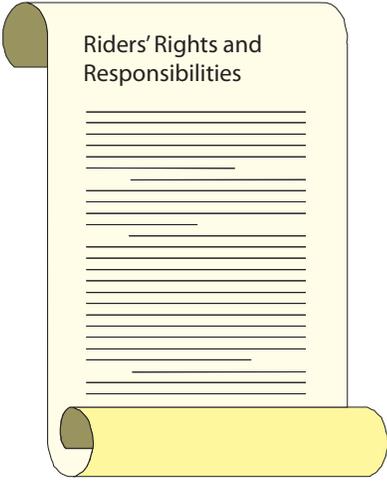




Kansas RTAP Fact Sheet

A Service of The University of Kansas Transportation Center for Rural Transit Providers



Riders' Rights and Responsibilities

by Matthew Kaufman

Your transit agency should have a written document detailing passengers' rights and responsibilities. Making your riders aware of their rights and responsibilities will help prevent problems from occurring and make dealing with them, when they do occur, easier. This document will also help you comply with Americans with Disabilities Act (ADA) regulations.

A riders' rights and responsibilities document is just what it says, a list of assurances you make to your passengers and a list of rules they must follow. Creating this document is not difficult, but you are required by the ADA to seek public input when creating the document.

Look at other agencies' riders' rights and responsibilities documents before approaching the public for comment. We have an excellent example from the Florida Commission for the Transportation Disadvantaged on our website (www.kutc.ku.edu). If you do not have web access, call us at (800) 248-0350 and we will mail you a copy.

Once you have gathered enough

information to create a sample list of rights and responsibilities, schedule a public meeting. Provide the attendees with your list and allow them to comment on ideas they like, or would like to see removed or added.

Allowing attendants

To ensure that the rights of your disabled passengers are protected, a few ADA rules must be followed. All

disruptive, or illegal conduct." A caveat to this rule is that service cannot be refused if the conduct is related to the individual's disability. For example, you may not refuse service to an individual suffering from Tourette's syndrome who makes involuntary profane statements. However, if the related behavior is distracting enough to disrupt service, you may refuse service or require the individual to ride with an attendant.

Protect your agency and your riders by spelling things out.

riders who qualify as disabled under ADA guidelines must be allowed a personal care attendant. In addition, you must allow one companion to accompany the disabled individual. While the personal care attendant is allowed to ride for free, the companion must pay. You may require all individuals to be picked up and dropped off at the same locations and require passengers to reserve space for personal care attendants and companions.

Refusing service

You may, under ADA guidelines, refuse service to persons with disabilities if they engage in "violent, seriously

An attendant can be required only if you would otherwise have the right to refuse service. In no other scenario can attendants be required. For additional assistance defining violent and seriously disruptive behavior, refer to your local ordinances, which likely define unacceptable public behavior. Local ordinances are often available from your county clerk, public library, or city and county websites.

Creating a no-show policy

If an individual has a pattern of missing scheduled rides you may suspend service to him or her. The public meetings you hold when creating your riders' rights and

responsibilities document must determine what constitutes a pattern; you may not make the designation on your own.

Public discussion should determine if no-shows will be tracked based on an absolute measure or a relative measure. An absolute measure might say that three no-shows in three months are excessive. A relative measure could say that missing three percent of trip requests in a three-month period is excessive. While the absolute measure is easier to track, the relative measure is fairer to your passengers who ride frequently. Allowances must be made for missed trips that are beyond the control of the rider.

Any suspension must not exceed a "reasonable period of time." A suspension may be long enough to be a deterrent, but it cannot cause undue hardship. Public meetings should be used to determine what's reasonable in this scenario.

Your no-show policy must address the following items:

- The amount of notice that riders must give if they want to cancel a scheduled trip;
- The frequency of no-shows that will constitute a pattern or practice;
- The length of time for which service will be suspended;
- The amount of notice you require for trip cancellations cannot exceed the amount of advanced notice required to make a trip reservation.

While the rules listed above apply specifically to paratransit riders, be sure to apply them, when applicable, to all of your riders. Having a separate set of rules for disabled and non-disabled passengers is not recommended and may be illegal.

Other topics

In addition to the topics discussed above, your rights and responsibilities document should discuss items such as the cleanliness and reliability of vehicles, the amount of time passengers should be expected to wait for a ride, what type of assistance drivers will provide, the procedure for filing complaints, and rules that must be followed while riding in vehicles,

to name just a few. For a more detailed list, please view the example document on our website.

Before publishing the final document, it should be reviewed by the public. Participation is required when creating guidelines and it should be sought again before your guidelines are made permanent. Remember, the purpose of creating a riders' rights and responsibilities document is to improve the interaction that occurs between your agency and its passengers.

Getting the information out

Make your final document available in pamphlet format, and ensure that copies are available on your transit vehicles and at your office. If you have a website, put the information there, and be sure to post the specifics of your no-show policy in all of your vehicles.

Be sure to make the document available in a format that visually impaired individuals can read. Our next newsletter will include an article on this topic that can assist you in creating this format.

Also consider having new riders sign a copy of the pamphlet to acknowledge they have read and understand their rights and responsibilities.

After taking the time to create a list of riders' rights and responsibilities, make sure that both you and your passengers adhere to it. Document infractions and enforce rules equally and fairly.

When riders who use your agency's services know their rights, they are generally happier. And when they understand their responsibilities, and live up to them, your agency will function more smoothly, making your staff happy as well.

Sources

Americans with Disabilities Act (ADA) Paratransit Eligibility Manual, Federal Transit Administration, 1993.

Customer's Rights and Responsibilities (draft), Florida Commission for the Transportation Disadvantaged Ombudsman Program Committee, 2003;
Riders' Rights & Responsibilities,

Albuquerque Job Access Subscription Service, January 2002.

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