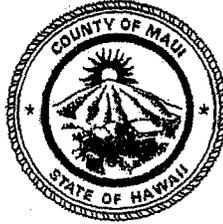


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May 27, 2014

MEMORANDUM

TO: Jo Anne Johnson Winer, Director
Department of Transportation

FROM:  Jerrie L. Sheppard, Deputy Corporation Counsel

SUBJECT: **ADA PARATRANSIT REQUIREMENTS**

This correspondence responds to your request for legal services received May 9, 2014, regarding two questions involving transportation for customers qualified for paratransit services from Maui County's bus service. The questions are:

- 1) May the County's paratransit bus intrude onto private property to pick up or drop off a qualified customer, a tenant of the property, if the landowner has indicated the bus may not drive onto their property?
- 2) If the landlord has authorized limited access, for small County vehicles, but restricted access by larger county vehicles, must the County's paratransit service provide the smaller vehicle to the customer, a tenant of the property?

The short answer to each question is no. If a landlord has restricted access to their property, there is no authority to override that restriction. The Americans with Disabilities Act of 1990 (ADA) requires fixed route bus systems to provide paratransit (curb to curb) service to eligible persons who, because of a disability, are unable to use the regular bus system. It offers advance reservations rather than a set schedule. This paratransit public bus service can not trespass onto private property against the landowner's wishes.

Paratransit accommodation basically expands a set bus route by adding an accessible vehicle for qualified customers who are unable to use the regular fixed route public bus service; it is not "door to door" service. This additional transportation option allows customers to use the County's transportation system, even if they are unable to board the typical County bus. The

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paratransit system is not a personal transportation service. The paratransit fare to use the alternate vehicle is the same as the regular bus fare. The paratransit areas serviced are the same areas the regular bus serves. Within the paratransit service area, the customer is picked up and dropped off at the nearest and safest point next to the curbside fronting the street address concerned.

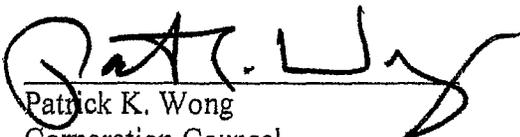
Paratransit service is a "shared ride," not personal, individual transportation. There are a fleet of handicapped-accessible vehicles to provide this service, basically augmenting the regular bus service with an accessible vehicle. There are multiple vehicles and multiple routes and riders for paratransit service, and while there may be vans and small busses in that fleet of vehicles, a specific vehicle for any one individual may be requested, but can not be guaranteed. The specific vehicle dispatched depends upon multiple, unpredictable, factors, such as readiness of the fleet of vehicles, the routes and number of customers being serviced within the "shared ride" system, which fluctuates drastically. There is no fixed route for specific paratransit vehicles, and thus the system is unable to guaranty a specific vehicle for any particular customer on any given day.

While a landlord may authorize a small vehicle access to their private property and restrict larger vehicles, there is no requirement for the paratransit system to adjust to private property owner preferences. The requirement is to provide the accessible vehicle within the service area, with pick up and drop off at the curb, not "door to door."

For customers who have need for accessible transportation and can not use the curbside pickup/dropoff provided by paratransit, Ala Hou is an alternative transportation system for which they may qualify.

If you are providing service as described above, you are providing appropriate transportation service. If the customer in question needs service beyond what paratransit offers to the general public, they may wish to look into Ala Hou service.

Approved for transmission:


Patrick K. Wong
Corporation Counsel

cc: Edward S. Kushi, First Deputy, Corporation Counsel