General Self-Help Resource Guide

Access to Florida’s Transportation Disadvantaged Program for Individuals with Disabilities

*Sponsored by the Department of Education/Division of Vocational Rehabilitation and the State of Florida*

*This self-help resource guide is not a substitute for legal advice*
This self-help resource guide is provided by the Florida Alliance for Assistive Services and Technology, Inc. (FAAST). This self-help resource guide was created to provide general resource and self-help information; to help facilitate access to Florida’s Transportation Disadvantaged Program and services; and is inclusive of helpful suggestions, informational websites, applicable federal/state laws and regulations for individuals with disabilities and other interested parties.

This user-friendly guide, along with many other FAAST self-help resource guides, is conveniently hyperlinked from the table of contents to subject matter to helpful sites and resources for your reference and can be found on the FAAST website at www.faast.org/resources/library.

We also offer a free online FAAST Access magazine providing up to date information on the programs and services FAAST offers spotlighting some of the latest assistive technologies available including information and hyperlinks to current national, state, and local assistance resources and accessible apps and software for individuals with disabilities, a financial advice column, featured articles, and much more. To sign up for the our free online FAAST Access magazine, go to www.faast.org and scroll down to Newsletter Sign Up.
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Introduction

This self-help resource guide is designed to provide a tool for individuals with disabilities to access Transportation Disadvantaged programs and services available; and how and where to apply for them, your rights and responsibilities when accessing them, as well as how to file a complaint if you believe you are not receiving the Transportation Disadvantaged Program services you may have a right to receive. Additionally, this guide links you to information on the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 (SAFETEA), the ADA of 1990, the ADA Amendments Act of 2008, and Section 504 of the Rehabilitation Act of 1973, as amended, as these federal Acts apply to federally funded public accommodations and services operated by state and private entities providing transportation disadvantaged services. We also link you to other important state laws, rules, and regulations applicable to the transportation disadvantaged programs in Florida including Chapter 427, Florida Statutes (Special Transportation and Communications Services); Florida Administrative Code 41 (Coordinated Community Transportation Services); and Florida Administrative Code 41-2 (Commission for the Transportation Disadvantaged) as well.

You will find information, referral, and assistance resources to help you with transportation disadvantaged system questions you may encounter day to day. This user-friendly guide has been conveniently hyperlinked to provide easy access to informative websites, frequently asked questions (FAQs), factsheets, federal and state laws, regulations, and rules, as well as other relevant resources.

To find a subject or resource that may be of the most assistance to you, please refer to the Table of Contents that includes a detailed list of topics and subjects with page number references that are also hyperlinked for your convenience.

If you know of someone who needs transportation to get to work or school, or who has no way to get to the doctor's office or clinic, there is a program that may be able to help. The Commission for the Transportation Disadvantaged (CTD) program offers transportation disadvantaged services for transportation disadvantaged citizens throughout the state. Officials with Florida’s Transportation Disadvantaged Program as well as their vendors and federal and state partners recognize that access to transportation plays a critical role in providing access to employment, health care, education, and other life-sustaining activities for many Floridians who are older adults, persons with disabilities, people with low incomes, or at-risk children.

As documented within the Commission for the Transportation Disadvantaged FY 2011-2012 Annual Performance Report, officials indicate that Florida’s Coordinated Transportation System provided an estimated 47.7 million trips for 667,000 people at an average cost of $7.70 per trip. To learn more and to review details on this important program and the services they provide, go to their 2012 Annual Performance Report.

Who is eligible for transportation disadvantaged programs and services?

Transportation disadvantaged are those who cannot obtain their own transportation due to a disability, age, or income.
What is the Transportation Disadvantaged Program?

The Transportation Disadvantaged Program is a coordinated statewide effort to group riders together for a shared ride service. Transportation services are available in all 67 counties in Florida. Federal and State funded agencies join together to provide needed transportation to medical, life-sustaining, employment, and educational locations. For more information, click here.

Chapter 427.011(1), F.S. defines Transportation Disadvantaged as:

Those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202.

Click here to review other relevant definitions in Florida Statute regarding:

- Metropolitan planning organization
- Agency
- Transportation improvement program
- Community transportation coordinator
- Transportation operator
- Coordinating board
- Purchasing agency
- Paratransit
- Transportation disadvantaged funds
- Coordination
- Nonsponsored transportation disadvantaged services

All individuals must rely on transportation in their everyday lives, however for individuals with disabilities, nondiscrimination on the basis of disability by transportation systems is required as accessible transportation is essential so that activities of daily living like going to school, to the doctor, to shop, to restaurants, to visit friends, to work, to worship, and to recreate may be possible.

With the passing of the Americans with Disabilities Act (ADA) in 1990, the transportation industry was impacted such that if you are an individual with a disability and you have a physical or mental impairment that substantially limits one or more of the major life activities; or have a record of such an impairment; or you are regarded as having such an impairment, transportation systems and related services are required to be accessible to you so that getting from one place to another may be possible. The ADA Amendments Act (ADAAA) of 2008 revises the definition of “disability” to more broadly encompass impairments that substantially limit a major life activity. The ADAAA was signed into law on September 25, 2008, taking effect January 1, 2009. The ADA and ADA Amendments Act include transportation services and a complete copy of the ADA is available as well as the text of the 2008 amendments. To review a fact sheet on the final regulations implementing the ADAAA, go to: http://www.eeoc.gov/laws/regulations/adaaa_fact_sheet.cfm.
Section 504 of the Rehabilitation Act of 1973, as amended, requires that:

No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Section 504 prohibits entities that receive federal funds including, but not limited to, Florida’s Transportation Disadvantaged Program from discriminating on the basis of disability. Section 504 provides legal protections and allows for reasonable accommodations for individuals with disabilities accessing federally funded programs and services such as Florida’s Transportation Disadvantaged Program. Click 29 U.S.C. §794 for more information.

What is the function of the Commission for the Transportation Disadvantaged Program?

Florida’s Commission for the Transportation Disadvantaged (the Commission) is an independent commission housed administratively within the Florida Department of Transportation. Their mission is “to insure the availability of efficient, cost-effective, and quality transportation services for transportation disadvantaged persons.”

Click here to review an informational Power Point on the Commission for the Transportation Disadvantaged program concept. The purpose of the Commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination is to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multi-operator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. For more information, go to: §427.013, F.S.

For detailed information regarding the Commission for the Transportation Disadvantaged, you may wish to visit their website at http://www.dot.state.fl.us/ctd/ or you may call them at 1-800-983-2435 or (850) 410-5700.

Role of Community Transportation Coordinators and to locate a ride in your community

The Commission for the Transportation Disadvantaged has oversight responsibilities and subcontracts to coordinate with many local transportation disadvantaged service providers. In the community, there are local Community Transportation Coordinators (CTCs) who help coordinate the provision of transportation disadvantaged services and can perform an intake assessment to determine eligibility for transportation disadvantaged services and the most appropriate type of transportation needed. The CTCs oversee transportation coordination at a minimum of one county but sometimes more than one county. The Commission reports that the CTC can be a transportation operator and actually provide transportation disadvantaged services; or it can form a network of providers by contracting all or some of the transportation disadvantaged services to other transportation operators.
Where to apply for services, who to contact to request a trip, and to review a directory to find a CTC in your local area in Florida, go to: CTC by county. Go to www.safeandmobileseniors.org/FindaRide.htm to find a ride and click here to review websites for Community Transportation Coordinators in Florida.

Local Coordinating Boards re: local transportation disadvantaged programs

You should also be aware that there are Local Coordinating Boards (LCBs). The Commission for the Transportation Disadvantaged reports that LCBs are involved in the development, monitoring, support, and evaluation of the local service delivery system and that each county or service area has an LCB to provide information, guidance, and advice on the local coordinated system. For more information about LCB’s membership, meetings, or contact information, you may request this through the Commission for the Transportation Disadvantaged Ombudsman Program Helpline at 1-800-983-2435. Click here to review the Local Coordinating Board and Planning Agency Operating Guidelines.

The Commission’s Ombudsman Program

The Commission’s Ombudsman Program Help Line provides transportation disadvantaged customers an opportunity to express concerns about their coordinated transportation system as well as to provide an avenue for help to resolve conflicts that may arise with a local transportation carrier. They can be contacted at 1-800-983-2435 (voice) or through the Florida Relay Service (for individuals with speech or hearing disabilities). This Help Line is staffed from 8:00 a.m. to 5:00 p.m., Monday through Friday and there is voice mail available for after hour calls or when staff is on the line with another caller. The Commission reports that the Ombudsman’s policy is to return phone calls the same day they were received or by the beginning of the next business day. You may also email information directly to John.Irvine@dot.state.fl.us or by fax at (850) 410-5751.

The Commission’s Ombudsman Program provides a variety of services including an advocate to assist in resolving customer concerns. When the customer’s concerns are not within the Commission’s authority, the customers may be referred to the appropriate agency, or upon request, the Ombudsman staff may contact the agency on the customer’s behalf.

How to file a complaint or grievance

The CTD program is centered on local involvement and control. All service complaints and grievances are encouraged to first be addressed/resolved through local processes and appropriate channels. Click here to review information provided by the CTD on customers’ rights and responsibilities in relation to safety, courtesy, complaints, and services.

The Commission requires all local systems to have written procedures for addressing/resolving complaints and grievances. Complaints are defined by CTD as any documented customer concern involving timeliness, vehicle condition, quality of service, personnel behavior, and other operational policies. This does not pertain to issues concerning eligibility. Grievances are defined as unresolved complaints.

All issues which pertain to Medicaid non-emergency transportation services or transportation disadvantaged program eligibility and services are referred to the local appeals process that is provided through the local Coordinating Board. Issues regarding ADA eligibility are referred to the appropriate Transit System and are not heard by the Commission. Individuals with ADA accessibility concerns to transportation programs and services may also contact the U.S. Department of Justice Americans with
Disabilities Act toll-free line at 1-800-514-0301 (voice) or 1-800-514-0383 (TTY) or website at www.ada.gov. You may also contact the Federal Transportation Administration’s ADA Helpline at 1-888-446-4511.

A complaint and grievance are required to have two processes which address how each will be addressed. Filing a complaint locally is always the first step. If the complaint is not resolved to the complainant’s satisfaction, generally the next step in the local process would be to file a written grievance with the Local Coordinating Board. Once a grievance has been addressed by the Local Coordinating Board, then the Commission would consider hearing the grievance.

In some cases the local procedures will have a referral to the Commission for the Transportation Disadvantaged Ombudsman Program Helpline as the next step in the complaint procedure. In these cases the Ombudsman staff would attempt to assist the grievant; however, the grievance would not be heard by the Commission for the Transportation Disadvantaged until the grievance had been addressed by the Local Coordinating Board. Click grievance for more information on these grievance procedures.

To learn more, you may wish to review Chapter 427, Florida Statutes – Special Transportation and Communications Services; and to review applicable Florida Administrative Code (FAC) 41-1 (Coordinated Community Transportation Services) and 41-2 (Commission for the Transportation Disadvantaged), click here.

You may also choose other remedies or recourse through the state’s administrative hearings process found within Chapter 120, F.S. – Administrative Procedure Act or through the state court system and as applicable through the Federal Transportation Administration’s ADA Helpline at 1-888-446-4511 or by requesting an investigation and filing a complaint with Disability Rights Florida (Florida’s protection and advocacy system) at www.disabilityrightsflorida.org or toll-free at 1-800-342-0823.

### Assistance through the Federal Transportation Administration

The U.S. Department of Transportation, Federal Transit Administration has up to date information that includes but is not limited to the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 (SAFETEA), Transportation System’s Safety and Security Matters, Human Service Transportation Coordination, and a National Transportation Database. You can view their website at www.fta.dot.gov or write for information to:

U.S. Department of Transportation
Federal Transit Administration
400 7th Street, SW
Washington, DC 20590

For your convenience, there is a Toll-Free Federal Transit Administration Americans with Disabilities Act (ADA) Assistance Line at 1-888-446-4511 and you can review their website at: FTA ADA.
How can the public help the CTD?

The Commission, in conjunction with the Department of Highway Safety and Motor Vehicles and the county Tax Collectors launched a program to secure additional trips for eligible Floridians.

In a campaign called "Put Your Dollar to Work" the Commission for the Transportation Disadvantaged is asking that Floridians help friends and neighbors who need transportation services by voluntarily contributing a dollar when applying for or renewing a vehicle registration for the Transportation Disadvantaged Trust Fund. Click here to learn more.

Other transportation related self-help resource guides

FAAST, Inc. offers two other self-help resource guides related to transportation self-help resource information including Access to Rental Cars, Other Vehicles, and Lodging Accommodations to Assist Individuals with Disabilities Under the ADA and ADA Amendments Act of 2008 as well as Access to Non-emergency Medicaid Transportation for Individuals with Disabilities Receiving Medicaid.

Legal Review by Gordon B. Scott, Esq.

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July 2013