

SBCTAC STAFF REPORT

SUBJECT: Attendant and Companion Policies

MEETING DATE: October 11, 2011

AGENDA ITEM: 6

STAFF CONTACT: Aubrey Spilde

RECOMMENDATION: Receive a report on regulations and policies regarding personal care attendants and companions on transportation vehicles.

SUMMARY:

ADA regulations require that transportation providers allow attendants and companions to ride with individuals with disabilities under certain circumstances. One attendant and at least one companion must be allowed to ride paratransit; attendants ride for free, but companions pay the same fare as the paratransit-eligible individuals. Attendants and companions may ride, and pay for, fixed-route transit as any other passengers would.

This item is an opportunity for SBCTAC members to discuss the regulations and policies regarding personal care attendants and companions.

DISCUSSION:

The Americans with Disabilities Act (ADA) ensures equal opportunity and access for people with disabilities. ADA regulations require that transportation providers allow attendants and companions to ride with individuals with disabilities under certain circumstances. It is important to understand the following distinctions:

- An attendant/personal care attendant is different from an accompanying individual/companion.
- The requirements for paratransit service differ from the requirements for fixed-route service.

The questions and answers below explain the ADA regulations regarding personal care attendants and companions on transportation vehicles.¹

¹ Sources:

- 49 C.F.R. Part 37. http://www.fta.dot.gov/civilrights/ada/civil_rights_3906.html.
- Transit Access Project. *Rider's Guide to Public Transit for People with Disabilities*. <http://www.transitaccessproject.org/InternalDocs/RiderInfo/ridersguide.pdf>.

What is an attendant/personal care attendant?

An attendant or personal care attendant is someone who is designated or employed to help an individual with a disability meet his or her personal needs (e.g., toileting, eating, dressing, etc.).

What is an accompanying individual/companion?

An accompanying individual or companion is someone who is riding with an individual with a disability, but is not providing personal care services. A companion can be a family member, friend, business associate, date, etc.; a paratransit provider cannot limit an individual's choice of companion.

May an attendant ride paratransit with a person with a disability?

A personal care attendant must be allowed to ride paratransit with a paratransit-eligible individual. The attendant must be allowed to ride even if he or she displaces other paratransit-eligible individuals.

Personal care attendants ride paratransit for free.

A paratransit provider may require that, as part of the initial paratransit eligibility certification process, an applicant indicate whether or not he or she travels with a personal care attendant. If an applicant does not indicate that he or she uses an attendant, an individual accompanying him or her would be regarded simply as a companion.

A paratransit provider may also require that, in reserving a trip, a paratransit-eligible individual reserve space for an attendant.

May an attendant ride fixed-route transit with a person with a disability?

A personal care attendant may ride, and pay for, fixed-route service as any other passenger would. ADA does not require fixed-route service providers to allow personal care attendants to ride for free. Some fixed-route services do, however, choose to offer free fares for personal care attendants.

Must an attendant ride transit with a person with a disability?

A transportation provider cannot require that an individual with a disability be accompanied by an attendant. However, transportation providers are not required to perform personal care services for individuals with disabilities either.

There are circumstances under which a transportation provider can require that an individual travel with an attendant. For example, a provider may require an attendant as a condition of providing service it would otherwise have the right to refuse, such as to someone who engages in violent or illegal behavior.

May a companion ride paratransit with a person with a disability?

One person accompanying a paratransit-eligible individual must be allowed to ride paratransit with the individual. (Accompanying means having the same origin and destination as the paratransit-eligible individual.) This one companion must be allowed to ride even if he or she displaces other paratransit-eligible individuals. A personal care attendant is not a companion and does not count toward the one-companion allotment.

A companion pays the same fare as the paratransit-eligible individual.

A paratransit provider may require that, in reserving a trip, a paratransit-eligible individual reserve space for a companion.

Additional companions accompanying a paratransit-eligible individual must also be allowed to ride paratransit, if there is space available and if they do not displace other paratransit-eligible individuals.

There are circumstances under which a transportation provider may wish to provide service to a companion who does not have either the same origin or the same destination as the paratransit-eligible individual. For example, a provider could drop an individual's date off at his or her own residence on the way home from a concert.

May a companion ride fixed-route transit with a person with a disability?

A companion may ride, and pay for, fixed-route service as any other passenger would. ADA does not require fixed-route service providers to allow companions to ride for free.

The information below describes some of the local transportation providers' policies regarding attendants and companions. Amtrak's and Greyhound's policies are attached.

- Breeze: Attendants must pay to ride fixed-route service.
- Clean Air Express: Attendants must pay to ride fixed-route service.
- COLT: Attendant/companion policy mirrors Easy Lift's.
- Easy Lift Dial-a-Ride: Companions may travel with passengers and are charged the same fare as the rider. Personal care attendants are not required to pay the fare as long as they are traveling with an eligible rider and have been registered with our Mobility Coordinator. A personal care attendant is defined as a qualified person who is employed by the rider to provide mobility and personal care assistance. Please be sure to notify the reservations operator that an additional passenger will be traveling with the rider during the trip, since seats are subject to space availability. Easy Lift offers a charter service for groups of greater than two who wish to travel together to the same destination.
- SMAT: Attendants ride paratransit at no cost. Attendants must pay to ride fixed-route service.

- SMOOTH/Guadalupe/Los Alamos: We try to uniformly refer to an attendant as a Ride Along Aide as it implies a more participatory relationship to the ADA or senior passenger who needs assistance or aid, as opposed to a "companion" which implies that they are just a friend or companion along for a ride.

The Los Alamos Shuttle is more of a fixed route/deviated route service and as such we charge a fare by the seat; a companion or aid would pay the standard fare.

On both of our demand response curb-to-curb style services (Guadalupe ADA and SMOOTH Senior Dial-A-Ride), Ride-Along Aides ride at no charge while they accompany the disabled passenger. We currently do not have a mechanism to "register" or "validate" a Ride-Along Aide.

- SYVT: While the primary focus of the attendant policy is the DAR service, there is no policy restricting a patron from (also) having an attendant in connection with the fixed-route service.
- Wine Country Express: Our attendant/companion policy mirrors Easy Lift's.

RECOMMENDATION:

Receive a report on regulations and policies regarding personal care attendants and companions on transportation vehicles.

ATTACHMENTS:

1. Amtrak Policy
2. Greyhound Policy

Amtrak - Plan - Special Needs & Accessibility

Amtrak does not require that an attendant accompany a qualified individual with a disability. However, if a passenger anticipates that he or she may need personal care assistance during the trip, such as assistance with feeding, bathing, dressing, medicating or toileting, the passenger must travel with an attendant who can provide such assistance.

Amtrak is pleased to offer a discounted companion fare for persons traveling with a passenger with a disability. Call a service representative at 1-800-USA-RAIL (1-800-872-7245) or TDD/TTY (1-800-523-6590), or speak to a reservation agent in a station for more details.

Please note that Amtrak's train crews are not required or permitted to provide personal care assistance to passengers. Please take this into account when making your travel plans. If it becomes apparent during a trip that an unaccompanied passenger requires such assistance, the passenger may have to detrain prior to his or her final destination.

Greyhound.com | Customers With Disabilities

Traveling Alone or With a Personal Care Attendant (PCA)

You may travel alone on Greyhound if you can travel independently and do not require assistance of a personal nature, which Greyhound personnel and its contractors are not required to provide. If you require assistance that we cannot provide, you may wish to include a personal care attendant (PCA) in your travel plans.

At Greyhound, your attendant may be issued a 50 percent discounted ticket to travel with you. The Greyhound PCA program is voluntary and not mandated by any federal regulations. Greyhound reserves the right to invoke and/or modify program qualifications and qualification guidelines for participation in this program.

PCA program guidelines

- Approval for participation in the PCA program is based on information received from the customer while making a reservation. The PCA's name must be provided at this time.
- Participation in the PCA program is based on assistance requested and not a customer's disability.
- Request for a PCA ticket cannot be combined with any other Greyhound reduced fare offer which prohibits the issuance of such ticket.
- Request for a PCA ticket must be made 24 hours prior to a customer's time of departure.
- If made in conjunction with a request for wheelchair lift-equipped bus service, the request for a PCA ticket must be made 48 hours prior to the beginning of a customer's trip.
- PCA must provide picture identification for ticket to be issued.
- PCA must be capable of providing the assistance and be at least 12 years of age.
- PCA must sign for tickets at the point of issuance.
- PCA ticket will be issued for the entire length of trip.
- If the PCA ticket is lost prior to departure or en route, the PCA must purchase a new ticket at the applicable fare.
- The customer and PCA must travel the entire trip together.
- If an adult PCA is traveling with a minor who has a disability, the minor is charged a full adult fare.