

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

ADMINISTRATIVE CODE

TITLE VII – CHAPTER 2

METRO PARACRUZ SERVICE ELIGIBILITY AND APPEALS PROCESS

(This Chapter replaces AR-1024 pursuant to Resolution No. 16-08-01)

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Article 1

General Requirements

- §7.2.101** It is the policy of Santa Cruz METRO that because it operates a fixed route system, it shall provide a paratransit service that is comparable and complementary to the fixed route service to eligible riders. Santa Cruz METRO’s paratransit service shall be known as METRO ParaCruz.
- §7.2.102** METRO ParaCruz eligibility and appeals process shall be in accordance with the Americans with Disabilities Act (ADA) and its implementing federal regulations and

shall insure that all eligible riders enjoy full access to either Santa Cruz METRO's fixed route service or to the METRO ParaCruz Service as appropriate. The eligibility and the appeals process for METRO ParaCruz shall be fair, effective, accurate, respectful and non-threatening.

§7.2.103 Santa Cruz METRO recognizes that the ADA establishes a civil right to paratransit services for individuals who cannot otherwise utilize the fixed route system whether because of their disability or because of the inaccessibility of the fixed route system. Therefore, a determination of ineligibility for such service is a serious matter.

Article II

Applicability

§7.2.201 This procedure is applicable to all individuals applying for METRO ParaCruz, filing an appeal regarding METRO ParaCruz eligibility and those who are current eligible riders of METRO ParaCruz.

§7.2.202 The Code provisions serve in conjunction with METRO's ParaCruz Customer Guide as METRO's Official Paratransit Plan. METRO's Official Paratransit Plan shall be available upon request and shall be posted on METRO's website.

Article III

Process for Amendment to METRO's Official Paratransit Plan

§7.2.301 When in the opinion of the General Manager, a modification or change to METRO's Official Paratransit Plan is required and/or necessary, public input regarding the proposed amendment will be obtained before the matter will be presented to the METRO Board of Directors for action.

§7.2.302 METRO staff will review the proposed modifications with METRO's Advisory Committee (MAC) and shall provide the Board of Directors with its comments and recommendations.

§7.2.303 METRO staff will also review the proposed change(s) and obtain input from the designated ParaCruz stakeholders. The review of the proposed change(s) and request for input may be made in person or through written correspondence. These stakeholders are designated as follows:

- a) Elderly and Disabled Transportation Advisory Committee; and
- b) Such other community based organizations as designated by the METRO Board of Directors.

§7.2.304 METRO will also schedule, at a minimum, at least one public hearing in which METRO staff review the proposed change(s) with the public and obtain their input. METRO shall provide adequate notice of the hearing to the public, by advertisement in a newspaper of general circulation and posting of such notification on METRO's website.

§7.2.305 Input received from the public through the outreach process identified above will be presented to the METRO Board of Directors together with METRO staff recommendations.

Article IV

Eligibility Criteria

§7.2.401 The Manager of Operations or his/her designee shall determine whether an individual applying for METRO ParaCruz can use the fixed route service depending on his/her own circumstances.

§7.2.402 The eligibility process shall ensure that only persons who meet the federal regulatory criteria, strictly applied, shall be certified as METRO ParaCruz eligible.

§7.2.403 When a person applies for the METRO ParaCruz, the Manager of Operations or his/her designee shall provide all the needed forms and/or instructions. These forms and instructions may include a declaration of whether the individual travels with a personal care attendant (PCA).

§7.2.404 All documents concerning eligibility will be made available in one or more accessible formats, on request. Accessible formats include computer disks, Braille documents, compact disk (CD), and large print format. These documents will also be made available in Spanish upon request. 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.

§7.2.405 Should an applicant have an immediate need for METRO ParaCruz services before he/she has the time to submit to an eligibility determination, the Manager of Operations or his/her designee may certify the applicant on an immediate needs basis.

- a) This immediate needs certification shall be provided in only a limited number of cases.
- b) Immediate need certification, at a maximum, shall be valid for a period of time not to exceed 14 calendar days from the initial immediate need determination.
- c) This immediate needs certification is at the sole discretion of the Manager of Operations or his/her designee and cannot be appealed.

- d) The Manager of Operations or his/her designee may require documentation in support of the immediate needs assessment.
- e) This certification will be valid until an eligibility determination has been made, preferably within seven days.
- f) Certification for an immediate need will not be evidence of eligibility for the METRO ParaCruz service.

§7.2.406 An individual shall be certified to be eligible for METRO ParaCruz under any of the following circumstances:

- a) Individuals with a disability who can use an accessible vehicle, but for whom any desired trip cannot be made because the fixed route service they need to use is not yet accessible. This concept is route based, not system based.
- b) An individual with a disability who is unable as the result of a physical or mental impairment and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device) to board, ride, or disembark from any vehicle on the system which is readily accessible to and useable by individuals with disabilities. This includes those who cannot “navigate” the system.
- c) Individuals who have impairment-related conditions that prevent them from getting to or from a boarding or disembarking location. This is intended to be a very narrow exception to the general rule that difficulty in traveling to or from boarding or disembarking location is not a basis for eligibility.

§7.2.407 A disability for purposes of METRO ParaCruz eligibility may be either permanent or temporary.

§7.2.408 An individual may be eligible for METRO ParaCruz whose disability is intermittent.

§7.2.409 METRO ParaCruz eligibility is based on a functional, rather than a medical, model. Persons are not qualified or disqualified on the basis of a specific diagnosis or disability.

§7.2.410 The application of a person’s eligibility will be determined as a practical matter whether the individual can use fixed route service in his/her own circumstances. This is a transportation decision primarily, not a medical decision.

§7.2.411 At the time eligibility for METRO ParaCruz is determined, it will also be decided whether the applicant needs the services of Personal Care Attendant (**PCA**) when traveling on METRO ParaCruz. In order for the PCA to ride free, the applicant must be registered with METRO ParaCruz as needing a PCA.

§7.2.412 The term of eligibility for METRO ParaCruz shall be for a maximum of three-years. The initial eligibility determination shall include an analysis of whether it is more likely than not that the individual’s functional abilities to utilize the fixed route

service will improve with time. The renewal process shall in most cases be limited to a simple process of a one-page form indicating no changes in functional ability or residential location that would impact the individual's eligibility status. However, those individuals who were assessed at the time of the initial eligibility determination that it is more likely than not that their functional abilities to utilize the fixed route will improve with time or whose residential location is now determined to be accessible by the fixed route service or who have changed mobility devices shall have their renewal determination conducted either through an in-person assessment or telephone interview at the discretion of the Manager of Operations or his/her designee. An in-person assessment may also be required for a renewal when documented, known facts and circumstances indicate that the eligible status of the rider has changed and is no longer eligible for the service when the source of such information is specifically identifiable and reliable. If an ineligibility determination or a more restrictive eligibility determination (unconditional to trip-by-trip) is made at the conclusion of the recertification process, the affected individual shall have the right to appeal such determinations pursuant to this policy. ParaCruz Service shall continue until the final decision is made by the Appeals Panel.

- §7.2.413** Should an individual allow their eligibility to expire and then desire to utilize METRO ParaCruz services, the application shall be treated as a new application for eligibility.

Article V

Service for Visitors

- §7.2.501** METRO ParaCruz shall be provided to visitors from out of the County of Santa Cruz on the same basis as such service is provided to local residents. A visitor can become eligible for METRO ParaCruz by presenting eligibility documentation from his/her "home" jurisdiction's paratransit system. If the individual has no such documentation, the Manager of Operations or his/her designee shall require proof of visitor status (individual's place of residence) and, if the individual's disability is not apparent proof of the disability. Once this documentation is presented and is satisfactory, METRO ParaCruz will be made available for a maximum of 21 days on the basis of the individual's statement that he/she is unable to use the fixed route transit system. After 21 days, PARACRUZ service will only be provided if the visitor applies for METRO PARACRUZ and is determined to be eligible for such service through the regular eligibility process.
- §7.2.502** Visitors shall be provided with METRO ParaCruz based on visitor eligibility for no more than 21 days within a floating 365-day period. After 21 days (consecutive or parceled out), the individual must apply for METRO ParaCruz eligibility as provided in these procedures.

Article VI

Application and Eligibility Process

- §7.2.601** To apply for METRO ParaCruz, an applicant shall contact the Manager of Operations or his/her designee and ask to schedule an appointment for an in-person assessment interview. Interviews normally will take about 30 minutes and shall include a transit evaluation. No application or user fees shall be charged to an applicant. During the assessment, the applicant will be asked questions about eligibility, functional abilities, including the ability to utilize the fixed route and travel abilities in detail. The interview will also provide an opportunity for the applicant to ask questions about METRO ParaCruz. At the interview, the applicant may be asked to participate in further assessment, including a functional assessment.
- §7.2.602** Eligibility assessment interviews will be scheduled within 7 days of the initial contact.
- §7.2.603** Upon request the applicant will be provided with transportation to and from the interview at no cost.
- §7.2.604** The eligibility determination shall be in writing and shall be postmarked within seven (7) business days of the in-person assessment.
- §7.2.605** If for any reason a decision is not made within 21 calendar days, METRO ParaCruz will be provided, until a decision of ineligibility is rendered.
- §7.2.606** If found to be eligible, a letter of eligibility and an identification card will be provided to the applicant. For those individuals granted eligibility, the documentation of eligibility shall include at least the following information: the individual's name, the name of Santa Cruz METRO, the telephone number of Santa Cruz METRO's paratransit administrator, an expiration date for eligibility and any conditions or limitation on the individual's eligibility including whether the individual requires the use of a PCA.
- §7.2.607** If found to be ineligible, and therefore denied service, a letter of explanation of ineligibility together with all appeal rights and procedures shall be provided to the applicant. An applicant may also appeal the restricted eligibility of conditional or trip-by-trip. Additional information, that the applicant feels will assist the appeals panel in reconsidering the eligibility decision, should be submitted to the appeals panel for consideration. The reasons set forth for ineligibility or restriction must specifically relate the evidence in the matter to the eligibility criteria. This information will be available upon request in accessible formats including Braille, computer disc, CD, and large print format. It will also be available in Spanish upon request.

Article VII

Appeal of Eligibility Determination

- §7.2.701** Applicants who believe an eligibility determination for METRO ParaCruz was made in error or who disagrees with the original certification decision may appeal the eligibility determination/certification decision within 60 days of the denial of an applicant's application.
- §7.2.702** Applicants shall complete the attached Appeal Form or shall provide the following information to the Santa Cruz METRO, although the Appeal Form must be signed by the applicant before or at the hearing to confirm that the contents of the appeal are accurate:
- a) Applicants name, address and phone number;
 - b) Reason why the determination was incorrect;
 - c) Any information supporting the appeal.
- §7.2.703** An appeal hearing shall be scheduled within 30 days of receipt of the Appeal with a decision on the appeal provided to the applicant within 10 days of the Appeal Hearing. If an applicant wants to continue the appeal hearing, the hearing will be continued one time. If a decision on the appeal is not rendered within 30 days of the completion of the Appeal hearing, then the Applicant shall be provided with METRO ParaCruz service until a decision of ineligibility on the appeal is rendered.

Article VIII

Composition of Appeals Panel

- §7.2.801** A three-member panel will hear each eligibility appeal for METRO ParaCruz. Each panel will include the General Manager or his/her designee, a METRO Advisory Committee (MAC) appointed representative, and an individual who works with persons with disabilities. The District Counsel will provide training as necessary to the Appeals Panel members. Training for appeals panel members will focus upon Federal ADA paratransit eligibility criteria and upon the procedures for conducting an appeals hearing. Each panel member will receive \$25.00 per appeal hearing except METRO employees.
- §7.2.802** The eligibility appeal panel members shall keep the information pertaining to an individual's appeal confidential including all medical information unless ordered by a court of competent jurisdiction to release the information. Santa Cruz METRO shall be permitted to utilize information provided during the eligibility and appeal process or generated as a result of the eligibility and appeal process to defend a determination rendered by the appeals panel.

§7.2.803 This appeal panel may also be used for other METRO ParaCruz service issues including declaring a METRO ParaCruz rider ineligible for service, suspending a rider from METRO ParaCruz service and “NO Show” determinations.

Article IX

Role of the Manager of Operations

§7.2.901 The Manager of Operations or his/her designee will act as host at the appeal hearing and will provide administrative support for each appeal hearing, but will not directly participate in the deliberations and determinations made by the panel. The Manager of Operations or his/her designee will be responsible for the following:

- a) Receiving appeals from applicants;
- b) Scheduling appeals hearings within thirty days of the initiation of the appeal;
- c) Notifying panel members and applicants of the date, time and place for scheduled appeal hearings;
- d) Arranging free transportation to and from the appeals hearings for all applicants who request it;
- e) Maintaining accurate records of appeals activities, including final determinations and statements of justification for each determination; Providing written notice for applicants of the appeal determination within ten (10) days of the appeal hearing; and
- f) Attending the Appeals Hearing (consistent with the requirements of Section 10.03), explaining METRO’s eligibility determination and responding to questions of the Appeals Panel.

Article X

Hearing Procedures

§7.2.1001 Each appeal panel member will receive a copy of the eligibility assessment records for each applicant making an appeal. Applicants will be welcome to submit written documentation of their choosing in support of the appeal. Applicants must attend the appeal hearing and answer questions posed by the appeal panel. Applicant will, however, have the right to be assisted by any person of their choosing at the appeal hearing.

§7.2.1002 To help assure that appeals hearing are non-threatening, one member of the appeals panel will be designated as chair for each appeal hearing. That panel member will be primarily responsible for asking questions and conducting the appeal hearings in a professional and friendly manner. Any panel member may ask questions or seek clarifications as needed, but, for the most part, the chair will be responsible for directly communicating with the applicant and/or advocate. When necessary the

appeal panel may refer the applicant for a functional reassessment to determine eligibility.

§7.2.1003 The chair will welcome all participants for each appeal hearing. The following process will be followed:

- a) Following introductions, the chair will invite the Manager of Operations or his/her designee, who acts as host, to summarize the nature of the ADA paratransit eligibility criteria and the basis for the determination.
- b) The Manager of Operations or his/her designee shall present any oral or written evidence in support of the determination, however, all written evidence must be provided to the applicant at least ten (10) days in advance of the hearing.
- c) The applicant can request that the individual hosting the ParaCruz eligibility determination not remain in the hearing after the initial presentation. The Appeals Panel shall decide whether to grant the request after allowing the parties to address the request.
- d) The applicant and/or his/her advocate will then have an opportunity to state why he/she disagrees with the original determination.
- e) The remainder of the appeals evaluation will be conducted by asking a series of open-ended questions that focus on aspects of the functional ability of applicants to use accessible public transit services in Santa Cruz.

Article XI

Appeals Checklist

§7.2.1101 To help insure fairness and consistency, a checklist of issues will be reviewed by the members of the appeal panel at the commencement of the appeal hearing and those questions will be asked of the applicant and/or the advocate if applicable. The chair may phrase specific questions in any manner that seems appropriate or helpful given the apparent communication abilities of the applicant and the particular issues that arise.

§7.2.1102 The issues that will be addressed at each appeal hearing, if applicable, will include:

- a) Confirm information collected during the eligibility determination assessment:
 - Name
 - Address and Phone
 - Condition
 - Mobility Device
- b) Is the applicant able to independently walk or wheel to and from bus stops?
- c) Is the applicant able to board/deboard an accessible bus (using stairs, a ramp, or a lift)?

- d) Is the applicant able to ride the bus, whether as a standee, or only if seated, or only if seated and secured?
- e) Is the applicant able to collect and understand transit route information?
- f) Is the applicant able to count and handle money to pay bus fare including bills and coins?
- g) Are there any special circumstances that sometimes would prevent the applicant from completing a desired bus trip?

§7.2.1103 The appeal hearing chairperson will invite the applicant and/or his/her advocate to make any additional statements regarding factors that may prevent the applicant from independently using accessible transit services.

§7.2.1104 Following all questions and statements the chairperson will thank the applicant and his/her advocate for their cooperation. Afterwards, the three-member panel will deliberate in private and seek to reach by consensus an appropriate determination. If consensus is not possible, then the determination will be based on a vote of at least two to one, to sustain the initial decision of denial, restricted conditional or restricted trip-by-trip eligibility. The determination of the appeals panel shall be final. The Chair shall prepare a written decision, which shall set forth the decision and the written and oral evidence that was considered by the panel including the reasons why the appeal was denied if that is the decision. A copy of the written decision shall be provided to the applicant.

APPENDIX A



ADA PARACRUZ SERVICE ELIGIBILITY APPEAL FORM

To: Manager of Operations
SANTA CRUZ METRO
110 Vernon Street
Santa Cruz, CA 95060

Name of Applicant: _____

Address of Applicant: _____

Mailing Address (if different from above): _____

Telephone number: _____

*E-mail Address: _____

Reason Why the Determination was Incorrect: _____

**Applicant's Signature or
Parent's Signature** (if Applicant is a Minor)

Date

***Attach any supporting documentation that you wish the Appeal Panel to consider.**

*Optional items