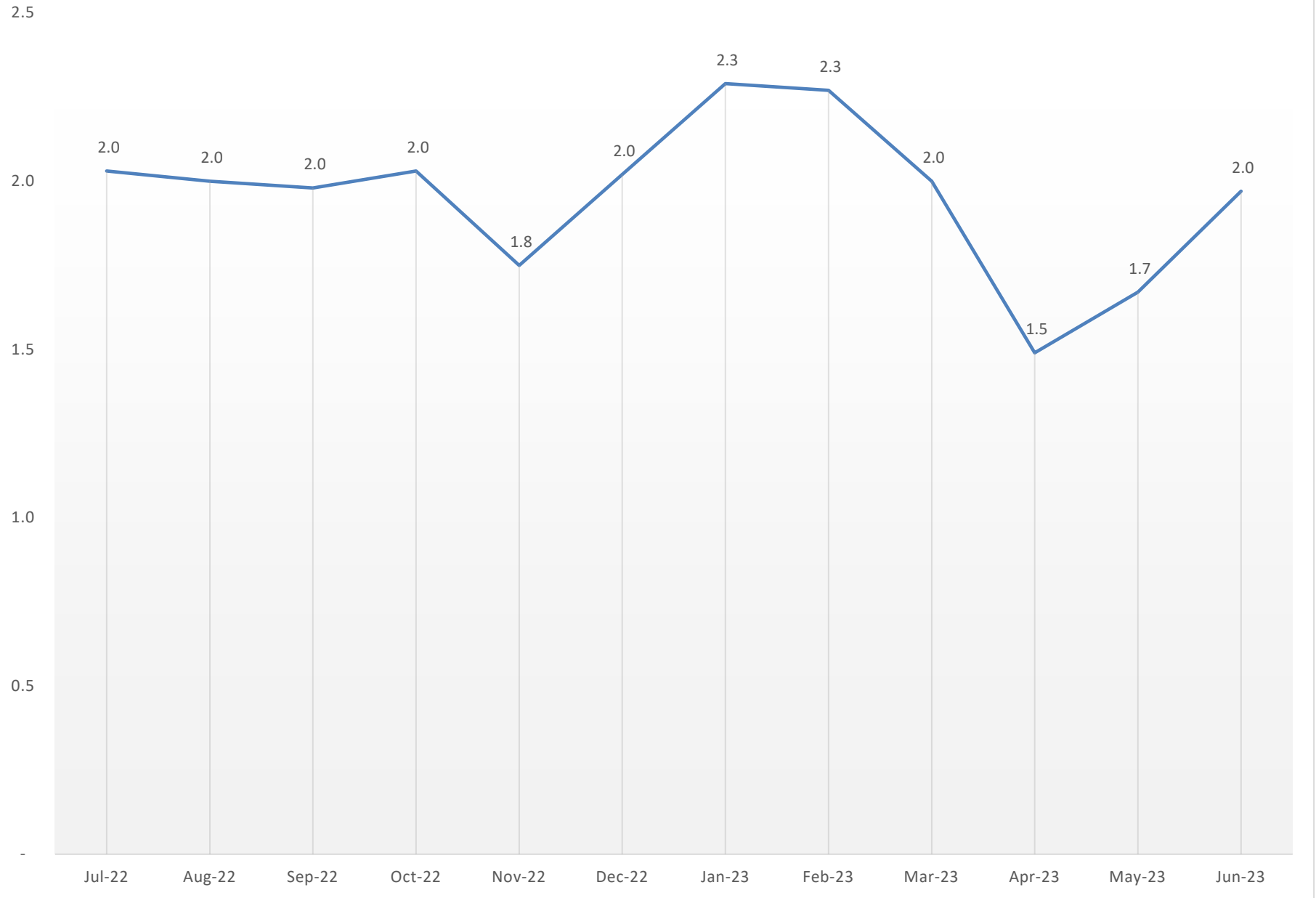
SEAT HOP Monthly Boardings FY21-23



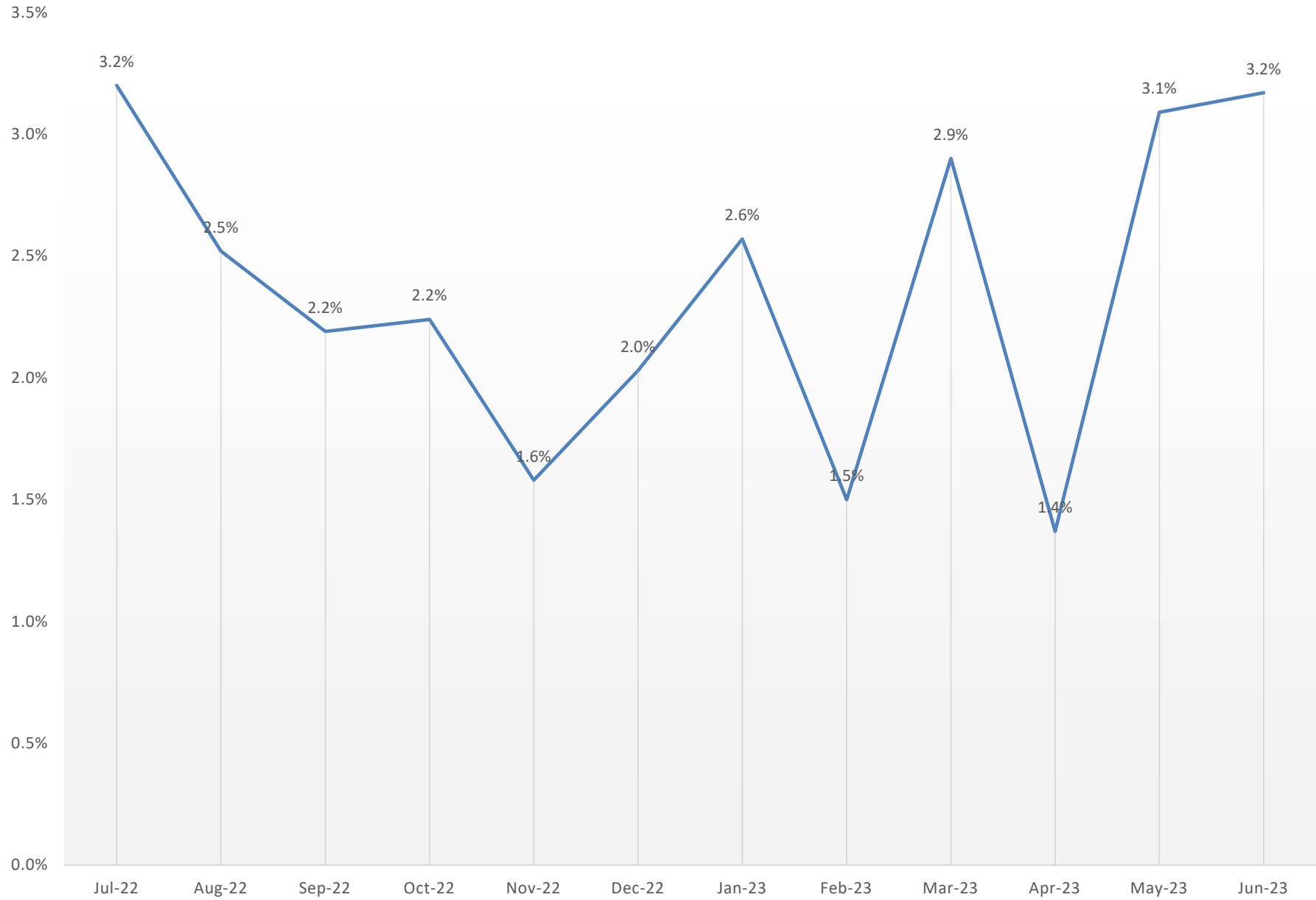
Mean Wait Time



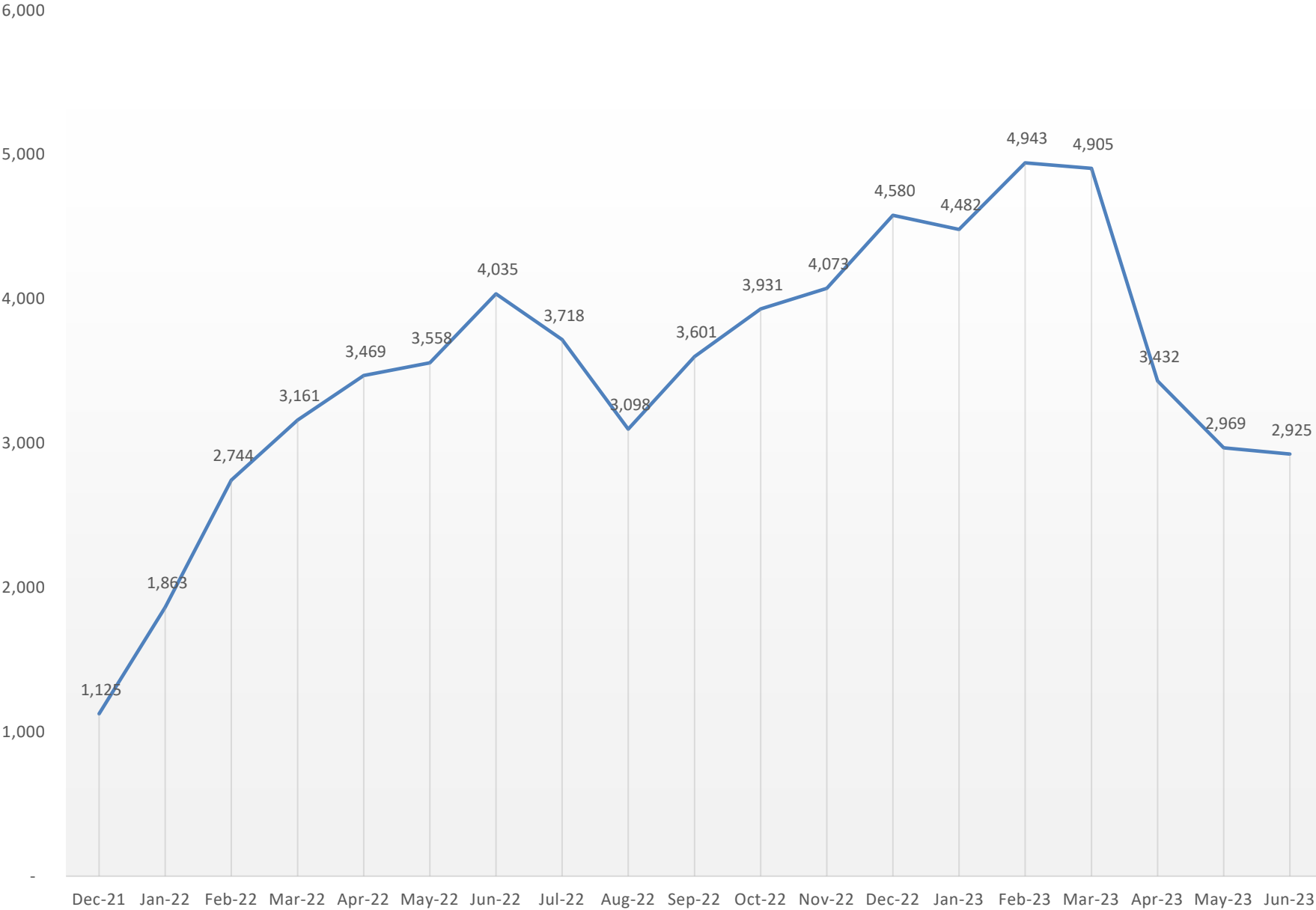
Passengers per Hour



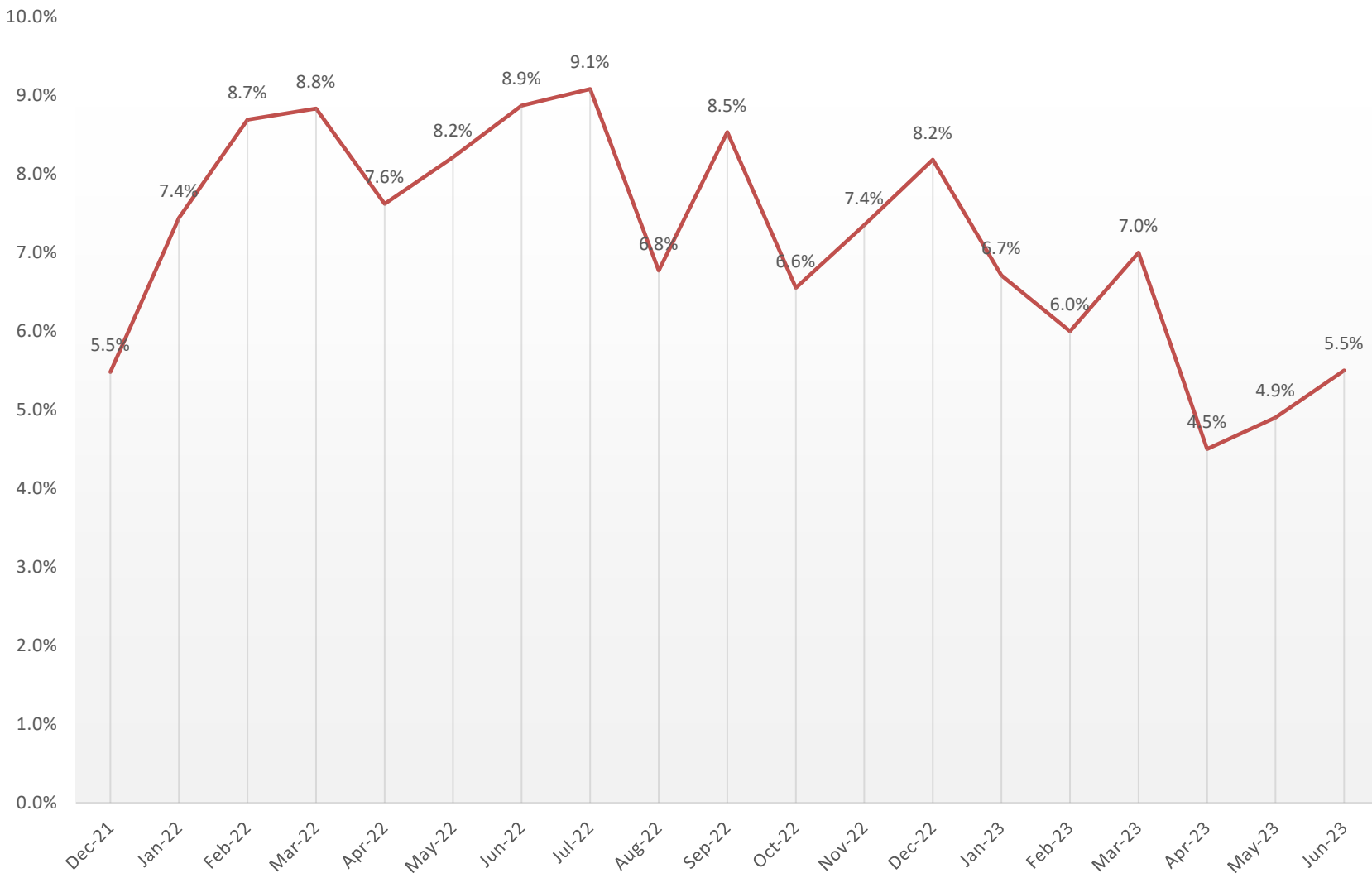
No Show Percent



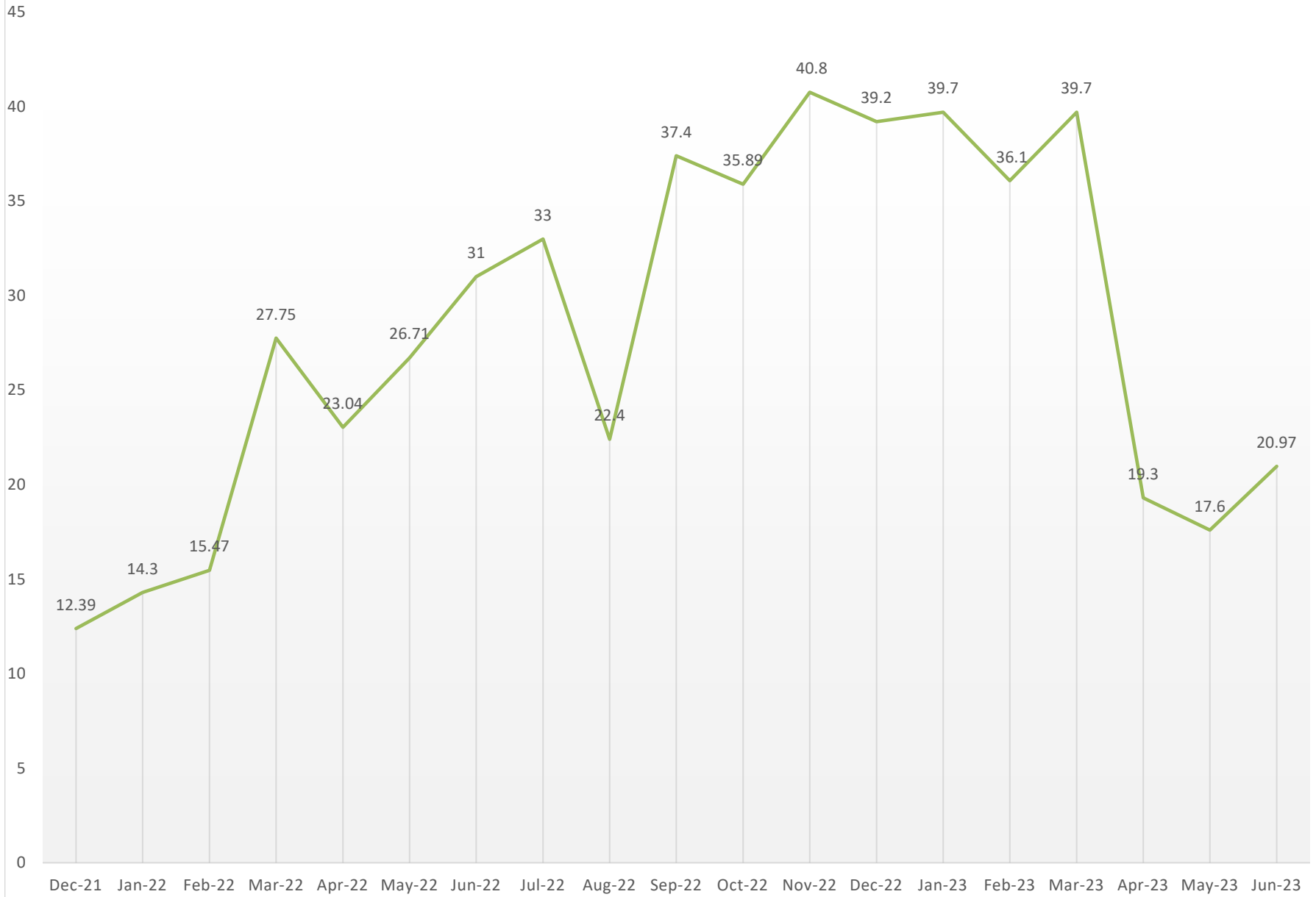
Smart Ride Boardings



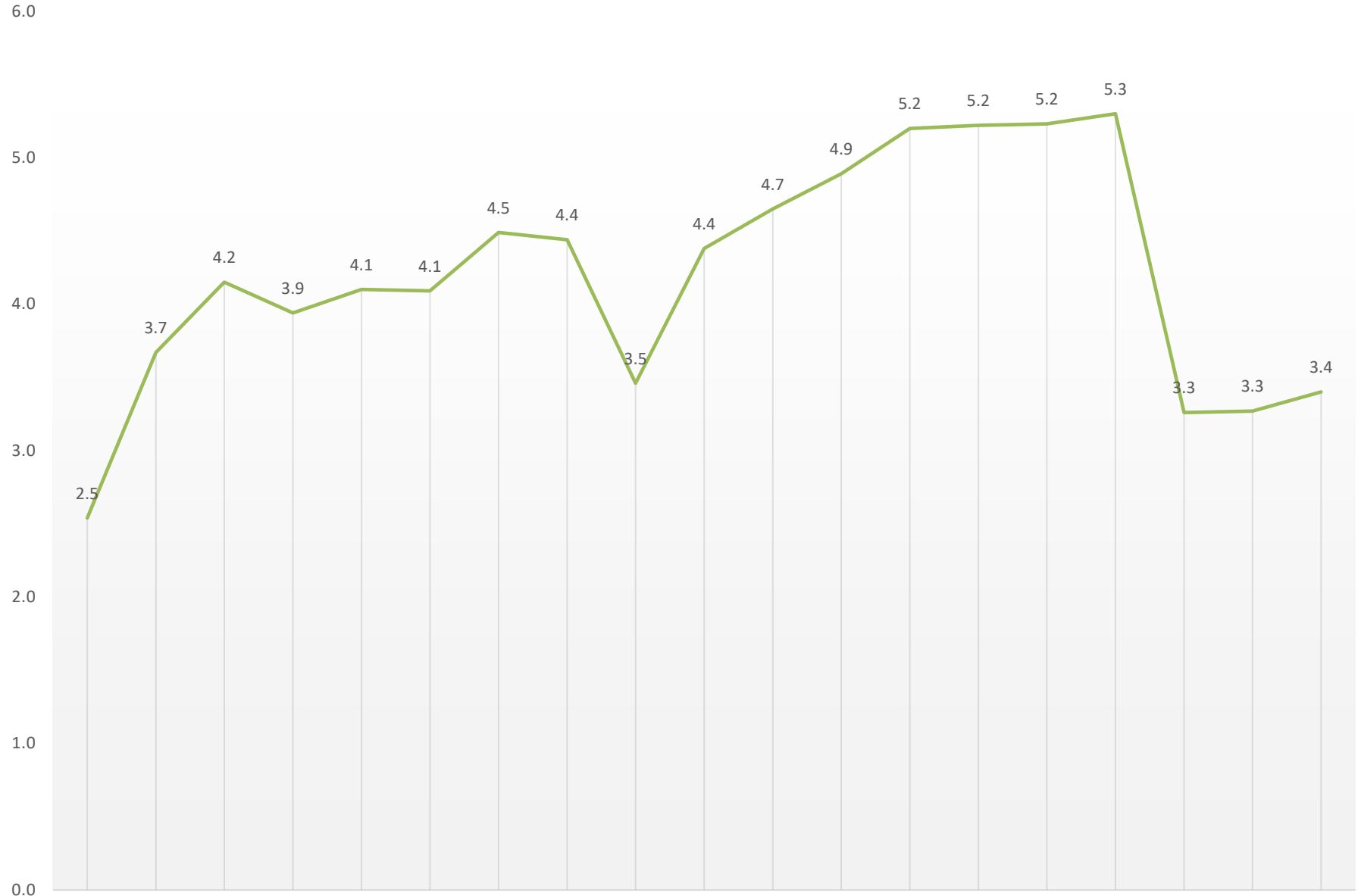
Smart Ride % No Shows



Smart Ride Mean Wait Time (Minutes)



Smart Ride Passengers per Hour



Dec-21 Jan-22 Feb-22 Mar-22 Apr-22 May-22 Jun-22 Jul-22 Aug-22 Sep-22 Oct-22 Nov-22 Dec-22 Jan-23 Feb-23 Mar-23 Apr-23 May-23 Jun-23

SEAT Board Review Item

Date of Board Meeting: July 19, 2023

Subject: Passenger Suspension Policy

Management Discussion/Recommendation: On February 20, 2019, the Board approved a general policy on “Temporary Suspension or Denial of Service” which focused on *why* a suspension may be issued. After that adoption, staff, in consultation with legal counsel, has developed a proposed policy which outlines *how* such a suspension will be implemented. At the June 21, 2023, meeting, members raised questions about parts of the proposed policy, and specifically recommended the following strikethroughs: Paragraph 3: “solely” and all words after “...behavior” in this sentence. Subsequent communication with SEAT’s legal counsel advised management that the proposed strikethrough language was taken directly from the FTA ADA Circular C4710.1, (see Section 2.2.7 – attached) but if removed, recommended that “atypical” should describe “appearance” and that this stricken language should be incorporated into Operator training documents.

Management recommends approval of the revised Policy, but also recommends the FTA language be attached to the policy as an Appendix.

Board Action:

SECURITY POLICY/CUSTOMER SUSPENSION

It is the goal of the Southeast Area Transit District (“SEAT”), to transport all passengers safely and to respect their right to utilize bus service without fear of being harmed. To achieve this goal, the following Security Policy has been adopted:

1. Any customer found in violation of SEAT’s Policy for Violent and Disruptive Behavior dated February 20, 2019 may be discharged immediately from a SEAT bus and/or property by the Operator or other SEAT employee for violent, seriously disruptive, or illegal conduct, or that which constitutes a direct threat to others. State or local police may also be called for assistance.
2. Aggressive behavior includes, but is not limited to, cruelty to persons or animals, risk of injury to a minor, weapons violations, stalking, threatening, unlawful restraint, taunting, hitting or other unconsented to physical contact (assault), threatening, harassment, causing damage to property, theft, lewdness, intoxication, arson, and drug offenses. The Operator or other SEAT employee will immediately notify Dispatch or a Manager of the incident and document the action taken. Additionally, the passenger may be denied the privilege of using SEAT services and/or property for a period of time as determined by the General Manager or his/her designee, not to exceed one (1) year, if it is determined that the individual poses a continuing direct threat. Such bans may be extended or renewed if an individual continues to pose a direct threat to the health or safety of others as determined by the General Manager or his/her designee.
3. For individuals with disabilities, such a ban will not be imposed ~~solely~~ because the individual’s disability results in [atypical] appearance or involuntary behavior ~~that may offend, annoy, be unpleasant to or inconvenience employees or other persons. Neither will it be based upon a presumption that certain conduct will occur because of a specific disability such as a psychiatric condition.~~ Rather, an individualized assessment will be made based on reasonable judgment, that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk, the probability that the potential injury to others will actually occur, and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.
4. If a passenger provides an address, SEAT shall notify the passenger in writing of any suspension and/or exclusion from property and/or services. The notice shall include the reason for suspension, the services and/or property to which the exclusion applies, and the length of time of the suspension and/or exclusion. If the passenger does not provide an address, SEAT will make a reasonable attempt to provide written notice. A record of the notice will be maintained at the office, a copy of which may be obtained upon request by phone or mail.
5. Any individual who disagrees with a determination made by the General Manager or his/her designee has the right to file an appeal with the General Manager. The appeals procedure will be mailed along with the suspension letter. Appeals are to be written and sent certified U.S. Mail to the SEAT Administrative Office and addressed to:
Suspension Appeal
Southeast Area Transit
[address]

2.2.4 Prohibition Against Imposition of Special Charges

Requirement

“An entity shall not impose special charges, not authorized by [Part 37], on individuals with disabilities, including individuals who use wheelchairs, for providing services required by [Part 37] or otherwise necessary to accommodate them” (§ 37.5(d)).

Discussion

A transit agency cannot impose special charges for providing required accessible services to individuals with disabilities. Examples of prohibited charges include:

- Charging individuals more to ride in lift-equipped vehicles than in sedans in demand responsive services that use both types of vehicles
- Charging individuals more for assistance beyond the curb when riding complementary paratransit, if such assistance is necessary to meet the origin-to-destination requirements of that service (See Circular Section 8.3.1.)
- Charging extra to riders who use wheelchairs to travel in an accessible vanpool vehicle
- Charging individuals for travel to in-person interviews or functional assessments that are required as part of the ADA paratransit eligibility process
- Charging ADA paratransit eligible riders for photo IDs or for travel to or from locations to obtain required ID cards
- Imposing a mandatory fee to complementary paratransit riders (and their companions) for cancelled trips or trips counted as no-shows (See Circular Section 9.12.5.)

Special charges are not the same as premium services for which agencies may charge extra fees. (See Circular Section 8.7.)

2.2.5 Prohibition Against Requiring Use of Attendants

Requirement

“An entity shall not require that an individual with disabilities be accompanied by an attendant” (§ 37.5(e)).

Discussion

A transit agency cannot require an attendant to accompany an individual with disabilities. For example, an agency may not require a rider with a disability to travel with an attendant based on concerns about his or her safety. There is one exception. As discussed in Circular Section 2.2.7, § 37.5(h) permits agencies to refuse service to individuals with disabilities if they engage in violent, seriously disruptive, or illegal conduct, or if they pose a direct threat to the health or safety of others. As discussed in Appendix D to § 37.5,

This provision must also be considered in light of the fact that an entity may refuse service to someone who engages in violent, seriously disruptive, or illegal conduct. If an entity may legitimately refuse service to someone, it may condition service to him on actions that would mitigate the problem. The entity could require an attendant as a condition of providing service it otherwise had the right to refuse.

If a transit agency requires a rider to travel with an attendant as a condition of service under the circumstances described above, those conditions cannot be permanent. The agency would need to afford

the rider the future opportunity to demonstrate that circumstances have changed and he or she is now able to travel independently, i.e., without an attendant.

From a practical standpoint, some riders with disabilities will need to travel with an attendant to use the service, sometimes permanently. While § 37.165(f) requires drivers to provide assistance with the use of lifts, ramps, and securement systems (see Circular Section 2.5.1), per Appendix D to § 37.5 they are not required to provide “attendant services.” This includes assisting with the use of oxygen or other medical equipment, administering medication, or helping with other personal needs. If unable to travel without this level of assistance, riders may need to bring along their own attendant.

2.2.6 Prohibition Against Refusing Service Due to Insurance Issues

Requirement

“An entity shall not refuse to serve an individual with a disability or require anything contrary to [Part 37] because its insurance company conditions coverage or rates on the absence of individuals with disabilities or requirements contrary to [Part 37]” (§ 37.5(g)).

Discussion

If an insurer declines to provide liability coverage for required services to individuals with disabilities, a transit agency cannot use this decision as a basis for not providing the required services. This also applies if insurance companies require anything contrary to the regulations. The following examples illustrate possible issues related to insurance:

- A transit agency’s vehicle liability policy does not provide coverage for a driver to help push a rider using a manual wheelchair up the vehicle ramp.
- An insurance company refuses to provide coverage if riders travel with portable oxygen supplies, or classifies this situation as a form of medical transportation and charges higher rates.

In both instances, § 37.5(g) requires the transit agency to provide the required services to riders with disabilities and to refrain from using insurance company stipulations as reasons to deny service. Similarly, an agency cannot require individuals with disabilities to sign liability waivers as a condition of receiving service. For example, if an agency has a mandatory wheelchair securement policy, and a vehicle operator is unable to determine how best to secure a passenger’s wheelchair aboard a bus, the agency may not deny service or require the passenger to sign a waiver in order to ride.

2.2.7 Service Denial Due to Rider Conduct

Requirement

“It is not discrimination under this part for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others. However, an entity shall not refuse to provide service to an individual with disabilities solely because the individual’s disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons” (§ 37.5(h)).

Discussion

Section 37.5(h) permits transit agencies to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or that individual constitutes a direct threat to others. Overlap among these four thresholds is common and therefore FTA recommends agencies consider them as a unit. Rarely is violent behavior such as physical assault, for

example, not also seriously disruptive, illegal, and a direct threat. Consider another example: a verbal outburst directed at a driver or other passengers may start out as seriously disruptive but become so threatening as to prevent a driver from safely operating the vehicle and, therefore, rise to a direct threat as well.

Determining Seriously Disruptive Behavior

It can be especially challenging to assess whether rider behavior rises to the level of “seriously disruptive.” Given that a service refusal can be a denial of a civil right, the threshold for seriously disruptive conduct, like the other denial bases, is an intentionally high standard. A transit agency cannot refuse service to individuals with disabilities solely because their appearance or involuntary behavior may offend, annoy, or inconvenience employees or other riders. As discussed in [Appendix D](#) to § 37.5, “some persons with Tourette’s syndrome may make involuntary profane exclamations. These may be very annoying or offensive to others, but would not be a ground for denial of service.” As another example, many agencies have asked FTA for guidance on serving riders with hygiene issues. It would not be appropriate to refuse service if the situation were merely unpleasant to other passengers or drivers. If the situation disrupts the provision of service, however, grounds for refusing service may exist.

Determining a Direct Threat

[Appendix D](#) to § 37.3 explains that transit agencies may refuse to transport individuals who pose a significant risk to the health or safety of others, stating:

The definition of “direct threat” is intended to be interpreted consistently with the parallel definition in the Department of Justice regulations. That is, Part 37 does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of that public entity when that individual poses a direct threat to the health or safety of others. In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment, that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk, the probability that the potential injury will actually occur, and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

Presuming certain conduct will occur based on specific disabilities is not appropriate. For example, it is incorrect to presume all riders with particular psychiatric disabilities will behave in a violent manner that constitutes a direct threat to others. If during the ADA paratransit eligibility process, however, an agency obtains documentation indicating a pattern of violent behavior that likely will recur, or documents an individual’s pattern or practice of violent behavior on its services, this information might be used to deny service or require such an individual to travel with an attendant, following the process in [Appendix D](#) to § 37.3 described above.

FTA emphasizes that the definition of direct threat refers to a direct threat to other individuals and not to the person with the disability.

Steps to Take Before Refusing Service

Before refusing service to an individual with a disability, FTA encourages transit agencies to make reasonable attempts to resolve issues with riders or, if appropriate, caregivers or guardians. Often, local disability organizations may be helpful in resolving issues so that individuals do not lose access to vital transportation services. FTA recommends that agencies document the incident or incidents leading to the service denial, substantiating how such an incident rises to the level of seriously disruptive or a direct threat, for example. When possible, FTA also recommends that agencies provide the rider with a written warning before denying service.

Right of Individuals to Contest Service Denials

Access to public transit is a civil right and inherent in any civil right is the opportunity for due process. This means providing an individual who is denied service the opportunity to contest that decision, correct the situation, and resume service. Service refusals cannot be permanent unless an individual continues to pose a direct threat to the health or safety of others. Riders must have the opportunity to subsequently present information to the transit agency, demonstrating that issues have been resolved or presenting options to mitigate any problems, to have service reinstated.

This also means providing a rider required to travel with an attendant the opportunity to appeal such a requirement. As with service refusals, riders have the right to subsequently provide information demonstrating they have addressed the agency's concerns and can now travel without an attendant or propose other solutions that permit them to travel on their own.

2.3 Equipment Requirements for Accessible Service

2.3.1 Using Accessibility Features

Requirement

“The entity shall ensure that vehicle operators and other personnel make use of accessibility-related equipment or features required by Part 38 of this title” (§ 37.167(e)).

Discussion

It is not enough for a transit agency to have accessibility-related equipment or features. Section 37.167(e) requires that agency employees use the equipment or feature in order to provide accessible service to riders. For example, this means that drivers deploy lifts or ramps when operating accessible vehicles or use the public address system if needed when making onboard stop announcements.

2.3.2 Maintaining Accessibility Features

Requirement

“Public and private entities providing transportation services shall maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, elevators, signage and systems to facilitate communications with persons with impaired vision or hearing” (§ 37.161(a)).

“Accessibility features shall be repaired promptly if they are damaged or out of order. When an accessibility feature is out of order, the entity shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature” (§ 37.161(b)).

“This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs” (§ 37.161(c)).

Discussion

Section 37.161(a) requires a transit agency to maintain accessibility features in facilities and on vehicles in working condition. When accessibility features are damaged or out of order, § 37.161(b) requires the agency to repair them promptly. The regulations do not state a time limit for making particular repairs,

The General Manager will schedule a hearing, which may be by phone, and the aggrieved party will be provided an opportunity to provide documents and/or statements at such time.

The suspension or exclusion shall not be stayed during the appeals process. Where an individual is subject to suspension of service or a requirement of travel only with an attendant, information demonstrating that issues of concern have been resolved or of options available to mitigate those concerns, may be presented to SEAT at any time.

6. If a Driver has reasonable grounds to believe that an individual is under a service ban, the Driver should notify a Dispatcher or Manager and await instructions before proceeding.

Approved by Board of Directors, July 19, 2023

Appendix (FTA Circular 4710.1 2.2.4-2.2.7)