



COMPENDIUM OF POLICY GUIDANCE



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The Purpose of this Resource

Developing and maintaining clear, consistent policies is essential to providing safe, accessible, and compliant public transportation services. This Compendium of Policy Guidance brings together Kansas RTAP articles covering a variety of topics—from ADA compliance and passenger conduct to safety, security, and operational best practices. Whether you're creating a new policy, updating an existing one, or looking for guidance on a specific issue, these resources are designed to provide practical information and support for Kansas transit agencies.

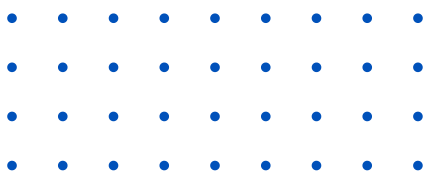
If you need assistance with a policy topic not covered in this library or would like customized guidance or training, Kansas RTAP is here to help. Agencies can request technical assistance or policy-related training through the Training Request Form available on the Kansas RTAP website.



ADA & ACCESSIBILITY POLICIES

This section focuses on compliance with the Americans with Disabilities Act (ADA) and accessibility requirements.

- Reasonable Modifications – What It Is and How to Apply It to Your Transit Agency (Autumn 2022) **3**
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REASONABLE MODIFICATION – WHAT IS IT AND HOW TO APPLY IT TO YOUR TRANSIT AGENCY

By Anne Lowder, Kansas RTAP

As a transit agency, it is good to review policies and procedures to make sure they are up to date with the latest information. One policy to review is the American with Disability Act's Reasonable Modification Rule 49 CFR 27 and 37 to ensure that your programs, benefits, and services do not discriminate against persons with disabilities under this rule. This article will provide examples to clarify what reasonable modification is (and is not) to a transit agency. In most cases, you may only need to tweak some of your policies to allow for some reasonable exceptions to provide better accommodations.

DEFINING REASONABLE MODIFICATION

A modification is a change to a transit program's policies or practices that enables a person with a disability to use the service. According to the ADA National Network, for a modification to be reasonable, the change must not:

- Cause a direct threat to the health or safety of others.
- Fundamentally alters the service.
- Results in an undue financial or administrative burden to the agency.

Because every transit service is unique, the federal government does not have specific guidelines for what is a reasonable modification. More important is a thorough policy and a consistent process for receiving and evaluating reasonable modification requests.



PROCESS FOR MAKING A REASONABLE MODIFICATION POLICY

The process for making a reasonable modification is a local one. The rule does not require an exact process of Department of Transportation (DOT) or Federal Transit Administration (FTA) approval. Your existing policies and procedures may suffice—such as your complaint process, your paratransit eligibility process, your customer service process, and even your operating personnel when advanced notice is impracticable (Day, 2015). For example, an illegally parked car in front of a bus stop, so the operator has to pull up to a different location.

Whether you rely on existing processes or develop specific reasonable modification policies, the FTA's Reasonable Modification Policy: New Final Rule states there are some basic requirements that must be met.

A) Information on the reasonable modification process must be readily available to the public and must be acceptable. You can require advanced notice, but you also need flexibility in handling requests that are only practicable on the spot, like the obstructed bus stop.

B) People requesting reasonable modifications must describe what it is they are asking for and what they need to use the service, but they do not need to use the magic words "reasonable modification."

C) Flexibility is key to any process. It is not always going to be possible to anticipate every scenario. In some cases, things may be encountered that can only be addressed on the spot by the operator. An example would be a customer who is diabetic, and the bus driver observes that person eating or drinking. The operator points out that food and drink is not allowed on the bus. The customer explains that it is needed for a medical condition. That would end the situation with the operator acknowledging the medical need.

D) Document your responses or know where to find them, such as in your paratransit eligibility process, complaint process, etc. Tracking is not intended to be a burdensome process. There is no requirement for separate tracking process. The rule assumes existing processes will be sufficient. The reasonable modification process must be operated in good faith. For example, you cannot have a process that routinely rejects all requests for reasonable modification. In addition, under the revised section 27.13 you must also promptly communicate the response to the complainant including the reasons for the response and document the response.

E) You must advertise the complaint process, and you must ensure that procedures are accessible.

From FTA's Reasonable Modification Policy: New Final Rule

Reasonable Modifications that are not Reasonable Modifications

Fundamental alteration of service.
A direct threat to the health or safety of others.
Undue financial or administrative burden.

Fundamental Alteration

The fundamental alteration is a change so significant that it alters the nature of the service.

- Request for specific vehicles.
- Exclusive rides
- Attendant type functions like carrying packages or staying with unattended passengers.

Direct Threat

A direct threat means a significant risk to the health or safety of others. Examples include:

- Exposing a vehicle to hazards such as reversing down a narrow alley.
- Striking overhead objects like low hanging tree branches.
- Getting stuck in the mud.
- Leaving a vehicle unattended for a lengthy period of time.

Undue Financial or Administrative burden or is Not Needed by the Requester to use the Service

- Requesting a specific paratransit driver.
- Asking for paratransit service beyond the three-quarter mile bus route.

EXAMPLES OF REASONABLE MODIFICATION REQUEST:

- **Helping with Fare:** A visually impaired customer needs help with putting the fare in the fare box. Your agency has a policy that operators will not handle the fare. A reasonable modification to your policy on handling fares is that your operator will assist this customer.
- **Allowing Food and Drink:** Your agency is transporting a person who is diabetic. You have a "No Food or Drink" policy on your vehicles. A reasonable modification to that policy is to allow the diabetic person to eat or drink as needed to address their medical needs.
- **Helping Passengers through Snow and Ice:** A person in a mobility device needs help to the vehicle due to snow and ice at the pickup location. Your policy is that bus operators do not leave their vehicles to assist passengers. A slight change to your policy to allow helping the person in the mobility device maneuver through the snow and ice to board would be a reasonable modification.
- **Adjusting Stops near Construction Projects:** When scheduling a trip, a passenger with a mobility device may request the bus operator slightly adjust the designated boarding location so that he or she can board in an accessible location due to construction. Is this a reasonable modification? The answer is yes.
- **Helping Passengers Carry Packages:** Let's say your agency has a policy that limits the number of bags on the bus to 5 bags. Operators are not required to help passengers carry their packages, but a person with 5 bags is having trouble making it up the ramp. A reasonable modification would be for the operator to provide assistance for boarding by helping to get their packages on the vehicle.

American Public Transportation Association Summary of USDOT's Reasonable Modification Final Rule

Effective Date: July 13, 2015

- Reasonable Modification applies to fixed route and paratransit
- Reasonable Modification does not require universal door to door transportation – Systems can remain curb to curb by policy as long as they consider and grant (as deemed appropriate) individual requests for door-to-door service
- In fixed route, reasonable modifications do not require route deviations, but could include special passenger notifications or the driver positioning the fixed route vehicle to avoid an obstacle in order to obtain accessibility
- Reasonable Modification does not require the assignment of a particular type or model of vehicle to service as long as the vehicle is ADA compliant
- Requires development of process (plan) and complaint process prior to implementation date
- Requires designation of an individual as a Reasonable Modification Coordinator
- Encourages determinations of reasonable modifications during eligibility process
- Presumes most reasonable modification requests will be made in advance at eligibility or through reservations process
- Does not require individuals to make reasonable modification requests in writing, in advance of use or use the term "reasonable modification"
- Does require transit agencies to document any reason to deny modification request
- Requires that real time reasonable modification requests to be evaluated and accommodated (if deemed appropriate) by vehicle operators. Transit operators can require the operator to contact a supervisor prior to granting or denying a request as long as the operator has two-way communications.
- The rule only allows a denial of reasonable modification request for the following three reasons:
 - Modification would be a fundamental alteration of the service provided
 - Granting the modification would expose the requestor or the operator or other riders to a "Direct Threat."
 - The modification is not necessary for the individual to actually use the service
- If a modification is denied, the operator has a responsibility to provide an alternative "work around" if feasible to ensure accessibility
- Requires public notification of the plan and the contact information for the Reasonable Modification Coordinator
 - Phone number, email, physical address
 - Such information must be available in printed materials and on web sites.
 - Materials should describe the process for requesting reasonable modifications and process for filing a complaint
 - Requires prompt response to requests or complaints
- USDOT has provided Appendix E to provide illustrative examples of both appropriate and unacceptable "reasonable modifications"

IN SUM

Reasonable Modification helps persons with disabilities have full access to your transportation from origin-to-destination. Reasonable modification is a matter of tweaking policies, practices and procedures. Reasonable modification is not buying new equipment or fundamentally changing your services. Reasonable modification is common sense.

Additional Resources:

- [National RTAP \(Rural Transit Assistance Program\) ADA Toolkit](#)
- [FTA C 4710.1 Circular - AMERICANS WITH DISABILITIES ACT \(ADA\): GUIDANCE](#)

RESOURCES

Day, J. (2015, June). Reasonable Modification of Policy: New Final Rule. Federal Transit Administration. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_ADA_Reasonable_Modification.pdf

Reasonable Modifications to Policy, Practice & Procedure in Public. (n.d.). Retrieved October 11, 2022, from <https://adata.org/factsheet/ADA-reasonable-transport-mods>

Adata.org. 2022. Reasonable Modifications to Policy, Practice & Procedure in Public Transportation | ADA National Network. [online] Available at: [https://adata.org/factsheet/ADA-reasonable-transport-mods#:~:text=Public%20transportation%20accessibility%20modifications,%2Dfixed%20route\)%20bus%20systems.>](https://adata.org/factsheet/ADA-reasonable-transport-mods#:~:text=Public%20transportation%20accessibility%20modifications,%2Dfixed%20route)%20bus%20systems.>) [Accessed 8 August 2022].

Federal Register. 2022. Transportation for Individuals with Disabilities; Reasonable Modification of Policies and Practices. [online] Available at: <https://www.federalregister.gov/documents/2015/03/13/2015-05646/transportation-for-individuals-with-disabilities-reasonable-modification-of-policies-and-practices> [Accessed 8 August 2022].

Transit.dot.gov. 2022. Origin-to-Destination Service | FTA. [online] Available at: <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/origin-destination-service> [Accessed 8 August 2022].

POLICY SPOTLIGHT: PARATRANSIT ELIGIBILITY

By Lisa Koch, Kansas RTAP

Fixed route transit providers in Kansas are required to have complementary paratransit services. While there are federally mandated requirements, eligibility requirements do have flexibility. In this policy spotlight we will explore complimentary paratransit, including the considerations in developing an eligibility process, sample policies from your peers, and recommendations from Kansas RTAP.

DEFINITIONS AND REQUIREMENTS:

The Americans with Disabilities Act of 1990 (ADA) is focused on addressing the needs of those living with disabilities. The ADA “prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities and transportation” (Laws, Regulations & Standards, n.d.).

There are two levels of regulations related to complying with the ADA. First, there are the general provisions that apply to all transit services, including demand response. Kansas RTAP hosted a fantastic webinar that profiled the general provisions of the ADA. You can watch it here: <https://www.youtube.com/watch?v=ohAviKNxVu8>.

The second level of regulations are those specific to fixed route transit providers. The ADA requires that fixed route transit providers offer complementary paratransit service to people who cannot use fixed route service because of a disability. The provisions of ADA include various requirements, including eligibility. National RTAP provides an ADA toolkit that can assist your agency with developing complementary service. You can find it at <http://www.nationalrtap.org/toolkits/ADA-Toolkit>.

Transit agencies that provide ADA complementary paratransit are required to have an eligibility determination process. This limits the use of



complementary paratransit to those who truly need it. According to regulations, eligibility for paratransit should be based on an individual's ability to use the fixed route system independently. The eligibility process should be designed to answer the following questions:

1. Can the applicant navigate the system independently?
2. Does the applicant need an accessible vehicle?
3. Can the applicant reach the fixed route system?

There are three types of eligibility that can be used for complementary paratransit.

1. **Unconditional eligibility:** A passenger is given unconditional eligibility if there is no circumstance when they can ride the fixed route service.
2. **Conditional eligibility:** A passenger is given conditional eligibility if they can use the fixed route in certain circumstances. For example, a passenger who uses a wheelchair may be given conditional eligibility in instances when there are no sidewalks leading to a bus stop or if there is something impeding use of existing sidewalks (such as construction or snow).
3. **Temporal eligibility:** A passenger is given temporal eligibility if they are unable to use a fixed route for a limited time. For example, if a person has a broken leg and must use a wheelchair for a short period of time, they may be temporarily eligible for complementary paratransit.

CONTINUED ON NEXT PAGE

The following are a few more requirements related to the eligibility application process:

- A transit agency has up to 21 days following submission of an eligibility application to respond to the applicant.
- Determination results must be provided to the applicant in writing.
- If an individual is a visitor to the region where complementary paratransit is available, they can provide documentation of their eligibility by either showing their acceptance at their home transit agency or by showing that they are a visitor (an identification that shows an address that is outside of the service area) and proof of disability (documentation from a doctor). The agency is required to approve visitor eligibility either the day of or the day after receiving documentation.

CONSIDERATIONS

The ADA allows for local determinations of eligibility, so long as a decision-making process is documented and is consistent. While a transit agency may want to provide a high level of service for as many individuals as possible, consider the implications before developing a policy.

The ADA has requirements related to capacity constraints. For example, the agency can only negotiate pick-up times within one hour before or after the requested time. Additionally, the agency cannot have “a pattern or practice” that limits availability of ADA service. Therefore, it is important to consider the implications of capacity that come from a lax versus firm eligibility policy. In this context, the agency needs to think about the number of vehicles that are available, the number of drivers, and the available budget to provide services.

WHAT ARE YOUR PEERS DOING?

As with anything in transit, learning from your peers is a key to success. The following is a digest of eligibility requirements for agencies in Kansas.

Finney County Transit (Garden City, Kansas)

Source: https://img1.wsimg.com/blobby/go/6622be22-2435-4a10-b118-e9a2d114b3a6/downloads/1c9knir7p_773798.pdf?ver=1678919877832

“Applicants will be assessed on their ability to complete a series of exercises to determine their ability to board and access the City Link fixed route bus service. Disability alone does not qualify passenger for paratransit service. If passenger is capable of riding fixed route and is over age 60 and/or has a medically documented disability he/she will receive a half fare City Link fixed route card and will not be approved for Mini Bus paratransit service. If a decision is not made within that 21-day period, the applicant will be considered as eligible until a decision is made. If an applicant is denied, the applicant will be given an explanation in writing explaining the specific reason as to why they were denied. Applicant also will be provided in writing the appeals process.”

Finney County Transit provides the application guidance in both English and Spanish due to the area’s large Hispanic population. You can see the application here:

Part A: https://img1.wsimg.com/blobby/go/6622be22-2435-4a10-b118-e9a2d114b3a6/downloads/1d2g854kp_130004.pdf?ver=1678919877832

Part B: https://img1.wsimg.com/blobby/go/6622be22-2435-4a10-b118-e9a2d114b3a6/downloads/1d2g87eqd_359093.pdf?ver=1678919877832

City of Liberal Transit (Liberal, Kansas):

Source: <https://www.cityofliberal.org/403/Paratransit-Policies-Guidelines>

“Persons who are certified under the Americans with Disabilities Act (ADA) as having a disability that prevents them from riding fixed-route buses are eligible to use City Bus On-Demand Service which operates within $\frac{3}{4}$ mile of the City Bus fixed routes. In order to qualify, the applicant and a health care provider must complete and sign the On-Demand ADA application form. The applicant has 21 days from the date they first rode City

Bus to submit a COMPLETED application. A decision will be made within 21 days of receipt of a COMPLETED application. Applicants will be assessed on their ability to complete a series of exercises to determine their ability to board and access the City Bus fixed route bus service. Disability alone does not qualify a passenger for On-Demand service. If a passenger is capable of using fixed routes and is over age 60 and/or has a medically documented disability, he/she will receive a half-fare City Bus fixed route card and will not be approved for On-Demand service. If a decision is not made within the 21 day period, the applicant will be considered as eligible until a decision is made. If an applicant is denied, the applicant will receive an explanation in writing giving the specific reason they were denied. The applicant will also be provided an explanation of the appeals process in writing. Application forms are available from the Liberal Transit office or online at <http://www.cityofliberal.org/208/City-Bus>. The applicant will not be charged any "user fees" that cause an unreasonable burden upon the applicant, including doctor's fees and application fees."

You can find City of Liberal's ADA Application here:

Part A:

<http://www.cityofliberal.org/DocumentCenter/View/1537/ADA-Application-Part-A>

Part B:

<http://www.cityofliberal.org/DocumentCenter/View/1538/ADA-Application-Part-B>

City of Dodge City (Dodge City, Kansas):

Source: <https://www.dodgecity.org/727/Public-Transportation>

"Para-TRAN is door-to-door paratransit service available for persons who, because of a disability, are unable to use the D-TRAN Fixed Route Bus Service. The Para-TRAN service area is Dodge City plus 3/4 of a mile on each side of D-TRAN fixed routes. Riders must be certified as eligible to use the service by submitting an application which includes the assessment and signature of a qualified health professional in

accordance with the Americans with Disabilities Act of 1990. Examples of people who may be eligible are those who, because of a disability, are unable to:

- Get on or off a regular bus
- Walk three city blocks or more to access a fixed route bus stop
- Read, understand, or follow bus information

Reservations must be made 24 hours in advance. For reservations and information please call 620-225-8119"

Dodge City has a great publicly accessible document called "Procedures for Processing Paratransit Applications and Appeals." The process can be complicated, and your applicants will have a lot of questions. Having a document like this may reduce the amount of process questions you receive, plus it shows that you have a consistent process. You can find it here:

<https://www.dodgecity.org/DocumentCenter/View/6641/ParaTRAN-Application-and-Appeal-Processing---Attachment-C?bidId=>

They also have a great document that has policies and guidelines specific to paratransit. Check it out here:

<https://www.dodgecity.org/DocumentCenter/View/6643/Dodge-City-Guidelines-Paratransit-Ridership-Attachment-D?bidId=>

OCCK Paratransit (Salina, Kansas):

Source: <https://salinacitygo.com/paratransit-reduced-taxi-application-form/>

OCCK provides complementary paratransit to their fixed route system in Salina and demand response service throughout their 14-county service area. The connection of their complementary paratransit to their region-wide demand response allows users greater mobility throughout north central Kansas.

OCCK has a great document that combines information about paratransit eligibility, application materials and certifications for personal care attendants. Check it out:

<https://salinacitygo.com/wp-content/uploads/2019/03/OCCK-Transportation-Paratransit-Reduced-Taxi-Application-Form.pdf>

Flint Hills ATA (Manhattan and Junction City, Kansas):

Source: <https://www.fhata.org/ada>

Flint Hills ATA has a great new website that includes application materials and a portal for submitting application paperwork. The same website includes other topics related to ADA including the agency's ADA Complaint process and policies and procedures related to reasonable modifications.

You can find application materials here:

https://www.fhata.org/_files/ugd/056f4d_8593200631b0429f93c2aa874f1fc3b4.pdf

RECOMMENDATIONS

Our small city fixed route providers in Kansas have great examples of ADA eligibility materials. The following are some best practices from these providers:

- Provide materials in other languages if there is a demand in your study area (Finney County Transit and City of Dodge City)
- Have separate policies and procedures for complementary paratransit (City of Dodge City)
- Connect your complementary paratransit with regional demand response services (OCCCK, Inc)
- Have a user-friendly website that allows applicants to submit their materials online (Flint Hills ATA)

RESOURCES

Laws, Regulations & Standards. (n.d.). ADA.gov. <https://www.ada.gov/law-and-regs/>

POLICY SPOTLIGHT: SERVICE ANIMALS

By Anne Lowder, Kansas RTAP

Service animals are essential as they are specially trained to help individuals with various disabilities. Whether it is aiding a person with vision impairments, hearing impairment, or alerting someone who has a medical condition, service animals are a vital part of people's lives. In this policy spotlight, we will explore and define service animals under the Department of Justice and the Department of Transportation, emotional support animals, psychiatric service animals, misconceptions about certification and registration, what local governing bodies can and cannot require, and the care and responsibility of the service animal.



DEFINITIONS AND REQUIREMENTS

As of March 15, 2011, the Department of Justice (DOJ) defined a service animal as “a dog that has been individually trained to do work or perform tasks for an individual with a disability.” The dog can be any breed or any size dog that has been trained for a task specific to that person’s disability. In some cases, provisions have been made for miniature horses to be used as service animals if they meet certain assessment factors of 1) trained to help a person with disabilities, 2) housebroke, 3) the facility can accommodate the size and weight, and

4) not interfere with the safety of operation. You can see a service miniature horse in action in this YouTube video: [\(2\) Miniature Horses Allowed As Service Animals On Airplanes - YouTube](#)

While DOJ limits a service animal to a dog and sometimes a miniature horse, the Department of Transportation (DOT) does not limit the species of the animal. The DOT’s Americans with Disabilities Act (ADA regulations at 49 C.F.R. Section 37.3), “service animal is defined as any guide dog or other animal individually trained to work or perform tasks for an individual with a disability.”

A service animal can perform many tasks that help a person with their disability. Examples include retrieving objects for a person who uses a wheelchair, guiding a person with vision impairments, alerting a person of a seizure, or reminding a person to take medicine. Emotional support animals are not service animals. ADA considers emotional support dogs as not trained to perform a task but “provide comfort passively, by its nature, or through owner’s perception.” ADA.gov does define a psychiatric service animal “as a dog that has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact.”

CONSIDERATIONS

The misconception about service animals is that they need to be professionally trained, registered, licensed, and required to have identification and vest. ADA says no to the above. The animal can be either trained by the owner or a professional trainer. The service animal is not required to wear or have any papers identifying the animal as a service animal.

The misconception about service animals is that they need to be professionally trained, registered, licensed, and required to have identification and vest. ADA says no to the above. The animal can be either trained by the owner or a professional trainer. The service animal is not required to wear or have any papers identifying the animal as a service animal. The service animal, though, is not exempt from local ordinances such as animal control and public health requirements, dog licensing, and registration requirements. ADA does not make exceptions for dog breeds, and local governments must allow the service animal even if they have locally banned a certain breed of dog.

Employees can ask two specific questions: 1) Is that animal a service animal, and 2) What task has the animal been trained to do? Employees cannot require the service animal to perform the task or ask about the person's disability.

The service animal must always be under the control of its owner. This means leashed or harnessed. In some cases, the animal needs to be able to perform its service off-leash. An example would be a person with PTSD entering enclosed areas who sends the dog in first to check that no threats exist.

Employees are not responsible for caring for the animal. If the dog is posing a direct threat to others such as growling, barking, or snapping, the dog may be suspended but employees still need to provide services to the owner. If the dog barks once or is provoked, this is not a reason for suspension. The dog cannot be suspended based on general fears of a certain breed. The suspension must be due to that dog's behavior.

If a person thinks they have been discriminated against under ADA because of their service animal, they can file a complaint with the U.S. Department of Justice or file a private lawsuit in a federal court.

WHAT ARE YOUR PEERS DOING?

OCCK Inc Transportation: General Public Transportation Passenger Guidelines January 2023 [Passenger-Guidelines-2018-large-size-revised-January-2023.pdf \(salinacitygo.com\)](https://salinacitygo.com/Passenger-Guidelines-2018-large-size-revised-January-2023.pdf) Service animals are allowed to accompany you. Please inform the OCCK, Inc. Dispatcher when scheduling the trip that a service animal will be accompanying the passenger.

- Your animal must be on a leash and remain under your control.
- The animal must remain at your feet. The animal may not sit on a seat.
- The animal must not be aggressive toward people or other animals.
- You are responsible for any damage or soiling caused by the animal. Passenger

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Small family pets are allowed but must be in a pet carrier/taxi. Please inform the OCCK, Inc. Dispatcher when scheduling the trip that an animal will be accompanying the passenger.

ATA Bus Manhattan, KS
[FAQs • Riley County • CivicEngage \(rileycountyks.gov\)](#)

For policy purposes, animals are considered either service animals or pets. Service animals will be transported with their owners without restriction or extra cost. Service animals must be supervised, and the owner/handler must retain full control of the animal at all times. Owners/handlers are responsible for cleanup of any waste or litter caused by the service animal and is liable for any damages the animals cause.

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ATA Bus Manhattan, KS
[FAQs • Riley County • CivicEngage \(rileycountyks.gov\)](#)

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Pets may be transported with their owners if the pets are secured in an enclosed container and if they can be fit into the schedule. Pets have the lowest priority for transportation. Pets requiring emergency veterinary assistance will not be transported. An ill service animal is treated as a pet in this respect: such animals are not performing their service function.

Finney County Transit City Link Ridership Policies and Guidelines July 2019

[WEB PDF GuideLines CITY LINK Brochure - ENGLI.pdf \(wsimg.com\)](#)

11. Pets/Service Animals: No animals other than service animals are allowed on the bus for any reason. A “service animal” is defined as an animal that is individually trained to perform a specific task for a person with a disability. Service animals include, but are not limited to, animals that guide individuals who are blind, alert individuals with hearing disabilities, pull wheelchairs, or carry and pick up things for persons with mobility disabilities. Comfort or therapy animals that are used solely to provide emotional support are generally not considered service animals under the Americans with Disabilities Act (ADA).

Wichita Transit Riders Guide: Bus Etiquette [Rider's Guide Frequently Asked Questions \(wichitatransit.org\)](#)

Service animals are permitted on Wichita Transit vehicles. When you board the bus, you must declare that the animal you're bringing onboard is a service animal. If you do not have a service animal but a pet in an APPROVED pet carrier, like a “pet taxi” (contained so that it can't get out), you can bring it on the bus.

RECOMMENDATIONS

Service Animals are essential companions for people with disabilities. They play a critical role in helping their owners achieve greater independence, improve their quality of life, and provide health benefits. Though emotional support animals are not recognized under ADA, some agencies allow the animals if they are in a carrier. Overall, agencies across Kansas have good policies concerning adhering to ADA on service animals.

- Maintain training for employees so they understand how to interact with an owner and their service animal by asking the appropriate questions.
- The animal needs to be under the control of the owner.
- Do not have to produce documentation of certification papers.

RESOURCES

Service animals. ADA.gov. (2023, June 16).
<https://www.ada.gov/topics/service-animals/>

Frequently asked questions about service animals and the ADA.
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<https://www.transit.dot.gov/what-americans-disabilities-act-ada-definition-service-animal>

POLICY SPOTLIGHT: WHEELCHAIR SECUREMENT

By Anne Lowder, Kansas RTAP

For the past 15 years, I have been the KS RTAP (Rural Transit Assistance Program) instructor. In 2023, for the first time, I had a driver in my training that had excuses to not have the person using a wheelchair forward facing in the vehicle. Rambling list of excuses: The wheelchair will not fit in the minivan forward facing. I replied, "Take out the front seat and you should have enough room to get your person forward facing." The driver stated she could not do that because that is where the wife sits. I suggested taking a larger bus. The driver refuted that she does not drive the paratransit bus. I suggested another driver. Her reply was that they liked her. I was at that agency for two days. The next day I watched as she boarded the passenger side facing into the vehicle. OH! My! I felt like I was going down the yellow brick road of liability.

This article on wheelchair securement policy will look at the science of wheelchair securement, Q'Straint best practices in securing a wheelchair, liability to an agency and the driver by not securing the wheelchair to best practices, and finally, a look at wheelchair securement policies from Kansas agencies.



DEFINITIONS AND REQUIREMENTS

How to Determine What a Wheelchair is?

The definition, under the Americans with Disabilities Act (ADA), of a wheelchair is a device with three or more wheels, usable indoors and designed for a person with mobility impairments. It is important to understand and follow the ADA's definition of a wheelchair because Q'Straint equipment is only designed to transport wheelchairs that meet the ADA definition. Grocery carts, hospital transfer beds, and walkers do not meet the ADA's definition of a wheelchair.

Engineering Behind Retractor Placement

On the rear of the wheelchair, the retractors need to be placed on the inside of the frame of the wheelchair. The engineering perspective behind the rear retractor placement is that the rear retractors are stopping the wheelchair's forward momentum. The front retractors are placed on the outside of the wheelchair frame and stabilize the wheelchair.

3 Essential Principals for Securing the Wheelchair

1. Solid Frame Member: Identify a solid frame member of the wheelchair that looks like it will be strong enough to withstand a crash.
2. Proximity to the seat (45-degree angle): Ideally, choose a securement point as close to a 45-degree angle as possible. The 45-degree angle creates a downward pressure on the wheelchair helping to keep it place during transportation.
3. Direct Path to the Retractor: The belt of the retractor must have a direct path from the retractor to the attachment point. The belt should not wind around wheels, cross each other or be twisted.

Must be Forward Facing

All Q'Straint retractor-based systems are designed for forward facing only. This means that passengers must be forward facing in the vehicle. If the person being transported is not forward facing in the vehicle, the engineering behind retractor placement and lap and shoulder belt placement will not work potentially causing injury or fatality to the passenger.

CONSIDERATIONS

Liability for the Agency and the Driver

Proper securement can save lives and prevent injury even if the driver is responsible for the crash. If the driver does not follow basic wheelchair securement best practices, and there is an incident, such as an injury due to a wheelchair tipping over because of improper placement of or lack of securements or a death due to side facing securement, the liability will not only fall on the agency but on the driver as well.

WHAT ARE YOUR PEERS DOING?

Liability for the Agency and the Driver

Reno County Area Transportation Policy on Wheelchair Securement

[Policy on: Policy \(renogov.org\)](https://www.renogov.org/policy)

Reno County Area Transportation Policies and Procedures Manual 52 Policy on: Wheelchair Securement Procedure on: Wheelchair Securement Date Initiated: 07/2011 Page 1 of 1

Purpose: To ensure the safety of all seated passengers and drivers during transport Policy Statement: All seated passengers are strongly encouraged to utilize seatbelt securement.

RCAT shall utilize the manufacturer's suggested procedures for proper securement of wheelchairs whenever possible. RCAT drivers will make the best use of securement technology based on the wheelchair to ensure the safety of seated passengers.

If a driver cannot secure a wheelchair, the passenger will not be denied service.

It is the policy of Reno County Public Transportation Department that wheelchair securement is required and thereby creates a safer transport for all riders including those using wheelchairs. Anyone refusing to have their wheelchair secured will be denied transportation on RCAT vehicles.

Guidelines:

1. The driver shall use their best effort to appropriately secure wheelchairs according to industry standards using mfg. integrated clamp and/or floor mount securement system. If a driver is unable to secure the wheelchair, the passenger will not be denied service.
2. RCAT Route busses have the capacity to carry one wheelchair (manual or powered three or more wheeled devices)
3. The driver shall strongly encourage wheelchair passengers to use available lap and shoulder restraints.
4. Wheelchairs shall be secured with 4-point tie downs or as many as are standard for that tie-down system, in any combination of straps and/or clamps.
5. Wheelchair passengers shall be secured in a forward-facing manner. Side facing securement is prohibited.
6. Power driven mobility devices such as: power chairs, scooters etc. shall be turned off during transport.
7. Wheel brakes, if available, shall be engaged during transport.
8. Wheelchairs (manual or powered three or more wheeled devices) and occupants shall be transported if the lift and vehicle can physically accommodate them, Transportation may be denied if carrying the wheelchair and its occupant would be inconsistent with legitimate safety requirements, for example the wheelchair is so large it would block an aisle or would interfere with the safe evacuation of passengers in an emergency. Refer to: Manuals and videos on file for various restraint systems.

Consequences:

1. Failure to comply with the terms of this policy may result in serious bodily harm.
2. Failure by drivers to comply with the terms of this policy may result in disciplinary action up to and including dismissal, or suspension of active volunteer status.
3. Failure by passengers to comply with the terms of this policy may result in suspension of services.

Management Responsibilities: Monitoring and enforcement of this policy/procedure and the investigation of non-compliance expeditiously in a fair and thorough manner. Fair and reasonable decision making regarding positive corrective/disciplinary action.

RESOURCES

Reno County area transportation rider policies and procedures. (n.d.).
<https://www.renogov.org/DocumentCenter/View/969/Riders-Guide>

Securement 101: Basic wheelchair securement training. Q'STRAIT Training Academy. (2022, May 10).
<https://training.qstraint.com/courses/securement-101-basic-wheelchair-securement-training/>

Laws, Regulations & Standards. (n.d.). ADA.gov.
<https://www.ada.gov/law-and-regs/>

THE FINAL RULING ON PROWAG AND DESIGNING IN THE PUBLIC RIGHT OF WAY

By Payton Smith, KS RTAP

On August 8th of 2023, the final rule on the Public Right-of-Way Accessibility Guidelines (PROWAG) was published after over 20 years of deliberation. This marks a major milestone in the movement of disability rights. The first-time public accessibility was addressed in federal law was in 1968 with the Architectural Barrier Act which required facilities designed, built, or altered with federal funding to be accessible to disabled individuals.

However, the broadest and most well-known step towards accessibility was the Americans with Disabilities Act of 1990 which required equal access to programs and services in both public and private sectors. Off the momentum of ADA, the U.S. Access Board began development of accessibility guidelines for the public right of way in 1999, but deliberation around ratification would continue until 2023 due to public comment periods, contentious politics, and continued advancement in transportation research. Despite these barriers, as of September 7th, 2023, PROWAG is now in effect as the official guidelines to design elements in the public right of way and will be mandatory after they are adopted for enforcement by the Department of Justice and the Department of Transportation.

WHAT IS PROWAG?

PROWAG are the accessibility guidelines for pedestrian facilities in public rights-of-way. This pertains to alterations, additions to existing, or any newly constructed pedestrian facilities. Pedestrian facilities include sidewalks, crosswalks, ramps, and even driveways in some instances. Clarifications around accessibility cover everything from pedestrian push buttons to providing audible and vibrotactile walk indicators and making crossings accessible for people who are blind or have low vision, to appropriate slopes for crosswalks. The full extent of the accessibility guidelines is available on the [U.S. Access Board](https://www.access-board.gov/prowag/) website and should be consulted when planning projects within the public right of way.



WHAT ARE THE IMPLICATIONS?

While the draft PORWAG guidelines have been available since the 2000s and have informed development within the public right of way since, the final rule represents best practices and will have critical design and implementation implications. While in the past the guidelines have been recommendations, after the final rule and once adopted and enforced by the Department of Justice and Department of Transportation, they are enforceable required.

WHAT DOES THIS MEAN FOR TRANSIT PROVIDERS?

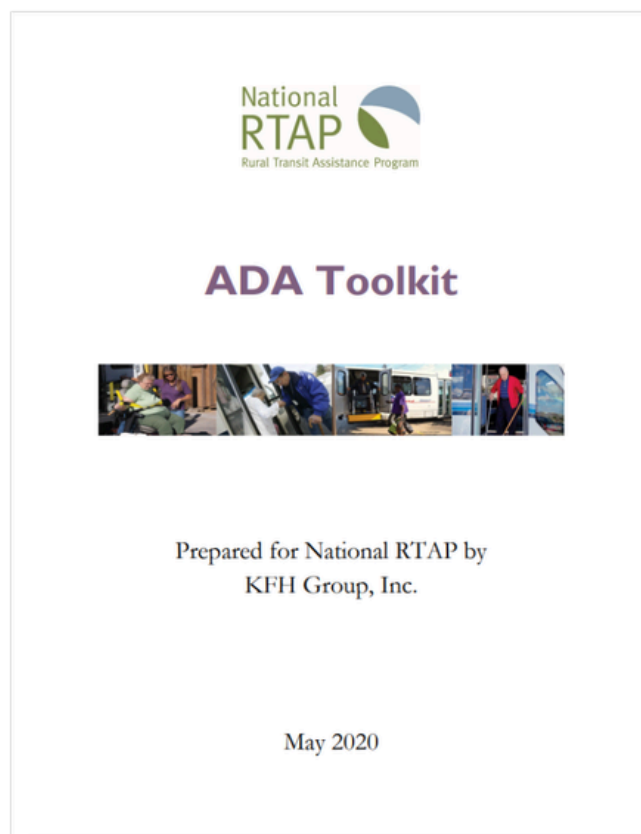
While many transit providers and local communities have taken steps to create accessible public right of ways, now would be a good time to familiarize yourself with the final ruling before starting new projects. Access to the final ruling is available on the [U.S. Access Board](https://www.access-board.gov/prowag/). This is a useful resource for accessing any requirements stated by PROWAG. However, this resource is comprehensive and full of jargon. Several resources are available that breakdown the PROWAG and other ADA guidelines

in a more user-friendly way and provide examples for transit providers to refer to when thinking about designing in the public right-of-way. The National Aging and Disability Transportation Center (NADTC) offers a Toolkit for the Assessment of Bus Stop Accessibility and Safety, which can help agencies to understand optimal bus stop design for accessibility. This resource provides principles of bus stop design, provides examples, and refers to federal requirements that are necessary; however, this resource was developed before the ratification of the final ruling of PROWAG, so while it does mention the recommended guidelines, it does note that they are not federally mandated. This resource refers to the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Accessibility Guidelines (ADAAG), which provide context for developing accessible public accommodations, including bus stops. With PROWAG, facilities such as sidewalks and ramps that lead up to bus stops must now be accessible, and the NADTC Toolkit can help guide transit agencies or developers on the best practices for providing accessible accommodations.



The National RTAP also offers an [ADA toolkit](#) which covers not only key standards, guidelines, and guidance as recent as 2020 but it also provides requirements for facility and service type. While this document provides guidance for necessary design components for facilities such as bus stops, it does a broader sweep of incorporating accessibility in all aspects of providing transit services. This resource is well suited as a starting point and can guide you to the necessary resources and guidelines to follow when developing facilities or other

aspects of transit services.



One of the most valuable resources when transit agencies are considering altering or developing new facilities or public accommodations within the public right of way is community. Reaching out to other agencies that have been successful in implementing accessible bus stops can be a great way to learn about the process and learn from the experience of your peers. The same can be said for sidewalks and other aspects of the public right away. Communicating with your local government about their goals and previous experience can be valuable. Toolkits and guidebooks can be extremely helpful resources, but sometimes the best wisdom is hard earned experience!

CONTINUED ON NEXT PAGE

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Davis, A. (2023, November 28). History of U.S crosswalk accessibility laws, 1968-2023. Polara. <https://polara.com/blog/history-of-accessibility-laws-united-states>

The final rule on public right-of-way accessibility guidelines (PROWAG) is out: Here's what you need to know. Kittelson & Associates, Inc. (n.d.). <https://www.kittelson.com/ideas/the-final-rule-on-public-right-of-way-accessibility-guidelines-prowag-is-out-heres-what-you-need-to-know/>

The National Aging and Disability Transportation Center. (2016). Toolkit for the Assessment of Bus Stop Accessibility and Safety. Washington D.C.

The practical application of PROWAG: When does it impact my project's design and compliance? Kittelson & Associates, Inc. (n.d.-b). <https://www.kittelson.com/ideas/a-practical-application-of-prowag-when-does-it-impact-my-projects-design-and-compliance/>

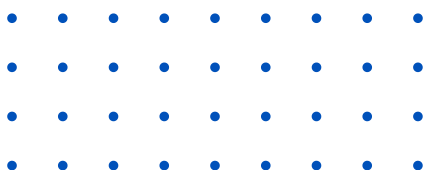
U.S. Access Board. About PROWAG. (n.d.). <https://www.access-board.gov/prowag/>

U.S. Access Board. ADA Accessibility Standards. (n.d.). <https://www.access-board.gov/ada/#department-of-transportation-ada-standards-for-transportation-facilities-2006>

PASSENGER CONDUCT & CUSTOMER SERVICE POLICIES

This section focuses on policies that help agencies manage rider behavior while ensuring safe, respectful, and equitable service.

- Policy Spotlight: Limitations on Items That Can Be Carried on the Bus (Winter 2023) 21
- Policy Spotlight: Inappropriate Conversations on the Bus (Winter 2023) 28
- Policy Spotlight: Addressing Personal Hygiene with Compassion (Spring 2024) 30
- Policy Spotlight: Handling Verbally & Physically Abusive Riders (Summer 2024) 33
- Subscription vs. Non-Subscription Riders – What Kansas Transit Agencies Need to Know (Autumn 2025) 36



POLICY SPOTLIGHT: LIMITATIONS ON ITEMS THAT CAN BE CARRIED ON THE BUS

By Lisa Koch, Nikhila Gunda, and Kara Cox, KS RTAP

As an industry that thrives on providing services to the community, it can sometimes be challenging to determine what limits need to be set on certain services. Transit agencies exist to offer a solution for convenient public transportation needs. However, to achieve optimal efficiency, regulations must be set as far as what can be transported through these services. Each transit agency is responsible for determining the limitations for items that can be transported on the bus. This is no easy task, though. For an industry that lives to accommodate, it can be challenging to set limits on those accommodations. To help with this process, this article will examine different considerations for policies and some policy examples from Kansas and other states.

DEFINITIONS AND CONSIDERATIONS

When developing a policy for limiting carry-on items, there are some key terms that need to be defined.

Carry-on Items: This includes anything that the passenger brings onto the transit vehicle in addition to themselves and any equipment that is covered under the Americans with Disabilities Act, such as mobility or breathing aids.

Securement: There are USDOT securement requirements for both passengers with mobility devices and cargo. ADA Compliant transit vehicles must have a two-part securement system; one to secure the mobility device and one to secure the passenger in the mobility device (Cargo Securement Rules, n.d.). The Federal Motor Carrier Safety Administration requires cargo to be secured using tiedowns to prevent the cargo from “becoming loose, unfastening, opening or releasing while the vehicle is in transit” (Questions and Answers Concerning Wheelchairs and Bus and Rail Service, n.d.).

Now that some key terms have been defined, there are some other considerations that need to be weighed.

Needs of the riders: Many riders in Kansas don’t have another mobility option and must use transit to meet all their needs, including grocery shopping, which leads to passengers bringing a lot of bags onto the vehicle. When developing your policy on carry-on items, consider the amount of groceries a person might need; which could be 2-6 bags per week.

Ability of the driver to implement the policy: For most transit policies, the driver is the individual who must enforce its language. Having specific policies will set the driver up for success in applying the policy (for example, limiting riders to a specific amount of carry-ons versus a vague statement. The policy should require no driver assistance in loading or unloading carry-on items.

Available vehicle capacity for carry-ons: If your vehicle has limited capacity for anything other than riders, your policy should reflect that. If there is available capacity on a regular basis that allows for riders to put their items on an empty seat, the policy can be more flexible.

Large or heavy items: Large or heavy items will need to be secured to protect passengers in the case of a crash. If there is not space or tie downs available for large or heavy items, it is not safe for them to be brought onto the transit vehicle.

SAMPLE POLICY LANGUAGE

The following is a digest of policies from Kansas and beyond:

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Agency	Policy Link	Policies related to Carry-On Items
City of Lawrence Transit	https://lawrencetransit.org/general-rules/	Prohibited carry-on items • Items too large or too numerous to be reasonably controlled by a passenger • Hazardous materials • Firearms or other weapons • Items that would block the aisle or require the use of an additional seat, with the exception of small grocery carts used responsibly and safely • Strollers and/or shopping carts that cannot be easily moved for passenger accessibility and safety at the discretion of the driver • Open containers of alcoholic beverages, drink or food
City of Liberal	https://www.cityofliberal.org/402/Fixed-Route-Ridership-Policies-Guideline	City Bus vehicles do not have space specifically designed for storage, and anything other than carry-on baggage is not allowed on City Bus vehicles. Riders may bring small packages and groceries on-board vehicles if space is available and if they maintain control of these items within their immediate seating area. Any rider traveling with carry-on items must be able to board without assistance. Carry-on items must not interfere with passenger safety or obstruct the aisles. Due to time limitations, only one trip is allowed to remove all cargo and personal items. Furniture or appliances are not permitted for transport aboard a City Bus vehicle.
RideKC and Johnson County Transit	https://ridekc.org/rider-guide/code-of-conduct	Limit personal items to those you can personally carry.

Agency	Policy Link	Policies related to Carry-On Items
Wichita Transit	https://www.wichitatransit.org/Riders/Pages/FAQs.aspx	Baby strollers/grocery carts are allowed on the bus based on available space. Please be aware of the following rules before attempting to board a bus with a stroller/grocery cart: • The bus aisle must be kept clear at all times. • The passenger must maintain control of the stroller at all times. The bus operator will not use wheelchair restraint straps to secure a stroller. • Children must be removed from the stroller before boarding the bus. They must remain seated next to the person responsible for their care or in this person's lap. • Strollers should be collapsed, regardless of use, before boarding the bus. If the stroller is not able to be collapsed because of the manufacturer's rigid design, the passenger is still required to remove the child from the stroller to carry them onto the bus. • If the bus is at full capacity with passengers, the person with the stroller will have to wait for the next bus. • For the convenience of the person with a stroller, the seating area designated priority for elderly and disabled passengers may be raised to accommodate a stroller that cannot be collapsed. However, if a stroller is already in this space, and the space is needed for an elderly/disabled passenger, the stroller will be moved to the back of the bus, providing it can be pushed down the aisle. • If the stroller cannot be pushed down the aisle or collapsed, the passenger must disembark the bus and wait for the next bus that can accommodate the stroller. • Passengers with large or oversized strollers should have an assistant with them to assist with boarding and exiting the bus. The bus operator is prohibited from helping load and unload strollers.

Agency	Policy Link	Policies related to Carry-On Items
Monterey-Salinas Transit, California	https://mst.org/riders-guide/how-to-ride/transit-tips/	Baggage, Cargo, Carts, and Strollers Drivers will have the discretion to determine if a utility cart, stroller, or other cargo is too large to be transported safely. • Must be boarded in a single trip without assistance. • Must remain in control of the passenger. • Cannot block passenger movement, aisle, doors, or emergency exits. • Cannot exceed 30" tall, 18" wide, and 18" deep (not including handle and/or wheels). • Must easily/quickly negotiate vehicle door entrances and turns. • Cannot contain cargo exceeding the height and capacity of the carrying device. • Cannot include items that are wet, leaking, or considered hazardous. • Bags of recyclables are not allowed at any time. Passengers with strollers must remove the child and collapse and properly store the stroller once on board the vehicle.
Taps Public Transit, Oklahoma	https://tapsbus.com/rider-rules/	• Baby strollers and grocery carts are allowed on-board, provided they are collapsed and will fit on your lap or at your feet in front of you. • Shopping bags and small boxes are permitted, provided they do not block the aisles
Choctaw Transit, Mississippi	http://www.choctawtransit.org/how-to-ride/rider-rules/	1. You may bring on board any baggage or articles (at least 22" × 11") or six (6) plastic grocery bags which you can carry in one trip up the steps. 2. For safety, please keep vehicle aisles clear of obstacles at all times. 3. Do not place anything on the floor that may roll or move when unattended.

Agency	Policy Link	Policies related to Carry-On Items
PART Transit, North Carolina	https://www.partnc.org/349/Rider-Rules-of-Conduct	• No more than three personal carry-on items per person. • Keep hold of your personal items on your lap, at your feet, or in overhead storage spaces. Items may not block aisles, obstruct seats, take up seats or be left unattended.
Delaware County Transit, Ohio	https://www.delcotransit.com/resources/policies/	Due to the nature of Delaware County Transit's service, passengers are limited to the quantity and/or size of items that can be transported. The limitation is based on the passenger's ability to carry the item or items, unassisted, on and/or off the vehicle in one trip and without causing a disruption or inconvenience to other passengers or interfering with the safe operation of the vehicle. Limitations that may negatively affect other passengers or interfere with the safe operation of the vehicle are at the driver's discretion.
Trinity Transit, California	https://trinitytransit.org/riders-code-of-conduct/	• All items brought onboard, including skateboards, shopping bags, or backpacks must be safely stowed and secured against moving into the aisles or safety exits. • Items may be stored in the luggage rack at the front of the bus or in the overhead racks if available. Items may also be held on the passenger's lap. • Baggage is generally limited to two items, such as one suitcase and one backpack, or no more than three (3) shopping bags.
Valley Transit, Wisconsin	https://myvalleytransit.com/wp-content/uploads/2021/04/Carry-on-brochure_2021.pdf	Please observe the following for carry- on items: » Items must not block the aisle. » Items must not restrict passenger movement. » All items must be controlled by passenger. » Passenger must be able to carry the items on board in one trip. » Packages and/or bags must not occupy the bus seat if the bus is crowded. » Carry-on items are not allowed in the securement area.

Agency	Policy Link	Policies related to Carry-On Items
Sunline, California	https://www.sunline.org/rider-resources/customer-code-of-conduct	1. Passengers may bring up to 3 medium-sized packages or grocery bags. 2. Passengers must be able to lift and carry their own packages without assistance from the operator. 3. All carry-on items must be kept out of the aisles. 4. Strollers and shopping carts must be folded and kept out of the aisles. 5. No bags containing recyclable bottles or cans.
City of Hot Springs, Arkansas	https://www.cityhs.net/DocumentCenter/View/8372/Passenger-Code-of-Conduct-	Bags must be limited in size to what the passenger can hold on their lap and fit under their own seat. Drivers are not allowed to load packages, shopping bags or luggage for the passenger. Baggage, handbags, backpacks, tote bags and packages are to be carried by their owners. Bags of cans, garbage or any leaking items are not allowed on the bus. A cooler no larger than can be carried in one hand and may not have wheels. A size not to exceed approximately 16 quarts is allowed. The cooler should be held in your lap or stowed under your seat. Athletic gear, games and toys must be carried in a bag. All picnic gear must be carried in a container or bag. Food must be in spill proof containers and must not be consumed on the bus. Fishing gear and tackle must be in a container; poles must be collapsible to a length not to exceed four feet. No hooks or lures are to be attached or exposed. Live fish shall not transported on the vehicle. Any catch must be in a cooler and/or sealed spill proof container. Bringing onboard a stroller or mobility device is allowed. These devices must be collapsible so as not to block the walking aisle. Strollers must be clasped and stowed on the bus for your trip. Walkers, canes and other mobility devices must not to present a tripping hazard in the bus aisle. Remove all bags from these items so they may be stowed under or in between the seats.

Agency	Policy Link	Policies related to Carry-On Items
North Platte, NE	https://www.ci.north-platte.ne.us/wp-content/uploads/2020/10/Passenger-Handbook-UPDATED-9-28-20-2.pdf	Passengers shall limit their carry-on packages to not more than the equivalent of eight normal plastic bags per person. An attendant may travel to assist with the loading/unloading of packages but are not allowed to have carry-ons themselves unless they are a paying customer. Oversized packages will be refused for transport. No one package shall weigh more than 20 pounds. An oxygen tank must be portable and secured in some fashion so it cannot fall or roll. Securement can be with a seat belt or tank holder on the wheelchair.

The 14 policies that were reviewed present a variety of methods for managing both the amount and the type of items a rider can bring on the transit vehicles. In reviewing the policies, we at Kansas RTAP recommend included language like the following:

- “Any rider traveling with carry-on items must be able to board without assistance.” (City of Liberal) With the caveat that assistance related to mobility devices is not included in this policies
- Carry-ons cannot “Cannot block passenger movement, aisle, doors, or emergency exits.” (Monterey-Salinas Transit, California)
- “Do not place anything on the floor that may roll or move when unattended.” (Choctaw Transit, Mississippi)
- “An oxygen tank must be portable and secured in some fashion so it cannot fall or roll. Securement can be with a seat belt or tank holder on the wheelchair.” (North Platte, NE)

RESOURCES

Cargo Securement Rules. (n.d.). FMCSA. <https://www.fmcsa.dot.gov/regulations/cargo-securement/cargo-securement-rules>

Questions and Answers Concerning Wheelchairs and Bus and Rail Service. (n.d.). FTA. <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/questions-and-answers-concerning-wheelchairs-and-bus-and>

POLICY SPOTLIGHT: INAPPROPRIATE CONVERSATIONS ON THE BUS

By Lisa Koch and Nikhila Gunda, Kansas RTAP

Transit vehicles should be welcoming environments to all people, so what do you do when there is a consistent problem with inappropriate conversations by passengers? This article will define what should be considered as an inappropriate conversation, why it is necessary to address these issues, a policy example that can be used for handling inappropriate conversations and tips for agencies in dealing with this issue.

What should be considered inappropriate conversation on a transit vehicle? It is hard to define, but we know it when we hear it! It generally includes curse words and topics that are not appropriate for all ages, including sex, violence, or illegal activities. The volume of the conversation should also be considered.

Transit drivers have a very challenging job, so why add the policing of inappropriate conversations to that list? First, transit vehicles should be a welcome place where riders feel comfortable and safe. Inappropriate language from other passengers reduces that feeling of safety. Second, inappropriate conversations can lead to other behavior that is not wanted on transit, such as fighting. Eliminating the issue before it escalates benefits everyone involved.

Many transit agencies include policy language about inappropriate conversations in more general regulations regarding inappropriate conduct. We found a great example from the City of Madison (WI) Metro that includes inappropriate conduct and the progressive discipline process that can be used. While Madison's agency is larger than many in Kansas, the content in this policy is transferable to agencies of any size.

<https://www.cityofmadison.com/metro/how-to-ride/code-of-conduct-transit-exclusion-policy>

Recommended Action Steps For Transit Agencies

Implementation of policies related to poor behavior on vehicles begins by supporting staff and making them



equipped to handle the situation. The following are some action steps to improve the implementation of conduct policies:

- Develop clear policies about what isn't allowed on the vehicle and an enforceable disciplinary process. If there isn't a consequence to the action, there won't be a reason for a rider to stop their behavior.
- Require passengers to agree to adhere to policies before being able to ride transit. Policies should be very clear and available on the website and on the buses. Policies should be reinforced during every conversation with the passenger. For demand-responsive service, this can be done during the initial call with dispatch. For fixed route service, the policy should state that by paying the fare, riders agree to comply with all policies. Always have a copy of the policies on the bus, either in brochure format or as a QR code (better yet, both). When the driver asks the passenger to adhere to the policies, they can provide them the policy as reinforcement.

CONTINUED ON NEXT PAGE

- Include all staff in the solution instead of focusing solely on the driver. While the driver may be the person who is dealing with the issue as it happens, their work should be reinforced by other staff, such as the dispatcher who can document the issue and remind the rider of the conduct policy the next time they request a ride. Management staff should support both drivers and dispatchers in implementing the policy, including stepping in when escalation is needed.
- Provide training to all staff on both customer service and policy implementation. Providing all staff with customer service training will equip them with techniques for working with problem passengers. This should include de-escalation techniques and techniques for communicating with persons with disabilities. By training staff on effective techniques for managing behaviors on transit, they will feel more comfortable dealing with challenging situations.
- Develop a documentation process. Documentation is necessary if escalation is needed. If a passenger is speaking inappropriately on the bus, the driver should remind the passenger of the policy and ask them to stop, then communicate the issue to the dispatcher so that the warning can be put on the passenger's record. This allows for consistency in progressive discipline, as it may not always be the same driver dealing with a passenger. This is especially important if the passenger has an intellectual disability or mental health condition that causes them to speak inappropriately on transit. By documenting the issue, staff can communicate with the passenger or individuals who assist them to help find a solution. Have regular meetings that include dispatchers and drivers where these issues can be discussed.

POLICY SPOTLIGHT: ADDRESSING PERSONAL HYGIENE WITH COMPASSION

By Payton Smith, KS RTAP

Providing safe and adequate transportation services is the responsibility of the transit provider, but that does not come without its challenges. Issues of personal hygiene amongst transit riders can impact their own well-being and others, but navigating these situations can be tough. Passengers are also responsible for their own safety and welfare. With an understanding of one's responsibilities and with compassion towards other people's situations, creating a safe and clean environment is possible.

THE LAW

People cannot be denied service unless they are endangering others or preventing others from using the service. Everyone is entitled to the “full and equal enjoyment of service.” This means that service must be provided without discrimination. However, this does not give passengers the right to endanger the safety or wellbeing of other passengers, and a passenger must not impose upon another rider's right to full and equal enjoyment of a service.

“All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination” 42 U.S.C. §2000a

The categorization of offenses that constitutes impacting the well-being and tranquility of citizens in Kansas include quality of life offenses, such as disorderly conduct, loitering, vagrancy, or sit-lie laws.

Crime	Criminal Act	Criminal Intent	Attendant Circumstance
Disorderly conduct	Unreasonable noise, obscene utterance or gesture, fighting, threats, fighting words, creating a hazardous condition	Specific or purposely or recklessly to disturb the public or create a risk thereof	Act takes place in public
Loitering	Loitering, wandering, remaining	Specific or purposely to beg, gamble, solicit prostitution	Act takes place near a school, transportation facility: the defendant is masked
Sit-lie law	Sitting or lying down	Strict liability*	Act takes place between certain times of day, in public, on a sidewalk, or on a street
*Exceptions for medical emergencies, people who have disabilities, protests			

These quality-of-life offenses recognize that actions such as loud or obscene language, lingering in public spaces without a purpose, or creating a hazardous condition without a legitimate purpose can impact the well-being and tranquility of citizens. However, these laws have faced constitutional challenges due to their impact on individual rights and freedoms. Often, enforcing these laws disproportionately targets vulnerable populations including low-income or homeless people. It is important to maintain the safety and comfort of citizens, but it must balance individual rights and protection.

CODE OF CONDUCT

Municipal transit agencies are encouraged to develop policies and procedures that prioritize the health and safety of both workers and passengers. Through the power of the State of Kansas, municipalities have the authority to operate and maintain public transportation services, and the board that governs them has the authority to make rules and regulations surrounding the operations (state statutes). While code of conduct procedures does not supersede federal or state regulation, they can complement it by helping agencies to avoid nuance and have guidelines to point to in difficult situations. A few examples of code of conduct include Curry Public Transit in Oregon and Community Transit in Washington, with specific language discussing adequate public hygiene.

Curry Public Transit:

Curry provides context for providing a code of conduct and how it is to be enforced. The code of conduct also addresses who has discretion to make decisions, in this case the Transit Manager. They also provide language of the enforceable conduct including personal hygiene that is offensive.

Curry Public Transit has the right to refuse service to anyone not complying with the rider rules of conduct or safety instructions given by a driver. Drivers have the right to refuse service to anyone who may pose a direct safety threat to other passengers and/or the driver. All rider guidelines and policies apply to everyone regardless of age or disability.

Verbal warnings or incident reports may be issued for any transgressions. Depending on severity, immediate and/progressive sanctions on the use of transit service may occur. Transgressions during a rolling twelve month period will be taken into consideration. The Transit Manager has final discretion in all decisions. If you disagree with the sanctions, you may file an appeal with the Transit Manager within 5 working days.

Enforcement of this policy will provide a safe and enjoyable ride for all passengers.

- Dress appropriately and maintain personal hygiene so that personal odor does not become offensive.

Community Transit:

Community Transit provides a comprehensive explanation of their rules of conduct including how it facilitates their goals, how the rules are enforced, and compliance and appeals. The rules of conduct then provide language of offensive conduct and notes on how to address ambiguity or special considerations such as with personal hygiene.

Who enforces our Rules of Conduct?

Our bus drivers, employees, authorized contractors, and transit police may remind you of the Rules of Conduct and warn you of potential consequences. They may ask you to leave a bus or facility or move seats if necessary.

Offensive Odor

- Having body odor or personal hygiene to unreasonably interfere with other customers' ability to use the transportation services and results in multiple complaints from customers and/or employees. This includes odor arising from one's person, clothes, articles, accompanying animal or other source.

Note: Individuals who have fecal matter or urine seeping through their clothing are unable to use our services due to creating a biohazard, but alternative courtesy transportation may be obtained from a Field Supervisor or Transit Police as resources allow. Individuals whose sole violation is offensive odor due to being homeless or insecurely housed will be provided an opportunity to engage with a Community Transit and/or Office of Neighborhoods Social Worker to address the issue instead of being excluded unless it is a repeat offense.

Rabbittransit:

Rabbittransit code of conduct has different levels of enforcement. Inappropriate or offensive personal hygiene falls under 'Level 1'. These different levels of enforcement have various repercussions, with Level 1 being the most lenient and allowing for transit riders to first receive a warning.

- Changing a child's diaper.
- Not wearing shoes or a shirt.
- Exhibiting inappropriate personal hygiene, i.e., an individual whose bodily hygiene is so offensive as to constitute a nuisance to other passengers.

COMPASSION

In addressing situations where individuals may present hygiene challenges, compassion is paramount. Recognizing that everyone requires transportation, it is incumbent upon transit providers to extend understanding and support. Where possible, offering resources or directing individuals to appropriate assistance can be invaluable in fostering a compassionate and inclusive transit environment.

One notable initiative in this regard is Indianapolis Public Transit IndyGo's Wellness in Transit Program. Indianapolis transit offers multiple community engagement and wellness programs under the umbrella IndyGo Cares. Wellness in Transit is one installment of this program focused on providing wellness services such as healthcare, mental health services, housing resources, and personal hygiene items. This is achieved through partnerships with local organizations such as Gennesaret Free Clinics, Step-Up, Inc. and Adult & Child Health, with IndyGo hosting the services they provide at their transit centers on designated days.

The National Centre for Mobility Management provides resources for transit providers on collaborating with community health providers and the importance of transportation in promoting public health. While IndyGo represents an ambitious and large-scale example of compassion in action, it's important to recognize that not all transit agencies have the capacity for such initiatives. However, there may already be local organizations available in your region that could provide services to assist riders in need of support. For example, Giving the Basics in Kansas City acquires hygiene products such as shampoo, soap, and deodorant, and administers these products to people in need. Awareness of such organizations in one's area can aid transit riders in need and help transit agencies address hygiene-related challenges effectively.

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POLICY SPOTLIGHT: HANDLING VERBALLY & PHYSICALLY ABUSIVE RIDERS

By Anne Lowder, KS RTAP

Being physically or verbally assaulted is unacceptable in any situation, but what can be done about these actions when they take place on a transit vehicle? A [video](#) reported by KSHB 41 shows a Kansas City bus driver being punched in the face, and KCTV channel five in Kansas City, MO reported June 25, 2023, that “bus drivers are complaining that their safety is at risk” and “have been putting their lives on the line after experiencing one too many acts of violence while out on the job.”

Kansas House Bill 2808 sponsored by The Committee on Federal and State Affairs was designed to establish consequences for “the crimes of causing harm to a public transportation employee,” but, unfortunately, died on April 30, 2024. This article will look at considerations for establishing a policy for handling verbally and physically abusive riders and what agencies around Kansas have already put into place.

DEFINITIONS AND REQUIREMENTS

Federal Transit Administration (FTA) defines a “reportable assault on transit work as an event resulting in a fatality or injury requiring medical transport.”

CONSIDERATIONS

Crimes are being committed against transit operators. The Urban Institute reported data from the National Transit Database as increasing “between 2008 and 2022, from 168 to 492 annual events nationwide.” Urban Institute believes that these reported numbers undermined what is happening to transit workers. Instances such as “being robbed, having things thrown at them, being doused with urine and hot beverages, being threatened at gunpoint” does not meet the FTA’s definition of an assault on a transit worker.



Deasiray Bush, Director of the Transportation Department for the Unified Government of Wyandotte County/Kansas City, Kansas (RideKC regional brand) stated, “The daily assaults that bus operators endure include verbal attacks or spit on. Many of our operators do not report these ‘smaller’ incidents, which may make it difficult to provide precise data, but the more severe and hazardous forms of assault, such as being threatened with a weapon, being sprayed with mace, or getting punched/hit, are incidents that are always reported.”

CONSIDERATIONS

Transportation Department for the Unified Government of Wyandotte County/Kansas City, Kansas (RideKC regional brand)

Deasiray Bush, Director of the Transportation Department for the Unified Government of Wyandotte County/Kansas City, Kansas (RideKC regional brand) stated in HB 2808 testimony:

“Ride KC has a ridership Code of Conduct ([ridership-code-of-conduct-policy.pdf \(wycokck.org\)](#)) to protect the health, safety, and welfare of passengers and drivers but it is not enough to ensure safety of our workers. If an assault takes place, depending on the type of assault, it will lead to criminal charges, mostly, a misdemeanor. The daily assaults that bus operators endure include verbal attacks or getting spat on... to the more severe and hazardous forms of assault, such as being threatened with a weapon, being sprayed with mace, or getting punched/hit.”

aTa Bus Manhattan KS

aTa Bus Manhattan KS Rider Information Handbook [056f4d_cf2478962cce4781bb0ef38911b169b0.pdf \(fhata.org\)](#)

ATA Bus rider handbook states: “Workplace Violence Zero Tolerance Threats of violence, threatening behavior, or acts of violence against any employees or other individuals are prohibited. The Flint Hills Area Transportation Agency has a “zero tolerance” policy for such conduct. It will not be tolerated, and it is the duty of all employees to report such conduct. Any person who threatens violence, displays threatening behavior, or engages in violent acts in FHATA offices or in or around FHATA vehicles will be removed from the area or vehicle as soon as safety allows. Said person shall be prohibited from entering FHATA offices or riding or driving FHATA vehicles until an investigation of the conduct in question has been completed. Should the investigation establish a violation of this policy, FHATA will take action up to and including termination of any business relationship, suspension, or termination of employment, and civil or criminal prosecution. No weapon, including firearms concealed or not, other instrument intended for use as a weapon, or any object capable of inflicting serious bodily injury upon another person or property may be carried in or on any vehicle of aTa Bus, even if a person has a permit to carry a concealed weapon, except for law enforcement personnel.”

Topeka Metro

[Rider Guidelines-Topeka Metro](#)

The Topeka Metro riders guide states the listed bullets as being “prohibited.”

- Unconcealed firearms or other weapons of any kind.
- Disorderly, abusive, dangerous, obscene, or threatening behavior or language.
- Physical or verbal abuse of the operator, another passenger, or any other transit employee.
- Unruly behavior, profanity, fighting, spitting, feet on the seats, littering, urinating, or defecating in public.
- Operating, kicking, hitting, or tampering with the vehicle and/or equipment.
- Distracting or inappropriate conversation with the bus operator or other passengers.
- Dangerous or large items, such as TV’s, computer monitors, moving boxes, car batteries, explosives, fireworks, furniture, trees, large tools, panes of glass, etc.
- Indecent exposure (i.e., must have a shirt, pants, and shoes).

The Bus Operator always has the reasonable authority to refuse service or ask for a passenger’s justified removal. For the safety of our passengers, employees, vehicles, and general public, Topeka Metro utilizes surveillance in its vehicles and facilities.

RECOMMENDATIONS

The Urban Institute [Assaults on Transit Workers Have Tripled in the Past 15 Years. Income Inequality and Societal Tensions Have Contributed. | Urban Institute](#)

Recommends the following:

- Transit operators should not oversee collecting fares or removing unruly passengers as this may “trigger attacks.”
- “Compartment redesign that completely physically separates drivers from passengers on buses.”
- Increasing consequences for assaults. In more than 30 states, assaulting a transit worker is classified as a special category of misdemeanor associated with greater punitive measures, including jail time, fines up to \$215,000, and permanent banishment from transit. (Recommended in testimony on HB 2808 by Tuck Duncan, Director of Kansas Public Transit Association).
- Compensating and training workers for the conditions they presently face.

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SUBSCRIPTION VS. NON-SUBSCRIPTION RIDERS — WHAT KANSAS TRANSIT AGENCIES NEED TO KNOW

By Kara Cox, KS RTAP

Transit agencies that operate demand-response services commonly serve two different rider groups: subscription riders (regular, recurring trips) and non-subscription riders (one-time or occasional trip requests). The distinction matters because it affects scheduling, capacity management, fare and eligibility rules, no-show policies, federal reporting, and how agencies meet ADA requirements. Below is a practical, policy-focused guide tailored to Kansas agencies (what they typically do and which state/federal rules apply).

DEFINITIONS

- **Subscription riders (subscription trips)** — riders who request the same trip repeated on a regular schedule (for example: Monday–Friday round-trip to work or weekly dialysis appointments). Agencies usually reserve a standing space on specific vehicle runs for those trips.
- **Non-subscription riders (one-time / spontaneous trips)** — riders who call or book for individual trips on specific dates/times with no expectation the trip will repeat. These are scheduled on a first-come/first-served basis or fit into the remaining capacity after subscription trips are placed.

OPERATIONAL DIFFERENCES

Booking & Priority

- Subscription trips are entered into the schedule as recurring reservations; dispatchers may give them priority in route planning because they're predictable, which helps drivers and riders plan. Non-subscription requests are fitted into the remaining capacity or offered at alternate times within the scheduling window.

Flexibility

- Subscription trips often allow limited flexibility: agencies may require riders to call ahead to suspend (vacation or hospital stays) or to cancel individual



occurrences. Non-subscription trips typically require advance notice (same day or next day) and are more flexible about pickup windows.

No-show and Cancellation Rules

- Agencies commonly apply the same no-show/late-cancellation policies to subscription and non-subscription riders, but enforcement can be stricter for subscription riders (e.g., suspension after repeated no-shows) because one recurring no-show can block that slot for others. RideKC explicitly states that no-show/late-cancel policies still apply to subscription trips and allows temporary suspension of subscription service for vacations, etc.

Scheduling Window

- For demand-response ADA compliance, agencies must be careful with pickup windows (e.g., the one-hour window concept used to schedule pickups). Scheduling practices must not force riders (including subscription riders) to arrive earlier than necessary for work/appointments.

CONTINUED ON NEXT PAGE

PRACTICAL POLICY ITEMS TO INCLUDE IN A LOCAL SUBSCRIPTION POLICY

- **Definition of “subscription trip”** (days/times recur every week or other regular cadence)
- **How to apply and the minimum notice for establishing a subscription.**
- **Rules for suspending or temporarily stopping a subscription** (vacation, hospitalization) and the process to reinstate.
- **Cancellation and no-show policy** (how many occurrences trigger warnings or suspension; appeal process).
- **Priority rules** (are subscription trips guaranteed or conditioned on remaining capacity?).
- **Fare policy for subscription vs. non-subscription trips** (same fare? discounted pass?).
- **ADA compliance statement** and how equivalent service will be provided.
- **NTD/third-party reporting statement** (how sponsored subscription trips will be recorded).
- **Contact procedures** (how to book, cancel, or request changes; after-hours options).

(Use KDOT guidance to finalize wording).

EXAMPLE: COMMON APPROACHES USED IN KANSAS AGENCIES

Many smaller county systems schedule rides on a first-come/first-served basis but accept subscription trips when capacity allows; they publish that “subscription trips are subject to availability” and require riders to call to cancel or suspend. Larger systems (or urban on-demand services) may guarantee subscription slots for predictable commute or medical trips but enforce stricter no-show rules. Example: RideKC explicitly applies no-show/late-cancel policies to subscription trips and allows temporary suspension for vacations. Local policies are shaped by funding source rules and fleet capacity.

QUICK RECOMMENDATIONS FOR KANSAS TRANSIT MANAGERS

1. Review KDOT grantee policies and confirm any grant-specific restrictions before adopting subscription practices.
2. Write clear, public subscription rules (eligibility, suspension, no-show consequences) and publish them in rider manuals and on your website.
3. Train dispatchers in how to code/report subscription trips and how to balance recurring trips with same-day demand. Dispatcher manuals and scheduling tools can help manage recurring runs.
4. Verify ADA consistency — ask whether subscription practices unintentionally disadvantage riders with disabilities; modify policies as needed to ensure equivalency.
5. Keep NTD reporting in mind when subscription trips are sponsored by third parties—check the latest FTA guidance before you report.

WHERE TO LOOK FOR OFFICIAL GUIDANCE (KANSAS + FEDERAL)

- Kansas Department of Transportation — Public Transportation program pages and grantee policy appendices.
- KS RTAP resources (dispatch manuals, policy templates) — useful practical guides for Kansas demand-response operations.
- Federal Transit Administration — demand-response requirements, ADA guidance, and NTD reporting manuals

RESOURCES

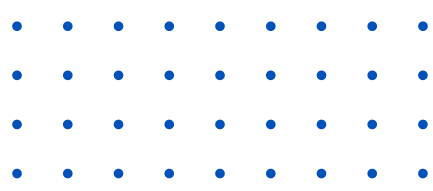
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SAFETY & SECURITY POLICIES

This section focuses on addressing employee safety, passenger safety, emergency preparedness, and security practices.

- Fire Extinguisher Guidance for Transit Agencies (Autumn 2022) 39
- Policy Considerations for Transit Cameras (Winter 2022) 42
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FIRE EXTINGUISHER GUIDANCE FOR TRANSIT AGENCIES

By Karsh Bhatt and Payton Smith, Kansas RTAP

The fire extinguisher is an important safety tool for a transit agency. This article provides a brief history of fire extinguishers and some tips on their use.

THE INVENTION AND EVOLUTION

In 1723 British chemist Ambrose Godfrey obtained a patent for the first fire extinguisher (adminfr, 2019). It was made up of a pewter chamber holding gunpowder and a cask of liquid used to put out fires. Gunpowder was ignited using a series of connected fuses, which caused the gunpowder to explode and the solution to be dispersed. Many extinguishers were developed after this one, but it was not until the 1800s that the contemporary extinguisher was developed. Extinguishers today come in a wide variety of styles and colors and are available for any form of fire, but their internal mechanisms have not changed much. Numerous lives and pieces of property have been saved because of this compact, simple-to-use piece of equipment that is now found everywhere.



TYPES OF FIRE EXTINGUISHERS

Fire extinguishers are designed to put out fires by removing one of the four elements of fire: heat, fuel, oxygen, and a chemical reaction (ePact). To know which

type of fire extinguisher should be used in each situation, one must understand the different types of fires and their unique characteristics. Below are the five fire classes.

Class A – Fires caused by ordinary combustible materials like cloth, wood, paper, rubber, and plastics

Class B – Fires caused by flammable liquids and gases, petroleum, tars, oils, solvents, alcohols, lacquers, and flammable gases

Class C – Fire caused by electrical equipment

Class D – Fire caused by combustible metals like titanium, magnesium, zirconium, sodium, potassium, and lithium

Class K – Fire caused by cooking appliances that involve vegetable or animal oils and fats

FIRE EXTINGUISHER	CLASS A	CLASS B	CLASS C	CLASS D	CLASS K
Water & Foam	✓				
Carbon Dioxide		✓	✓		
Dry Chemical	✓	✓	✓		
Wet Chemical					✓
Dry Powder				✓	
Water Mist	✓		✓		
Clean Agent		✓	✓		
Cartridge-Operated Dry Chemical	✓	✓	✓		

Figure 2: 8 Types of Fire Extinguishers and When to Use Them from ePACT

The above table shows which type of fire extinguisher is preferred in different classes of fire.

HOW TO USE A FIRE EXTINGUISHER?

Prepare staff of your transit agency so that anyone can

use a fire extinguisher in an emergency without any challenges (HSI, 2021). Remember the **PASS** acronym: Pull. Aim. Squeeze. Sweep.

Pull the top pin of the fire extinguisher. The lock will be released, allowing you to discharge the extinguishing agent.

Aim the fire extinguisher at the fire's base. The flames will be blown around if you aim at them, allowing them to spread and cause even more damage. However, aiming at the base will put it out.

Squeeze the fire extinguishers lever slowly. This will cause the extinguishing agent to be released.

Sweep the nozzle from side to side to cover the source of the fire until it is totally extinguished. Wait a few seconds to make sure the fire is fully out and will not reignite.



Figure 3: PASS demonstration by SafetySkills

A Quick Checklist before using a portable fire extinguisher

- Inform the fire department
- Alert other people
- Begin safe evacuation
- Find an escape route
- Notice the fire type and fire extinguisher type

PLACEMENT AND MAINTENANCE OF FIRE EXTINGUISHERS

Safely storing and maintaining a fire extinguisher is an important part of being prepared in the event of a fire (United States Department of Labor). Fire extinguishers should be available throughout the workplace and easily accessible. Such places include hallways, meeting rooms, kitchens, electrical rooms, transit vehicles, maintenance shops or near exits. Placement can depend on which type of fire extinguisher is being stored. Class A would be better suited for an office, while Class B would be a suited to a maintenance shop.

Fire extinguishers should be mounted to prevent them from being misused or damaged. How and at what height is dependent on what type of fire extinguisher is being stored, but all fire extinguishers should at least be 4 inches above the ground. More information regarding storage and installation is available at [OSHA.gov](https://www.osha.gov). (USDL)

Fire extinguishers must be regularly maintained and inspected, as they are the first line of defense before a fire can potentially get out of control. Inspections should take place monthly and the following checklist, provided by OSHA, can be used to guide an inspection.

1. Is each extinguisher in its designated place, clearly visible, and not blocked by equipment, coats or other objects that could interfere with access during an emergency?
2. Is the nameplate with operating instructions legible and facing outward?
3. Is the pressure gauge showing that the extinguisher is fully charged (the needle should be in the green zone)?
4. Is the pin and tamper seal intact?
5. Is the extinguisher in good condition and showing no signs of physical damage, corrosion, or leakage?
6. Have all dry powder extinguishers been gently rocked top to bottom to make sure the powder is not packing?

If the answer to any of these questions is no, the fire extinguisher should be replaced or repaired immediately, as any of these could result in the failure of the fire extinguisher.



CONCLUSION

Fires can be devastating but by utilizing guidelines and precautions any transit agency can be prepared in the event of a fire. Proper knowledge, training, and preparation regarding the use of fire extinguishers can help prevent fires.

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POLICY CONSIDERATIONS FOR TRANSIT CAMERAS

By Lisa Koch and Nikhila Gunda, Kansas RTAP

Many transit agencies in Kansas are installing video cameras on their vehicles to document incidents. Additional funding through KDOT's AIC program has made the implementation of cameras more cost effective for small agencies. When implementing cameras on your transit system, there are many policy ramifications that should be considered and often require documented agency policies. In this article, we will describe some of these policy ramifications and shared practices from other agencies.

POLICY RAMIFICATIONS

PRIVACY:

A transit agency must consider the privacy of riders when installing and using cameras. In the United States, there is legal precedent of the constitutionality of using a surveillance system on public transit, however it could be challenged. The challenge will be related to a person's reasonable expectation of privacy. The reasonable expectation of privacy is based on where the recording is taking place (a person has a higher legal expectation of privacy in their home than on a city street). The American Bar Association has standards on technology assisted physical surveillance. "A transit agency's use of video surveillance should be proportional to the agency's need for surveillance and embrace certain 'core principles;' for example, a system should be adopted only for 'a clearly articulated law enforcement purpose' to address 'serious threats to public safety...of indefinite duration' and after the agency's consideration of alternatives, including their costs" (Thomas, 2018).

If the transit agency determines that the use of permanent video surveillance is needed, the agency should employ safeguards including included in the ridership policy and risk management strategies to prevent misuse or abuse of surveillance equipment and recorded content.

In addition to considerations for the rider, there are also legal ramifications to the rights of employees. The fourth amendment to the U.S. Constitution provides protection from unreasonable search and seizures by the government. The fourth amendment provides for a reasonable expectation of privacy that is based on the type of job the employee. A supreme court decision found that, "the employee's expectations of privacy must be balanced with the government's need for supervision" (Thomas, 2018).

To reduce legal ramifications related to the rights of employees, include information related to the surveillance program in employee policies. This policy should include the purpose and need for surveillance, the process of surveillance, and the use of footage.

The transit agency should consider whether footage should be used to evaluate employee performance. It is not recommended that footage be a regular input to employee performance evaluation as it can reduce employee morale and trust in management.

MANAGEMENT OF DATA

An agency that plans to use cameras on their vehicle for consistent surveillance must consider the storage and use of the footage.

Depending on the recording quality of the footage and the number of days footage must be kept, hard drives or servers with multiple terabytes of storage may be needed. With 1 terabyte of storage, for example, nearly 700 days (about 2 years) of low-quality footage (per camera used) can be saved while only about 30 days (about 4 and a half weeks) of high-quality footage can be saved. (Seagate, 2012).

When considering recording quality of footage, there are some considerations:

1. How many cameras do you plan to have on the vehicle? For smaller transit agencies, this could be between 1–5 cameras per vehicle. The more cameras you have on the vehicle, the less responsibility a single camera has in getting footage. This allows each camera to be positioned to capture video in the foreground instead of having to capture all activity on the vehicle. Five medium quality videos take up the same or less server space than one high quality video.

2. How long do you plan to keep footage? There are two considerations for keeping footage: how long do you keep footage that does not have recorded incidents (most of the footage) and how long do you keep footage that has recorded incidents. The transit agencies should have the following policies in place to manage both situations:

- A time period for requesting or seeking the use of footage related to an alleged incident. Have clear policies that are publicly accessible that state the amount of time after an incident a rider can seek specific footage. This reduces the legal liability of an agency to keep footage for excessive periods of time. 30–45 days is a reasonable period of time to allow for footage requests.
- A time period, longer than the amount of time for seeking footage related to an incident, that all video is kept. This information should be clearly documented in the recording policy. This should be based on the amount of server space available and the purpose and need for the footage. 60–90 days is a reasonable period of time to keep footage.
- A specific location for footage that is being saved past the 60–90 days. This would include footage of where an incident takes place, whether it is reported by the agency or a rider. Maintaining this footage in a separate location on the server reduces the chance that it will be deleted.

Once the agency has policies in place related to retainage, work with the camera contractor to calculate the estimated amount of storage needed to keep footage.

PRACTICES FROM OTHER AGENCIES

The case studies in this section will show a range of policies and approaches agencies use to maximize the potential benefits of recording and sharing video within their agency and other authorized external purposes. Some of these examples can guide in developing and revising your agency policies on transit cameras.

- **Freedom Transit, Washington, PA:** Freedom Transit is the official transportation authority operating mostly in the central portion of Washington County, Pennsylvania. Currently, it provides over 210,000 shared-ride/paratransit trips and over 100,000 fixed route trips annually (*About Freedom Transit*, n.d.). To ensure passenger safety, proper asset management and general security, Freedom Transit, operated by the Washington County Transportation Authority (WCTA), has placed video cameras and audio equipment on their transit vehicles. The agency acknowledges officially on their website that any person entering the vehicle and riding or entering the property of Freedom Transit may be subjected to audio and video recording by the agency equipment and they have no reasonable expectation of privacy. The authority developed a maintenance policy that guides and supports the agency to operate and comply with state and federal regulations. This policy includes posting guidelines, ownership of recordings, viewing and monitoring policy, retention of video/audio recordings and maintenance. A copy of this policy can be found on their agency's website.
- **Metro Transit, Madison, WI:** Madison Metro Transit currently operates a bus service throughout the city of Madison, Wisconsin and most of its immediate suburbs serving general public and university transit and provides additional services for middle and high school students in the city. In 2018, the system-wide fixed route ridership was reported as 13,385,628 (Metro Transit, 2018). To provide a sense of safety and security for the riders and employees of Madison Metro Transit, the agency has adopted a 'Security Camera Surveillance Policy' (updated in August

2020) that includes the objective, purpose, management, and retention of the on-board bus video records.

- **Madison County Transportation Authority (MCTA), NC:** MCTA is a non-profit organization who primarily works with county agencies, medical facilities, and food providers to provide transportation services for the residents of Madison County. For the proper safety and security of passengers and drivers along with the driver management, MCTA has developed a [Video Surveillance/Camera Maintenance Policy](#). This policy addresses requirements and responsibilities that ensures safety and security balanced with an individual's right of privacy on MCTA vehicles and property. It primarily includes the management and use of video/audio data and systems which comprises control, access level, custody, and record retentions.
- **Legal Implications of Video Surveillance on Transit Systems (2018):** It is a digest report that was prepared under Transit Cooperative Research Program (TCRP) Project J-05, "Legal Aspects of Transit and Intermodal Transportation Programs" in which the second part of the report summarizes the survey responses from 72 transit agencies in the US who reported conducting video surveillance in their transit vehicles (Thomas, 2018). It also discusses reasons for installing a video surveillance system, as well as the policies that govern video and audio surveillance. [Appendix E](#) of this report includes the list of all transit agencies who provided a copy of policies, practices, and other documents in response to the survey on their use of video surveillance.

CONCLUSION

KDOT's AIC program has funded rural agency camera systems. There are many considerations when implementing a footage program including privacy, quality of footage and retainage of data. Use example policies from the agencies identified in the case studies or other peer agencies to evaluate what policies and practices are needed to implement a surveillance program at your agency.

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COMPANY POLICY FOR WHEELCHAIR SECUREMENT

By Anne Lowder, Kansas RTAP



"What is your agency policy on wheelchair securement and occupant securement?" Blank stares from the drivers in the training session meet me. I cringe as some offer up responses that start off, "I think our policy is..." Transit agencies need thorough policies, but more importantly, drivers need to know and understand those policies. This article will examine aspects of wheelchair securement that agencies should have policies on and why drivers need to understand these policies.

Liability and Regulations

It is important that drivers understand that improper securement puts the passengers that use wheelchairs at risk of injury, which is a liability to agencies. Regardless of underlying circumstances, like fatigue, tardiness, distractions, or technical difficulties, drivers are responsible for always ensuring proper securement. A driver once told me that if the wheelchair was too large and they could not get to two securement points, they would just leave the chair unsecured at the two securement points closest to the wall of the bus – a major liability to the agency if

something were to go wrong. Proper training and an agency policy that states that all four securement points should be engaged and the lap and shoulder belts will be used, could have helped to prevent this situation from occurring.

Agencies that promote safety practices encourage drivers to be aware of unsafe situations and work towards preventing them. With set policies, agencies can promote proper driver training, consistent equipment maintenance, and enhanced passenger cooperation.

Drivers must be trained to be proficient in wheelchair and occupant securement as well as agency policies and procedures. Drivers should receive ongoing training over this material so that they can effectively make knowledgeable decisions when needed. For instance, in transport, a driver may need to answer questions on why securement is important or let passengers know that lap and shoulder belts are required and cannot be replaced with the belts connected to the wheelchair. Answering the passenger's concerns through agency policy and not "because I said so" works at providing good customer service and consistency for all passengers.

Agency policy can help to regulate equipment maintenance. Proper inspection of the lift and securement equipment will ensure that it is in good working condition. These policies can also encourage the proper use of equipment, such as putting the securement devices into their holding bag after each use as the equipment is not made to be permanently secured to the floor. One time, while providing an agency with training, we went out to the bus to find the retractors were rusted in the tracks and could not be moved—another liability to the agency if the equipment had malfunctioned due to lack of proper care and maintenance.

CONTINUED ON NEXT PAGE

Consistent policies and procedures can also help with passenger cooperation. If drivers are consistent in securement practices and agency policies, riders are more likely to be content. However, if one driver allows the passenger not to wear the lap and shoulder belt to avoid confrontation and the next driver follows policy and requires it, the passenger can be left feeling confused and frustrated.

Listening to driver feedback is a great way to add and adjust agency policies. Drivers know the routes in their community and are more aware of their passengers and individual behaviors. For instance, if a driver comes forward with information about a difficult wheelchair to secure and wants more time to secure it, the agency should be ready to help them. Giving drivers the ability to make suggestions and see them through helps them feel included in the process.

Americans with Disability Act (ADA)

The Americans with Disability Act (ADA) final rule 49 CFR Parts 37 and 38 was enacted in 1990 based on Congressional findings that discrimination against individuals with disabilities was a major social concern. The purpose of the ADA is “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” The ADA needs to be incorporated into agency policies and procedures. The sidebar lists ADA sections to be added to agency policies.

BEST PRACTICES TIPS FOR SECURING THE WHEELCHAIR AND THE OCCUPANT

Three Principles for Securing the Wheelchair

Once the wheelchair is positioned into the wheelchair securement area, place the retractors into the floor anchorages. The rear retractors are placed on the inside frame of the wheelchair. This

Definition of a Wheelchair

- Section 37.3 of the DOT regulations implementing the Americans with Disabilities Act of 1990 (ADA) (49 CFR Parts 27, 37, and 38) defines a “wheelchair” 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.

Nondiscrimination

- It is not discrimination under ADA for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, illegal conduct, seriously disruptive or a direct threat to the safety of others.
- No entity shall discriminate against an individual with a disability in connection with the provision of transportation service
- An entity shall not, on the basis of disability, deny to any individual with a disability the opportunity to use the entity's transportation service for the general public, if the individual is capable of using that service
- An entity shall not require an individual with a disability to use designated priority seats, if the individual does not choose to use these seats
- An entity shall not impose special charges on individuals with disabilities, including individuals who use wheelchairs, for providing services required by the ADA or otherwise necessary to accommodate them

Assisting individuals with Disabilities

- Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.165(f), transit entity personnel must assist individuals with disabilities with the use of ramps, lifts, and securement systems.

is because from an engineering perspective, the rear retractors are stopping the forward momentum of the wheelchair.

The front retractors are the opposite of the rear retractors. Place the front retractors on the outside set of tracks or wider than the frame of the wheelchair. The front retractors stabilize the wheelchair.

The first principle of wheelchair securement is the placing of the S/J hook of the retractor to the frame of the wheelchair. To place the hook, look for a solid frame member of the wheelchair that is sturdy enough to withstand a crash. Look for solid frame members, solid welds or harden bolts. Avoid removeable parts (arm rest or leg rest), any part with wiring and tires.

The second principle of wheelchair securement is to attach as close to the seat as possible to achieve a 45-degree angle. The range can be for the front between 40- degrees and 60- degrees, and the rear is between 30-degrees and 45-degrees. This is important to achieve a 45-degree angle because this puts downward pressure on the wheelchair and keeps it in place during routine driving.

The third principle of securing a wheelchair is a direct path from securement point to the retractor. The retractor belts should never pass-through wheels, over armrests, or cross belts.

Finally, the driver is not responsible for the types of chairs the passenger uses. The driver is responsible for getting as close to the three principles (solid frame member, 45-degree angle and direct path) for securing a wheelchair as possible.

Respectful and Courteous

- 49 CFR Part 37 - TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (ADA), Subpart G—Provision of Service, § 37.173 Training requirements states that each public or private entity which operates 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.

Seatbelt and Lap belt

- While Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulation 49 C.F.R. 38.23(d)(7) requires a seatbelt and shoulder harness to be provided as part of the wheelchair securement system, passengers with disabilities cannot be required to use the seatbelt and shoulder harness unless all passengers are provided with seatbelts and shoulder harnesses and are required to use them. Since few fixed route buses are equipped with seatbelts and shoulder harnesses for all passengers, their use cannot be required for passengers with disabilities. In the case of paratransit vehicles, seatbelts and shoulder harnesses may indeed be available for all passengers, and if all passengers are required to make use of them, passengers with disabilities occupying the securement location may also be required to do so. Note, however, that in some cases the use of seatbelts themselves may be more harmful to passengers with certain types of disabilities than riding without them. Most state seatbelt laws recognize this and provide for exceptions; policies concerning seatbelt use aboard transit vehicles should provide for similar exceptions.

Three Principles for Securing the Occupant

Retractors only secure the wheelchair. Occupant secures the passenger to help keep them contained in the wheelchair securement area. According to Q'Straint training, most wheelchair transport injuries are the result of incorrectly used occupant securement. If a passenger leaves the wheelchair during a sudden stop or crash the injuries are likely to be catastrophic.

The first principle of occupant securement is lap belt and shoulder belt positioning. The lap belt needs to fit snug across the pelvis area. It is common for the belt to ride up the torso, especially if the passenger slouches in their chair or has a heavy coat on. The shoulder belt is designed to be located above and behind the passenger's shoulder. This should be considered when placing the wheelchair in the securement area. The wheelchair needs to be close to the side of the bus so the shoulder belt will pull over in the correct position.

The second principle of occupant securement is that the red release buckle is all the way over to the aisle side hip of the passengers. The buckle should not be on soft tissue.

The third principle of occupant securement is belts must not be held away from the body by wheelchair components such as armrests or wheels.

In attaching the occupant restraints first start with the aisle side lap belt, and then move to the shoulder belt. Pull as much webbing out of the retractor for the shoulder belt. This allows you to step back from the passenger instead of reaching across the passenger's body. Attach the lap belt to the shoulder belt and then tighten the belts.

Securing Difficult Chairs

Securement problems start with the wheelchairs that are currently on the market such as the Pride Jazzy, Permobil and Invacare that were not designed to be transported. Yet, as a transportation provider, under ADA you must transport these chairs. Furthermore, the securement equipment that is used in transportation is

being attached to wheelchairs that are not designed to be secured. This makes the wheelchair the weakest link in the securement process. Secondly, wheelchairs have gotten bigger and powerchairs are becoming more popular, but the securement area has not changed in area size.

One tip to secure difficult chairs is using webbing loops where hooks cannot be fitted onto the wheelchair frame. A second tip is to mark attachment points on the wheelchair to supply securement consistency. Finally, use the retractors to help in tight spaces. Automatic retractors allow you to attach the front or rear retractors and then move the wheelchair into the securement area.

Summary

In sum, agency policies help develop a culture of safety. It provides drivers with resources and training to be good at their jobs. It is important that ADA is in your agency policy and that drivers know and understand the policy. Finally, drivers should know the three principles of wheelchair securement and the three principles of occupant securement. The closer the driver is to obtaining the three principles for wheelchair and occupant securement the closer you are to safer transportation.

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POLICY UPDATE ON SECURING CHILD SEATS ON PUBLIC TRANSPORTATION

By Anne Lowder, KS RTAP

SHOULD BUS OPERATORS BE RESPONSIBLE FOR SECURING CHILD CAR SEATS ON THE BUS?

The answer is NO – unless.... The reason behind the no is that Kansas RTAP does not provide training to become a certified Child Passenger Safety Technician, but the Kansas Traffic Safety Resource Office does which works with Safe Kids to provide a 2 to 3 days of training for certification. Unless your agency sends all drivers for certification and recertification every two years to install child seats on agency vehicles the agency policy would be to put that responsibility on the parent or guardian.

WHAT IF THE OPERATOR THINKS THE PARENT IS NOT INSTALLING THE SEAT CORRECTLY?

That would be a judgement call made by the driver that could lead to a confrontation with the passenger. If agency policy is that securing the child seat is the parent's responsibility the driver should not interfere unless all drivers at the agency are certified Child Passenger Safety Technician. A scenario such as that the driver does offer advice to the passenger on how to install child seat or the driver installs the child seat incorrectly and an injury occurs this could lead to liability for both the agency and the driver. If the agency policy is that it is the parents' responsibility, then it needs to be the parent/guardian's decision.

TIPS ON CHILD SEAT SECUREMENT

Currently, the Agency policies that I looked up for Kansas leave it to the parent to secure the child seat. What might not be known to parents is that there are currently 397 Certified Child Passenger Safety



Technicians across Kansas. This information can be found at National Child Passenger Safety Certification A program of Safe Kids Worldwide. [Welcome! | National CPS Certification](#) This could be information given to parents in your ridership policies for your agency.

WHAT ARE YOUR PEERS DOING?

Below are some of the policy examples on 'Children riding a bus':

- Flint Hills Area Transportation Agency Inc.'s Rider Information Handbook, June 2018 on page 12 - [056f4d_cf2478962cce4781bb0ef38911b169b0.pdf](#)
- Lyon County Area Transportation's Rider Information Handbook on page 8 - [Rider-Handbook--English-PDF](#)

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PREVENTING DRIVER ASSAULTS THROUGH EFFECTIVE POLICIES AND PREVENTION PROGRAMS

By Anne Lowder, KS RTAP

Transit operator assaults are on the rise across the country, placing increasing strain on drivers, agencies, and passengers alike. In response, transit leaders like Bill Churchill of County Connection and CALACT, and Kristen Joyner of the Georgia Transit Association and KJ Backpack, are advocating for a structured and strategic approach to driver protection that is rooted not only in policy but also in education, enforcement, and empathy.

THE REALITY OF RISING ASSAULTS

Between April 2023 and October 2024, the National Transit Database recorded:

- 5 fatality events (less than 1%)
- 1,078 injury-only assault events (4.6%)
- 7,068 physical assault events (29.9%)
- 15,456 non-physical assault events (65.5%)

These figures reflect both improved reporting and an alarming increase in violent and disruptive behavior. Many agencies are turning to resources such as [Safety4Transit.org](https://www.safety4transit.org) to address these growing threats and equip themselves with preventive tools.

BEYOND DRIVER TRAINING: BUILDING A CULTURE OF PREVENTION

Contrary to popular belief, training alone doesn't prevent assaults. Instead, it offers operators the tools to identify threats, remove offending passengers from the bus when necessary, and protect themselves and others during incidents. The true deterrent comes from system-wide engagement, proper policies, and fostering a workplace where safety is prioritized at every level.

Agencies are encouraged to treat every incident (even verbal abuse or spitting) as a "near miss," like how potential collisions are investigated. This mindset shift enables agencies to track and respond to escalating behaviors before they turn physical.



THE POWER OF POLICY AND DATA

A 900-agency survey reveals a clear correlation. Agencies That track incidents thoroughly and use the data to shape policy improve safety and morale. Riders feel more secure. Drivers feel supported. And the system gains public trust. For instance, California has implemented structured policies like a phased violation approach, requiring safety committees to review incident reports. Agencies like BART, Fresno Area Express, Sac RT, SFMTA, and VTA have seen benefits from policies that allow for passenger suspensions — though the process can be complex and must include an appeals process and rider notifications.

Legal frameworks such as California Penal Code 243.3 and Civil Procedure 527.8 empower employers to pursue temporary restraining orders (TROs) on behalf of employees and enforce penalties for battery against transit workers. However, indefinite suspensions are prohibited under FTA guidance; agencies must limit suspensions (e.g., initial 5-day with a 30-day cap) and have resolution policies approved by their boards.

CONTINUED ON NEXT PAGE

INNOVATIVE TOOLS AND TECHNIQUES

Creative and collaborative solutions are also emerging:

- One agency partnered with a sheriff's department to assist in enforcement.
- The Nebraska Safety Center introduced a discreet driver alert system—using coded language like “How many cans of corn?” to gauge the severity of an onboard threat.

Meanwhile, educating frontline workers on what constitutes an assault remains essential. Many operators dismiss aggressive verbal behavior as “part of the job,” leading to underreporting and missed intervention opportunities. Maintenance teams and non-operations staff also play a role in recognizing and documenting incidents.

TRAUMA-INFORMED SUPPORT

Operators are on the front lines—not just of service delivery, but of social issues. Stories such as a woman trafficked across states highlight the complex, real-world threats that transit professionals encounter. Agencies are beginning to staff social workers, trauma-trained professionals, and mental health advocates to support both passengers and staff in moments of crisis.

KEYS TO MITIGATION

The most effective strategies reported by agencies include:

<u>Mitigation Strategy</u>	<u>Reported Effectiveness</u>
<i>Video/Audio Surveillance</i>	83%
<i>Operator Area Protective Barriers</i>	75%
<i>Operating Policies & Procedures</i>	72%
<i>De-escalation Training</i>	67%

Equally important is rider education. When passengers know about surveillance systems and the consequences of misconduct, behavior improves. Early and clear communication reduces misunderstandings and empowers staff to intervene before escalation.

CONCLUSION

Protecting transit workers isn't just about punishing offenders—it's about creating environments that prevent incidents in the first place. That means:

- Investing in meaningful, trauma-informed training
- Implementing and enforcing clear operating policies
- Educating riders about expectations and consequences
- Ensuring that data guides decisions

As assaults continue to rise, agencies must not only react—but act. By working across departments, engaging with lawmakers, and supporting front-line workers, transit systems can transform into safer, more resilient public spaces for all.

RESOURCES

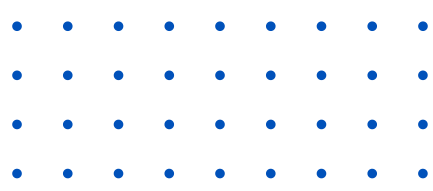
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- [Protecting Transit Workers & Customers from Assaults](#)



COMPLIANCE & REGULATORY GUIDANCE

This section focuses on federal and state regulations, reporting requirements, audits, and agency compliance.

- Staying in Compliance: KDOT Drug and Alcohol Program (Summer 2022) **53**
- Post-Accident and Random Drug & Alcohol Testing Purpose and Process (Autumn 2024) **55**
- GTFS Updated Reporting Requirements (Summer 2023) **60**
- KDOT Triennial Review Process (Winter 2025) **63**



STAYING IN COMPLIANCE: KDOT DRUG AND ALCOHOL PROGRAM

By Kara Cox, Kansas RTAP

Does your agency follow all the requirements of having a Federal Transit Administration (FTA) compliant drug and alcohol testing program? As a transit manager, it can be overwhelming to ensure you are meeting all the requirements when it comes to drug and alcohol testing. This article will take a closer look at Kansas requirements and the process of making sure your employees are compliant.

WHO MUST FOLLOW THE FTA DRUG AND ALCOHOL REGULATIONS?

According to National RTAP, “any recipients or subrecipients of Sections 5307, 5309, or 5311 federal funding must test all safety-sensitive employees regardless of the size of the system or the number of employees.” For reference of the FTA drug and alcohol regulations, see [49 CFR Part 655](#).

The Kansas Department of Transportation manages the Rural Public Transit Program each year that provides 5311 federal funding. This program offers grants for new and established transit agencies. Under this funding, agencies are required to follow the FTA drug and alcohol regulations. This may seem overwhelming for some agencies, but KDOT has partnered with a company called ComplianceOne to make the process far less intimidating. ComplianceOne specifically works with companies to provide cost-effective compliance solutions that promote safe, drug-free workplaces.



HOW DOES AN AGENCY WORK WITH COMPLIANCEONE?

After KDOT has accepted a new agency, KDOT will notify ComplianceOne of the new addition. ComplianceOne will then reach out to the agency to obtain their information and answer any questions the agency may have. Once ComplianceOne has all the information, they will set the agency up in their computer system and laboratory. Testing supplies will be sent to the agency and a Medical Review Officer will be assigned. In addition to the testing supplies, agencies will receive a program notebook that contains the following:

- ComplianceOne Employee Directory
- Helpful information about their program
- Medical Review Officer information
- Instructions for the Supervisor and Employee training
- Drug and Alcohol Policy, Employee Assistance Program Policy
- New Employee Checklist, Maintenance Forms (roster update report form, collection information form, new contact information form Verification and Release forms, Mandatory Referral forms and checklists)
- Substance Abuse Provider information
- 49CFR Part 40 regulations
- 49 CFR Part 655 regulations
- Copies of ComplianceOne newsletters

FREQUENTLY ASKED QUESTIONS WHEN IT COMES TO TESTING

How long does it take to get drug test results?

“Results from workplace drug testing are fairly quick and can usually be received in a few days. Negative results are usually received within 24 hours; however, a non-negative screen will require further testing that may take up to ten working days after the Medical Review Office receives the result from the lab.

If the initial screen is negative, the Medical Review Office (MRO) will securely email the employer the result. If a positive result occurs, the MRO will contact the donor and will inquire about any medications currently in use. The donor will have to provide proof of a valid prescription and prescriber information for prescription medications.”

Is oral fluid testing available for DOT employees?

“Currently oral fluid testing is not allowed for DOT employees. However, the U.S. Department of Transportation (DOT) announced new proposed oral fluid testing guidelines on Monday, February 28, 2022. Comments on the Notice of Proposed Rulemaking (NPRM) were submitted March 30, 2022. Oral fluid testing is currently still prohibited in DOT regulated situations. Following the review of comments, DOT will issue final guidelines, which will include an implementation period after which oral fluid testing will be permitted in DOT situations.”

HOW DOES RANDOM DRUG TESTING WORK?

Each agency is responsible for keeping their employee roster current. At the beginning of every month random selections are pulled from KDOT agencies using a random number generator. A Certification Letter and Donor List is securely mailed to the Designated Employee Representative (DER) for each agency. These selections are made to ensure that the required FTA minimum of 50% drug testing and 10% alcohol testing for the consortium have been met by the end of the year.

IS THERE ANY TRAINING ASSOCIATED WITH THE PROGRAM?

Yes! Supervisors are required to complete the “Reasonable Suspicion Training” every two years. Employees must complete the “Substance Abuse in the Workplace Training” every two years. Both trainings are available on the ComplianceOne website.

STAY UP TO DATE!

As a transit manager, it is your responsibility to stay informed of any changes that are made to the U.S. DOT regulations. National RTAP strongly recommends checking the [FTA Drug and Alcohol Program web page](#) and subscribing to [FTA's Drug and Alcohol Regulation Updates newsletters](#).

RESOURCES

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POST-ACCIDENT AND RANDOM DRUG & ALCOHOL TESTING PURPOSE AND PROCESS

By Nikhila Gunda & Beth Peterson, KS RTAP

Based on USDOT requirements, transit employees who perform safety sensitive functions such as operating or maintaining a revenue service vehicle or controlling dispatch of a vehicle, are subject to drug and alcohol testing during their employment. It is important to know that it is the tasks performed by transit employees that qualify an individual as safety-sensitive employee, and not their job title. That means most to all transit employees are subject to the drug and alcohol testing and trainings at any time during their employment at any public transportation agency. These employees—also referred to as safety-sensitive employees or covered employees—are subject to testing pre-employment, with reasonable suspicion/cause, randomly, return-to-duty, follow-up, and post-accident (What Employees Need to Know About DOT Drug & Alcohol Testing).

As defined in the DOT's rule, 49 CFR Part 40, the federal government defines employees with a safety sensitive function as the following (2):

"Safety-sensitive function means any of the following duties, when performed by employees of recipients, sub-recipients, operators, or contractors:

- Operating a revenue service vehicle, including when not in revenue service;
- Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License;
- Controlling dispatch or movement of a revenue service vehicle;
- Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service. This section does not apply to the following: an employer who receives funding under 49 U.S.C. 5307 or 5309, is in an area less than 200,000 in population, and contracts out such services; or an employer who receives funding under 49 U.S.C. 5311 and contracts out such services;
- Carrying a firearm for security purposes."



The primary goal of drug and alcohol testing is to ensure the safety of the traveling public, coworkers, and employees. Recognizing the necessity for a drug- and alcohol-free transportation industry, Congress enacted the Omnibus Transportation Employee Testing Act in 1991, mandating that DOT Agencies conduct testing for safety-sensitive transportation employees (Cox et al., 2023). As stated in the Chapter 7 of the Kansas Transit Manager Handbook 2023 Edition, federal regulations require all recipients and subrecipients of Federal assistance through the FTA Section 5307, 5309, and 5311 grant programs to adhere to the drug and alcohol testing and training standards outlined in 49 CFR Part 655 (Omnibus, 1991).

This article will outline and briefly explain the purpose and process of the Drug & Alcohol Testing during two particular situations, Post-Accident and Random Testing along with general KDOT Drug & Alcohol Training and Testing requirements. It is critical that transit employees understand these procedures in order to remain compliant with the federal and state regulations while also ensuring their own and others' safety.

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POST-ACCIDENT TESTING

An agency employee is required to do post-accident testing if the relevant event they are involved in occurred while operating a vehicle (whether or not in revenue service) and resulted in one or more of the following consequences.

- Human fatality;
- Individual suffers bodily injury and immediately transported away from scene for medical treatment; and
- One or more vehicles incurs disabling damage.

What is Disabling Damage? Vehicle cannot be operated under its own power without further damaging the vehicle and usually requires a tow, but not always.

What is NOT Disabling Damage?

- Damage to headlights, taillights, turn signals, windshield wipers, horn.
- Tire damage/replacement alone is not to be considered disabling damage.
- Any other damage which can be easily remedied at the scene of accident with simple tools

Testing Process:

The following are the required action steps, as mentioned in the 49 CFR Part 655.44, that must be taken by the employer or agency involved in an accident (Part 655).

- Fatal accidents: As soon as feasible after an accident resulting in loss of life, an employer must perform drug and alcohol tests on every surviving covered employee who was operating the public transportation vehicle at the time of the incident.
- Nonfatal accidents: As soon as possible after an accident involving a public transportation vehicle that does not result in loss of life, the employer must conduct drug and alcohol tests on all covered employees operating the vehicle at the time of the incident, unless the employer determines, based on the best available information, that the employee's performance was not a contributing factor to the accident.

- In both types of accidents described above, the employer must also conduct drug and alcohol tests on any other covered employees whose performance may have contributed to the incident, based on the best information available at the time of the decision.
- Testing time limits:
 - If an alcohol test mandated by this section is not conducted within two hours after the accident, the employer must create and keep a record explaining why the test was not performed promptly.
 - If the alcohol test is not administered within eight hours of the accident, the employer must stop any attempts to conduct the test and maintain the record.
 - The employer must ensure that any covered employee who needs to be drug tested under this section is tested as soon as possible, but no later than 32 hours after the accident.
 - If any of these timeframes are not met, the employer **MUST** document the reasons for the delays in administering the tests.
- A covered employee required to undergo post-accident testing who does not remain readily available for the test, including failing to inform the employer or a representative of their whereabouts if they leave the accident scene before testing, may be considered by the employer as having refused to take the test.

Testing locations and times

The employees are required to take test at a mobile collector, if available. Otherwise, the employer will direct them to a site for testing. In finding a testing location in Kansas, the employees can call customer service 785-575-9300 during business hours and for after hours, they can call the Post-Accident phone number 1-800-999-1196 to find out testing locations.

Common problems encountered during testing process

- Testing is frequently overlooked or significantly delayed. According to FTA regulations, post-accident drug and alcohol testing must take place within a designated timeframe after the accident. If alcohol

testing is not performed within two hours, you must record the reasons for the delay and stop all attempts to test for alcohol after eight hours. For drug testing, attempts must cease after 32 hours. If any of these deadlines are not met, documentation of the reasons for the failure to test is required.

- Ill-defined policies – testing policies for each agency should be thorough and align with the policies created by FTA. Doing so will minimize the risk of inadequate or inappropriate testing occurring.
- No documented procedure – every agency should ensure that their post-accident testing procedure is well documented and available to necessary staff. This will ensure that all employees understand the testing procedure, which will limit any confusion arising or mistakes occurring.
- Inadequately trained supervisor – to ensure that post-accident testing is appropriate and conducted correctly, it is key that all supervisors are adequately trained on post-accident testing procedures.
- Lack of supervisor empowerment – in addition to understanding testing procedures, supervisor should feel confident and empowered to make testing decisions.
- Ordering USDOT-FTA tests when not required – you are prohibited from conducting a DOT-FTA test, especially a post-accident test, if the thresholds for testing are not met. When determining whether or not to test, you can use the Post Accident Testing Decision Report to assist in this process. This report can be found in the Useful Resources section of this factsheet.

The following factors have NO IMPACT making your determination for USDOT-FTA post-accident testing:

- Testing just to be safe
- Dollar damage
- Preventability
- Reasonable Suspicion Implications
- Citation vs. No Citation

RANDOM TESTING

As the name suggests, this type of testing is conducted

randomly before, during, or after safety-sensitive duties. Covered employees are chosen using a scientifically valid method, such as a random number table or a computer-based generator that corresponds with their Social Security numbers, payroll identification numbers, or other similar identifiers (Part 655). This selection process ensures that each covered employee has an equal chance of being tested each time selections occur. KDOT carries out random drug and alcohol testing throughout the year, selecting employees in safety-sensitive positions at random to maintain an unpredictable and consistent testing process.

Testing Process:

- Random selection list: The selection list typically consists of all agencies covered employees and must be kept accurate and up to date. Access to this list should be restricted and kept in secure location with controlled access. The list should be generated just PRIOR to beginning of testing period (at least quarterly basis) and not weeks in advance or weeks after. These lists must be retained for 2 years. Once a new selection list is received or generated, the previous list is considered as null and void. All employees selected for a particular period must only be tested during that particular period. It is important to ensure that the agency maintains record of the tests for every employee and never test someone who is not on the selection list for a particular testing period.
- Alternate Selections: Only when the employee originally selected is unavailable for the entire testing period, the alternate selection may be used. The employer must document why originally selection was unavailable. Note: Operational difficulties are not considered as a legitimate reason. An alternate (s) must be selected at the same time as the original list was generated and cannot be made as separate draw later during a particular testing period.
- Notification of selections: The employer must notify the selected employee about the testing authority and must have mechanism to know in real time if they show up in a timely manner. Random alcohol testing can only be conducted just before, during, or just after the performance of their safety-sensitive

functions. The notified employee must report immediately, and no employee can be given advanced notice of test.

- **Minimum Testing Rates:** The minimum testing rates for drugs is 50% and alcohol is 10% for each calendar year (rates are subject to change each year). The employer is responsible for ensuring that the minimum testing percentage rates are met during each calendar year. It is encouraged to maintain an ongoing review as the year program to make sure everything is on track.
- **When to Test:** Any random testing must be unannounced and unpredictable and must be reasonable spread through the times of day, days of week, weeks of month, months of quarter. Testing must be conducted on all days and times when safety-sensitive functions are performed. There is no batch testing allowed.

Testing Locations and Times:

The employees are required to take test at a mobile collector, if available. Otherwise, the employer will direct them to a site for testing. In finding a testing location in Kansas, the employees can call customer service 785-575-9300 during business hours and for after hours, they can call the Post-Accident phone number 1-800-999-1196 to find out testing locations.

WHAT TRANSIT EMPLOYEES NEED TO KNOW

Below are the important things to know and follow as a safety-sensitive employee when preparing to report to work (*What Employees Need to Know About DOT Drug & Alcohol Testing*).

- You must not use or possess alcohol or any illicit drug while assigned to perform safety-sensitive functions or actually performing safety-sensitive functions.
- You must not report for service, or remain on duty if you...
 - Are under the influence or impaired by alcohol;
 - Have a blood alcohol concentration .04 or greater; (with a blood alcohol concentration of .02 to .039, some regulations do not permit you to continue working until your next regularly scheduled duty period);
 - Have used any illicit drug.
- You must not use alcohol within four hours (8 hours for flight crew members and flight attendants) of reporting for service or after receiving notice to report.
- You must not report for duty or remain on duty when using any controlled substance unless used pursuant to the instructions of an authorized medical practitioner.
- You must not refuse to submit to any test for alcohol or controlled substances.
- You must not refuse to submit to any test by adulterating or substituting your specimen.

CONCLUSION

Transit workers who operate or maintain revenue service vehicles or control vehicle dispatch are drug and alcohol tested. Transit workers are safety-sensitive based on their responsibilities, not their job titles. That means most transit workers are subject to drug and alcohol testing and training at any public transportation organization. Safety-sensitive or covered employees are tested pre-employment, with reasonable suspicion/cause, randomly, return-to-duty, follow-up, and post-accident.

The KDOT Drug and Alcohol Testing program is crucial to safety and compliance. KDOT promotes worker safety and road safety in Kansas by developing rigorous testing methods and supporting staff. Understanding KDOT's testing approach and regulations helps staff and the public trust its operations. [Compliance One](#) provides sub-recipient drug and alcohol testing and training for KDOT. For questions about KDOT drug and alcohol compliance, contact KDOT Public Transportation. This article quickly outlines Drug & Alcohol Testing; however, transportation employees should review the resources in the section below that provide drug and alcohol testing details and FAQs.

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USEFUL RESOURCES

- Kansas Transit Manager Handbook (2023 Edition) - <https://kutc.ku.edu/kansas-transit-manager-handbook>
- 'What Employees Need To Know About DOT Drug & Alcohol Testing' by US DOT - <https://www.transportation.gov/odapc/employee-handbook-english>
- DOT Rule 49 CFR Part 655 - <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-VI/part-655>
- KDOT Policy Manual <https://www.ksdot.gov/home/showpublisheddocument/14155/639068558783070000f>
- KDOT Public Transportation Staff Contacts - <https://www.ksdot.gov/bureaus/burTransPlan/pubtrans/contact.asp>
- 'Staying in Compliance: KDOT Drug and Alcohol Program' by Kansas RTAP - [https://kutc.ku.edu/sites/kutc/files/files/2022%20RTAP%20Summer%20Newsletter%20FINAL%20\(2\).pdf](https://kutc.ku.edu/sites/kutc/files/files/2022%20RTAP%20Summer%20Newsletter%20FINAL%20(2).pdf)
- Post Accident Testing Decision Report - [PA DECISION REPORT_TREE.pdf \(calact.org\)](#)

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What Employees Need to Know About DOT Drug & Alcohol Testing. U.S. Department of Transportation. (n.d.). https://transit-safety.fta.dot.gov/DrugAndAlcohol/Publications/Documents/substance/employeesneed/employee_handbook_eng_2019_a.pdf

Cox, K., Gunda, N., & Tester, M. (2023). Kansas Transit Manager Handbook. University of Kansas Transportation Center. <https://kutc.ku.edu/kansas-transit-manager-handbook>

Omnibus Transportation Employee Testing Act of 1991: Report of the Senate Committee on Commerce, Science, and Transportation on S. 676, Congress.gov (1991). bill. Retrieved 2024, from <https://www.congress.gov/bill/102nd-congress/house-bill/3361>.

Part 655 – Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 CFR Part 655 (2001).

GTFS UPDATED REPORTING REQUIREMENTS

By Payton Smith, Kansas RTAP

In 2022, the Federal Transit Administration (FTA) announced the updated National Transit Database (NTD) reporting requirements that would take effect in 2023. Of those requirements, General Transit Feed Specifications (GTFS) submissions have been made mandatory.

While the Bipartisan Infrastructure Law was amended to require the FTA to collect “geographic service area coverage,” it is also good practice as GTFS reporting supports data interoperability (sharing data in a meaningful way) and has the potential to create a better experience for transit riders.

WHAT ARE GENERAL TRANSIT FEED SPECIFICATIONS (GTFS)?

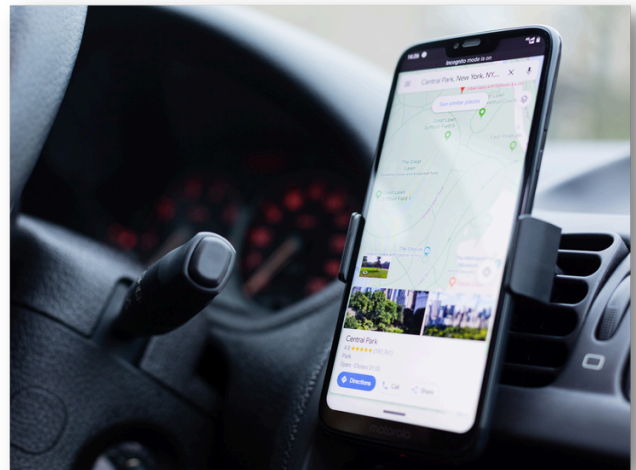
According to GTFS.org, “General Transit Feed Specification (GTFS) is a data specification that allows public transit agencies to publish their transit data in a format that can be consumed by a wide variety of software applications,” (GTFS, 2023). Because the GTFS format is universally accessible, the information it provides can be input into navigation and trip planning apps like Google Maps or Waze allowing easy and meaningful access to data such as routes and stop times from fixed route transit providers. GTFS is the world standard for publishing public transportation schedule data.

RESOURCES AVAILABLE FOR DEVELOPING GTFS

While having access to GTFS data can be helpful to transit riders, producing GTFS data can be intimidating for transit providers. Luckily, there are lots of resources to support transit providers during the data development process. While most of the data needed to create a GTFS feed is already known by the transit provider, such as routes, stops, and stop times, knowing how this information fits into the format and structure of files of

GTFS is not commonplace. GTFS.org provides a comprehensive list of file requirements and other information necessary to begin building a feed. GTFS.org also provides resources such as open-source web applications to help develop GTFS files, and trip planner websites in which to store the data.

Another helpful resource is the National RTAP GTFS Builder. National RTAP provides a free guidebook, builder support, and GTFS support Thursdays a weekly online office hour where providers can meet with instructor, share their screen, and ask questions regarding GTFS development. This resource provides transit providers with support through the entire process from guidance on what information you will need to get started, to future care and maintenance for your GTFS feed.



WHAT ARE THE UPDATED REPORTING REQUIREMENTS?

The Bipartisan Infrastructure Law amended [49 U.S.C. 5335\(a\)](#) to require FTA to collect “geographic service area coverage” data through the NTD. The FTA has decided that the best way to do this is for transit providers to submit GTFS data when reporting to the NTD. Reporting requirements will be implemented in two phases: development, and maintenance.

The development phase consists of NTD reporters establishing a web hosted GTFS dataset for their fixed route services and submitting it to the NTD in RY 2023. This one-time requirement consists of several components;

- Compressed (.zip or 'zip') archive file containing required text files as specified by GTFS Data Requirements. (Further details about text files available in data requirements section)
- One or more published weblinks that are persistent (static), machine readable, and not password protected which host the GTFS data. (Exceptions can be made if the agency is able to demonstrate that hosting a weblink is not possible.)

The maintenance phase beginning in RY 2024 consists of the reporter maintaining the above data to reflect the most recent services available and updating when necessary. Then the reporter must certify annually through the D-10 form that the web link is up to date.

HOW CAN AN AGENCY FULFILL THOSE? WHAT ARE THE DATA REQUIREMENTS?

GTFS has the ability to be robust and dynamic, but NTD is not asking for the full capabilities of GTFS to be used. The goal of the GTFS reporting requirement is to fulfill the BIL's geographic service area coverage data collection standard, making static GTFS feed a reasonable and appropriate option. NTD GTFS feed standards will be utilizing the feed specifications from the international GTFS standard.

GTFS ensures data consistency by establishing minimum requirements. Specifically, GTFS requires that an overarching compressed file contain, at a minimum, seven underlying text files:

- (a) Agency;
- (b) Stops;
- (c) Routes;
- (d) Trips;
- (e) Stop Times;
- (f) Calendar or Calendar Dates.txt; and
- (g) Feed Info.txt.

An eighth file, Shapes.txt, is optional, but it is recommended to make the files more useful for

geospatial mapping purposes. Additionally, within each file, some fields are noted as "optional." Optional fields are recommended by the GTFS feed specification since they improve the usefulness of the datasets for data users, but transit providers reporting to NTD only need to include files that are listed as required to comply NTD reporting standards.

RESOURCES AVAILABLE FOR REPORTING

While reporting GTFS information is new, there are resources available to assist transit providers in reporting correctly. One helpful tool is to validate your GTFS link. After you have gone through the process of creating a GTFS zip file, it can be uploaded to a validator, a tool that compares the uploaded GTFS file against the schedule standard. A validation report will be produced which will provide information regarding how well the input GTFS files formatting and field specification compares to the standard. While this step is not required by reporters from NTD, it is a useful tool to double check your work. If the file meets the validator qualifications, it will meet the NTD qualifications, and it is possible for NTD to use a validator to check providers GTFS feeds.

CONCLUSION

The FTA's new reporting requirements for the NTD are expected to help improve the experiences of transit riders, but trip planning is just scratching the surface of GTFS capabilities. With new GTFS in development such as Flex, Fares, and Pathways the future of GTFS is more than just trip planning, having robust and accurate data will allow Planners and Policymakers to better understand how transit is utilized in their communities. These new requirements are new for everyone and the process for reporting them is still fresh. However, using the resources provided will assist in making this transition as smooth as possible and open the door to the possibilities of GTFS.

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National Transit Database Reporting Changes and Clarifications. 87 Fed. Reg. 40582. (proposed July 7, 2022)

National Transit Database: Reporting Changes and Clarifications. 88 Fed. Reg. 13497. (proposed March 3, 2023)

KDOT TRIENNIAL REVIEW PROCESS

By Nikhila Gunda, KS RTAP

Since we all contribute to taxes, it's essential to ensure that both recipients and subrecipients of federal, state, and local transportation funds comply with state regulations, so these funds remain eligible for allocation. According to the Federal Transit Administration (FTA), the Triennial Review is "one of FTA's management tools for assessing recipient performance and compliance with current FTA requirements and policies (Triennial Reviews, 2024)." This article will highlight the significance of the Kansas Department of Transportation (KDOT) Triennial Review Process and detail the steps involved, along with best practices, to assist Kansas transportation providers.

KDOT will carry out on-site reviews every three years for all programs and projects receiving funding. One of KDOT's objectives is to ensure consistency among various agencies and providers in their operations and services, such as loading wheelchairs or displaying Title VI posters in facilities and vehicles. This review process enables KDOT to assess agencies' policies and procedures and address any gaps or challenges in meeting these requirements. A variety of resources, including examples of transit providers' policies, can be found on the KDOT and Kansas RTAP websites (links available in the Resource section). KDOT's consultant will conduct these reviews for each agency's service area, and Coordinate Transit Districts will also be included in the process when feasible. This process also allows reviewers to offer technical assistance to agencies seeking to enhance their operations and services. Key review categories include, but are not limited to, the following ("Keys to a Successful Triennial Review," 2018):

- Financial management
- Maintenance
- ADA compliance
- Title VI
- Procurement
- Disadvantaged Business Enterprise
- Legal
- Public participation requirements
- Safety and security
- Equal employment opportunities



Graph 1 – Steps in the KDOT Triennial Review Process

STEPS INVOLVED IN THE KDOT TRIENNIAL REVIEW PROCESS:

The five common steps (Graph 1) in the FTA's Triennial Review Process are listed below, and they apply to almost every state, including Kansas. These five steps can be broadly divided into two parts – Desktop review and Onsite visit. The first part is the desktop review that includes the first two steps of the process, and the second part of the on-site visit as described below.

1. **Four Weeks Before Site Visit:** The selected agency will receive an email, example shown in Fig. 1, from the KDOT consultant sent at least a month ahead of time. This email notification includes requests to schedule a site visit or notification of scheduled site visit and to provide a questionnaire that must be completed no later than two weeks following the receipt of this email. 5310 and 5311 Triennial Interview Guides are available on the KDOT website for your reference, click [here](#).

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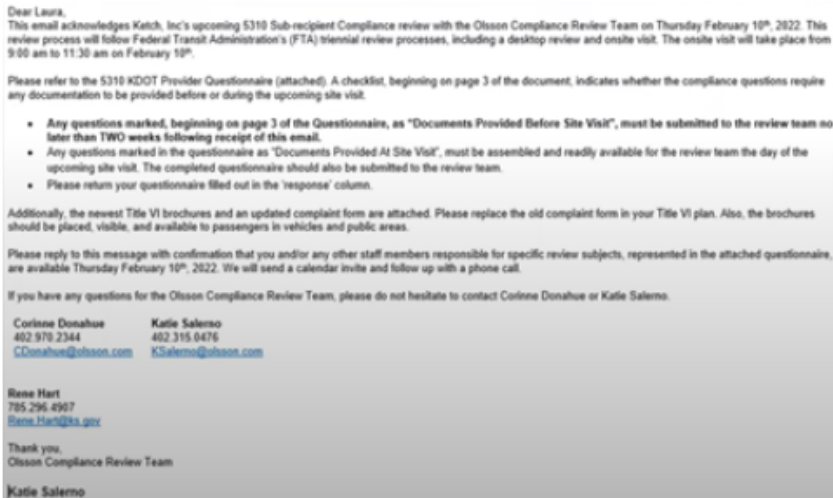


Figure 1 - Example of an email notification sent to the selected agency prior to step 1 | Source: RTAP Webinar by Olsson

- **Eligibility:** This section verifies if the provider is meeting the bare minimum to be receiving the federal funds that the provider is been receiving. It includes, but is not limited to, type of transportation services provided with the proof of advertisements, Title VI plan and its required elements, Limited English Proficiency (LEP) Plan and provision of incidental and other services. For example, if the agency provides general transportation, the consultant will verify if the agency is providing and advertising as general transportation that includes copies of advertisements, handbook, and the verbiage used in these copies to make sure the right services are mentioned. Title VI document is required to be sent prior to the site visit since it is a large document and on-site visit time can be better utilized to identify the gaps and changes, if required, in this document. Title VI is required to be reviewed and updated every three years by all the service providers. More detailed information on the Eligibility can be found in the 5310 and 5311 Triennial Interview Guides linked in the below resource section.
- **Management:** This section ensures that the agency has all the right and proper documentation. This includes, but not limited to, Equal Employment Opportunity (EEO) posters, reimbursement requests, payroll taxes, transportation across state lines, conceal and carry policy, and employee documentation such as FTA Drug and Alcohol Program in the Employee Assistance Plan, EAP policy and Driver Physicals. More detailed information on the Management can be found in the 5310 and 5311 Triennial Interview Guides linked in the below resource section.
- **Financials:** This section verifies if the agency's accounting system tracks all revenues and expenses attributable to the public transit program applicable with the utilization of the federal and state funds and explanation of financial tracking system.
- **General ADA:** It is one of the quick sections where most answers can be found in the rider's guide or policy handbook which makes sure those with disabilities or those who are ADA eligible are receiving the same treatment as those of like of similar age and situations. For more information on policies, visit the KDOT website (link in the resource section) that includes a sample of rider's policy guidelines which can be resourceful in developing and updating your agency's rider or policy handbook. In addition, this section also includes ADA Fixed Route only if applicable.
- **Procurement:** This section heavily involves a code of ethics with using funds from FTA along with some questions on the past procurement process. Typically, for larger agencies, these rules are already mentioned in the employee or organization handbook and almost all the agencies have them. If not, KDOT can provide a sample that can be easily applied to any agency. Though all providers follow the procurement rules, FTA and KDOT require it explicitly in writing to make sure that all providers are following the set rules and regulations.
- **Maintenance:** It is recommended that all providers have a written maintenance policy plan that follows the owner's scheduled maintenance plan. This plan can be either a separate book which has all the owner's charts or directly use the owner's booklet from the original manual and reference it as required when maintenance is performed. This section also includes reviewing titles and mileage of each of the agency's vehicles ensuring that they are FTA funded and are hitting 2,500 miles each year while also checking pre-, post-, and weekly trip checks. A review of the warranty policy

is also conducted to make sure Transit Asset Management (TAM) signature page that verifies if the agency is either part of KDOT or performing on their own.

- **Safety and Security:** This section includes information requesting emergency management plans and after hours contact information. This information is required to make sure an emergency plan is in place when unexpected situations occur such as floods or tornados and, in that event, the city or county will need to know who to contact at the agency. This section also includes questions on vehicle inventory such number of ADA vehicles. Lastly, each agency is required to have one child safety seat and one booster seat available for every five KDOT vehicles. It is important to remember that these seats expire and are kept in good and safe condition.

2. Two Weeks Before Site Visit: The provider is required to send the requested questionnaire information, as detailed out in the previous step, either hard copy or soft copy via email, to the KDOT consultant. In this step, the consultant will review the completed questionnaire documents in addition provider's BlackCat files, and check if the paperwork is up to date before the consultant goes out to the site visit.

3. On-Site Visit: The consultant team will visit the site location of the scheduled provider, typically in the morning or afternoon, with the right people at the table for the reviews. The completed questionnaire and other materials provided will be reviewed and discussed in detail with the transportation services provider to make sure that all answers are clarified to the reviewers or review team's satisfaction, paying attention to the accounting and finance section and the accounting review section of the review document, if necessary. The consultants acting on KDOT's behalf have the authority to inspect the transit vehicle(s), check for all required safety items to be included in the vehicle(s), check the vehicle specific maintenance records of the agency (as well as compare these records to the preventative maintenance policies & procedures) and do a ride along to interview the driver and one or two passenger(s).

4 Within 60 Days: Within 60 days of the on-site review, the consultants will send a written follow-up report of the findings to the agency, copying KDOT. If there are any deficiencies, the agency will be given a chance to make any needed adjustments in their program or documents and reconnect with the consultants.



Figure 2 - Examples of KDOT Decals on the Vehicles | Source: RTAP Webinar by Olsson

5. 45 Days After Findings Letter: All transit providers will be given 45 days from the date of letter to address the findings. The provider must respond in writing to the onsite review findings. If a provider does not respond to the findings by the 45-day timeframe, the matter will be escalated to KDOT for final consideration and action.

COMMON ISSUES OR FINDINGS:

Here are some of the findings or issues shared by the KDOT consultant team during their triennial review process and respective recommendations for a time-effective process.

- **KDOT decals on the vehicle:** It is required to have KDOT decals on the transit vehicle when purchased through the KDOT 5310 and 5311 program.

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Figure 3 - Examples of Title VI brochures and posters in the transit vehicles | Source: RTAP Webinar by Olsson

- **Title VI brochures and posters:** It is required to have Title VI brochures and posters in all vehicles and lobby/public areas. These documents provide information about civil rights law and provide examples of discrimination along with who and how can an individual file a complaint. This is a simple brochure and poster that can be placed in a schedule holder or in the glove box but a place or location where a driver or staff can easily grab and provide that information to a rider if requested or when an issue arises. It is also required to post the Title VI complaint form, complaint process and the poster on the agency's website.
- **Not having a denial log:** It is not common to deny a ride but for some reason if a ride was denied, it is important to document the reason for the denial along with the name of the person and when it happened.
- **Not having a written maintenance policy:** It is easier and effective to have a written maintenance policy that ensures consistent and continuous plan if an employee changes or a new employee joins the team and know when and how things are done. An agency can develop their own written preventative maintenance plan that details everything out or another option is having a binder or folder with copies of the owner's or manufacturer's manual that has details such as when to do oil changes or wiper fluid and etc.

- **Proper wheelchair securement policy:** It is important to have a wheelchair securement policy in place since a ride cannot be denied if the driver is unable to get the wheelchair secured. KDOT can provide policy examples upon request.



Figure 4 - Wheelchair Securement | Source: RTAP Webinar by Olsson

ACKNOWLEDGEMENTS

Special thanks to Katie Salerno, Shawn Strate and Corinne Donahue at Olsson for going through the KDOT Triennial Process at the RTAP Webinar in 2022. The information that was presented in this webinar contributed to the development of this factsheet.

RESOURCES

- KDOT website – <https://www.ksdot.gov/about/our-organization/divisions/multimodal-transportation-and-innovation/public-transportation>
 - Public Transportation Policy Manual (2023) - <https://www.ksdot.gov/home/showpublisheddocument/14155/639068558783070000>

- 5310 Triennial Interview Guide –
<https://www.ksdot.gov/about/our-organization/divisions/multimodal-transportation-and-innovation/public-transportation>
- Kansas RTAP website - <https://kutc.ku.edu/ks-rtap-publications>
- National RTAP website -
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