

# FTA

F E D E R A L T R A N S I T A D M I N I S T R A T I O N

Rochester Genesee Regional Transportation Authority  
FTA Fixed Route Bus  
Accessibility Equipment Maintenance, Reliability, and Use  
Review Report

December 2015

Federal Transit Administration



U.S. Department of Transportation  
**Federal Transit Administration**

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## Executive Summary

**Objective and Methodology** – As part of its oversight efforts, the FTA, through its Office of Civil Rights, conducts periodic reviews of fixed route services operated by its grantees. This report details the findings of a Fixed Route Bus Accessibility Equipment Maintenance, Reliability, and Use Compliance Review of the Rochester Genesee Regional Transportation Authority (RGRTA). The primary objective of this review is to verify whether a public operator of a fixed-route transit agency that benefits from FTA funding is meeting its obligations under the ADA regarding accessibility equipment and its use and maintenance. This review examines the RGRTA bus accessibility equipment as well as its operating procedures, maintenance, training, and complaint process.

The compliance review team observed operations and maintenance activities, and reviewed records and operating documents. In addition, the review team solicited comments from eligible riders and from local disability organizations. The three-day review included interviews with RGRTA staff, review of data and data collection systems, bus inspections, observation of operators during pre-trip inspections, operator interviews and bus rides with and without disabled individuals.

RGRTA has made significant efforts to develop a robust lift, ramp, and accessibility maintenance program. RGRTA has switched to low-floor kneeling ramp-equipped buses for their urban Rochester system. These buses are extremely accessible, can load disabled passengers quickly and have demonstrated reliability in service. The RGRTA regional subsidiaries, which operate in rural areas, utilize a fleet with an average age that is half that of the average transit fleet in the U.S. RGRTA's systems or procedures for collecting and resolving complaints, new operator ADA training, checking of ADA features during pullouts, and providing alternative transportation, all meet or exceed regulatory standards and best practices. In addition, RGRTA, with a few exceptions related to a set of five older motor coaches, maintains adequate systems or procedures for maintenance and tracking of equipment and removing of vehicles with inoperable accessibility features from service.

### **Positive Program Elements**

- RGRTA uses accessible low-floor kneeling ramp-equipped buses in urban Rochester service.
- RGRTA fleet of ramp equipped paratransit style buses at regional subsidiaries has an average age that is half that of the average transit fleet.
- RGRTA's complaint system is well organized and the agency is responsive to complaints.
- RGRTA provides new operators with thorough training in ADA requirements.
- RGRTA has properly organized and funded maintenance and tracking of equipment with the exception of the five MCI motor coaches.
- Operators regularly check ADA features during pullouts.
- RGRTA promptly removes vehicles with inoperable accessibility features from service with the exception of the five MCI motor coaches.
- RGRTA promptly provides alternative transportation using spare buses.

RGRTA has a number of minor deficiencies that the agency can easily correct in order to make its program more compliant with 49 CFR Parts 27, 37 and 38. The first item is to ensure that

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operators fully inspect and are more familiar with PA systems. RGRTA must also regularly check its fleet to make sure all ISA and securement area signage is present and in full compliance with regulatory standards.

**Administrative and Other Minor Deficiencies**

- Ensure PA systems are in working order and that operators understand how to use them.
- Ensure that all vehicles have exterior (ISA) wheelchair signs located at vehicle entrance.
- Ensure that securement area signs are visible and contain ADA required information.

In addition, this report provides several advisory comments that suggest steps that RGRTA can take to strengthen its accessibility compliance. In particular, RGRTA can provide operators with regular ADA refresher training and a longer pullout period to allow full accessibility equipment inspection. This will ensure that operators fully inspect and are more familiar with securement systems, PA systems, ramp tools and the requirement to provide accessibility features to standees.

RGRTA has substantive deficiencies that the transit agency needs to address to bring its program into compliance with 49 CFR Parts 27 and 37 and 38. The first major deficiency relates to the lift systems on the five 2002 MCI D4000 over-the-road buses. Even with the aid of several supervisors, the lift on one of these buses would not deploy and the seating would not move to allow for securement. The second major deficiency relates to the RGRTA practice of deploying equipment with nonfunctioning accessibility equipment. RGRTA staff indicated that although they utilize the MCI buses on commuter service, they substitute for other equipment if a disabled rider lets them know he is going to use the bus that day. This is not an allowable practice. The final major deficiency involves control over the regional subsidiaries. To address this deficiency, RGRTA may need to put more effort into the development of oversight over regional subsidiaries. This may include integration of most operations, such as complaint systems. These programs may require additional staff and resources.

**Substantive Deficiencies**

- The fleet of five MCI over-the-road buses that RGRTA uses in commuter service has unreliable and/or inoperable lifts and other accessibility equipment.
- MCI buses routinely deployed with nonfunctioning lifts and accessibility equipment.
- Persons requiring accessible commuter bus service must call in advance.
- RGRTA has poor oversight of subsidiary organizations.

## 1. General Information

This chapter provides basic information concerning this compliance review of the Rochester Genesee Regional Transportation Authority (RGRTA). The table below presents information on RGRTA, the review team, and the dates of the review.

<b>Grant Recipient:</b>	Rochester Genesee Regional Transportation Authority
<b>City/State:</b>	Rochester, New York
<b>Grantee Number:</b>	1797
<b>Executive Official:</b>	Bill Carpenter Chief Executive Officer
<b>On-site Liaison:</b>	William Korth Vice President of Maintenance
<b>Report Prepared By:</b>	Jack Faucett Associates, Inc. 4915 St. Elmo Ave, Suite 205 Bethesda, Maryland 20814
<b>Dates of On-site Visit:</b>	August 20-22, 2014
<b>Review Team Members:</b>	Jonathan Skolnik, Lead Reviewer Kenneth Thompson, Accessibility Equipment Subject Matter Expert Paul Nguyen, Reviewer

## 2. Jurisdiction and Authorities

Public entities that operate fixed route transportation services for the general public are required by the U.S. Department of Transportation (DOT) regulations implementing the Americans with Disabilities Act of 1990 (ADA) to provide equipment that meets the specifications contained in 49 CFR Part 38, Subpart B. These regulations (49 CFR Parts 27, 37, 38, and 39) also include complaint handling, service, training, and equipment maintenance requirements. When accessibility equipment is out of order, a transit agency must also take reasonable steps to accommodate riders who would otherwise use the equipment.

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the ADA and the DOT regulations implementing the ADA.



### **3. Purpose and Objectives**

This chapter discusses the purpose and objectives of an FTA Accessibility Equipment Maintenance, Reliability, and Use compliance review and the review process.

#### **3.1 Purpose**

Pursuant to 49 CFR §§27.19 and 27.123, as part of its oversight efforts, the FTA, through its Office of Civil Rights, conducts periodic reviews of fixed route services operated by its grantees. Compliance with all applicable requirements of the Americans with Disabilities Act (ADA) of 1990 (42 USC 12101-12213) including the DOT ADA Regulations, is a condition of eligibility for receiving Federal financial assistance.

#### **3.2 Objectives**

The primary objective of this review is to verify whether a public operator of a fixed-route transit agency that benefits from FTA funding is meeting its obligations under the ADA regarding accessibility equipment and its use and maintenance. This review examines RGRTA's bus accessibility equipment and the policies, procedures and operations of RGRTA including operating procedures, maintenance, training, and the complaint process.

The review team observed operations and maintenance activities, and reviewed records and operating documents. To verify the accuracy of the public operator's reported information and evaluate its methodology, the review team also conducted its own independent analysis of sample data. In addition, FTA solicited comments from eligible riders and from local disability organizations.

This report summarizes findings and advisory comments. Findings of deficiency require corrective action and/or additional reporting. Advisory comments are statements detailing recommended or suggested changes to policy or practice to ensure best practices under the ADA.

## 4. Introduction to RGRTA

The Rochester Genesee Regional Transportation Authority (RGRTA) of Rochester, NY, is the 83<sup>rd</sup> largest transit agency in the U.S. in terms of vehicles operated in maximum service. It is 85<sup>th</sup> in terms of vehicles available for maximum service, 107<sup>th</sup> in terms of annual vehicle revenue miles, 89<sup>th</sup> in terms of annual vehicle revenue hours, 54<sup>th</sup> in terms of unlinked passenger trips, and 99<sup>th</sup> in terms of passenger miles.<sup>1</sup> It provides public transit services in the Rochester, NY, metropolitan area, which includes the City of Rochester and eight counties: Monroe, Genesee, Livingston, Ontario, Orleans, Seneca, Wayne, and Wyoming. RGRTA provides fixed route bus and ADA complementary paratransit service. Approximately 1.1 million people live in the RGRTA service area, which covers approximately 3,702 square miles.<sup>2</sup>



RGRTA has a structurally balanced operating budget for the fiscal year 2014-2015 (FY2015) which maintains the existing customer fare structures for all subsidiary companies. This is the sixth consecutive year of maintaining the \$1.00 base adult fare for customers of Regional Transit Service (RTS), RGRTA's largest subsidiary.

### 4.1 RGRTA's Services and Organizational Structure

RGRTA services operate seven days a week. Pullouts start at approximately 5:00 a.m. and the urban Regional Transit Service (RTA) provides service until about 1:00 am. At the time of the on-site review, RGRTA operated 40 bus routes, with all of the routes operated directly utilizing all RGRTA-owned buses. RGRTA also has regional subsidiaries located in the surrounding more rural counties. These regional subsidiaries own and operate buses on varying schedules. On an average weekday in 2012, RGRTA bus ridership totaled 77,747 unlinked trips while FY 2012 bus ridership totaled 22,714,997 unlinked trips.<sup>3</sup>

In 1969, statewide legislation created four Regional Transportation Authorities across New York. These include:

- The Capital District Transportation Authority in Albany
- The Central New York Regional Transportation Authority in Syracuse
- The Niagara Frontier Transportation Authority in Buffalo
- The Rochester Genesee Regional Transportation Authority in Rochester

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<sup>1</sup> American Public Transportation Association, "2014 Public Transportation Fact Book," Appendix B: Transit Agency and Urbanized Area Operating Statistics, Washington, DC, May 2014, Table 13. (Data for NTD Report Year 2012)

<sup>2</sup> "2014 – 2017 Comprehensive Strategic Plan & 2014 – 2015 Budget," Rochester Genesee Regional Transportation Authority, Undated.

<sup>3</sup> National Transit Database, 2012 Transit Agency Individual Profile for RGRTA, Accessed at: [http://www.ntdprogram.gov/ntdprogram/pubs/profiles/2012/agency\\_profiles/2113.pdf](http://www.ntdprogram.gov/ntdprogram/pubs/profiles/2012/agency_profiles/2113.pdf), November 6, 2014.

This arrangement is relatively unusual in that any of the counties in the area that the Regional Transportation Authority covers can opt to become part of that Authority. Today, RGRTA’s services encompass urban, suburban, and rural areas, as well as paratransit service as required under the Americans with Disabilities Act (ADA). A Board of Commissioners governs the Authority, which in turn directs public transportation services for the counties of Monroe, Genesee, Livingston, Orleans, Seneca, Wayne, Wyoming, and Ontario. RGRTA and the regional subsidiaries operate all routes themselves, without using contractors. Each regional subsidiary provides a range of fixed route, Dial-A-Ride, paratransit, and shuttle services to county residents. Combined, the regional subsidiaries, with 108 employees and over 100 vehicles, provide approximately 835,000 rides annually. Exhibit 1 provides a description of each of RGRTA’s components as presented in the RGRTA 2014-2017 Strategic Plan.

**Exhibit 1: Overview of RGRTA’s Components**

Name	Description	Ridership	Number of Buses	Number of Employees	Service Area Population
Regional Transit Service (RTS)	Regional Transit Service (RTS), in Operation since 1969, is the largest subsidiary of the Authority. It has an operating fleet of over 250 Americans with Disabilities Act (ADA) compliant buses on 40 fixed routes throughout Greater Rochester. Service also connects communities in Livingston and Wayne counties to Downtown Rochester.	17,257,099	258	658	747,813
Lift Line (LL)	RGRTA created Lift Line in 1985 to provide paratransit service within Monroe County to certified customers, in accordance with the Americans with Disabilities Act (ADA). The ADA requires Lift Line service to mirror up to three-quarters of a mile on either side of all RTS fixed-route service.	169,354	48	100	747,813
Batavia Bus Service (BBS)	Batavia Bus Service has served Genesee County residents since 1971. It is the oldest of the Authority’s regional public transportation systems. Service includes fixed routes serving the city of Batavia, the Village of Leroy, and Genesee Community College, as well as paratransit.	59,953	10	15	59,977
Livingston Area Transportation Service (LATS)	Livingston Area Transportation Service joined the Authority in 1986. LATS provides service on nine fixed routes, including routes that originate from the SUNY Genesee Campus, as well as Dial-A-Ride and paratransit service.	231,232	20	29	64,810
Orleans Transit Service (OTS)	The Orleans Transit Service launched service in 2003 to provide public transportation to the residents of Orleans County. OTS operates four fixed routes and countywide Dial-A-Ride service linking Lyndonville, Holley, and Kendall with the county seat in Albion and business centers in Medina.	35,279	7	16	42,836
Seneca Transit Service (STS)	Seneca Transit Service began servicing Seneca County in 2004. STS provides fixed route, Dial-A Ride, and paratransit service throughout Seneca County, which is located in the heart of the Finger Lakes region.	85,876	9	13	35,305
Wayne Area Transportation Service (WATS)	WATS joined RGRTA as an established fixed route system in 1980, and today provides service to 26 towns, as well commuter links to Rochester. WATS operates 20 routes for the County’s human service agencies.	162,169	39	36	92,962
Wyoming Transit Service (WYTS)	Wyoming Transit Service established service and joined RGRTA in 1993. WYTS offers Dial-A-Ride and Countywide services exclusively.	81,927	21	23	41,892

In addition, Ontario County (CATS) recently joined the Authority effective August 1, 2014. Since these regional subsidiaries are part of RGRTA, then to the extent they operate fixed routes they must comply with the requirements for lift use and maintenance.

## 4.2 RGRTA Facilities

RGRTA has a variety of facilities. These consist of a main campus that serves the Rochester urban area and a series of facilities owned by the regional subsidiaries and located in the respective counties that they serve. In the period since the onsite review, RGRTA has also opened a new transit center in downtown Rochester.

### **RGRTA's Regional Transit Service (RTS) Campus**

RGRTA operates fixed-route bus services and oversees bus transit in Monroe, Genesee, Livingston, Orleans, Wayne, Wyoming, Ontario, and Seneca Counties in New York State. RGRTA has branded its fixed-route bus system in Monroe County as RTS. RTS has a single garage that serves all routes. The RTS campus is located on approximately 16.5 acres at 1372 East Main Street in the City of Rochester. The East Main Street Campus houses the agency's administrative offices and is the operations and maintenance campus for RTS bus service. Bus operators park at the campus or in the neighborhoods surrounding the campus and operate RTS bus routes from that location. RTS buses are also stored, serviced, maintained, and repaired at the East Main Street Campus. The campus consists of three buildings, surface parking areas, and outdoor bus staging areas. The RTS Campus currently accommodates more than 400 employees each day, including administrative staff, bus operators, mechanical staff, buildings and ground staff, and maintenance staff.

In 2009, RGRTA identified the need for a number of major improvements to its existing campus to address operational deficiencies. In October 2010, FTA awarded RGRTA a State of Good Repair Bus and Bus Facilities grant. Using this funding, RGRTA conducted a detailed review of its existing facilities and operations to determine how it could address all of its operational deficiencies and needs. The resulting 2013 plan, which envisioned construction during 2015, included renovations and expansion of existing buildings, construction of new facilities and adding of new indoor and outdoor parking.<sup>4</sup>

### **RGRTA's Regional Subsidiaries**

Each of RGRTA's regional subsidiaries is responsible for their own maintenance operations. The county DOT's house the regional subsidiaries at their facilities; however, a mixture of parties supplies maintenance services as follows:

- Orleans – County DOT
- Genesee – County DOT
- Wyoming – Private (replacing)
- Livingston – Private
- Seneca – Wayne County DOT
- Wayne – Wayne County DOT
- Ontario - RGRTA

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<sup>4</sup> RGRTA 2013 Campus Improvement Project, Environmental Assessment, Rochester-Genesee Regional Transportation Authority, May 2013.

Overall, the fixed-route components of these regional subsidiaries are relatively small compared to the size of the RTS. The regional subsidiaries tend to focus more on demand responsive transportation for disabled individuals and only account for approximately 3.5 percent of fixed-route ridership and 5.5 percent of total ridership.<sup>5</sup>

### **The Downtown Transit Center**

This new facility in the heart of downtown Rochester will make it easier for customers to ride the bus and enhance their experience with RGRTA. The Transit Center will serve as a community connection point and transfer hub for bus customers as well as visitors to Rochester, who will enjoy the Center because it is convenient, safe, and easy to navigate. The Center exceeds all ADA requirements, with large-print displays and visual cues for the hearing impaired and audio assistance for the visually impaired. RGRTA will also provide access to bike racks and lockers in the adjacent Mortimer Street garage. The 87,000 square-foot building spans an entire city block, and will have 30 bus bays that can accommodate up to 100 buses per hour during peak times. This project has been a collaboration of federal, state, and local entities. Its \$50 million cost is funded by the Federal Transit Administration (80 percent), the New York State Department of Transportation (10 percent), and RGRTA (10 percent).

### **Summary**

RGRTA has an aggressive campaign to modernize their infrastructure to ensure that RGRTA has the required facilities, equipment, and technologies to provide public transportation in their community. These include the opening of a new Transit Center, ongoing upgrades to RTS' maintenance garages and service facilities, as well as the construction of a new warehouse. Similar improvement efforts continue to take place at the Lift Line, Livingston, Orleans, Seneca, and Wyoming facilities.

### **4.3 RGRTA Vehicles**

The RTS division of RGRTA has 269 vehicles in its fixed route fleet, ranging in model year from 2000 to 2014. According to the fleet summary that RGRTA staff provided at the time of the site visit, the fleet's average age is only 5.8 years. Only 14 percent of the fleet is older than 10 years old, with only 26 percent older than 8 years and 41 percent older than five years. According to the National Transit Database, RGRTA had an "average fleet age in years" of 7.4 for its bus fleet in 2012.<sup>6</sup> This is below the "average fleet age in years" of 7.5 for bus for all reporting agencies in 2012.<sup>7</sup> All but five of the buses were low floor buses with ramps. The five non-low floor buses were 2002 MCI coaches, which according to RGRTA staff were due to be retired within the next year.

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<sup>5</sup> Ridership data for the RGRTA regional subsidiaries are from a William Korth e-mail dated August 18, 2014. Ridership for the RTS and Lift Line are from the RGRTA 2014-2017 Strategic Plan.

<sup>6</sup> National Transit Database, 2012 Transit Agency Individual Profile for RGRTA, Accessed at: [http://www.ntdprogram.gov/ntdprogram/pubs/profiles/2012/agency\\_profiles/2113.pdf](http://www.ntdprogram.gov/ntdprogram/pubs/profiles/2012/agency_profiles/2113.pdf), November 6, 2014.

<sup>7</sup> 2012 National Transit Profile Summary – All Reporting Agencies, Federal Transit Administration.

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RGRTA's regional subsidiaries also have 148 buses, of which 104 were active. These buses are available for fixed-route, paratransit service, and demand responsive service and range in length from 21 to 32 feet. All of the buses are high floor and employ a wheelchair lift. According to the fleet summary that RGRTA staff provided at the time of the site visit, the fleet is relatively young, ranging in model year from 2006 to 2014. None of the active buses is over 8 years old and only 13.5 percent of the fleet is older than five years. The average age is only 3.4 years.

According to the RGRTA Director of Maintenance, the RGRTA capital plan closely monitors the 12-year life cycle. He noted that their state of good repair, though they retain some older buses, is only 2 percent negative as far as assets go. He stated, "We are good at making sure we have the right equipment."

According to the National Transit Database, in 2012 RGRTA had 217 vehicles operated in maximum service compared to 257 vehicles available for maximum service for a spares ratio of 18 percent.<sup>8</sup> For fleets of this size, an 18 percent spares ratio is sufficient to permit scheduled maintenance and replacement of buses that require unscheduled maintenance.<sup>9</sup> This also compares favorably to statistics for all reporting agencies in 2012, which had a spares ratio of 23 percent.<sup>10</sup>

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<sup>8</sup> National Transit Database, 2012 Transit Agency Individual Profile for RGRTA, Accessed at: [http://www.ntdprogram.gov/ntdprogram/pubs/profiles/2012/agency\\_profiles/2113.pdf](http://www.ntdprogram.gov/ntdprogram/pubs/profiles/2012/agency_profiles/2113.pdf), November 6, 2014.

<sup>9</sup> See FTA HRT Compliance Review.

<sup>10</sup> 2012 National Transit Profile Summary – All Reporting Agencies, Federal Transit Administration.

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## 5. Scope and Methodology

The purpose of this review is to provide FTA with a tool for determining whether a public operator of a fixed-route system is in compliance with requirements under the ADA regarding accessibility equipment and its maintenance, reliability, and use. However, the deficiencies identified and findings made in this report are by necessity limited to the information available to and the observations made by the review team at the time of the site visit. A lack of findings in a particular review area does not constitute endorsement or approval of an entity's specific policies, procedures, or operations. Instead, it simply indicates the review team did not observe deficiencies in the delivery of service at the time of the review.

The following subsections describe in detail the scope of the review and the methodology employed by the review team.

### 5.1 Scope

The review examined whether the RGRTA obtains, uses, and maintains accessibility equipment in compliance with the DOT ADA regulatory requirements. Specifically with regard to accessibility equipment, the review examined whether RGRTA's vehicles, training, maintenance, operations practices, and complaint handling meet the DOT regulatory standards.

Overall, the accessibility equipment maintenance, reliability, and use compliance review included the following regulatory requirements:

- Complaint resolution and compliance information (49 CFR §§ 27.13(b) and 27.121(b))
- Nondiscrimination (49 CFR § 37.5)
- Service under contract (49 CFR § 37.23) (if applicable)
- Maintenance of accessibility features (49 CFR § 37.161)
- Reporting failures; removing vehicles from service; alternative transportation (49 CFR § 37.163)
- Lift and securement use (49 CFR § 37.165)
- Lift deployment; securement area use (49 CFR § 37.167)
- Training requirements (49 CFR § 37.173)
- Accessibility equipment specifications for fixed route buses (49 CFR Part 38, Subpart B)

Although this review does not focus directly on compliance with stop and route identification announcement requirements, the following regulatory requirements also are pertinent:

- Stop announcements (49 CFR § 37.167 (b))
- Identifying vehicles and/or passengers (49 CFR § 37.167 (c))

### 5.2 Methodology

The FTA Office of Civil Rights sent a notification letter to William Korth, RGRTA Vice President of Maintenance, on June 10, 2014, confirming the period for the review and requesting

that RGRTA send information to the review team within 30 days of the date of the notification letter (Attachment A).

Prior to the on-site visit, the review team examined the following service information:

- RGRTA's information as to how its fixed route service is structured, identifying which routes/areas are served by each garage, and designating those routes operated directly by the transit agency versus by private contractor
- Public information describing RGRTA's fixed route service
- Bus fleet inventory identifying year, make, garage, and whether each vehicle is accessible by lift or ramp
- Description of RGRTA's lift maintenance practices identifying the location and individuals performing lift maintenance
- Maintenance procedures for accessibility features
- RGRTA's current manuals, notices, or other documents informing operators, supervisors, dispatchers, starters, maintenance, and other transit personnel about lift operation and maintenance policies, procedures, and requirements
- RGRTA's training materials for operators, supervisors, dispatchers, starters, maintenance and other transit personnel regarding the use and maintenance of accessibility equipment
- RGRTA's reports or other documentation regarding lift operation, maintenance and reliability monitoring activities and findings
- List of complaints related to bus lifts/ramps and other accessibility equipment filed with RGRTA in the past year
- List of procurements for new vehicles and a copy of any procedures for developing bus specifications

As requested by the review team, RGRTA made additional information available during the visit, including:

- A copy of RGRTA's paper Vehicle Inspection Report and the list of menu items for the electronic VIR system that RGRTA is currently implementing
- Copies of the Daily Vehicle Problem Report and the Daily Lift Report
- A copy of the 2014-2017 Strategic Plan
- RGRTA's regional fleet roster
- RGRTA's current paratransit and regional bus specifications
- Ramp repair and preventative maintenance data for 2013-14
- Additional RGRTA training materials
- Various data for regional subsidiaries including data on routes, schedules, garage locations, transfer points, training, and complaints

The on-site review of RGRTA's service took place from August 20, 2014 to August 22, 2014. The review began with an opening conference, held at 9 a.m. on Wednesday, August 20, 2014, at the RGRTA's offices at 1372 East Main Street, Rochester, NY. As part of this meeting, the review team presented a proposed schedule for the remainder of the site visit. The following individuals attended the meeting:



- John Day, Federal Transit Administration, ADA Team Leader (by phone)
- Jonathan Skolnik, Jack Faucett Associates, Inc., Lead Reviewer
- Kenneth Thompson, Easter Seals, Accessibility Equipment Subject Matter Expert
- Paul Nguyen, Jack Faucett Associates, Inc., Reviewer
- William (Rusty) Korth, RGRTA Vice President of Maintenance
- Michael Capadano, RGRTA Director of Transportation Operations
- Daniele Coll-Gonzalez, RGRTA Chief Operating Officer
- Scott Adair, RGRTA Chief Financial Officer
- Krystle Hall, RGRTA Director of Customer Service
- Matthew Shaw, RGRTA Fleet Engineer
- Michael P. DeRaddo, RGRTA Director of Regional Operations
- Maryalice Keller, RGRTA Chief People & Brand Officer

Following the opening conference, the review team conducted a series of meetings with RGRTA staff to discuss the information sent in advance as well as the information and material that was available on site. The review team scheduled seven meetings in advance for Day 1, with 45 minutes allotted for each meeting. The meetings addressed a number of issues, including:

- Procedures for developing specifications for new buses and in process bus procurements, including plans, and budgets
- The current fleet, including scheduling an opportunity to inspect one vehicle of each type and year
- Operator training programs, including discipline procedures and records
- Review of ADA complaint procedures and data
- Review of RGRTA's lift maintenance program
- Procedures and data for reporting failures, removing vehicles from service, and providing alternative transportation
- Methods for overseeing bus procurements, lift maintenance, complaints, and training, etc., at regional subsidiaries

Exhibit 2 provides the schedule that the review team provided to RGRTA. Included is the scheduled time for each meeting, the activity that the review team planned to address, the attending transit agency and review team staff, and the location of the meeting. At these meetings, the review team discussed RGRTA's policies and procedures to assure the reliability of vehicle lifts, ramps, and other accessibility equipment. Members of the review team discussed the process in place at RGRTA to record and respond to customer complaints. The review team also reviewed complaint data from recent months and checked the disposition of each of the complaints regarding lift operation and maintenance.

**Exhibit 2: RGRTA Compliance Review Schedule (August 20 - August 22, 2014)**

Time	Activity	Transit Agency and Review Team Staff	Location
<b>Wednesday</b>			
9:00 a.m.	Opening Conference	FTA , Transit agency staff, All review team members	Transit Agency Headquarters
9:30 a.m.	Review of procedures for developing specifications for new buses and in process bus procurements, including plans and budgets	Skolnik, Nguyen, Thompson	Transit Agency Headquarters
10:15 a.m.	Review of the current fleet, including an opportunity to inspect one vehicle of each type and year. These inspections may occur Thursday	Skolnik, Nguyen, Thompson	Transit Agency Headquarters
11:00 a.m.	Review of operator training programs, including discipline procedures and records	Skolnik, Nguyen, Thompson	Transit Agency Headquarters
11:45 a.m.	Review of ADA complaint procedures and data	Skolnik, Nguyen, Thompson	Transit Agency Headquarters
1:15 p.m.	Review of the lift maintenance program	Skolnik, Nguyen, Thompson	Transit Agency Headquarters
2:00 p.m.	Review of procedures and data for reporting failures, removing vehicles from service, and providing alternative transportation	Skolnik, Nguyen, Thompson	Transit Agency Headquarters
2:45 p.m.	Review of methods for overseeing bus procurements, lift maintenance, complaints, and training, etc., at regional subsidiaries	Skolnik, Nguyen, Thompson	Transit Agency Headquarters
<b>Thursday</b>			
5:00 a.m.- 8:00 a.m.	Observe pre-trip lift/ramp and kneeler cycling Observe other pre-trip activities	Skolnik, Nguyen, Thompson	Main Bus Garage
7:00 a.m. - 11:00 a.m.	Interview maintenance supervisor/staff Review lift maintenance procedures and records Interview operators Inspect buses	Skolnik, Nguyen, Thompson	Main Bus Garage
12:00 p.m. - 3:00 p.m.	Observe pre-trip lift/ramp and kneeler cycling Observe other pre-trip activities Interview maintenance supervisor/staff Review lift maintenance procedures and records Interview operators Inspect buses	Skolnik, Nguyen	Regional Subsidiary Bus Garage
12:00 p.m. - 3:00 p.m.	Conduct Ride-Alongs	Thompson	On Buses
<b>Friday</b>			
9:00 a.m.	Final data tabulations & prepare for Exit Conference	All review team members	Hotel or Transit Agency Headquarters
1:00 p.m.	Pre-exit conference call with FTA	Review team leader FTA	Hotel or Transit Agency Headquarters
2:00 p.m.	Exit Conference	FTA, Transit agency staff, all review team members	Transit Agency Headquarters

On Day 2, August 22, 2014, review team members shifted to RGRTA’s main bus garage. Observations of lift cycling took place just before 5:00 a.m. in the early morning. Members of the review team observed pre-trip lift and ramp and kneeler cycling, as well as other pre-trip

activities. After pullout concluded, two members of the review team interviewed operators to ascertain their knowledge of policies and requirements, and the training they had received concerning the use, deployment, and maintenance of lifts, ramps, and other accessibility equipment. Another member of the review team inspected vehicles of different types and years for compliance with the DOT ADA vehicle specifications. The review team then interviewed the maintenance supervisor and his staff to review maintenance procedures and records for lifts and ramps.

After lunch, one member of the review team began Ride-Alongs with an individual who uses a wheelchair to assess jointly the ramp deployment practices on selected routes. That individual then rode several more buses along selected routes to assess operator practices when a standee requests ramp deployment.

During that time, two other members of the review team drove 45 minutes to the Wayne County DOT, the nearest regional subsidiary. At the regional subsidiary, the review team members conducted each of the activities that they had performed at the main garage. The review team members inspected buses, interviewed operators, observed pre-trip lift and ramp and kneeler cycling, and other pre-trip activities at an afternoon pullout. In addition, the team members interviewed the maintenance supervisor and his staff members to review lift maintenance procedures and records. These individuals also collected data and interviewed supervisors, dispatchers, and managers to learn more about policies, procedures, and practices regarding the use, deployment and maintenance of lifts, ramps, and other accessibility equipment, and the requirement to provide alternative transportation.

During these first two days, the review team reviewed policies, observed practices, and examined record keeping for equipment failures and repairs. They verified both that vehicles did not return into service until the repair was completed and that a spare vehicle with an operating lift or ramp replaced them. The review team interviewed RGRTA vehicle procurement personnel to obtain information about the agency's planned procurements and to discuss bus specifications provisions covering accessibility equipment.

The review team paid particular attention to whether a gap existed between policies and actual day-to-day practices concerning lift/ramp deployment, lift/ramp maintenance, provision of alternate transportation, and complaint handling. In addition, the review team researched whether there appeared to be a pattern or practice of not verifying lift operation before putting the vehicle into service, not deploying lifts even when operable, returning vehicles with malfunctioning lifts into service before repairs were completed, or not maintaining lifts or other accessibility equipment in good working order.

The review team gathered and analyzed the following information:

- Comments made by riders and advocates the review team gathered through telephone interviews and through review of comments and complaints on file at FTA and RGRTA
- Complaint reports RGRTA prepared showing the number, type, and resolution of lift/ramp failures and other complaints about accessibility equipment

- Service reports prepared by RGRTA showing the number of trips provided by mode for the past three years
- Maintenance records and reports that RGRTA provided that listed accessibility equipment failures and repairs
- Direct observations by review team members regarding the deployment and maintenance of accessibility equipment, and interviews with RGRTA regional subsidiary operators and managers about the agency's ability to provide training in the appropriate use of this equipment, monitor service provision, and discipline noncompliance by transit personnel

On Day 3, August 22, 2014, the review team tabulated the various data that had been gathered and prepared for the exit conference. The exit conference took place at 1 p.m. on Friday, August 22, 2014, at RGRTA's offices. The following individuals attended the conference:

- Jonathan Skolnik, Jack Faucett Associates, Inc., Lead Reviewer
- Kenneth Thompson, Easter Seals, Accessibility Equipment Subject Matter Expert
- Paul Nguyen, Jack Faucett Associates, Inc., Reviewer
- William (Rusty) Korth, RGRTA Vice President of Maintenance
- Michael Capadano, RGRTA Director of Transportation Operations
- Mary Ann Deveto, RGRTA Quality Assurance and Radio Control
- Jan Mojzisek, RGRTA Director of Scheduling
- Krystle Hall, RGRTA Director of Customer Service
- Matthew Shaw, RGRTA Fleet Engineer
- Michael P. DeRaddo, RGRTA Director of Regional Operations
- Maryalice Keller, RGRTA Chief People & Brand Officer

FTA will provide RGRTA with a draft copy of this draft report for review and response. Appendix X of the final report will provide a copy of the correspondence FTA received from RGRTA documenting its response to the draft report.

### **5.3 Stakeholder Interviews**

In addition to reviewing complaints filed with FTA and RGRTA, the review team contacted local organizations that work or serve riders with disabilities and other state and local disability advocates. The objective of these contacts was to solicit information on their constituents' experiences, complaints, concerns, and observations about RGRTA bus system accessibility related services, equipment, and policies. The following paragraphs describe the methodology and outreach activities undertaken, followed by a summary of key findings.

The review team examined written complaints provided by FTA and RGRTA to identify local organizations and possible agency contacts. The review team then conducted email and phone outreach to inform representatives of the ongoing compliance review and to schedule telephone interviews. The review team scheduled and completed interviews with four agencies. During the interviews, the review team staff posed the following questions to each interviewee:

1. How would you describe accessibility on the RGRTA fixed-route buses?
2. How would you describe the accessibility equipment (lifts/ramps) use on the bus system?
3. How would you describe accessibility equipment reliability on the bus system?
4. Have you submitted any complaints or raised any concerns to RGRTA with respect to this equipment? If so, please describe the complaints and your experience.
5. Have you noticed conditions or service levels improve because of filing a complaint or raising an issue?
6. Finally, if you know of other individuals or organizations that might provide information helpful to this RGRTA review, please let us know and we will be happy to reach out to them as well.

Overall, the review team did not discover any new records of complaints or issues pertaining to RGRTA accessibility-equipment maintenance, reliability, and use. Respondents mentioned previous concerns regarding the nonfunctioning ramps and lifts, but agreed that newer buses added to the fleet have resolved these issues. A representative at ABVI-Goodwill of the Finger Lakes in Rochester, NY did raise one concern regarding operators failing to use the bus kneeling system upon rider request. However, there were no formal complaints made and documentation of the allegation did not exist.

## 6. Findings and Advisory Comments

This chapter details the findings for each of the areas pertinent to the regulations found in 49 CFR Sections 27, 37, and 38 outlined in the Scope and Methodology section above. For each area, an overview below provides the relevant regulations and a discussion of the regulations as they apply to RGRTA's fixed route transportation system. Each area also includes corrective actions and a timetable to correct deficiencies for each of the requirements and sub-requirements, where necessary.

The sections below express findings in terms of "deficiency" or "no deficiency." Findings of deficiency denote policies or practices that the review found to be not compliant with the DOT ADA regulations or matters, for which FTA requires additional reporting to determine whether an ADA compliance issue exists.

Findings of deficiency always require corrective action and/or additional reporting, and the sections below always communicate findings as:

- A statement concerning the policy or practice in question at the time of the review
- A statement concerning the DOT ADA requirements being violated or potentially being violated
- A statement concerning the required corrective action to resolve the issue

Advisory comments are statements detailing recommended or suggested changes to policies or practices to ensure best practices under the ADA or otherwise assist the entity in achieving or maintaining compliance.

### 6.1 Accessibility Equipment Specifications

**Requirement:** Under 49 CFR § 37.7, transit vehicles must comply with the standards established under 49 CFR Part 38, "Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles," in order to be accessible. Subpart B, which covers "buses, vans and systems," includes the specifications that apply to vehicles used in fixed route bus operations.

**Discussion:** This compliance review found one practice that warrants an advisory comment and one deficiency with RGRTA's accessibility equipment in terms of its meeting the requirements of 49 CFR Part 38, Subpart B.

The advisory comment relates to the availability of a ramp tool for emergency operation of ramps. In 49 CFR § 38, Subpart B – Buses, Vans and Systems, Sec. 38.23 Mobility aid accessibility, the text states under (b) Vehicle lift (3) Emergency operation, that:

"The lift shall incorporate an emergency method of deploying, lowering to ground level with a lift occupant, and raising and stowing the empty lift if the power to the lift fails. No emergency method, manual or otherwise, shall be capable of being operated in a manner that could be hazardous to the lift occupant or to the operator when operated according to manufacturer's instructions, and shall not permit the platform to be stowed

or folded when occupied, unless the lift is a rotary lift and is intended to be stowed while occupied.”

The regulations specifically require an emergency method for deployment for lifts. However, the regulations contain no specific requirement for emergency deployment of ramps. The presence of a ramp tool is included on the FTA’s “Record of Lift Cycling/Working Condition of Lifts and Access Features,” which the review team used to evaluate regulatory compliance during the bus pullout portion of the on-site activities.

The majority of ramps on RGRTA buses, including all newer buses, have built-in straps, pulls, or loops that allow the operator to deploy the ramp if the motorized system fails. The design of some of the older buses, however, require the use of a ramp tool to pry the ramp up to a point where the bus operator can grasp the ramp and deploy it manually. During the pullouts, at least two of these buses did not have a ramp tool onboard. In one case, the operator indicated that they just use whatever is handy to pry up the ramp. The lack of the proper tool could cause delay or prevent proper operation of the ramp.

RGRTA could solve any potential problems related to ramp tools through several simple methods. RGRTA could secure ramp tools in the area behind the operator using a rope or chain to prevent misplacement while allowing the operator to use the tool when necessary. Alternatively, RGRTA could retrofit the ramps with a strap or pull. Other possible options are to provide more training or to conduct regular checks to ensure tools are always available.

The regulations do not specifically require the presence of a ramp tool for ramps that require them. However, it is best practice to place them on all buses that require them, and therefore FTA is issuing an advisory comment.

The deficiency relates to priority seating signs. In 49 CFR § 38, Subpart B – Buses, Vans and Systems, Sec. 38.27 Priority seating signs, the text states:

(a.) Each vehicle shall contain sign(s) which indicate that seats in the front of the vehicle are priority seats for persons with disabilities, and that other passengers should make such seats available to those who wish to use them. At least one set of forward-facing seats shall be so designated.”

(b.) Each securement location shall have a sign designating it as such.

(c.) Characters on signs required by paragraphs (a) and (b) of this section shall have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case “X”) of  $\frac{5}{8}$  inch, with “wide” spacing (generally, the space between letters shall be  $\frac{1}{16}$  the height of upper case letters), and shall contrast with the background either light-on-dark or dark-on-light.

During the pullouts, the review team’s inspections found two buses that did not have a priority seating sign. The regulations require signage in the securement area of each vehicle that meets

specific criteria. Therefore, the compliance review finds there to be a deficiency and FTA is requiring a corrective action.

**Advisory Comment:** RGRTA should follow best practice by ensuring that ramp tools are available on ramp-equipped buses that do not have a built-in strap or pull to allow manual deployment.

**Corrective Action Schedule:** Within 60 days of the issuance of the final report, RGRTA must present to FTA a plan to ensure that every vehicle has proper signage in the securement area.

## 6.2 Use of Accessibility Equipment

**Requirement:** Under 49 CFR § 37.165, transit providers must transport the wheelchair and occupant if the lift and vehicle can accommodate the wheelchair and occupant. The entity may decline to transport a wheelchair/occupant if the combined weight exceeds that of the lift specifications or if carriage of the wheelchair is inconsistent with legitimate safety requirements.<sup>11</sup> Transit providers may determine whether to establish a policy requiring that operators secure wheelchairs during transport.

Vehicle operators (drivers) must assist passengers in the use of the lift, ramp, and securement systems.

Under 49 CFR § 37.167, transit providers must ensure that individuals with disabilities have adequate time to complete boarding (which includes reaching a seat or securement location) or exiting the vehicle.

Transit providers must permit mobility device users to board facing forward or backward. Under Section 38.23, lifts must accommodate both inboard and outboard facing of wheelchair and mobility aid users.

Transit providers are required to permit a passenger who uses a lift or ramp to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, would be damaged if it were deployed, or temporary conditions at the stop not under the control of the transit provider precludes the safe use of the stop by all passengers. The transit provider must deploy lifts or ramps for persons who do not use wheelchairs, including standees.

Vehicle operators are required to ask individuals “sitting [in] a fold-down or other movable seat in a wheelchair securement location” to move for those riders with disabilities who need to use the securement area. Transit providers may adopt mandatory “move” policies.

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<sup>11</sup> “Legitimate safety requirements” is an objective factor (not subjective) and applies solely in the context of accommodating mobility devices that exceed the minimum requirements for vehicles and equipment. Appendix D to §37.165 provides the example of a wheelchair of a size that would block an aisle and interfere with the safe evacuation of passengers in an emergency. Speculation that a particular wheelchair may be difficult to accommodate is not a basis for making such a determination; if a lift appears to be straining under a weight that is within its design load, vehicle age or maintenance practices may be a factor.



**Discussion:** During this compliance review, the review team found no deficiencies that restrict or deny the use of vehicle lifts or ramps, the transporting of wheelchairs, or otherwise concerns the requirements for the use of accessibility equipment. There is, however an advisory comment regarding the requirement that “The transit provider must deploy lifts or ramps for persons who do not use wheelchairs, including standees.”

During the site visit, RGRTA staff discovered four complaints that operators failed to deploy lifts on request for passengers that are not in wheelchairs. In response to these complaints, RGRTA replied to the customer that their policy was to deploy the lift or ramp or kneel the bus for all customers, informed the operator in cases where they could be identified, and posted a general notice to all operators. In addition, a representative at ABVI-Goodwill of the Finger Lakes in Rochester, NY, raised a concern regarding operators failing kneel the bus upon rider request. However, there were no formal complaints made and documentation of the allegation did not exist. During the site visit, the review team conducted several anonymous rides on buses and in several instances requested kneeling and ramp service to the non-disabled observer. In all cases, the operator complied with the request.

The review team collected evidence that points to a potential shortcoming with RGRTA’s procedures for complying with the requirement to deploy lifts or ramps for persons who do not use wheelchairs, including standees. RGRTA does have an adequate system for collecting complaints and responding to them and did post a general notice to all operators on this subject in the past. However, there is no periodic method to ensure operators remember that this requirement exists and is important.

RGRTA provides refresher training to its operators, with the subjects focused on recent issues that have arisen as selected by department heads. However, there is no systematic or regularly scheduled refresher training for all operators on ADA regulations and compliance. RGRTA should consider instituting a periodic refresher course in ADA topics and skills for all operators. A summary sheet should be used to record when each operator last received training.

**Advisory Comment:** It is a best practice to provide periodic refresher courses in ADA topics and skills for all operators. This training should include the requirement that the transit provider must deploy lifts or ramps for persons who do not use wheelchairs, including standees. This best practice includes a system for tracking when each operator last received training. RGRTA should adopt this best practice.

### 6.3 Maintenance of Accessible Features

**Requirement:** Under 49 CFR § 37.161, transit agencies must maintain lifts, ramps, securement systems, public address systems, and other accessibility-related equipment such as elevators, stop announcement/route identification systems, etc., in operating condition. If damaged or out of order, the transit agency must promptly repair this equipment. When equipment is out of order, a transit agency must also take reasonable steps to accommodate riders who would otherwise use the equipment. In addition, 49 CFR § 37.163 requires transit agencies to have in place a system of regular and frequent maintenance checks of vehicle lifts sufficient to determine whether they are operative.

**Discussion:** During this compliance review, the review team found deficiencies with the requirements concerning maintenance of accessibility features. These include the lifts and movable seats on the MCI motor coaches and the PA systems on a majority of the buses. In addition, there are advisory comments regarding the placement of ramp tools on buses that do not have them built in and the provision of adequate time for operators to check accessibility equipment during pullout, especially in regards to securement systems.

The first deficiency with regard to maintenance of accessible features relates to the lift systems on the five 2002 MCI D4000 over-the-road buses. Even with the aid of several supervisors, the lift on one of these buses would not deploy and the seating would not move to allow for securement. RGRTA personnel stated that the accessibility equipment on all of five of the MCI buses do not function adequately and, as a result, RGRTA only uses these buses in commuter service. Therefore, the compliance review finds there to be a deficiency and FTA is requiring a corrective action.

The second deficiency with regard to maintenance of accessible features relates to the PA systems. During the compliance review, the review team requested that the operators demonstrate the PA systems on 21 buses at the main garage during pullouts. The majority of the operators did not test the system without prompting, were unfamiliar with the systems or were unable to demonstrate the operability of the systems. Several buses had speakers, but no microphone. Several of the operators indicated that they did not use or check the PA systems because the “stops announce themselves,” and they “do not use them anymore.” In one case, while the operator could not get the PA system to work, a supervisor was able to demonstrate that the PA system was in working order. RGRTA must demonstrate that the PA systems are in working order across their fleet of fixed-route buses and that operators are familiar with and able to operate them. Therefore, the compliance review finds there to be a deficiency and FTA is requiring a corrective action.

The first advisory comment with regard to maintenance of accessible features relates to the placement of ramp tools on buses that do not have a built-in means to deploy the ramp if the motorized system fails. As discussed above, the regulations specifically require an emergency method for deployment for lifts. However, the regulations contain no specific requirement for emergency deployment of ramps. The majority of ramps on RGRTA buses, including all newer buses, have built-in straps, pulls, or loops that allow the operator to deploy the ramp if the motorized system fails. The design of some of the older buses, however, makes use of a ramp tool to pry the ramp up to a point where the bus operator can grasp the ramp and deploy it manually. During the pullouts, at least two of the ramp tool equipped buses did not have a ramp tool onboard. The lack of the proper tool could cause delay or prevent proper operation of the ramp. The use of a makeshift object to pry up the ramp could constitute a safety hazard. The regulations do not specifically require the presence of a ramp tool for ramps that require them. However, it is best practice to place them on all buses that require them, and therefore FTA is issuing an advisory comment.

The second advisory comment with regard to maintenance of accessible features relates to the provision of adequate time for operators to check accessibility equipment during pullout, especially in regards to securement systems. According to the regulations, public entities that

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operate vehicles with wheelchair lifts must establish “a system of regular and frequent maintenance checks of lifts, sufficient to determine if they are operative.” Most public transit agencies do this by having operators cycle lifts as part of their pullout inspections. It is also a good practice to check the working condition of other accessibility equipment as part of these inspections. Suggested pullout inspection policies and procedures for transit agencies include:

- Operators should fully cycle lifts and ramps before pulling out at the beginning of their shifts.
- Operators should check the working condition of wheelchair securement systems, passenger restraint systems, public address systems, and kneelers as part of the pullout inspection.
- Transit agencies should include each item to cycle or check on the pullout inspection form and require that operators check items in working condition.
- If operators find any items that are not in working condition, operators must bring the problems to the attention of the starter or maintenance personnel on duty.
- Transit agencies should either correct any identified problems with the vehicle’s accessibility equipment before the vehicle pulls out, or swap the defective vehicle for one with working equipment.

The regulations require a system of regular and frequent maintenance checks of lifts, sufficient to determine if they are operative. RGRTA has the operators inspect accessibility equipment during pullout, but the six-minute pullout period that RGRTA provides may not be sufficient to perform an adequate inspection. In addition, operators were not familiar with the PA systems and often did not check PA or securement systems without prompting. Best practice would entail a longer period for pullout inspections and periodic refresher courses in ADA topics and skills for all operators that included the items operators should check during pullout and operation of PA systems.

**Corrective Action Schedule:** Within 60 days of the issuance of the final report, RGRTA must:

- Produce a plan to ensure that the lift systems and movable seats on the five 2002 MCI D4000 over-the-road buses are maintained in operational condition.
- Produce a plan to ensure that the PA systems are in working order across their fleet of fixed-route buses and that operators are familiar with and able to operate them.

**Advisory Comments:** RGRTA should adopt the following best practices:

- Ensure that ramp tools are available on ramp-equipped buses that do not have a built-in strap or pull to allow manual deployment.
- Provide a longer period for pullout inspections to allow operators to inspect accessibility equipment including securement straps and PA systems and provide periodic refresher courses in ADA topics and skills for all operators that included the items operators should check during pullout and operation of PA systems.

## 6.4 Reporting Failures, Removing Vehicles from Service, Providing Alternative Transportation

**Requirement:** Under 49 CFR § 37.163, transit agencies must ensure that vehicle operators immediately report to operations headquarters any failure of a lift or ramp to operate in service. When the transit agency learns that a lift/ramp has malfunctioned or is inoperable, the transit agency must take the vehicle out of service before the beginning of the vehicle's next service day and ensure that they repair the lift/ramp before the vehicle returns to service. If the transit agency has no spare vehicle available to take the place of a vehicle with an inoperable lift/ramp, such that taking the vehicle out of service will reduce the service the transit agency is able to provide, the agency may keep the vehicle in service with an inoperable lift/ramp. However, this exception is limited to no more than five days (if serving an area with a population of 50,000 or less) or three days (if serving an area with a population of over 50,000) from the day on which the transit agency discovers that the device is inoperative.

In any situation in which a vehicle with an inoperative lift/ramp operates on a fixed route, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the transit agency must promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift/ramp does not work. Appendix D to 49 CFR § 37.163 provides examples of how this service can be provided, such as by having an accessible vehicle “shadow” the bus with the inoperative lift/ramp or by dispatching an accessible vehicle with a short (i.e., less than 30-minute) response time.

**Discussion:** During this compliance review, the review team found a deficiency concerning the requirements governing the reporting of accessibility equipment failures, removing vehicles with malfunctioning equipment from service, or providing alternative transportation. This deficiency relates to use of vehicles with inoperable lifts into service on a commuter bus route. There is also an advisory comment regarding oversight of the regional subsidiaries.

The deficiency relates to the RGRTA practice of deploying equipment with nonfunctioning accessibility equipment. RGRTA staff indicated that although they utilize the five 2002 MCI D4000 over-the-road buses with nonfunctioning lifts on commuter service, they substitute for other equipment if a disabled rider lets them know they are going to use the bus that day. Except as provided for in 49 CFR § 37.163(e), it is not acceptable to place vehicles with inoperable lifts into service. RGRTA staff appears to have the incorrect impression that they can place a vehicle with inoperable lifts into service on commuter bus route. While the ADA does not require public entities to provide complementary paratransit with respect to commuter bus service, there is no similar exception for accessibility equipment. Transit agencies may not place vehicles with inoperable lifts into service on any route unless there are no available spare vehicles. The practice of placing vehicles with inoperable lifts into service on commuter bus routes is not compliant with the DOT ADA regulations and results in a finding of deficiency.

The RGRTA has a detailed set of procedures that dispatchers, operators, and maintenance personnel follow if there is a ramp or lift failure. This includes the following: the operator radioing dispatch, troubleshooting, dispatch of service trucks, and the use of staged buses to replace buses with nonfunctioning lifts. RGRTA uses a 20-minute standard for alternate

transportation, below the 30 minutes described in the regulations. If there is a problem with the bus at the end of the route, the operator attaches an orange tag to the steering wheel to alert maintenance to check the ramp. The operator documents any problems on an electronic Vehicle Inspection Report. A Daily Lift Report tabulates all wheelchair deployment messages and a Daily Vehicle Problem Report tabulates all deployment problem messages. The latter two the buses automatically send. In the previous year, RGRTA incurred 90 radio communications regarding lift issues and made 21 change offs for lift related issues. Neither RGRTA nor local organizations that work or serve riders with disabilities reported complaints concerning providing alternative transportation. Although the situation has not arisen, RGRTA would also deploy alternate transportation if a disabled rider, who had not provided advanced notification, required transportation on a commuter route that one of the five 2002 MCI buses was serving. The process would be identical to those that RGRTA uses for equipment failures.

RGRTA is also working on a process to monitor the operations performed by their regional subsidiaries. At this time, however, the regional subsidiaries do not share in all of the dispatch and electronic reporting. This will be critical, because if these operations procedures at each regional subsidiary are independent, it may not be possible for headquarters to maintain proper administrative control. Full integration of these operations at the regional subsidiaries would represent best practice.

**Corrective Action Schedule:** Within 30 days of the issuance of the final report, RGRTA must discontinue the practice of placing vehicles with inoperable lifts into service on commuter bus routes, as it is not compliant with the ADA regulations.

**Advisory Comment:** RGRTA should follow best practice by improving oversight of its regional subsidiaries to ensure they meet the requirements governing the reporting of accessibility equipment failures, removing vehicles with malfunctioning equipment from service, and providing alternative transportation.

## 6.5 Training

**Requirement:** Under 49 CFR § 37.173, each public or private entity which operates a fixed route or demand responsive system must ensure that employees are trained to proficiency in the safe and proper operation of vehicles and equipment and in the proper assistance and treatment of riders with disabilities. Training must be specific to the tasks performed by the individual and should include both proficiency and sensitivity. Training for operators, dispatchers, maintenance staff, and operations managers, as well as other personnel, must cover the ADA regulatory requirements and transit agency policies and procedures for ensuring compliance. Transit agencies must thoroughly train operators in the proper operation of all accessibility equipment and in the appropriate treatment of riders with disabilities.

**Discussion:** During this compliance review, the review team found no deficiencies concerning training requirements. There are, however, advisory comments regarding refresher training and oversight of the regional subsidiaries.

RGRTA has extensive training for new operators with extensive focus on ADA requirements. During the compliance review, the review team interviewed operators. Their responses to training-related questions indicated that the operators believed they had at least received adequate initial training on accessibility. RGRTA also provides refresher training to its operators, with the subjects focused on recent issues that have arisen as selected by department heads. However, there is no systematic or regularly scheduled refresher training for all operators on ADA regulations and compliance. This is a potential issue as there have been infrequent and minor issues that RGRTA could address through refresher training. These include deploying accessibility features for standees, the absence of ramp tools on selected buses, lack of knowledge concerning the operation of PA systems, checking securement systems during pullout, and overall knowledge of the operation of securement systems. As a result, RGRTA should consider instituting a periodic refresher course in ADA topics and skills for all operators. A summary sheet should be used to record when each operator last received training.

RGRTA is also working on a process to monitor the operations performed by their regional subsidiaries. At this time, however, the regional subsidiaries operate independent training programs. This is a potential issue, because if training at each regional subsidiary is independent, it may not be possible for headquarters to maintain proper quality control. Full integration of training at the regional subsidiaries would represent best practice.

**Advisory Comment:** It is a best practice to provide periodic refresher courses in ADA topics and skills for all operators. This training should include the requirement that the transit provider must deploy lifts or ramps for persons who do not use wheelchairs, including standees. It should also address the need for ramp tools where the bus does not have them built in. The training should also address the presence and operation of PA systems, checking of securement systems during pullout, and overall knowledge of the operation of securement systems. This best practice includes a system for tracking when each operator last received training. RGRTA should adopt this best practice.

RGRTA should follow best practice by fully integrating training at the regional subsidiaries to ensure that the quality and quantity of initial and refresher training meets the standards envisioned by ADA regulations.

## 6.6 Complaint Resolution and Compliance Information

**Requirement:** Under 49 CFR § 37.5, transit agencies must not discriminate against an individual with a disability in connection with the provision of transportation service, or deny any individual with a disability the opportunity to use the transportation services it provides to the general public. The agency must provide service to persons with disabilities in the most integrated setting possible. Discriminatory practices include and are not limited to requiring the use of alternate transportation services rather than fixed route service; requiring an attendant to accompany persons with disabilities; imposing special charges upon people with disabilities; and requiring people with disabilities to use designated priority seating.

Under 49 CFR § 27.13(b), the transit agency must have administrative procedures in place that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints. Under 49 CFR § 27.121(b), the agency must keep all complaints of

noncompliance on file for one year and a record of all such complaints (which may be in summary form) for five years. Establishing these policies and procedures is the responsibility of the transit agency, not its contractors.

Note: While requirements to respond to complainants are not included in the DOT ADA regulations, it is a common and effective practice for a transit agency to respond to complainants and for transit agencies to investigate allegations to ensure the transit agency is meeting all DOT ADA requirements. If the transit agency has not established these policies and procedures, review team members shall include them as advisory comments.

**Discussion:** During this compliance review, the review team found a deficiency regarding the requirement that the agency keep all complaints of noncompliance on file for one year and a record of all such complaints (which may be in summary form) for five years. There is also an advisory comment concerning how RGRTA monitors and resolves complaints against its regional subsidiaries.

During the compliance review, the review team met with the Director of Customer Service. This individual stated that RGRTA uses a customer-service management system from CharterUK, a British company. The Customer Service Department logs each complaint into that system and then forwards each complaint to the department manager. RGRTA's CharterUK maintains data that goes back to as far as 2001 and the IT department backs up the database. However, the Customer Service Department does not keep paper or scanned copies of complaints. The regulations require RGRTA to maintain a full copy of the complaint on file for one year. RGRTA should alter their procedures to maintain a full paper or scanned copy of each complaint on file for one year.

There is also an advisory comment concerning how RGRTA monitors and resolves complaints against its regional subsidiaries. Currently the regional subsidiaries handle their own complaints. While RGRTA is working on integrating their complaint systems, if the complaint process at each regional subsidiary is independent of the main complaint system, it may not be possible for headquarters to maintain proper administrative control. Best practice requires RGRTA to complete the integration of all complaints.

**Corrective Action Schedule:** Within 60 days of the issuance of the final report, RGRTA must alter their practices by either keeping paper or scanned copies of complaints.

**Advisory Comment:** RGRTA should follow best practice by implementing complete integration of their complaint system to include regional subsidiaries.

## 6.7 Service under Contract with a Private Entity

**Requirement:** Under 49 CFR § 37.23, the transit agency must ensure that any private entity with which it has entered into a contract or other arrangement to provide service meets all the obligations of the DOT ADA regulations. This includes those for service provision, maintenance, and vehicle or equipment acquisition that the transit agency would be required to meet, if the transit agency provided the service directly. The transit agency must have policies and

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procedures in place to monitor the performance of its contractor(s) and ensure that the private entity providing the service on its behalf meets these requirements. The transit agency must not neglect monitoring or limit its monitoring to the terms and conditions of its contract or other arrangement with the private entity or entities.

**Discussion:** During this compliance review, the review team noted that one of the regional subsidiaries, the Livingston Area Transportation Service (LATS), contracted with a private entity for maintenance services. However, 49 CFR §37.23 speaks to the provision of fixed-route or demand-responsive service by a private entity under contract or other arrangement. Where this is the case, the private entity is subject to all of the requirements that would apply to the public entity. Contracts to provide supporting services such as maintenance are a separate matter, as the public entity is still responsible. Therefore, the review team found that this regulatory requirement is not applicable to RGRTA.

## 6.8 Service Provided by Another Public Entity

**Requirement:** Part 37 of title 49, Code of Federal Regulations, applies to any public entity that provides designated public transportation or intercity or commuter rail transportation. Under 49 CFR § 37.21(b), for entities receiving Federal financial assistance from the Department of Transportation, compliance with the applicable requirements of Part 37 is a condition of section 504 of the Rehabilitation Act of 1973 and of receiving financial assistance. Where a transit agency relies on another public entity to provide service on its behalf, the transit agency remains responsible for meeting the requirements of 49 CFR Part 37.

The transit agency must ensure that the service provided on its behalf meets all of the requirements that the transit agency would be required to meet, if the transit agency provided the service directly. The transit agency must have policies and procedures in place to monitor the performance of such service to ensure that the public entity providing the service on its behalf meets these requirements; the regulations do not permit the transit agency to defer to the public entity operating the service.

**Discussion:** During this compliance review, the review team found no deficiencies with regard to ADA compliance issues for service provided by another public entity. There is, however, an advisory comment regarding how the RGRTA oversees public entities providing the service on its behalf.

As discussed earlier in this report, statewide legislation in 1969 created four Regional Transportation Authorities across New York. This arrangement is relatively unusual in that any of the counties in the area that the Regional Transportation Authority covers can opt to become part of that Authority. Today, a Board of Commissioners governs the RGRTA, which in turn directs public transportation services for the counties of Monroe, Genesee, Livingston, Orleans, Seneca, Wayne, Wyoming, and Ontario. RGRTA and the regional subsidiaries operate all routes themselves, without using contractors.

According to RGRTA staff, the agency is working on processes to monitor the services performed by regional subsidiaries. This includes the July 7, 2014, appointment of a Regional



Director. This Regional Director is be responsible for all of RGRTA's subsidiary transit operations in seven counties, including Genesee, Livingston, Orleans, Seneca, Wayne, Wyoming, and Ontario County, which joined RGRTA on August 1, 2014, just prior to the site visit. In addition, RGRTA is in the process of rolling out a program called EASYBUS, which is a software system that combines New York State Article 19A (Special Requirements for Bus Drivers) requirements, maintenance, and dispatch systems. EASYBUS designed the software for smaller systems and it will provide a standardized system for RGRTA to track all their activities. Full oversight of the regional subsidiaries will be critical because, to the degree these subsidiaries operate independently, it may not be possible for headquarters to maintain proper administrative control. Full integration or detailed oversight of all operations at the regional subsidiaries would represent best practice.

**Advisory Comment:** RGRTA should follow best practice by developing a detailed oversight program of the regional subsidiaries to ensure that the public entity providing the service on its behalf meets all the obligations of the DOT ADA regulations.

## Summary Table of Compliance Review Findings

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
1	Accessibility Equipment Specifications	38 Subpart B	Advisory Comment  Deficiency	RGRTA should follow best practice by ensuring that ramp tools are available on ramp-equipped buses that do not have a built-in strap or pull to allow manual deployment.  RGRTA must ensure that every vehicle has proper signage in the securement area.	Not Applicable  60 Days
2	Use of Accessibility Equipment	37.165, 37.167	Advisory Comment	It is a best practice to provide periodic refresher courses in ADA topics and skills for all operators. This training should include the requirement that the transit provider must deploy lifts or ramps for persons who do not use wheelchairs, including standees. This best practice includes a system for tracking when each operator last received training. RGRTA should adopt this best practice.	Not Applicable
3	Maintenance of Accessible Features	37.161, 37.163	Deficiency  Deficiency	Produce a plan to ensure that the lift systems and movable seats on the five 2002 MCI D4000 over-the-road buses are maintained in operational condition.  Produce a plan to ensure that the PA systems are in working order across their fleet of fixed-route buses and that operators are familiar with and able to operate them.	60 Days  60 Days

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
	Maintenance of Accessible Features (cont.)		Advisory Comment	Ensure that ramp tools are available on ramp-equipped buses that do not have a built-in strap or pull to allow manual deployment.	Not Applicable
			Advisory Comment	Provide a longer period for pullout inspections to allow operators to inspect accessibility equipment including securement straps and PA systems and provide periodic refresher courses in ADA topics and skills for all operators that included the items operators should check during pullout and operation of PA systems.	Not Applicable
4	Reporting Failures, Removing Vehicles from Service, Providing Alternative Transportation	37.163	Deficiency	RGRTA must discontinue the practice of placing vehicles with inoperable lifts into service on commuter bus routes, as it is not compliant with the ADA regulations.	30 Days
			Advisory Comment	RGRTA should follow best practice by improving oversight of its regional subsidiaries to ensure they meet the requirements governing the reporting of accessibility equipment failures, removing vehicles with malfunctioning equipment from service, and providing alternative transportation.	Not Applicable

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
5	Training	37.173	Advisory Comment  Advisory Comment	It is a best practice to provide periodic refresher courses in ADA topics and skills for all operators. This training should include the requirement that the transit provider must deploy lifts or ramps for persons who do not use wheelchairs, including standees. It should also address the need for ramp tools where a bus does not have them built-in. The training should also address the presence and operation of PA systems, the checking of securement systems during pullout, and overall knowledge of the operation of securement systems. This best practice includes a system for tracking when each operator last received training.  RGRTA should follow best practice by fully integrating training at the regional subsidiaries to ensure the quality and quantity of initial and refresher training meets the standards envisioned by ADA regulations.	Not Applicable  Not Applicable
6	Complaint Resolution and Compliance Information	27.13(b), 27.121(b), 37.5	Deficiency  Advisory Comment	RGRTA must alter their practices by either keeping paper or scanned copies of complaints.  Currently the RGRTA's regional subsidiaries handle their own complaints. While RGRTA is working on integrating their complaint systems, if the complaint process at each regional subsidiary is independent of the main complaint system, it may not be possible for headquarters to maintain proper administrative control. Best practice requires RGRTA to complete the integration of all complaints.	60 Days  Not Applicable

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
7	Service Under Contract with a Private Entity	37.23	Not Applicable		Not Applicable
8	Service Provided by Another Public Entity	37.21(b)	Advisory Comment	RGRTA should follow best practice by developing a detailed oversight program of the regional subsidiaries to ensure that the public entity providing the service on its behalf meets all the obligations of the DOT ADA regulations.	Not Applicable

## **Attachment A - RGRTA Response to Draft Report**



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#### Commissioners

##### Monroe County

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Robert J. Fischer  
James H. Redmond  
*Chairman*

##### City of Rochester

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Henry Smith, Jr.

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Edward W. White  
*Secretary*

##### Wayne County

Michael P. Jankowski  
*Treasurer*

##### Wyoming County

Pending

TO: Anita Heard, Internal EEO Program Coordinator,  
Federal Transit Administration  
FROM: William Korth, Vice President of Maintenance,  
Rochester-Genesee Regional Transportation Authority  
RE: Factual corrections to draft of ADA FTA Fixed Route Audit  
DATE: July 13, 2015

This is to confirm based on our phone conversation today that this response is limited to factual changes and corrections. Once the final report has been issued we will have 60 days to address and respond to major deficiencies.

#### List of factual corrections communicated to the FTA on June 26, 2015:

- Section 4.1; pg 7; 3<sup>rd</sup> sentence....add Ontario to the list of counties the Board governs.
- Section 4.2; pg 8; 2<sup>nd</sup> paragraph; 1<sup>st</sup> sentence...add Ontario
- Section 6.8; pg 28; Discussion portion; 2<sup>nd</sup> paragraph; 2<sup>nd</sup> to last sentence...add Ontario
- Section 6.8; pg 28; Discussion portion; 3<sup>rd</sup> paragraph; 3<sup>rd</sup> sentence...add Wyoming

Additionally we would like to communicate that our 5 MCI coach-style buses were retired from the fleet late last year and sold a few months ago. These buses were the cause of 3 of the 4 noted substantive deficiencies. With respect to the remaining substantive deficiency we have a Director of Regional Operations who provides direct operational oversight over all Regional operations as well as a Manager of Regional Maintenance who oversees all maintenance functions for the Regionals. We have either already addressed or are in the process of addressing all of the noted issues.

Regards,

William Korth,  
Vice President of Maintenance