

HOW TO APPEAL PARATRANSIT DETERMINATIONS

Metro bases its decisions about ADA paratransit eligibility on the information you provide and the language of the Americans with Disabilities Act. The ADA restricts paratransit eligibility to people who cannot use fixed-route transit service because impairment prevents them from getting to and from the bus stop or riding the bus. Following the ADA's guidelines, Metro bases its eligibility on your individual capacity and abilities, and does not assume that all people with a specific diagnosis are the same. To quote from the ADA 49CFR37 Sec 37.123 (e)(3)(ii):

"A condition which makes traveling to a boarding location or from a disembarking location more difficult for a person with a specific impairment-related condition than for an individual who does not have the condition, but does not prevent the travel, is not a basis for eligibility ..."

When you disagree with Metro's decision in certifying your ADA eligibility, you may file an appeal. Metro recognizes that access to transportation is crucially important for people with disabilities, and that emotions can run high. That is why we insist on putting everything in writing, so that Metro and our customers can know exactly who said what when.

PHASE 1: APPEAL ON THE MERITS

You have one month to file an appeal. The appeal deadline is shown on the notification letter. In your letter of appeal, please provide the following information:

- Contact information: your name, postal address, and telephone/tty.
- Why you believe our decision was in error.
- What you want to happen as a remedy.
- Why you are unable to use the fixed-route bus system. Include letters from professionals (case managers, social workers, doctors, etc.) that document why your impairment limits your independent traveling abilities.

Send your appeal letter to:

Paratransit Certification Appeal
Transit General Manager
Metro Transit System
1101 East Washington Avenue
Madison, WI 53703

When your appeal is received within the specified time limit, the Transit General Manager, or designee, will respond in writing within ten working days, addressing each material issue you raise in your appeal. The Transit General Manager determines whether the initial decision was correct or whether more information is needed.

PHASE 2: APPEAL ON THE PROCESS

If the Transit General Manager upholds the initial determination, you have one final appeal. If you believe that Metro has not followed the rules as described here and in the paratransit application, then you may file an appeal to the Paratransit Appeals Board (PAB). The members are selected from the ADA Transit Subcommittee of the Transit and Parking Commission. They are citizens with experience and particular interest in paratransit issues. Their task is to judge whether the application, initial decision, and appeal process were handled correctly.

You have ten days from receipt of the Transit General Manager's response to write your appeal letter to the PAB. Please include:

- An outline of your and Metro's actions, including dates.
- Copies of relevant letters you sent.

Send your appeal letter to:

Paratransit Appeals Board
Metro Transit System
1101 East Washington Avenue
Madison, WI 53703

Metro staff must also submit copies of relevant letters that Metro has written.

When the PAB receives your request for a hearing before the deadline, they will schedule a hearing as soon as is practical.

PHASE 3: APPEAL HEARING

At this hearing, you and a Metro representative will answer questions from the PAB about the application and appeal process. Lawyers are neither required nor recommended. The PAB reaches its final decision within ten days and provides written copies to you, the Transit General Manager, and all members of the ADA Transit Subcommittee of the Transit and Parking Commission.

If you still disagree with the determination, you may then re-apply for paratransit certification. Additionally, whenever there are changes in your ability to ride a bus or get to and from the bus stop, you are most welcome to re-apply for paratransit service.