



WYOMING DEPARTMENT OF TRANSPORTATION

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New Applicant Questionnaire

A. General Information

1. Legal Name of your organization: [Click or tap here to enter text.](#)

2. Brief description of your organization:

Is it a public, nonprofit, or for-profit organization? [Click or tap here to enter text.](#)

What services does it provide? [Click or tap here to enter text.](#)

Is it a "stand alone" agency providing transportation with its own budget and governance, or is it a program within a larger organization (e.g., a city or county government, a multipurpose nonprofit)? [Within this questionnaire some questions will be directed to your transportation **program** alone and some will be geared to the larger **organization** in which you are housed (if applicable).] [Click or tap here to enter text.](#)

3. What is the total annual budget of your **transportation program**? [Click or tap here to enter text.](#)

What is the total annual budget of your **organization** (if applicable)? [Click or tap here to enter text.](#)

4. How many in-service revenue vehicles are used in your program? [Click or tap here to enter text.](#)

How many transit-related employees are in your program? [Click or tap here to enter text.](#)

5. What is your organization's Employer Identification Number (EIN) or other Tax Identification Number (TIN)? [Click or tap here to enter text.](#)

6. Is your organization registered with SAM.gov? [The System for Award Management (SAM) is the Official U.S. Government system with which one must register in order to be eligible to receive federal financial assistance. There is no charge to register or maintain your registration record in SAM.] [Click or tap here to enter text.](#)

What is your SAM expiration date? [Click or tap here to enter text.](#)

7. What is your organization's Unique Entity ID (was DUNS)? [The federal government has transitioned from the use of the DUNS Number to the Unique Entity Identifier (UEI). The UEI is issued by SAM.gov and is required for receiving funds.] [Click or tap here to enter text.](#)



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8. Has your organization spent more than \$750,000 in any federal funds in the past fiscal year? [This amount triggers certain reporting requirements.] [Click or tap here to enter text.](#)
9. Do you currently provide passenger transportation services, or are you seeking funds with which to **begin** a transportation service? If you are not now providing service, have you conducted a study that demonstrates the need for service and that explores alternatives for providing service under a contractual arrangement with an existing provider? Please describe and attach any supporting documentation. [Click or tap here to enter text.](#)
10. Have you had any type of contract with the State of Wyoming, or a grant contract with the State, in recent years? If yes, what is your State vendor number? [Click or tap here to enter text.](#)
11. Please generally describe the type of transportation service your program provides and the way it's delivered. [Is it demand response service? Fixed-route/fixed schedule? Do passengers call in advance for rides?] [Click or tap here to enter text.](#)
12. To whom do you provide transportation? Are there eligibility requirements? [The general public of any age? Older adults? Persons with disabilities who are not over 65? Residents of a facility? Clients of a particular program? Developmentally disabled adults under a Medicaid waiver?] [Click or tap here to enter text.](#)
13. What geographic areas do you serve? [Click or tap here to enter text.](#)
14. On average, approximately how many hours per weekday does each of your vehicles operate? [Click or tap here to enter text.](#)
15. Please describe your service's hours of operation, i.e., M-F 8-5. [Click or tap here to enter text.](#)
16. Does your program use individuals employed by you program or subcontractors to provide its services? If yes, please describe. [Click or tap here to enter text.](#)

B. Legal Standing

1. Has your organization been sanctioned by the federal government within the past five years in any of the following areas: Suspension or debarment from receipt of federal funds? Making of false claims? If yes, please describe. [Click or tap here to enter text.](#)
2. Does your organization pay for lobbying activities at the state or federal level? If yes, please describe, including the source of funds you use for such. [If awarded federal



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funds, you will be required to submit (OMB) Standard Form LLL quarterly to WYDOT to certify that you do not use federal funds to conduct any lobbying.] [Click or tap here to enter text.](#)

C. Financial Management and Capacity

1. Does your organization regularly have a financial audit conducted by an external group? If yes, has your **transportation program** had any findings in the most recent audit? If yes, please describe. [Organizations receiving over \$750,000 in any federal funding must have an annual single audit.] [Having findings is not normally grounds for disqualification, depending on the severity.] [Click or tap here to enter text.](#)
2. If awarded funding, your organization will be required to have written policies and procedures in place for managing your federal and/or state funds, establishing internal controls, ensuring timely distribution of funds, and determining allowability of costs. Does your organization have such policies and procedures in place now? If yes, please attach them. If not, how is your organization willing and able to establish such? [Click or tap here to enter text.](#)
3. Does your organization's structure clearly define, assign, and delegate appropriate authority for all financial duties? Generally describe what you have in place. Attach any supporting documentation. [If awarded funds, your organization will be required to have such a structure in place.] [Click or tap here to enter text.](#)
4. Does your organization have a financial management system in place to track multiple funding types, awards and project expenditures, and to prepare reports? If yes, please attach a report as an example. [If awarded funds, your organization will be required to have such a system in place.] [Click or tap here to enter text.](#)
5. Has your agency received any federal or state grants in the past three years? If yes, please generally describe what type of grants you received and when. [Click or tap here to enter text.](#)
6. Has your organization had to return any federal or state funds awarded in the past three years? If yes, please describe. [Click or tap here to enter text.](#)

D. Technical Capacity

1. How many years of experience with federal or state grants does the staff that would be assigned to WYDOT funding have? Briefly outline. [Click or tap here to enter text.](#)
2. What types of technical training have your program's employees received in the past three years? In particular, do your drivers receive training in defensive driving and the



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handling of accessibility equipment and persons with disabilities? Please describe.

[Click or tap here to enter text.](#)

3. Has your program been involved in the development of the most recent Regional Transit Plan or Coordinated Human Service Plan in your area? If yes, briefly describe.
[Involvement in these plans is not a prerequisite to receive funding, but it is encouraged, and any project funding requested must be generally consistent with an implementation strategy in those plans.] [Click or tap here to enter text.](#)

E. Continuing Control

1. Does your program have a maintenance plan for its vehicles? Describe any preventative maintenance that is performed on your vehicles, including schedules. [Having a maintenance plan is not a prerequisite for funding, but could affect one's score in the evaluation process.] [Click or tap here to enter text.](#)
2. Does your organization have a vehicle replacement plan or asset management plan that indicates how it will prioritize vehicles for vehicle replacements? If yes, please attach it. In general, how do you prioritize vehicles for replacement? [If awarded funding you will be required to have a maintenance plan, keep maintenance records that could be inspected by WYDOT, and participate in an asset management plan.] [Click or tap here to enter text.](#)
3. Do you have inventory control procedures in place (procedures to prevent loss, damage or theft of property)? If yes, please attach. [If awarded funding you will be required to have such procedures in place to protect any capital that is awarded.] [Click or tap here to enter text.](#)

F. Procurement

1. Does your organization have written procurement policies? [If awarded funding, you will need to comply with specific requirements in your procurement in order to ensure that funds are being spent properly. In particular, there are specific documents that must be promptly completed when vehicles are purchased: smaller vehicles, i.e. minivans and minibuses, must normally be purchased from a WYDOT price agreement negotiated with vendors; larger buses must be obtained through a well-defined competitive process; all federally funded vehicles must meet Buy America, bus testing, and other requirements; construction projects are subject to the Davis-Bacon Act and will be overseen by WYDOT.] [Click or tap here to enter text.](#)
2. If you are awarded funding to purchase a vehicle, you will be required to list the State as an "additional insured" in your insurance policy in order to protect the federal (or state)



New Applicant Questionnaire

interest in the vehicle in the event of a claim. In addition, the title will be required to list “WYDOT Grant Restricted” as a means of ensuring that no lien or other obligation is made upon that interest. Does your organization have any objections to these two items? [Click or tap here to enter text.](#)

G. Civil Rights

1. All subrecipients of WYDOT administered transit grants are required by the FTA to have submitted to WYDOT various Civil Rights documents. In particular, if awarded funding, your organization must submit a Title VI Civil Rights Non-discrimination Plan that conforms to FTA requirements in Circular 4702.1B. Does your agency agree to submit a Title VI plan upon receiving assistance from WYDOT within 30 days of acceptance of the Award Letter? [Click or tap here to enter text.](#)
2. Subrecipients of WYDOT administered transit grants are required to have an Equal Employment Opportunity (EEO) plan that conforms to FTA requirements in Circular 4704.1 if your organization employs 50 or more transit-related employees and requests/receives over \$1 million in operating/capital or over \$250,000 in planning funds in the previous federal fiscal year. If your agency is awarded funding and meets this criteria, do you agree to submit an EEO plan within 30 days of acceptance of the Award Letter? [Click or tap here to enter text.](#)
3. For the project for which you intend to seek funding from WYDOT, have you assessed the need and impact of that project? Does this assessment include the impact on low-income and minority populations? [Click or tap here to enter text.](#)
4. Does your service area include neighborhoods where the predominant population consists of minority or low income persons? If so, please describe. How does your program serve those populations' needs? Describe your program's outreach to those populations? Please include data about the population served through your program (e.g., number of elderly, disabled, minority, and low income persons served). [Click or tap here to enter text.](#)
5. Has your organization had any **transit service-related** discrimination complaints, investigations, or lawsuits in the last three years? If yes, please briefly describe them here, indicating current status and outcome. [Your organization must not discriminate against users or potential users of your service because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, your programs or activities. Having a complaint would not normally disqualify an applicant. All subrecipients must track and report any future complaints.] [Click or tap here to enter text.](#)



New Applicant Questionnaire

6. Your organization must not discriminate against its **employees** because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, or treatment or employment in, its programs or activities. Has your program had any discrimination complaints based on these EEO requirements within the last year? If yes, please describe any active lawsuit or complaints alleging EEO discrimination, as well as the status or outcome of the lawsuits or complaints. [Having a complaint does not disqualify an applicant. All those awarded funding must track and report any future complaints.] [Click or tap here to enter text.](#)
7. Do you make information about your program available in various formats--e.g., in various languages or in Braille? [Doing so is not a prerequisite to funding but receipt of FTA funding will require accommodation if there are populations in need of such.] [Click or tap here to enter text.](#)
8. Does your agency track all of its contracting activity, tracking amount of contract, contractor, time period, etc.? [Click or tap here to enter text.](#)



WYOMING DEPARTMENT OF TRANSPORTATION

Local Match Information

Minimum matching ratios for each type of project are included in the BlackCat Application Guidelines, and are generally as shown in the following table.

	Program	Local/State Match (%)	Federal Share (%)
Operating*	PTA, 5311	43.44	56.56
Project Administration Cannot exceed 40% of the total project budget (per WYDOT policy)	PTA, 5311	20	80
Preventive Maintenance	PTA, 5311	20	80
Mobility Management	5310	20	80
Voucher Program-Operating	5310	50	50
Capital (other than vehicles)	5311, 5339	20	80
ADA and Clear Air Act Vehicle**	5310, 5311, 5339	15	85
Non-ADA Vehicle** Only approved in extenuating circumstances and with compelling substantiating data	5311, 5339	50	50
Planning	5305, 5311	20	80
State Loan and Investment Board		10/10	Varies

PTA = State Public Transit Account

*WYDOT is eligible for sliding scale rates for Section 5311 funds. Refer to FTA Circular 9040.1G for additional information.

**Local match amount is per WYDOT policy (differs from FTA).

The following applies to the local match:

- Local match can only be counted once.
 - Local match cannot be used to match Federal funds for more than the single project for which the funds are dedicated.
- Local match for capital requests must be in cash (land value considered for facility construction). Note that this is more restrictive than the federal options.
- All recipients may be required to provide a detailed report stating what sources of local match were expended and where they came from during the fiscal year.
- The State Loan and Investment Board (SLIB) Transportation Enterprise Fund could possibly be an eligible matching source for a portion of vehicle purchase costs.



WYOMING DEPARTMENT OF TRANSPORTATION

Local Match Information

The local match may be provided from an undistributed cash surplus, cash reserve fund and service agreements with state or local human services agencies. Some examples of these sources include:

- State or local appropriations
- Dedicated tax revenue
- Private donations
- Revenue service contracts
- Net income from marketing/advertising

In certain instances, the local match may be derived from federal programs that are eligible to be expended for transportation, other than USDOT programs. Examples of these sources include:

- Temporary Assistance for Needy Families (TANF)
- Medicaid
- Employment training programs
- Rehabilitation Services
- Older Americans Act (Title 3B)
- Community Services Block Grant (CSBG) funding
- Community Development Block Grant (CDBG) funding

Non-cash match, such as donations, volunteer services and in-kind contributions, as well as funding from other federal programs, may be used as local match. However, such match must be thoroughly documented and supported by statements of value. Prior approval from WYDOT is mandatory.



WYOMING DEPARTMENT OF TRANSPORTATION

Subrecipient Information Review and Site Visit Topics

Program Management/Oversight

- General Eligibility
- Legal Authority
- Certs and Assurances

Administrative Practices (Personnel)

Financial Management (and Capacity)

- Accounting Practices
- Indirect Costs
- Internal Controls
- Budget
- Documentation Costs
- Cash Management
- Financial Reporting
- Local Match
- In-Kind Contributed Services
- Program Income
- Single Audit

Procurement

- Standards of Conduct
- Pre-Award and Post-Delivery Audit
- Third-Party Contracting Capacity
- Purchase methods (Micro, Small, Formal)
- Other than Full and Open Competition
- Independent Cost Estimate and Cost and Price Analysis
- Protests and Disputes
- New Model Bus Testing
- Purchase of Service Contracts
- Disadvantaged Business Enterprise (DBE)
- Open Competition

Drug and Alcohol Program

- Pre-Employment Testing
- Random Testing
- Post Accident
- Reasonable Suspicion



WYOMING DEPARTMENT OF TRANSPORTATION

Subrecipient Information Review and Site Visit Topics

- Return-to-Duty
- Medical Review Officer (MRO) Certification
- Collection Site and Personnel Certs

Asset Management

- Vehicles and Facilities Maintenance Plans
- Control System to Prevent the Loss, Damage, or Theft of Equipment
- Continuing Control (Equipment)
- Continuing Control (Facilities)
- Continuing Control (Vehicles)
 - Vehicle Maintenance Records
 - Vehicle Records Review
 - Vehicle Visual Inspection Form
- Warranty Claims

Training (driver training)

Civil Rights

- Title VI
- Equal Opportunity (EEO)

Americans with Disabilities Act (ADA)

- Nondiscrimination (All Providers)
- Vehicles (general - accessibility)
- Fixed Route Only
- Complementary Paratransit
- Demand-Responsive (Certification of Equivalency)
- Route Deviation/Point Deviation Services
- Reasonable Modifications
- ADA Complaints

DBE

- DBE Program
- Required language in procurement and contracting documents
- Tracking of DBE participation in third-party procurements (good faith efforts, etc.)

Service and Operations



WYOMING DEPARTMENT OF TRANSPORTATION

Subrecipient Information Review and Site Visit Topics

School Bus and Charter Bus

Miscellaneous Provisions

- Transportation Coordination
- Transportation Safety
- Labor Warranty

APPENDIX A

TITLE VI PROGRAM CHECKLIST

Every three years, on a date determined by FTA, each recipient is required to submit the following information to the Federal Transit Administration (FTA) as part of their Title VI Program. Subrecipients shall submit the information below to their primary recipient (the entity from whom the subrecipient receives funds directly), on a schedule to be determined by the primary recipient.

General Requirements (Chapter III)

All recipients must submit:

- ☐ Title VI Notice to the Public, including a list of locations where the notice is posted
- ☐ Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- ☐ Title VI Complaint Form
- ☐ List of transit-related Title VI investigations, complaints, and lawsuits
- ☐ Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- ☐ Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
- ☐ A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- ☐ Primary recipients shall include a description of how the agency monitors its subrecipients for compliance with Title VI, and a schedule of subrecipient Title VI Program submissions
- ☐ A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- ☐ A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOT's, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.
- ☐ Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity (see below)

Requirements of Transit Providers (Chapter IV)

All Fixed Route Transit Providers must submit:

- ☐ All requirements set out in Chapter III (General Requirements)
- ☐ Service standards

- Vehicle load for each mode
- Vehicle headway for each mode
- On time performance for each mode
- Service availability for each mode
- ☐ Service policies
 - Transit Amenities for each mode
 - Vehicle Assignment for each mode

Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in an Urbanized Area (UZA) of 200,000 or more people must submit:

- ☐ Demographic and service profile maps and charts
- ☐ Demographic ridership and travel patterns, collected by surveys
- ☐ Results of their monitoring program and report, including evidence that the board or other governing entity or official(s) considered, was aware of the results, and approved the analysis
- ☐ A description of the public engagement process for setting the “major service change policy,” disparate impact policy, and disproportionate burden policy
- ☐ Results of service and/or fare equity analyses conducted since the last Title VI Program submission, including evidence that the board or other governing entity or official(s) considered, was aware of, and approved the results of the analysis

Requirements of States (Chapter V)

States must submit:

- ☐ All requirements set out in Chapter III (General Requirements)
- ☐ The requirements set out in Chapter IV (Transit Provider) if the State is a provider of fixed route public transportation
- ☐ Demographic profile of the State
- ☐ Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects
- ☐ Analysis of the State’s transportation system investments that identifies and addresses any disparate impacts
- ☐ A description of the Statewide planning process that identifies the transportation needs of minority populations
- ☐ Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance
- ☐ Description of the procedures the agency uses to provide assistance to potential subrecipients, including efforts to assist applicants that would serve predominantly minority populations

Requirements of MPOs (Chapter VI)

Metropolitan Planning Organizations and other planning entities must submit:

- ☐ All requirements set out in Chapter III (General Requirements)

- ☐ The requirements set out in Chapter IV (Transit Provider) if the MPO is a provider of fixed route public transportation
- ☐ Demographic profile of the metropolitan area
- ☐ A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process
- ☐ Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects
- ☐ Analysis of the MPO's transportation system investments that identifies and addresses any disparate impacts
- ☐ Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance (if requested)
- ☐ Description of the procedures the agency uses to provide assistance to potential subrecipients in a nondiscriminatory manner (if requested)



WYOMING DEPARTMENT OF TRANSPORTATION

Title VI Compliance Questionnaire for Local Agencies

Local Agency: _____

Date: _____

Name/Title: _____

I. Administration

A. Staff Composition and Program Administration

1. Provide breakdown of your administrative staff by race, color, national origin, sex, and their positions.
2. How many federally funded projects have you managed during the last two years? What was their Dollar amount?
3. Have you designated an EEO Officer or Title VI Coordinator? Provide name and time in the position.
4. Do you have a Title VI Policy, Assurances and Plan in place? Provide proof of public dissemination of your Title VI policy.

B. Complaint Procedure

1. Do you have a Title VI complaint procedure for external discrimination complaints? If so, please provide a copy. To what extent is the community aware of it?
2. Have you received any Title VI related complaints during the past two years? If you have received any complaints, how many complaints were received? What were the outcomes? Where there any Title VI complaint lodged by beneficiaries or participants? If so, explain the issues involved.
3. Do you have a Title VI Notice to Public? If so, please provide copy.

C. Training

1. Has your staff received any training (formal or informal) regarding Title VI?
2. Are you considering scheduling Title VI training sometime soon? If so, when and who will present it?

II. Planning Activities

A. Public Involvement

1. Are minority members of the community invited to participate in public hearings? How do you go about doing that?
2. Were accessible location, adequate time, and translation services considered or provided during the coordination of hearings?
3. Is the Hearing Coordinator keeping records in attendance? Is the information broken down by race, color, national origin, and sex (by visual identification)?
4. Have planning manuals, directives, guidelines, and policies been reviewed for Title VI compliance purposes?



Title VI Compliance Questionnaire for Local Agencies

III. Consultant Contracts Activities

1. Are Title VI assurances and provisions included within the consultants contracts?
2. Are DBE goals being included and met for consultant contracts? If not, what provisions have been taken to meet them?
3. Have directives, operational procedures, guidelines, and policies been reviewed for Title VI compliance purposes?

IV. Design/Environmental Activities

1. Are minority members of the community invited to participate in public hearings? How do you go about doing that?
2. Are accessibility of locations, adequate time, and translation services considered during the coordination of hearings? Was any other effort made to promote maximum attendance by those affected by the project, including member of minority communities?
3. Is the Hearing Coordinator keeping records in attendance? Is the information broken down by race, color, national origin, sex, (by visual identification)?
4. Have location and design manuals, directives, operational procedures, guidelines, and policies been reviewed for Title VI compliance purposes?
5. Is statistical data being collected on race, color, national origin, and sex on communities affected by a construction project?

V. Right of Way Activities

1. Are DBE goals for real estate appraisers being met? If not, what provisions have been taken to help reach these goals?
2. Is Title VI language being incorporated in all acquisition, negotiation, property management communications, and contracts?
3. Are Title VI language and assurance statements being included in all surveys for property owners and tenants after the conclusion of all business?
4. Are all values and communications associated with appraisals conducted in an equitable fashion?
5. Do deeds, permits, and leases contain Title VI compliance clauses?
6. Is statistical data being gathered on race, color, national origin, and sex for all relocatees?

VI. Construction and Maintenance Activities

1. Are contractor selection procedures been reviewed to determine uniformity in their application to minority and nonminority contractors?
2. Are minority contractors and subcontractors being informed about contracting opportunities with your organization?
3. Are construction rules and regulations being applied in an equitable fashion? Have you received any complaints within the last two years?
4. Are Title VI assurances being included in all contracts, subcontracts, and material supply agreements?



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Title VI Compliance Questionnaire for Local Agencies

Title VI Compliance Questionnaire for Planning Organizations

MPO/RTPO: _____

Date: _____

Name/Title: _____

I. Administration

A. Staff Composition and Program Administration

1. Provide breakdown of the administrative staff by position, race, color, gender, and national origin. Include organizational chart.
2. Provide makeup of the planning organization's Board of Directors by race, color, gender or national origin. Identify the voting members.
3. Describe the various programs administered by the planning organization and their funding sources.
4. Does the planning organization have an Affirmative Action Plan with respect to employment?

B. Complaint Procedure

1. Do you have a Title VI complaint procedure? To what extent is the community made aware of it?
2. Have you received any Title VI related complaints during the past two years? How many were received and what was the outcome of the complaint? Has there been any Title VI complaint lodged by beneficiaries or participants? Explain issues involved.
3. Provide copy of your complaint procedure and proof of public dissemination of Title VI policy.

C. Training

1. Has your staff received any training (formal or informal) regarding Title VI of the Civil Rights Act of 1964?
2. Are you scheduling any Title VI training anytime soon? If so, when and who will present it?

II. Planning Process

A. Public Involvement

1. To what extent citizen participation has been provided in the transportation planning process? Do you have and policies requiring citizen participation? Explain.
2. Citizen Advisory Committees: How are the members selected and how long is their term on the committee? What is their make up in terms of race, color, national origin, sex, and position?
3. Are organizations representing minorities/disadvantaged individuals made aware of planning processes and offered the opportunity to provide input? How?
4. How are the needs of the minorities/disadvantaged persons addressed during the planning process?
5. What statistics are kept on beneficiaries of services or programs by race, religion, color, and sex?



Title VI Compliance Questionnaire for Local Agencies

B. Hearings

1. What statistics are kept on public hearings participation by race, religion, color, national origin, and sex (by visual identification)?
2. Are minority group concerns addressed in a timely manner? Explain process.
3. Are public meeting announcements made available in languages other than English, according to the affected minority population(s)?
4. Are accessible location (geographically and structurally), appropriate time, and translation services being planned/provided during public hearings?

C. Procurement of Contracts

1. How is the Request for Proposals (RFP) solicited? What are the requirements for submitting RFPs?
2. What kind of participation do DBE firms have in the RFP process? Are there goals or are goals included? Do you meet them?
3. Do you keep record of DBE firms during the RFP process? Provide list.
4. How does the planning organization promote the participation of qualified minority/women consultants?
5. How does the planning organization monitor consultant's adherence with Title VI requirements?
6. Provide the number, dollar value(s), and type of contract(s) used by the planning organization during the last two fiscal years. Identify contractors by race, color, national origin, and sex.
7. How many federally funded projects did you manage during the last fiscal year? Provide dollar amount for each one of them. How much of that money went to consultant contracts? If DBE consultants were utilized provide their company names.

D. Environmental Impact

1. Are minority members of the community invited to participate in public hearings pertaining to environmental issues? Are you keeping statistics on public hearing participation by race, color, national origin, and sex? Please present proof.
2. Do you have procedures for the identification of environmental impacts? How do you approach environmental issues in minority/ disadvantaged communities? Explain.
3. Are those environmental issues discussed with the affected community during public hearings? Have special provisions such as language interpreters been provided during public meetings?
4. Are these efforts documented? If so, please provide documentation.
5. Could you list the major transportation projects planned or executed during the last two years where social, environmental, economic, or demographic adverse impacts were identified? To what extent did Title VI issues appear as a consequence of a project? Describe.



WYOMING DEPARTMENT OF TRANSPORTATION

Title VI Compliance Questionnaire for Planning Organizations

MPO/RTPO: _____

Date: _____

Name/Title: _____

I. Administration

A. Staff Composition and Program Administration

1. Provide breakdown of the administrative staff by position, race, color, gender, and national origin. Include organizational chart.
2. Provide makeup of the planning organization's Board of Directors by race, color, gender or national origin. Identify the voting members.
3. Describe the various programs administered by the planning organization and their funding sources.
4. Does the planning organization have an Affirmative Action Plan with respect to employment?

B. Complaint Procedure

1. Do you have a Title VI complaint procedure? To what extent is the community made aware of it?
2. Have you received any Title VI related complaints during the past two years? How many were received and what was the outcome of the complaint? Has there been any Title VI complaint lodged by beneficiaries or participants? Explain issues involved.
3. Provide copy of your complaint procedure and proof of public dissemination of Title VI policy.

C. Training

1. Has your staff received any training (formal or informal) regarding Title VI of the Civil Rights Act of 1964?
2. Are you scheduling any Title VI training anytime soon? If so, when and who will present it?

II. Planning Process

A. Public Involvement

1. To what extent citizen participation has been provided in the transportation planning process? Do you have and policies requiring citizen participation?
Explain.
2. Citizen Advisory Committees: How are the members selected and how long is their term on the committee? What is their make up in terms of race, color, national origin, sex, and position?
3. Are organizations representing minorities/disadvantaged individuals made aware of planning processes and offered the opportunity to provide input? How?
4. How are the needs of the minorities/disadvantaged persons addressed during the planning process?
5. What statistics are kept on beneficiaries of services or programs by race, religion, color, and sex?



WYOMING DEPARTMENT OF TRANSPORTATION

Title VI Compliance Questionnaire for Planning Organizations

B. Hearings

1. What statistics are kept on public hearings participation by race, religion, color, national origin, and sex (by visual identification)?
2. Are minority group concerns addressed in a timely manner? Explain process.
3. Are public meeting announcements made available in languages other than English, according to the affected minority population(s)?
4. Are accessible location (geographically and structurally), appropriate time, and translation services being planned/provided during public hearings?

C. Procurement of Contracts

1. How is the Request for Proposals (RFP) solicited? What are the requirements for submitting RFPs?
2. What kind of participation do DBE firms have in the RFP process? Are there goals or are goals included? Do you meet them?
3. Do you keep record of DBE firms during the RFP process? Provide list.
4. How does the planning organization promote the participation of qualified minority/women consultants?
5. How does the planning organization monitor consultant's adherence with Title VI requirements?
6. Provide the number, dollar value(s), and type of contract(s) used by the planning organization during the last two fiscal years. Identify contractors by race, color, national origin, and sex.
7. How many federally funded projects did you manage during the last fiscal year? Provide dollar amount for each one of them. How much of that money went to consultant contracts? If DBE consultants were utilized provide their company names.

D. Environmental Impact

1. Are minority members of the community invited to participate in public hearings pertaining to environmental issues? Are you keeping statistics on public hearing participation by race, color, national origin, and sex? Please present proof.
2. Do you have procedures for the identification of environmental impacts? How do you approach environmental issues in minority/ disadvantaged communities? Explain.
3. Are those environmental issues discussed with the affected community during public hearings? Have special provisions such as language interpreters been provided during public meetings?
4. Are these efforts documented? If so, please provide documentation.
5. Could you list the major transportation projects planned or executed during the last two years where social, environmental, economic, or demographic adverse impacts were identified? To what extent did Title VI issues appear as a consequence of a project? Describe.



WYOMING DEPARTMENT OF TRANSPORTATION

DBE Frequently Asked Questions

What is a DBE?

Disadvantaged business enterprise or DBE means a for-profit small business—

1. That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and
2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
3. Must be listed on the Wyoming Department of Transportation's DBE Directory at https://www.dot.state.wy.us/home/business_with_wydot/contractors/Disadvantaged_Business_Enterprise.html as a Wyoming-certified Disadvantaged Business Enterprise.

What is the purpose of the DBE Program?

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the Wyoming Department of Transportation's DBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
 - a. To promote the use of DBEs in all types of federally assisted contracts and procurement activities conducted by recipients.
 - b. To assist the development of firms that can compete successfully in the marketplace outside the DBE program; and



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DBE Frequently Asked Questions

- c. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

When must I have my own DBE program?

1. If you are in one of these categories and let DOT-assisted contracts, you must have a DBE program meeting the requirements of this part:
 - a. All FHWA recipients receiving funds authorized by a statute to which this part applies;
 - b. FTA recipients receiving planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$250,000 in FTA funds in a Federal fiscal year r;
 - c. FAA recipients receiving grants for airport planning or development who will award prime contracts exceeding \$250,000 in FAA funds in a Federal fiscal year.

What are the subrecipient DBE requirements?

1. Reach out to DBEs to participate.
2. Ensure non-discrimination in the award of a contract.
3. Monitor and report DBE Participation semi-annually and triennially.
4. Include DBE assurance and nondiscrimination language in contracts and solicitations.

What are subrecipient responsibilities toward non-discrimination?

You must never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by this part on the basis of race, color, sex, or national origin.

In administering your DBE program, you must not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, sex, or national origin.



DBE Frequently Asked Questions

Are there specific provisions I must include in my contracts to ensure non-discrimination?

Each federal aid contract signed by your agency with a contractor, and each subcontract the prime contractor signs with a subcontractor must include the following assurance exactly as it is stated:

"The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible."

What Nondiscrimination language must be included in my agency's RFPs/Solicitations?

Include the following nondiscrimination assurance in **all solicitations**: "(Agency Name), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

What are my DBE requirements to subcontractors?

The DBE regulation requires that all subcontractors be paid within thirty (30) days of payment to the prime for work completed by the subcontractor. Wyoming law requires payment within seven days on all construction contracts. Additionally, prime contractors must pay subcontractors all retainage within 30 days after the subcontractor's work is satisfactorily completed. This must be accomplished by one of the following methods:

1. Decline to hold retainage from prime contractors and prohibit prime contractors from holding retainage from subcontractors;



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DBE Frequently Asked Questions

2. Decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed; or
3. Withhold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after your payment to the prime contractor.

You must have methods to enforce the requirements of this section.

What are the DBE reporting requirements for subrecipients?

Direct recipients need to submit a copy of their semi-annual report submitted to FTA s. All subrecipients are responsible for reporting DBE participation in their contracting processes two times a year to WYDOT. A contracting opportunity refers to the procurement of any goods or services for which federal funds are used, not including salaries, benefits, utilities, or agreements with/payments to other public agencies. You will need to report the following information:

- All contracts and subcontracts awarded during the reporting period. This can include contracts awarded.
- Payments on all completed contracts and subcontracts. This can include final payment (from you to the prime) on a large contract or more informal procurements like items purchased directly.
- Future payments on all contracts and subcontracts that have not yet been completed.

How often do I have to report?

WYDOT must include the subrecipient reporting in its Semi-Annual report to FTA for the reporting periods October 1 to March 31 and April 1 to September 30. Subrecipients must provide their reporting to WYDOT in March and September in time to be included in WYDOT's report.

Where can I go to learn more about WYDOT's DBE program?

WYDOT's DBE webpage can be accessed at:

https://www.dot.state.wy.us/home/business_with_wydot/contractors/Disadvantaged_Business_Enterprise.html



WYOMING DEPARTMENT OF TRANSPORTATION

DBE Frequently Asked Questions

WYDOT's transit webpage with the FTA Triennial DBE Participation Goal document can be accessed at:

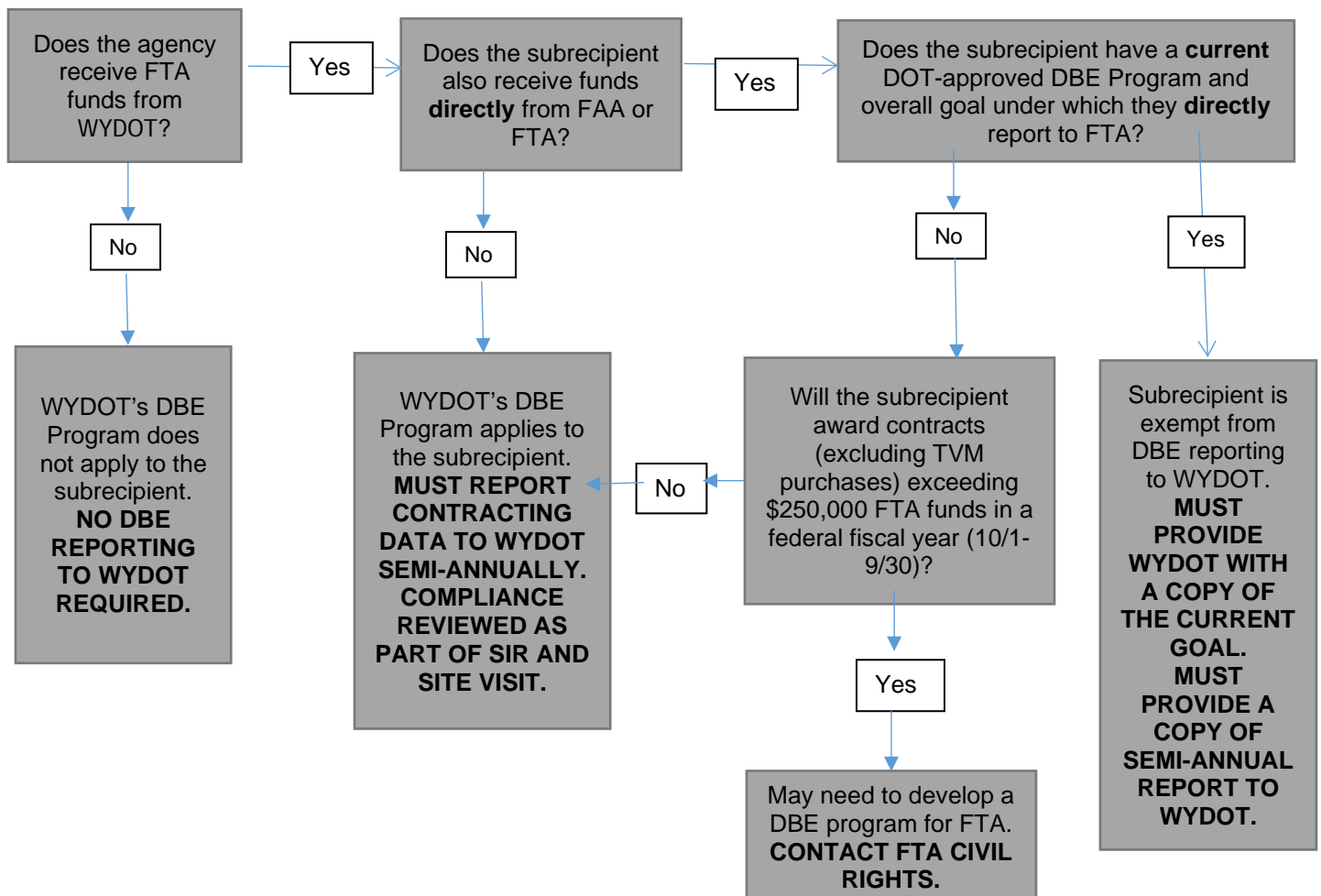
https://www.dot.state.wy.us/home/planning_projects/transportation_programs/transit-in-wyoming.html

Where can I go to find DBE-certified firms?

WYDOT's DBE directory can be found at

https://www.dot.state.wy.us/home/business_with_wydot/contractors/Disadvantaged_Business_Enterprise.html.

Overall DBE Goal Flowchart



Attachment 5 – Sample EEO Program Format Checklist

Every four years, on a date determined by FTA, each direct recipient who meets the threshold described in section 1.4 of this Circular, must submit the following information to FTA as part of its EEO Program. Subrecipients and contractors who meet the threshold must submit the required information to its direct recipient (the entity from whom the subrecipient receives funds directly, generally a transit agency or State DOT).

EEO Program General Requirements (Chapter 2)

Full EEO Program Requirements

Any FTA applicant, recipient, subrecipient, and contractor who: 1) Employs 100 or more-transit related employees and 2) Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year, must submit the a full EEO Program, including the following elements, every four years, either to FTA or to its direct recipient, as required:

- ☐ Statement of Policy
- ☐ Dissemination Plan
- ☐ Designation of Personnel Responsibility
- ☐ Utilization Analysis
- ☐ Goals and Timetables
- ☐ Assessment of Employees Practices
- ☐ Monitoring and Reporting Plan

Abbreviated EEO Program Requirements:

Any FTA applicant, recipient, subrecipient, and contractor who: 1) Employs 50-99 transit-related employees and 2) Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year, must prepare and maintain the following abbreviated EEO Program elements:

- ☐ Statement of Policy
- ☐ Dissemination Plan
- ☐ Designation of Personnel Responsibility
- ☐ Assessment of Employees Practices
- ☐ Monitoring and Reporting Plan

Attachment 6

Sample EEO Program Contents Checklist

Recipient Name:				
TRAMS ID:				
Date EEO Program Was Reviewed:				
Review Conducted By:				
<p>This form serves as a sample internal checklist of the legal requirements and responsibilities of Federal Transit Administration (FTA) recipients under guidance provided in FTA Circular 4704.1A with regards to the Equal Employment Opportunity (EEO) Program Guidelines for Grant Recipients for purposes of regional Civil Rights Officer program review. This document is not intended to provide a comprehensive explanation of all requirements and responsibilities of FTA recipients related to EEO, nor is it intended to replace EEO guidance issued by the FTA or other related Federal Agencies. Refer to FTA Circular 4704.1A for specific and detailed guidance on preparing EEO Programs for FTA. This Circular can be found on FTA's website. This chart displays the main subject matter areas of Circular 4704.1A. Whenever possible, the numbering and lettering organization of this chart align with the organization of the Circular. Recipients are required to consider each of these topics in preparing their EEO Program documents.</p>				
2.2 EEO PROGRAM ELEMENTS	Addressed	Not Addressed	Inadequate	Review Comments
STATEMENT OF POLICY—C. 4704.1A 2.2.1				
Is there a written Statement of Policy by the CEO/GM:				
Does the statement:				
Express the agency's commitment that all employment actions, including but not limited to recruitment or recruitment advertising, hiring, upgrading, selection for training, promotion, transfer, demotion, layoff, termination, rates of pay or other forms of compensation, and treatment of employees will be administered without regard to race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or other protected class				
Commit to develop a written nondiscrimination program that sets forth the policies, practices, and procedures, with goals and timetables, to which the agency is committed and make the EEO Program available for inspection by any employee or applicant for employment upon request				
Explain that the responsibility for implementing the EEO Program is assigned to an agency executive who reports directly to the CEO/GM				
State that applicants and employees have the right to file complaints alleging discrimination with the EEO Officer or office				
State that retaliation against an individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engages in protected activity is strictly prohibited and will not be tolerated				
State the agency's commitment to provide reasonable accommodations to applicants and employees who need them because of a disability or to practice or observe their religion, absent undue hardship				

State that all management and supervisory personnel share in this responsibility and are assigned specific tasks to ensure and achieve compliance				
State that the agency evaluates the performance of managers, supervisors, and others based on the success of the EEO Program in the same manner that the agency evaluates their performance in other agency programs				
Provide the name and contact information for the EEO Officer				
Provide the Signature and Date of GM or CEO				
DISSEMINATION—C. 4704.1A 2.2.2				
Does the dissemination section include:				
Providing written communications from the CEO/GM (i.e., policy statement)				
Posting official EEO materials (e.g., Federal and state labor laws poster(s) and the agency's policy statement) on bulletin boards, near time clocks, in employees' break rooms, and in the employment/personnel office				
Including the EEO policy statement in the agency's personnel and operations manual, employee handbooks, reports and manuals				
Meeting with top management officials (e.g., bus operations, human resources, planning, marketing, etc.) at a minimum semiannually to discuss the EEO Program and its implementation				
Meeting with all employees and affinity groups to seek input on the program implementation				
Conducting periodic EEO training for all employees and for managers				
Conducting EEO training for all new supervisors or managers within 90 days of their appointment				
Externally, does the agency state:				
When there is outreach or advertising to recruitment entities (e.g., employment agencies, educational institutions, minority, and women organizations), the agency will disseminate their policy to those entities				
All recruitment ads (e.g., newspapers, magazines, websites, and social media) must state that the agency "is an equal employment opportunity employer"				
DESIGNATION OF PERSONNEL—C. 4704.1A 2.2.3				
Do the EEO program office responsibilities include:				
Developing the EEO policy statement and a written EEO Program				
Assisting management in collecting and analyzing employment data, identifying problem areas, setting goals and time tables, and developing programs to achieve goals				
Designing, implementing, and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where proactive action is needed				
Reviewing the agency's nondiscrimination plan with all managers and supervisors to ensure that the policy is understood				
Concurring in the hiring and promotion process				
In conjunction with human resources, periodically reviewing employment practices policies (e.g., hiring, promotions, training), complaint policies, reasonable accommodation policies, performance evaluations, grievance procedures, and union agreements				

Reporting at least semiannually to the CEO/GM on each department's progress in relation to the agency's goals and on contractor and vendor compliance				
Serving as liaison between the agency, Federal, state, county, and local governments, regulatory agencies, minority, women, disability organizations, and other community groups				
Maintaining awareness of current EEO laws, and ensuring the laws affecting nondiscrimination are disseminated to responsible officials				
Investigating complaints of EEO discrimination				
Providing EEO training for employees and managers				
In conjunction with human resources, advising employees and applicants of available training programs and professional development opportunities and the entrance requirements				
Auditing postings of the EEO policy statement to ensure compliance information is posted and up to date				
Do the agency officials, supervisors and managers' responsibilities include:				
Participating actively in periodic audits of all aspects of employment to identify and to remove barriers obstructing the achievement of specified goals and objectives				
Holding regular discussions with other managers, supervisors, employees, and affinity groups to ensure agency policies and procedures are being followed				
In conjunction with the EEO Officer, maintaining and updating the personnel database for generating reports required for the nondiscrimination program				
Cooperating with the EEO Officer in review of information and investigation of complaints				
Encouraging employee participation to support the advancement of the EEO Program (e.g., professional development and career growth opportunities, posting promotional opportunities, shadowing, mentoring)				
UTILIZATION ANALYSIS—C. 4704.1A 2.2.4				
Does the work force analysis include a statistical breakdown of the recipients' workforce by each department job category?				
Is the aforementioned cross-referenced by sex and race?				
Is the current percent of employees for each category cross-referenced by group?				
Is there an availability percentage identified for each category cross-referenced by group?				
Is the percentage of underutilization for each category cross-referenced by group?				
GOALS AND TIMETABLES—C. 4704.1A 2.2.5				
Are there specific and detailed percentage and numerical goals with timetables set to correct any underutilization of specific affected classes of persons identified in the utilization analysis? There are long-term (in percentages) and short-term (numbers and percentages).				
Are previous goals that were not met discussed and a justification given for not meeting those goals?				
EMPLOYMENT PRACTICES—C. 4704.1A 2.2.6				
Is there a detailed narrative assessment of present employment practices (e.g., hiring, recruitment, training)?				

Do the analyses contain statistical data to document the impact of the employment practices by sex and race?				
Does the statistical analysis contain:				
The number of applicants for employment in each job category and the number hired, cross-referenced by sex and race				
The number of employees in each job category who applied for promotion or transfer and the number in each job category promoted or transferred, cross-referenced by sex and race				
The number and types of disciplinary actions (e.g., indefinite suspension, loss of pay, demotion), tailored to the language used in union contracts and agency policies and procedures				
The number of voluntary/involuntary terminations, cross-referenced by sex and race				
Job category training that fosters promotion potential, cross-referenced by sex and race				
Individuals with Disabilities and Veterans, the number of applicants for employment and promotions in each job category and the number hired and promoted, cross-referenced by sex and race				
MONITORING AND REPORTING SYSTEMS–C. 4704.1A 2.2.7				
Is there a monitoring system that describes:				
Methods to monitor the EEO components identified in this chapter (e.g., dissemination, utilization analysis, statistical employment practices, timeframe to reach goals, all identified barriers and the progress of the action plan)				
Procedures used to determine EEO compliance of subrecipients and contractors such as collection and review of their EEO Programs, visits to facilities to ensure proper posting of the EEO Policy Statement, etc.				
Procedures for reviewing union contracts, in conjunction with human resources, to ensure there is not a disparate impact				
Process for monitoring complaints (e.g., describe the tracking system, monitoring of trends, timeliness of investigations, resolutions, reporting to management)				
Is there a reporting system that describes:				
Meetings held between the CEO/GM and the EEO Officer to discuss the progress of the EEO Program and the results of the monitoring (including but not limited to, hiring, promotions, status of EEO complaints)				
All program EEO-related meetings held between the EEO Officer and management, including topics covered, follow-up actions				
EEO Officer's meetings with human resources and hiring officials to review current EEO goals and statistics on employment practices and policies (e.g., verifying that job descriptions contain legitimate position requirements and that all testing has been validated)				
REQUIRED EEO PROGRAM ATTACHMENTS				
List of subrecipients and contractors who are being monitored and the services they provide				
Proof of review of subrecipients and contractors' EEO Program (e.g., letter or memo to the subrecipient)				
Organization chart showing the reporting relationships of all directors, department heads, and executive leadership (include names and titles)				
A copy of the goals and timetables from the previous program submission				



COLORADO

Department of Transportation

CDOT ADA Guide

FOR BUS AND TRANSIT OPERATIONS

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Version 2015.1

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This version of the ADA Guide was finalized on August 4, 2015. This guide is intended for use by CDOT and its contracted operators. Any questions concerning the content of this guide should be directed to CDOT's Civil Rights Office by calling (800)925-3427 or by sending email to: dot_civilrights@state.co.us.

Introduction to ADA Guide

This document outlines standard operating procedures for all CDOT-owned transit operations, in regards to persons with disabilities and the Americans with Disabilities Act of 1990. US Code of Federal Regulations Title 49, Subtitle A, Part 37.161 states, "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 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." The procedures by which CDOT and its operators will maintain these standards shall be detailed throughout the remainder of this text. CDOT and its operators will follow ADA guidelines at all times with the intention of providing the highest level of service to persons with disabilities, and all passengers. Any reference to a "Part" is a referral to US Code of Federal Regulations Title 49, Subtitle A, Part 27, Part 37, Part 38, and their subsections.

Standard Operating Procedures

Pre-Trip Inspection

Prior to departing on a scheduled route, bus drivers will complete the following:

- Check to make sure the lift is working and you have the tools to operate it manually if the hydraulic operation fails- Part 38.23(b)(4).
- Make sure you have a complete set of securement straps (front and rear floor straps, seat belt and shoulder harness) for each wheelchair position on the vehicle
- If you have any trouble with the lift or you do not have the proper equipment, you must notify your immediate supervisor for instruction before you leave the yard. If the supervisor advises you to proceed without the proper equipment, you must note the name of the Supervisor and what he/she told you on your trip sheet.
- Keep wheelchair securement areas open, with seats flipped up, so that tie-down areas are readily available for passengers in wheelchairs.

Loading, Unloading, and Securement Procedure

Drivers shall adhere to the following procedure when loading, securing, and unloading passengers in wheelchairs:

- Load passengers with disabilities prior to loading all other passengers, unless passenger with disability expressly volunteers to be loaded after all other passengers are boarded.
- Always ask permission prior to assisting any passenger with a disability or mobility device. Never touch the person, their mobility device, or their service animal without first receiving permission to do so.
- Prior to loading a passenger in a wheelchair, inform the passenger of the maximum weight limit of the lift. Ask them to verify that their combined wheelchair weight falls within this weight limit.

- Always position the wheelchair on the lift with the rear wheels next to the bus and the passenger facing away from the bus.
- Before lifting the chair, make sure that the brakes on the chair work and are applied. Ask the passenger if they would like to remain in the wheelchair and be tied down, or if they would prefer to be transferred to a seat.
- Attach the safety strap across the lift. Ask the passenger if they would like to set the brake or power down the wheelchair before the lift goes into motion.
- Carefully lift the wheelchair. No other passenger should be on the lift at the same time as the passenger using the wheelchair.
- Move the passenger using the wheelchair into the vehicle, and into the furthestmost tie down position (on driver's side), FACING FORWARD. This will leave open the tie down position closest to the lift in case a second passenger in a wheelchair boards the bus.
- If the passenger wishes to transfer to a seat, ask if you may assist them in any way. Ask them to transfer to the nearest available seat to the lift/securement areas.
- If the passenger wishes to remain in the wheelchair and be tied down, ask them where to attach the straps to the wheelchair. Attach the front straps to an integral portion of the frame. Try to get as close to a 45-degree angle on the strap as possible. Attach the rear straps to an integral portion of the frame and tighten.
- Never attach straps to the wheels or any removal part of the device. Never use "front" straps in the rear tie down position. Try to get as close to a 45-degree angle as possible. This will give you the most secure tie down.
- Offer the seat belt and shoulder harness to your passenger- Part 38.23(b)(7). The passenger is not required to use the seat belt and shoulder harness, but may choose to do so if the wheelchair is fully secured to the floor. NEVER allow a passenger to use the seat belt and shoulder harness if the wheelchair is not fully secured to the floor of the bus.
- After unloading the passenger using a wheelchair be sure to remove the straps from the floor anchors and properly stow them.
- If a third passenger in a wheelchair needs to be loaded on the bus when two wheelchairs are already occupying the existing tie down areas, ask the passengers in wheelchairs if any of them are willing or able to move to a regular seat. Per Part 37.205, if none of the passengers are able to transfer to a seat, the driver has a right to deny service to the final passenger in a wheelchair.

Per Part 38.23(b)(12): *"Lifts shall accommodate persons using walkers, crutches, canes or braces or who otherwise have difficulty using steps. The platform may be marked to indicate a preferred standing position."* If a passenger indicates a need to use the wheelchair lift to board the bus, load them prior to loading additional passengers, unless they expressly volunteer to be loaded after all other passengers have boarded.

Onboard Procedure

During the trip, drivers shall accommodate people with disabilities in the following ways:

- Always keep wheelchair securement areas open and available for passengers with disabilities. The seats in the securement areas shall only be flipped down if all other seats in the bus are already occupied. Per Part 37.167(j)(4): *In all signage designating priority seating areas for elderly persons and persons with disabilities,*

or designating wheelchair securement areas, the entity shall include language informing persons sitting in these locations that they should comply with requests by transit provider personnel to vacate their seats to make room for an individual with a disability.

- For trips under three hours, notify the passengers that there will be no restroom stops available. Per Part 37.201(c) of the US Code Title 49, unscheduled rest stops are not required for express runs under three hours.
- For trips over three hours, notify the passengers of the possible restroom stop locations and the corresponding timeline/duration until that stop. Part 37.3(c): *If an OTRB equipped with an inaccessible restroom is making an express run of three hours or more without a rest stop, and a passenger with a disability who is unable to use the inaccessible restroom requests an unscheduled rest stop, the operator shall make a good faith effort to accommodate the request. The operator is not required to make the stop. However, if the operator does not make the stop, the operator shall explain to the passenger making the request the reason for its decision not to do so.*
- All stops will be announced over the speaker system, with simultaneous stop announcements on the on-board messaging system. If the automated speaker system is not functioning, the driver will announce the stops over the intercom. This ensures compliance with the ADA's Effective Communication requirements.
- Per Part 37.129, personal care attendants ride free, while companions are charged the same fare as the passenger with a disability they are accompanying.
- As per Part 37.123, to prevent potential abuse, the rule provides that a companion (e.g., friend or family member) does not count as a personal care attendant unless the eligible individual regularly makes use of a personal care attendant and the companion is actually acting in that capacity. As noted under §37.125, a provider may require that, as part of the initial eligibility certification process, an individual indicate whether he or she travels with a personal care attendant. If someone does not indicate the use of an attendant, then any individual accompanying him or her would be regarded simply as a companion.

Service Animal Procedure

Per Part 37.167(d), public transit providers are required to allow service animals to accompany their handlers onto the transit vehicle.

- Part 37.3 defines a service animal as *"any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items."*
- Drivers may not ask for documentation or proof of service animal status. These are the only two questions a driver may ask regarding a service animal: 1) Is that a service animal? and 2) What tasks has your service animal been trained to perform?
- Service animals must be under the handler's control at all times. If the handler is unable to lead the animal onto the bus themselves, the driver may choose to assist in boarding the animal. If the driver is uncomfortable with the animal, they are not

required to assist. Remember, the service animal is the handler's responsibility at all times.

- If any service animal begins acting aggressively or is causing a disturbance that threatens the safety of the driver or other passengers, the driver may ask the service animal and its handler to leave the bus at the next stop. In such a situation, the driver should call the field supervisor and inform him/her of the reason the service animal and its handler are being asked to debark the bus.
- Service animals must lay at the feet of the handler. They are not allowed to block the aisle or occupy a seat.
- Emotional Support Animals and Therapy Animals are not considered service animals under the ADA.

Scooter Procedure

Per Part 37.3: *"Wheelchair" is defined in this rule as a mobility aid belonging to any class of three-or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.*

It is important to note that although scooters may be classified as wheelchairs, persons using these scooters are able to transfer to another seat. For their own safety, you must encourage them to transfer to a seat. If they refuse, then you must follow the procedures as if they are using a wheelchair. Scooters are, due to their design, difficult to secure with 4 straps. Every reasonable attempt must be made to transfer the passenger to a seat, keeping in mind the passenger will most likely not be riding on this device while the vehicle is in motion. Follow this procedure for scooters:

- All scooters are to be secured on the authorized equipment by utilizing the straps in a manner that best suits the scooter type. It is always best to work with the owner/operator of the scooter to make sure we secure it in a manner that they are comfortable with.
- All scooter passengers need to move off their scooter and sit in a normal seat of the vehicle, if able.
- If the scooter is to be stowed below in a baggage bin, it must be able to be broken down to 75-pound components due to operator requirements and safety of the drivers/operators.
- Weight restrictions for the wheelchair lifts still apply, and the scooter combined weight cannot exceed the lift maximum.

Tie Down Refusal Procedure

NO DRIVER/OPERATOR HAS THE AUTHORITY TO MOVE A VEHICLE WITH AN UNSECURED WHEELCHAIR OR SCOOTER. Never move a vehicle unless all passengers utilizing wheelchairs have their chairs properly secured to the floor. In the rare event that a passenger refuses to allow you to secure the wheelchair, this is the policy you must follow:

- Advise the passenger that we need to secure the chair for their safety and the safety of the other passengers on the transit vehicle.

- If they still refuse, ask them if they are able to transfer to another seat that is already secured to the floor as this would be a safe location for them to ride.
- If they are unable to move to another seat and continue to refuse to allow you to secure their chair to the floor, you CANNOT move the bus until a Supervisor arrives on scene. At that time, follow the instructions of the supervisor.
- You CANNOT deny or threaten to deny transportation because they refuse to have their wheelchair secured to the floor, however, we can delay transportation until the Supervisor arrives on scene. Stating that it will take at least 15 minutes for the Supervisor to arrive will usually be enough to encourage the passenger to allow you to secure the chair.
- NO DRIVER/OPERATOR HAS THE AUTHORITY TO MOVE A VEHICLE WITH AN UNSECURED PASSENGER USING A WHEELCHAIR. ONLY A SUPERVISOR CAN MAKE THAT DECISION.

Transportation of Oxygen Cylinders Procedure

Per Part 37.367(h), transit providers *“shall not prohibit an individual with a disability from traveling with a respirator or portable oxygen supply, consistent with applicable Department of Transportation rules on the transportation of hazardous materials.”* Because oxygen is flammable and can even contribute to explosions, the utmost care must always be taken when handling oxygen cylinders. For transportation of oxygen cylinders in the passenger compartment, adhere to the following procedures:

- Oxygen should be transported on a bus only when medically necessary.
- Oxygen should be transported in a cylinder maintained in accordance with the manufacturer’s instructions. The manufacturer’s instructions are usually printed on a label attached to the cylinder.
- Before boarding, inspect each cylinder to assure that it is free of cracks or leaks, including around the valve area and pressure relief device. Listen for leaks; do not load leaking cylinders on the bus. Visually inspect the cylinders for dents, gouges, or pits. A cylinder that is dented, gouged, or pitted should not be transported.
- Limit the number of cylinders to be transported on board the vehicle to the extent practical. Transportation of oxygen cylinders within the passenger compartment shall be limited to one cylinder per person.
- Cylinders used for medical oxygen are susceptible to valve damage if dropped. Handle these cylinders with care during loading and unloading operations. Never drag or roll a cylinder. Never carry a cylinder by the valve or regulator. Carry the cylinder carefully using both hands.
- Do not handle oxygen cylinders or apparatus with hands or gloves contaminated with oil or grease.
- Each cylinder should be secured to prevent movement and leakage. Each cylinder should be loaded and secured in an upright position. “Secured” means that the cylinder is not free to move when the vehicle is in motion. The driver shall assist the passenger with the inspection of the cylinder and with securing the cylinder in the passenger seating area.

- Oxygen cylinders or other medical support equipment should never be stored or secured in the aisle, nor in an emergency exit pathway. Make sure the seating of the passenger requiring oxygen does not restrict access to exits or use of the aisle.
- Since the release of oxygen from a cylinder could accelerate a fire, each cylinder should be secured away from sources of heat or potential sparks. Announcements shall be made to all passengers cautioning them not to use lighters, matches or any smoking materials.
- When the bus arrives at a final destination, all cylinders shall be immediately removed from the bus.

For transportation of oxygen cylinders in the cargo compartment, adhere to the following procedures:

- Additional oxygen cylinders shall be stored in the center bay (or in a storage area furthest away from axles and brakes), right side, front wall area. The cylinders shall be secured upright, in wooden, plastic, or heavy cardboard boxes and shall be secured by rope or bungee cords to a non-moveable structure within the bus.
- Valves should be protected against damage.
- The driver shall personally inspect each cylinder prior to loading. The driver shall load the cylinders or shall personally supervise the loading of oxygen cylinders.
- The total weight for oxygen cylinders permitted in a bus cargo compartment is 99 pounds.

Transit Facilities

All CDOT owned facilities on a designated transit route shall adhere to ADA regulations. This includes access to and from bus stops via curb ramps that are specified to code. Any shelters shall be wheelchair-accessible and any existing permanent restroom facilities shall also be accessible. Curb ramps shall meet all ADA requirements including detectable warnings at boundaries between pedestrian access routes and vehicular routes (note: detectable warnings are not required at residential driveways or commercial driveways without yield or stop control).

CDOT shall encourage the owners of all non-CDOT stops/stations on designated routes to comply with all ADA regulations. On routes exceeding 3 hours, CDOT shall designate a facility with accessible restrooms that may serve as a restroom stop for people with disabilities. Unscheduled rest stops are not required for express runs under three hours.

Final Comments

CDOT will do everything in its power, at all times, to ensure that CDOT and its contracted operators comply with US Code Title 49, Subtitle A, Parts 27, 37, and 38. CDOT will keep a comprehensive log of any complaints and assertions that the Americans with Disabilities Act of 1990 has been violated by CDOT or its contractors. Any violations will be promptly addressed and a record of the appropriate resolution will be made.



ADA Frequently Asked Questions

What is the Americans with Disabilities Act (ADA) and why is it important?

ADA is a law that protects and prohibits discrimination against individuals with disabilities and ensures equal opportunity and access for individuals with disabilities. WYDOT is responsible for complying with this law and ensuring its subrecipients comply with this law and all ADA-related federal regulations.

Nondiscrimination

What are my requirements against discrimination?

A clear statement of organizational policy can help you clarify exactly how you will deliver public transit service in a non-discriminatory manner. These requirements apply to both fixed route systems and rural programs operating other types of public transit service. The U.S. DOT regulations specifically address these points:

- You cannot discriminate against a person with a disability in the provision of transportation service. (Section 37.5(a))
- You cannot, on the basis of disability, deny an individual with a disability the opportunity to use the general transportation system if that person is capable of using that service. (Section 37.5 (b))
- You cannot require that an ambulatory person with a disability use priority seating. (Section 37.5 (c))
- You cannot impose special charges on individuals with disabilities, including those who use a wheelchair. (49 CFR 37.5(d)) **Note that this is not the same as charging an ADA-eligible paratransit fare that is equal to the base fixed route fare times two (see section on ADA Paratransit Service Criteria).
- You cannot require that an individual with a disability be accompanied by an attendant. (Section 37.5(e))
- You cannot refuse service to an individual with disabilities because your insurance coverage or rates are based on the absence of individuals with disabilities. (Section 37.5(g))
- You are NOT required to provide service to an individual with disabilities if that individual engages in violent, seriously disruptive or illegal conduct. However, you cannot deny service to an individual with disabilities because his/her disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees or other persons. (Section 37.5 (h))



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Staff Resources

What are the ADA requirements regarding my agency's capacity to ensure ADA compliance?

All subrecipients that operate a fixed route or demand responsive system shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities (49 CFR 37.173). Training to proficiency means that, once trained, personnel can consistently and reliably operate accessibility features, provide appropriate assistance to individuals with disabilities, and treat riders in a respectful and courteous way.

For example, as Appendix D to 49 CFR 37.173 explains, "A paratransit dispatcher probably must know how to use a TDD [Telecommunications Devices for the Deaf] and enough about various disabilities to know what sort of vehicle to dispatch. A bus driver must know how to operate lifts and securement devices properly. A mechanic who works on lifts must know how to maintain them. Cross-training, while useful in some instances, is not required, so long as each employee is trained to proficiency in what he or she does with respect to service to individuals with disabilities."

Complaints

What are the ADA requirements regarding complaint procedures?

- All subrecipients are required to have ADA complaint procedures. The complaint process shall designate at least one person to coordinate its efforts to comply with (49 CFR 37.17(a))
- Complaint procedures must also incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by ADA regulations. Pursuant to 49 CFR Parts 27, 38 and 39 the procedures shall meet the following requirements:
 - (1) The process for filing a complaint, including the name, address, telephone number, and email address of the employee designated under paragraph (a) of this section, must be sufficiently advertised to the public, such as on the entity's Web site;
 - (2) The procedures must be accessible to and usable by individuals with disabilities;
 - (3) The entity must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant and must



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ensure that it has documented its response” (49 CFR 37.17(b)). This requirement is also in § 27.13(b).

- Section 37.17(b)(1) requires transit agencies to sufficiently advertise the process for filing a complaint, so that individuals know where to direct their complaints.
- Per § 37.17(b)(3), a transit agency must promptly communicate its response to the complainant, including the reasons for the response, and document this response for purposes of recordkeeping.

Can I combine my ADA complaint procedures with my Title VI procedures?

FTA notes that agencies can use the same process for accepting and investigating ADA and Title VI complaints. While agencies may find consolidating the processes more efficient, ADA complaints must be categorized distinctly from Title VI complaints in internal and external communications. For example, it is not appropriate to have a “Title VI Complaint FTA C 4710.1 Form” that includes “disability” as one of the bases for filing a complaint; this incorrectly implies that disability is a covered basis under Title VI. Instead, an agency may elect to have one “Discrimination Complaint Form,” or a similarly titled form, that covers both the Title VI and ADA bases and clearly distinguishes the two statutes.

How long do I have to keep records of ADA-related complaints?

Each recipient shall keep on file for one (1) year all complaints of noncompliance received. A record of all such complaints, which may be in summary form, shall be kept for five (5) years. Each recipient shall keep such other records and submit to the responsible Departmental official or his/her designee timely, complete, and accurate compliance reports at such times, and in such form, and containing such information as the responsible Department official may prescribe. In the case in which a primary recipient extends Federal financial assistance to any other recipient, the other recipient shall also submit compliance reports to the primary recipient so as to enable the primary recipient to prepare its report” (§ 27.121(b)).

What are the potential areas of noncompliance?

- Bus drivers passing by riders using wheelchairs waiting at a bus stop
- Vehicle operators not announcing stops or identifying routes
- Personnel refusing to allow a rider's service animal in a station or on a vehicle
- ADA paratransit vehicles arriving late



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Maintenance of Vehicles and Facilities

What are the ADA requirements concerning the maintenance of accessibility features?

Section 37 Subpart G of the U.S. DOT Americans with Disabilities Act regulations describes how carefully you must attend to maintaining the accessibility features of your transit operations. The ADA addresses safety issues only insofar as it describes equipment and maintenance. The following points are highlights of the contents of Section 37, Subpart G:

- *General maintenance of accessibility features:* You must ensure that your vehicles and related transit facilities are maintained in operative condition so that they are usable by individuals with disabilities. You must promptly repair accessibility features if they are damaged or out of order. If an accessibility feature is out of order, you must also take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature. Examples of this are shoveling snow around bus stops and providing a ride in a paratransit or supervisor's vehicle to a fixed route passenger who gets stranded by an inoperative lift.
- *Keep vehicle lifts in operative condition:* You must create and follow a system of regular and frequent maintenance checks of lifts to determine whether the equipment is operative. Your vehicle operators must report any failure of a lift to operate in service as quickly as possible. For example, if you have a spare vehicle, the vehicle with the inoperative lift must be taken out of service before the beginning of the vehicle's next day of service and the lift must be repaired before the vehicle returns to service. If you do not have a spare vehicle available, such that taking the vehicle out of service would reduce the transportation service you are able to provide, you may keep the vehicle with the inoperative lift in service for no more than five (5) days.
Lift and securement use: You are not required to permit wheelchairs to ride in places other than designated securement locations, but you cannot deny transportation to a wheelchair or its user on the grounds that the device cannot be secured or restrained satisfactorily by the vehicle's securement system. You may recommend, but cannot require, that a user of a wheelchair transfer to a vehicle seat. Your personnel must assist individuals with disabilities who need or request assistance with the use of securement systems, ramps and lifts. If this requires the vehicle operator to leave his/her seat they must do so. You must permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle.
Training requirements: Whether you are a public or private entity, if you operate a fixed route or demand responsive system you must ensure that your personnel are trained to proficiency, as appropriate to their duties. They must be able to operate vehicles and equipment safely and properly assist individuals with disabilities using the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities.



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Service requirements

What are the general ADA service requirements as a transit provider?

- Your vehicle operators and other personnel must make use of the accessibility-related equipment or features required by 49 CFR Part 38.
- Your service information must be available in accessible formats to individuals with disabilities. This means your printed materials must be available, upon request, in accessible formats such as large print format, Braille, or CD. Online information should avoid the use of Flash and should be available in plain text to accommodate screen readers.
- You cannot refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the transit operator, preclude the safe use of the stop by all passengers.
- You cannot prohibit an individual with a disability from traveling with a respirator or portable oxygen supply provided the devices are properly secured under 49 CFR subtitle B, chapter 1, subchapter C. U.S. DOT Office of Pipeline Safety and Hazardous Materials.
- You must ensure that individuals with disabilities have adequate time to complete boarding or disembarking from the vehicle.
- You must ask that individuals sitting in the priority seating area, or fold-down seats in the wheelchair securement area, relocate if an individual needs to use that priority seating because of a disability or needs to secure a wheelchair.

Reasonable Modifications

What is a Reasonable Modification?

Reasonable modification means that “the nature of an individual’s disability cannot preclude a public transportation entity from providing full access to the entity’s service unless some exception applies.”

What are my responsibilities under ADA to provide reasonable modifications to my services?

“Public entities that provide designated public transportation shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to their services, subject to the limitations of 49 CFR 37.169(c)(1)–(3). This requirement applies to the means public entities use to meet their obligations under all provisions of this part” (§ 37.5(i)(3)).



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What is my agency's responsibility regarding reasonable modification requests?

“(1) A public entity providing designated public transportation, in meeting the reasonable modification requirement of 49 CFR 37.5(i)(3) with respect to its fixed route, demand responsive, and complementary paratransit services, shall respond to requests for reasonable modification to policies and practices consistent with this section.

(2) The public entity shall make information about how to contact the public entity to make requests for reasonable modifications readily available to the public through the same means it uses to inform the public about its policies and practices.

(3) This process shall be in operation no later than July 13, 2015” (§ 37.169(a)).

“The process shall provide a means, accessible to and usable by individuals with disabilities, to request a modification in the entity's policies and practices applicable to its transportation services.

(1) Individuals requesting modifications shall describe what they need in order to use the service.

(2) Individuals requesting modifications are not required to use the term ‘reasonable modification’ when making a request.

(3) Whenever feasible, requests for modifications shall be made and determined in advance, before the transportation provider is expected to provide the modified service, for example, during the paratransit eligibility process, through customer service inquiries, or through the entity's complaint process.

(4) Where a request for modification cannot practicably be made and determined in advance (e.g., because of a condition or barrier at the destination of a paratransit or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel of the entity shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with the entity's management before making a determination to grant or deny the request” (§ 37.169(b)).

Subrecipient/Contractor Oversight

What are my agency's oversight requirements?

WYDOT's subrecipients are required to sufficiently monitor their recipient and contractor ADA compliance. FTA does not dictate the specifics of an agency or state's monitoring efforts. When subrecipients contract with other entities (public or private), these other entities “stand in the shoes” of the subrecipient. 49 CFR 37.23 requires the subrecipient to ensure that the other entity meets the relevant Part 37 requirements. (See Circular 4710.1 Section 1.3.2.) FTA recommends that subrecipients enter into clearly worded and concise contracts with explicit



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service provision requirements, including minimum performance standards, incentives and penalties, and regular reporting.

Additional considerations regarding oversight include:

- Are the contractor's service provisions consistent with my agency?
- How is my agency verifying ADA compliance for contractors and subrecipients?
- Are my contractors and subrecipients aware of my agency's ADA-related policies and service provisions?
- Are my agency's ADA policies advertised?

Fixed Route

What other requirements specific to fixed route services should I be aware of?

If your system has stops that serve more than one bus line the ADA requires that you provide riders with a disability with the means of identifying which bus has arrived or to identify themselves as a person seeking a ride on a particular route. These external route identification announcements can be automated or spoken by the driver.

Just as external announcements can be used to identify the bus line and destination, it is required that internal announcements are made to inform riders of upcoming stops. Announcements should be made in advance of the stop, and they should follow a standard format.

This obligation can be met by requiring bus operators to announce stops or by using an automated stop announcement system on board the vehicle. It is recommended that the disability community and bus drivers be consulted when deciding what stops to announce to ensure the effectiveness of the system.

If your system includes fixed route service, you are required to provide complementary paratransit service to your customers who are unable to use the fixed route system

Demand Response

What are the demand specific ADA requirements?

If your organization runs a general public demand response system, it is not required that you also provide ADA complementary paratransit service; however, you are required to provide equivalent service for your passengers with disabilities (see the Equivalent service standards section below). Your system may operate non-accessible vans and buses as long as you provide equivalent service for people with disabilities in accessible vehicles. Unlike paratransit,



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you can have capacity constraints when operating general public demand response service as long as those capacity constraints affect all riders, those with and without disabilities, equally.

What are the applicable service standards?

Service provided to individuals with disabilities should be equivalent to the service provided to other individuals in the following ways (49 CFR 37.105):

- Response time.
- Fares.
- Geographic service area.
- Hours and days of service.
- Restrictions or priorities based on trip purpose.
- Availability of information and reservation capability.
- Any constraints on capacity or service availability.

Deviated Route

What is the difference between deviated fixed route and demand response?

To be considered demand responsive rather than fixed route, route deviation services must accept deviation requests from all riders. Deviated fixed route services that limit route deviations only to riders with disabilities are not demand responsive services. These are fixed route services that require complementary paratransit. Some transit agencies operate a mix of route deviation and fixed route services. FTA considers the routes that permit all riders to request deviations as demand responsive. Routes that do not allow deviations are fixed route, and therefore complementary paratransit is required.

In other words, if your agency provides route deviations only to customers with disabilities, this service is then regarded as complementary paratransit service, and is held to the paratransit service criteria. If your agency with flexible service provides complementary paratransit service for its riders with disabilities, it must implement an eligibility determination (and appeal) process for those who would like to use the service. If the system's service allows all riders to request route deviations, the system is considered demand responsive and must follow the equivalent service requirements when serving riders with disabilities.

What are some common discriminatory practices subrecipients should avoid regarding deviated routes?

Subrecipients should ensure that deviated fixed route service policies and procedures do not discriminate against individuals with disabilities. Some examples of discriminatory practices include:



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- Designating services as route deviation in plans and other documents, but not advertising them as such. To ensure that riders are aware of and able to use the service, FTA requires that transit agencies advertise the availability of route deviations (e.g., including the information on schedules and in other public information).
- Establishing restrictive policies for deviations that would significantly limit the use of the service by individuals with disabilities who are not able to get to and from designated stops and can therefore only use the service by requesting deviations. This would include:
 - Charging excessive surcharges for deviations
 - Establishing overly restrictive areas within which riders can request deviations
 - Limiting deviations to only certain trip purposes
 - Unreasonably capping the number of permitted deviations

Vehicles

What are the ADA requirements regarding vehicles?

All vehicles are required to have accessible features and each feature must be fully operational any time the vehicle is in use. This includes the following:

- Mobility aid accessibility – you must ensure that all vehicles have a lift or ramp to allow individuals with a disability, including individuals who use wheelchairs, to safely board, and there must be sufficient clearances to permit a user of a wheelchair or other mobility aid to reach a securement location. Vehicles in excess of 22 feet must have at least two securement locations, and smaller vehicles must have at least one. (49 CFR 38.23)
- You must ensure that doors, steps, and thresholds are slip resistant, and all steps, edges, thresholds, and the boarding edge of the ramp must have a band of contrasting color running the full length of the step or edge. Door height must be a minimum of 68 inches for vehicles in excess of 22 feet and a minimum of 56 inches for smaller vehicles. (49 CFR 38.25)
- You must place priority seating signs at the front of the bus, and your operators must ask other passengers to make those seats available to individuals with disabilities when necessary. You must also place signs at securement locations. (49 CFR 38.27)
- You must ensure that interior handrails and stanchions permit sufficient turning and maneuvering space for wheelchairs and other mobility aids to reach a securement location from the lift or ramp. Handrails or stanchions must also be located at the entrance to the vehicle. (49 CFR 38.29)
- You must install lighting at any stepwell or doorway. (49 CFR 38.31)



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- If you have fare boxes, they must be located as far forward as practicable so as not to obstruct traffic in the vestibule. (49 CFR 38.33)
- You must install a public address system in any vehicle in excess of 22 feet that is used in multiple-stop, fixed route service. (49 CFR 38.35)
- You must ensure that stop request controls are located adjacent to the securement location in vehicles in excess of 22 feet that make multiple stops. These controls must be located between 15 inches to 48 inches off the ground, and must be operable with one hand. (49 CFR 38.37)
- Where you display destination or route information on the exterior of the vehicle, each vehicle must have illuminated signs on the front and boarding side of the vehicle. (49 CFR 38.39)

Facilities

What are the general requirements for constructing a facility?

If you are a public entity and you construct new facilities to be used for providing designated public transportation services, they must be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs (49 CFR 37.41). If you are a public entity and you alter an existing facility or part of an existing facility used for providing designated public transportation services, and that alteration affects or could affect the usability of the facility, you must make the alterations in a way that is readily accessible to and usable by individuals with disabilities (49 CFR 37.43).

Complementary Paratransit

What are the service criteria for providing Complementary Paratransit?

ADA complementary paratransit service must be comparable to the fixed route service in a number of areas. Paratransit service criteria include the following (Section 37.131):

- Geographic area of service – transit systems that run fixed routes must also provide ADA complementary paratransit service within $\frac{3}{4}$ mile on either side of the fixed route; this is considered to be the maximum distance a rider would travel to reach a bus or train stop.
- Response time – the paratransit ride may not be provided more than an hour before or after the requested time.
- Fare – the one-way paratransit fare may be no more than twice the full fixed route fare for a similar trip. A rider's personal care attendant may not be charged a fare. However, at least one additional accompanying individual must be permitted to board and will be



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required to pay the same fare as the rider (additional companions may accompany the ADA-eligible customer, if space is available).

- Hours and days of service – ADA paratransit service must be provided on the same days and during the same hours as fixed route service.
- Trip purpose – there may be no restrictions or priorities based on trip purpose. Service must be provided regardless of the nature of the trip.

When would “Origin-to Destination” service be necessary?

Pursuant to 49 CFR 37.129, you are required to provide complementary paratransit service that is “origin-to-destination.” As a transit provider, you can establish whether you will provide door-to-door or curb-to-curb service as your basic mode of paratransit service, but there may be times when you must offer service beyond this base level when required due to a passenger’s disability. FTA, in its Disability Law Guidance document, gives the following examples of when “origin-to-destination” service might be necessary:

The nature of a particular individual’s disability or adverse weather conditions may prevent him/her from negotiating the distance from the door of his/her home to the curb.

A physical barrier (e.g., sidewalk construction) may prevent a passenger from traveling between the curb and the door of his/her destination point.

Providing this level of service may require more time from the driver than on a base-level service stop, and because of this the FTA has deemed it reasonable that transit providers ask for advance notice from any passenger in need of this assistance when the reason for the additional assistance is known in advance of the trip.

You are permitted to temporarily suspend service to individuals who are repeated no-shows. A no-show does not count, however, if the ride was missed due to circumstances outside of the rider’s control. You should consult the Disability Rights Education and Defense Fund (DREDF) Topic Guide on No-Shows in ADA Paratransit in order to establish what qualifies as a no-show and what situations are qualified to be beyond a rider’s control.

Service Animals

What is a Service animal?

Any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing animal protection or rescue work, pulling a wheelchair, or fetching dropped items.”



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You may ask if an animal is a service animal or ask what tasks the animal has been trained to perform, but you cannot require special ID cards for the animal or ask about the person's disability.

What is the ADA-related requirement regarding service animals?

You must allow service animals to accompany individuals with disabilities in vehicles and facilities.

Accessible Formats

What constitutes an accessible format?

Accessible formats (also called alternate formats) are types of auxiliary aids and services provided to ensure communications access for people with impaired vision, speech, or hearing.

What are common accessible formats for blind or visually impaired persons?

- **Websites:** There are ways to format webpages and present text, photos, and graphics in order to make a website accessible to persons with disabilities. Key examples include: providing alternate text to describe images; using primary colors (like red or blue) for layout design and links; avoiding the use of Flash; providing closed captioning for videos; using plain fonts and appropriate sizes; and designing navigation that is easy to follow. The US General Services Administration website offers helpful information and step-by-step instructions [Create Accessible Digital Products | Section508.gov](https://www.section508.gov/).
- **Electronic documents:** Blind or visually impaired persons who use computer screen-reading programs can read standard Word documents (the program speaks the monitor display). You will need to edit your materials to describe all photos, maps, and other graphics, as those elements are often not readable. The US General Services Administration website offers helpful information and step-by-step instructions [Create Accessible Digital Products | Section508.gov](https://www.section508.gov/).
- **Large print:** Font size should be 14-point or larger (usually 18-point) and the font typeface should be simple, like Arial or Helvetica. For some documents the text can be made bigger by simply using the enlarge feature of a photocopier or by revising the document and printing it with the larger font. Alternatively, you can order large print formats of your materials from a printing company.
- **Braille:** It is important to offer materials in Braille format for those who need it. You can pay to have documents translated and printed into Braille, or you may consider purchasing a Braille printer, depending on the size of your agency and the needs of your community.



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- **Audio recordings:** If requested, you should be able to provide an audio recording of printed information. This means the document is read out loud and recorded, usually onto a CD.
- **Deaf or hearing impaired persons:** TTY relay services consist of a relay operator (or communications assistant) that connects TTY calls with people who communicate by telephone. The operator converts voice-to-text and vice versa, with the text displayed on the user's TTY. TTY relay services are important to make sure deaf or hearing impaired individuals can access information about your services and the paratransit eligibility application process. A TTY is a teletypewriter, or text telephone, that allows a user to type text to another TTY user. TTYs are also known as Telecommunications Devices for the Deaf (TDD).
- **Wyoming resource for hearing impaired or speech loss persons:** Wyoming Relay is a free public service that enables people with hearing or speech loss who use a teletypewriter (TTY) or other assistive device to communicate with standard telephone users. The conversation is relayed between the two parties by specially trained staff. Wyoming Relay is available 24 hours a day 365 days per year.

Other considerations

It is important to note that you cannot assume what type of accessible format would be best for a customer with a disability, as explained in Part 37, Appendix D:

“A document does not necessarily need to be made available in the format a requester prefers, but it does have to be made available in a format the person can use. There is no use giving a computer disk to someone who does not have a computer, for instance, or a Braille document to a person who does not read Braille.” (App. D, 49 CFR 37.125)

It is also important to let your customers know that other formats are available and how they can request those formats. For example, the following sentences can be included at the top of the Paratransit page of your website:

“Schedule information is available in large print and audio tape. TTY (Text Telephone) users may call Wyoming Relay at 711. For a large print copy of a schedule call [agency phone number].”

Resources

What resources are available to my agency regarding ADA-related requirements?

1. Title VI of the Civil Rights Act of 1964
2. 49 CFR part 27, 37, 38, and 39
3. FTA ADA Circular 4710.1



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4. National RTAP: <http://nationalrtap.org/adatoolkit/>
5. ADA Online Toolkit: [National Rural Transit Assistance Program \(RTAP\) Announces the Release of its Newest Online Toolkit, the ADA Toolkit \(nationalrtap.org\)](#)
6. Easter Seals Project Action Courses: <https://www.projectaction.com/>
7. For more information, see the Federal Communications Commission's [711 for Telecommunications Relay Service](#) on the FCC website. For more information about TTY and TTY Relay Services in general, visit the [National Association of the Deaf website](#).
8. FTA ADA webpage: <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/americans-disabilities-act>
9. WYDOT's ADA Transition Plan :
https://www.dot.state.wy.us/home/business_with_wydot/civil_rights.html
10. WYDOT's ADA resources for transit providers:
https://www.dot.state.wy.us/home/planning_projects/transportation_programs/transit-in-wyoming.html

For more information regarding WYDOT's ADA program please visit https://www.dot.state.wy.us/home/business_with_wydot/civil_rights.html or contact the Office of Civil Rights ADA Coordinator at 307-777-4359.



ADA Review Checklist

If a subrecipient provides public transportation, complying with ADA includes:

- Requiring all fixed route providers to have a complementary paratransit program for individuals who are prevented from accessing the fixed route system.
- Requiring all new vehicles and facilities to be accessible.
- Providing alternative format information and services, such as sign language interpretation at public meetings upon request.
- Meeting signage requirements for stops and facilities.
- Fixed route stop call outs for persons with visual impairment.

1. Does subrecipient have evidence of notice to the public that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs or activities? The notification shall also include an identification of the responsible employee designated pursuant to §27.13(a)

☐ Yes ☐ No

2. Does the subrecipient provide information to the public regarding the availability of accessible services? Indicate how:

☐ Yes ☐ No

3. Is the subrecipient's staff knowledgeable regarding ADA service requirements appropriate to the specific services offered by the subrecipient to the public?

☐ Yes ☐ No

4. Have the vehicle operators and other relevant staff been trained to interact with disabled individuals?

☐ Yes ☐ No

5. Does the subrecipient have a mechanism to capture, investigate and track ADA complaints?

☐ Yes ☐ No

6. Have there been any complaints or lawsuits alleging discrimination on the basis of disability?

☐ Yes ☐ No



ADA Review Checklist

7. If yes, what is the status or resolution of these complaints or lawsuits? Describe and please include the following information:
- Date of complaint, investigation or lawsuit filed.
 - A summary of the allegation(s).
 - The status of the complaint, investigation or lawsuit.
 - Actions taken by the organization.
 - Actions taken by any third-party organization receiving the complaint or notification of investigation or lawsuit.
8. Is there a fare structure for riders with disabilities? (review operations schedule)
- ☐ Yes ☐ No
9. Have there been circumstances where your insurance provider would not cover a potential rider?
- ☐ Yes ☐ No
10. Does the subrecipient require the driver to assist passengers with disabilities, if they need assistance, to board and de-board the vehicle?
- ☐ Yes ☐ No
11. Does the subrecipient allow service animals to travel with persons with disabilities?
- ☐ Yes ☐ No
12. Do the subrecipient's policies ensure adequate time for boarding and de-boarding for persons with disabilities?
- ☐ Yes ☐ No
13. Does the subrecipient require individuals with disabilities to use designated priority seats?
- ☐ Yes ☐ No
14. Does the subrecipient have a policy for dealing with individuals who engage in violent, seriously disruptive, or illegal conduct?
- ☐ Yes ☐ No



ADA Review Checklist

15. If yes, are supervisors, dispatchers, and vehicle operators trained on this policy?

☐ Yes ☐ No

16. Is there an appropriate appeal process for any service refusals?

☐ Yes ☐ No

Vehicles – General

17. Does the subrecipient pre-trip checklist include cycling the lift to ensure that it is in working order and checking for the presence and condition of the tiedowns in the securement area?

☐ Yes ☐ No

18. Does the subrecipient require use of securements?

☐ Yes ☐ No

19. Does the subrecipient have a written policy requiring use of securements?

☐ Yes ☐ No

20. Does the subrecipient's allow the lift to be used by standees to board/deboard the vehicle?

☐ Yes ☐ No

21. Are there any restrictions on the type of mobility devices allowed on the vehicles?

☐ Yes ☐ No

22. How does the subrecipient respond to mechanical issues (failures) to the lift or ramp while the vehicle is in service?

- What is the response time to actually providing the service? _____
- How many days out of service is the vehicle on average? _____
- Are there other accessible vehicles to fill in?

☐ Yes ☐ No



ADA Review Checklist

Paratransit Only

23. Does the subrecipient allow Personal Care Attendants (PCAs) to travel with persons with disabilities and at no cost?

☐ Yes ☐ No

24. Does the subrecipient allow persons with disabilities using respirators or portable oxygen?

☐ Yes ☐ No

25. Are fares charged to accompany individuals?

☐ Yes ☐ No

26. Who can accompany ADA paratransit eligible passengers?

27. Does the subrecipient have any non-accessible vehicles in their fleet?

☐ Yes ☐ No

28. In situations where only non-accessible vehicles are available, how does the subrecipient ensure that the needs of non-ambulatory persons are met?

Explain: _____

29. How are eligibility standards established for ADA paratransit passengers?

30. How quickly are decisions on eligibility made?

31. Do individuals have the ability to appeal a decision?

☐ Yes ☐ No

32. How is the appeal process handled?

Describe: _____



ADA Review Checklist

Demand-Response Services: Equivalent Service Standards

If entities operating demand response services plan to purchase vehicles that are not accessible, they must first make a determination that the services they will be providing (after the purchase of the inaccessible vehicle or vehicles) are “equivalent.” Therefore, if entities have inaccessible vehicles as part of their fleet that were purchased since the issuance of the regulations, the services they provide must be “equivalent.” If inaccessible vehicles are purchased, a Certification of Equivalency must also be provided to WYDOT.

33. What is the makeup of the fleet with regard to accessibility?

34. Is the demand response service provided for persons with disabilities equivalent to the service provided to other individuals with respect to the following service characteristics:

Response time, availability of information, fares, reservations capability

☐ Yes ☐ No

Geographic area of service, constraints on capacity or service availability

☐ Yes ☐ No

Hours and days of service, restrictions/priorities based on trip purpose

☐ Yes ☐ No

35. Are route deviations provided as part of the demand-response service?

☐ Yes ☐ No

36. If so, are equivalency standards met for the route deviation service?

☐ Yes ☐ No

37. Are trip denials documented?

☐ Yes ☐ No

38. Is the FTA definition of a trip denial used to record denials?

☐ Yes ☐ No



ADA Review Checklist

39. Are the reasons for trip denials documented?

☐ Yes ☐ No

40. Does the service operate without a substantial number of trip denials?

☐ Yes ☐ No

Number of denials last year: _____

41. Is it noted on the trip denial form if the caller is disabled?

☐ Yes ☐ No

42. Do the reasons for trip denials include equipment?

☐ Yes ☐ No

Website

Does the agency maintain the organization's website (if applicable) to include current ADA service provisions, information regarding Reasonable Modification requests, ADA policy statement, ADA complaint form, and ADA complaint procedures?

43. Does the agency website contain ADA Complaint Procedures?

☐ Yes ☐ No

44. Does the agency website contain ADA Complaint Form?

☐ Yes ☐ No

45. Does the agency website contain ADA-related service provisions?

☐ Yes ☐ No

46. Does the agency website contain ADA nondiscrimination notice?

☐ Yes ☐ No

47. Does the agency website contain information regarding your Reasonable Modifications Request?

☐ Yes ☐ No

D. What Are the Similarities and Differences Between Title VI and Environmental Justice?

Environmental justice principles have been confused with the requirements of Title VI. Here is a summary of the key differences between environmental justice and Title VI.

Key aspects of the authorities	Title VI	Environmental Justice
What is the basis for the authority?	Title VI is a Federal statute and provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.	The basis for addressing environmental justice is an Executive Order: EO 12898 directs each Federal agency to "make achieving environmental justice part of its mission." The EO was intended to improve the internal management of the executive branch and not to create legal rights enforceable by a party against the U.S.
What is the purpose of the authority?	Title VI prohibits recipients of Federal financial assistance (e.g., states, local governments, transit providers) from discriminating on the basis of race, color, or national origin in their programs or activities, and it obligates Federal funding agencies to enforce compliance.	EO 12898 calls on each Federal agency to achieve "environmental justice ... by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations...."
To whom does the authority apply?	Title VI is a Federal law that applies to recipients and subrecipients of Federal financial assistance (e.g., states, local governments, transit providers), and not to DOT itself.	EO 12898 applies to Federal agency actions, including DOT's and FTA's actions. Title VI is one of the tools used by Federal agencies to implement this directive.
What does the authority require, and of whom?	Under Title VI, DOT has the responsibility to provide oversight of recipients and to enforce their compliance with Title VI, to ensure that recipients do not use DOT funds to subsidize discrimination based on race, color, or national origin.	EO 12898 is a directive from the President of the United States to Federal agencies intended to improve the internal management of the Federal government. DOT issued its own Order implementing EO 12898, and updated the Order in May 2012 (Order 5610.2(a)).

Key aspects of the authorities	Title VI	Environmental Justice
What does the authority say with regard to negative effects or impacts?	In accordance with 49 CFR part 21, and Title VI case law, if an otherwise facially neutral program, policy or activity will have a discriminatory impact on minority populations, that program, policy or activity may only be carried out if (1) the recipient can demonstrate a substantial legitimate justification for the program, policy or activity; (2) there are no comparably effective alternative practices that would result in less disparate impacts; and (3) the justification for the program, policy or activity is not a pretext for discrimination.	DOT implemented EO 12898 in its order on EJ, which provides that if a DOT program, policy or activity will have a disproportionately high and adverse effect on minority or low-income populations, that program, policy or activity may only be carried out if further mitigation measures or alternatives that would reduce the disproportionately high and adverse effects are not practicable. In determining whether a mitigation measure or an alternative is “practicable,” the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.
Does the authority create any rights or remedies?	Title VI allows persons alleging discrimination based on race, color, or national origin by recipients of Federal funds to file administrative complaints with the Federal departments and agencies that provide financial assistance. Persons alleging intentional discrimination (i.e., disparate treatment) may bring a court action seeking to enforce Title VI but cannot do so with regard to allegations of discrimination based on agency disparate impact regulations. Disparate impact complaints may be filed with the Federal agency.	EO 12898 establishes the Executive Branch policy on environmental justice; it is not enforceable in court and does not create any rights or remedies.

Thus, while Title VI is one tool for agencies to use to achieve the principles of environmental justice, it is important to recognize that Title VI imposes statutory and regulatory requirements that are broader in scope than environmental justice. You are cautioned that while there may be overlap, engaging in an EJ analysis under Federal transportation planning and the National Environmental Policy Act of 1969 (NEPA) provisions will not satisfy Title VI requirements, as outlined in FTA’s Title VI Circular. Similarly, a Title VI analysis will not necessarily satisfy environmental justice, given that Title VI does not include low-income populations. Moreover, Title VI applies to all activities