

# Origin-to-Destination Service

## DEPARTMENT OF TRANSPORTATION

### DISABILITY LAW GUIDANCE

The Department of Transportation's ADA regulation provides that complementary paratransit service for ADA paratransit eligible persons shall be "origin-to-destination" service. What are the obligations of transit providers to ensure that eligible passengers receive "origin-to-destination" service?

The Department's ADA regulation, 49 CFR §37.129(a), provides that, with the exception of certain situations in which on-call bus service or feeder paratransit service is appropriate, "complementary paratransit service for ADA paratransit eligible persons shall be origin-to-destination service." This term was deliberately chosen to avoid using either the term "curb-to-curb" service or the term "door-to-door" service and to emphasize the obligation of transit providers to ensure that eligible passengers are actually able to use paratransit service to get from their point of origin to their point of destination.

The preamble discussion of this provision made the following points:

Several comments asked for clarification of whether [origin-to-destination] service was meant to be door-to-door or curb-to-curb, and some recommended one or the other, or a combination of the two. The Department declines to characterize the service as either. *The main point, we think, is that the service must go from the user's point of origin to his or her destination point.* It is reasonable to think that service for some individuals or locations might be better if it is door-to-door, while curb-to-curb might be better in other instances. This is exactly the sort of detailed operational decision best left to the development of paratransit plans at the local level. (56 FR 45604; September 6, 1991; emphasis added.)

In the local paratransit planning process, it would be consistent with this provision for a transit provider to establish either door-to-door or curb-to-curb service as the basic mode of paratransit service. Where the local planning process establishes curb-to-curb service as the basic paratransit service mode, however, provision should still be made to ensure that the service available to each passenger actually gets the passenger from his or her point of origin to his or her destination point. To meet this origin to destination requirement, service may need to be provided to some individuals, or at some locations, in a way that goes beyond curb-to-curb service.

For instance, the nature of a particular individual's disability or adverse weather conditions may prevent him or her from negotiating the distance from the door of his or her home to the curb. A physical barrier (e.g., sidewalk construction) may prevent a passenger from traveling between the curb and the door of his or her destination point. In these and similar situations, to ensure that service is actually provided "from the user's point of origin to his or her destination point,"

the service provider may need to offer assistance beyond the curb, even though the basic service mode for the transit provider remains curb-to-curb.

Because arranging for assistance beyond the curb may require additional time on the transit provider's part, we believe that it would be reasonable for the transit provider to ask for advance notice from the passenger of a need for this assistance. This would give the provider the opportunity to evaluate how to meet the need, as well as potential obstacles to providing it. In the case of a passenger who sought this assistance on a regular basis, this notice could be provided as part of the application process for paratransit eligibility or at the time that a change in circumstances made regular provision of assistance necessary. In the case of a passenger who sought this assistance on an occasional basis, we think that asking for advance notice at the time of reservation for the trip would be reasonable and consistent with the next-day service requirement of the rule. If a passenger did not provide this notice, the transit provider would still need to make its best efforts to provide the needed assistance.

It should be emphasized that the regulation does not require a general change in a provider's basic mode of service from curb-to-curb service to door-to-door service. It should also be emphasized that transit providers are not required to take actions to accommodate individual passengers' needs that would fundamentally alter the nature of the service or create undue burdens. In this respect, the Department interprets the scope of transit providers' origin to destination service obligation analogously to the general obligations of public entities under the ADA to provide program accessibility.

For example, the Department does not view transit providers' obligations as extending to the provision of personal services. Drivers would not have to provide services that exceed "door-to-door" service (e.g., go beyond the doorway into a building to assist a passenger). Nor would drivers, for lengthy periods of time, have to leave their vehicles unattended or lose the ability to keep their vehicles under visual observation, or take actions that would be clearly unsafe (e.g., back a vehicle down a narrow alley in specific circumstances that would present a direct threat to safety). These activities would come under the heading of "fundamental alteration" or "undue burden."

Under the ADA rule, it is not appropriate for a paratransit provider to establish an inflexible policy that refuses to provide service to eligible passengers beyond the curb in all circumstances. On an individual, case-by-case basis, paratransit providers are obliged to provide an enhancement to service when it is needed and appropriate to meet the origin-to-destination service requirement. We recognize that making individual, case-by-judgments may require additional effort, but this effort is necessary to ensure that the origin-to-destination requirement is met.

This guidance has been approved through the Department of Transportation's Disability Law Coordinating Council as representing the official views of the Department on this matter.

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