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COMMUNITY ASSISTANCE PLANNING REPORT NUMBER 39

A PUBLIC TRANSIT SYSTEM ACCESSIBILITY PLAN

Volume Two

MILWAUKEE URBANIZED AREA/MILWAUKEE COUNTY

Prepared by the

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INTRODUCTION

BACKGROUND

The Federal Rehabilitation Act of 1973, as amended, provides in Section 504 that otherwise qualified handicapped individual in the United States...shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity receiving federal financial assistance." In accordance with the passage of this Act by the Congress of the United States, President Gerald R. Ford, on April 28, 1976, issued an Executive Order declaring that, Secretary of Health, Education and Welfare (HEW) shall coordinate the implementation of Section 504 of Rehabilitation Act of 1973, as amended a11 departments ...by federal agencies empowered to extend federal financial assistance to any program or activity." This Executive Order also directed that "each federal department and agency empowered to provide federal financial assistance shall issue rules, regulations, and directives (implement-Section 504) consistent standards, guidelines and procedures to be established by the Secretary of HEW."

Pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, the President's Executive Order, and the standards, guidelines, and procedures issued by the Secretary of HEW, the Secretary of the U.S. Department of Transportation (U.S. DOT) published a notice of proposed rulemaking on June 8, 1978, containing provisions implementing Section 504 as it applies to all programs and activities receiving federal financial assistance through the U.S. DOT. Public hearings were held concerning these proposed rules in September 1978 in New York, Chicago, Denver, San Francisco/Oakland, and Washington, D.C. Based on the comments made at these five hearings and the comments received in over 650 written submissions

the U.S. DOT, the proposed rules implementing Section 504 of the Rehabilitation Act of 1973 were subsequently refined and Final Rule 49 CFR Part 27, Nondiscrimination on the Basis of Handicap in Federally Assisted Programs and Activities Receiving or Benefitting from Federal Financial Assistancel was then issued by the Office of the Secretary of the U.S. DOT on May 31, 1979.

General Provisions of Final Rule 49 CRF Part 27

Final Rule 49 CFR Part 27 concerning nondiscrimination on the basis of handicap in federally assisted programs and activities receiving or benefitting from federal financial assistance provides that all recipients of U.S. DOT funds conduct their respective programs and activities so that, when viewed in their entirety, these programs or activities are readily accessible to handicapped persons, including those persons with hearing and vision impairments and those persons who are nonambulatory wheelchair bound. This rule also provides that an otherwise qualified handicapped person shall not be subjected to discrimination employment under any program or activity receiving federal financial assistance. In accordance with these two general provisions, Final Rule 49 CFR Part 27 also contains certain transportation "mode specific" provisions in the form of standards, directives, and procedures which must be satisfied within specified time periods for a recipient of federal funds to be in compliance with the intent of Final Rule 49 CRF Part 27. A recipient who is determined by the U.S. DOT to be in noncompliance with the provisions Final Rule 49 CFR Part 27 may ultimately face legal proceedings brought by the U.S. Department of Justice and the suspension or termination of, or refusal

¹The entire rule is reproduced in Appendix A.

to grant or continue federal financial assistance to the recipient's programs and activities which are not in compliance with the Rule.

Specific Provisions of
Final Rule 49 CFR Part 27
Pertaining to Federally
Assisted Fixed Route Bus Systems
Final Rule 49 CFR Part 27 contains the
following four provisions which specifically affect federally assisted fixed
route bus systems:

1. Fixed facilities for the public--Fixed facilities for the public, including public buildings, bus shelters, and parkride lots, which are a part of the overall operation of the fixed-route bus system, must be made accessible² to handicapped persons as soon as practicable, but no later than three years after the effective date 3 of the Rule, except for those changes involving extraordinarily expensive structural changes replacement of existing facilities, in which case up to 10 years may be allowed to achieve accessibility. Design, construction, or major alteration of new or existing fixed facilities after the effective date of the rule must be in accordance with the minimum standards contained in the American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped, published by ANSI, Inc. (ANSI A117.1-1961 (R 1971)).

- 2. Vehicles--One-half of the fixedroute buses "in service" during the peak hour must be accessible to handicapped persons as soon as practicable, but no later than three years after the effective date of the Rule. However, this time limit may be extended to 10 years for extraordinarily expensive structural changes to, or replacement of, existing vehicles. Buses accessible to handicapped persons must be used before inaccessible buses for off-peak service. New buses of any size, purchased with federal financial assistance after the effective date of the Rule, must be accessible to handicapped persons.
- 3. Program services, policies, and practices--Existing program services, policies, and practices that prevent the fixed-route bus system from achieving accessibility must be modified as soon as practicable, but no later than three years after the date of the Rule. effective While this Rule applies to any and all services, policies, and practices which discriminate against handicapped persons, the following 14 areas of issue must be reviewed and addressed as they relate to the provisions of fixed-route bus service and the effective use of this service by handicapped persons:
 - a. Hiring and employment policies and practices;

Enterable and usable by handicapped persons, including those persons who are nonambulatory, wheelchair-bound, and those persons with vision and hearing impairments.

The effective date of Final Rule 49 CFR Part 27 is July 2, 1979.

Provisions 1 and 2 apply not only to the public facilities and vehicles owned by each recipient of federal funds which are a part of the overall fixed-route bus system, but also to public facilities and vehicles which are being used under contract or lease agreements to provide fixed-route bus services.

- b. Safety and emergency policies and procedures;
- c. Periodic sensitivity and
 safety training for personnel;
- d. Accommodations for companions or aides of handicapped travelers;
- e. Intermodal coordination of transportation providers;
- f. Coordination with social service agencies that provide or support transportation for handicapped persons;
- g. Comprehensive marketing considerate of the travel needs of handicapped persons;
- h. Leasing, rental, procurement, and other related administrative practices;
- i. Involvement of private and public operators of transit and public paratransit in planning for and in providing other accessible modes and appropriate services;
- j. Regulatory reforms to permit and encourage accessible services;
- k. Management supervision of accessible facilities and vehicles;
- Maintenance and security of accessibility features;
- m. Labor agreements and work rules; and
- n. Appropriate insurance coverage.
- 4. Interim accessible transportation service--If a recipient of
 federal funds being used to
 assist in providing fixed-route
 bus service determines that the
 service will not be accessible
 within three years of the effec-

tive date of the Rule, recipient must exhibit a reasonable level of effort to program each year, in the urbanized area's transportation improvement program (TIP), transportation related projects which are provide designed to accessible transportation service 5 until such time as the regular fixed-route bus system is accessible. Reasonable progress in implementing these programmed projects must be exhibited annually.

Standards used in the provision of interim accessible transportation service must be developed in cooperation with an advisory committee of representatives of local handicapped persons and groups. Subject to the 2 percent expenditure limitation,

⁵Interim accessible transportation service is a transportation service, such as Milwaukee County's user-side subsidy program that substitutes as an effective means of travel for handicapped persons who are otherwise unable to utilize the regular local public mass transportation system until such time as the regular local public mass transportation system is made accessible.

⁶Until July 2, 1982, a recipient of federal funds is obligated to spend annually an amount of money equal to 2 percent of the financial assistance allocated to the recipient under Section 5 of the Urban Mass Transportation Act of 1964, as amended, on special efforts accessible transportation service projects unless the local advisory committee involved in the provision of the special efforts accessible service agrees with the recipient that expenditures at a lower level will provide an adequate level of service. After July 2, 1982, a recipient of federal funds is obligated to spend 2 percent of the financial assistance received under Section 5 on the interim accessible transportation service for the duration of time in which interim accessible transportation service is provided.

provided in Final Rule 49 CFR Part 27, these interim accestransportation sible service standards should ensure the provision of a transportation service that is available within regular fixed-route service area during normal service hours. In addition, to the extent feasible, the interim service must have no restrictions on trip purpose. combined wait and travel time, transfer frequency, and fares must be comparable to that of the regular fixed-route system. The interim accessible service must be available to all handicapped persons who could otherwise use the regular fixedroute system if it were accessible, including persons confined to wheelchairs. Finally, there can be no waiting list which consistently excludes handicapped persons who have qualified or registered to use the interim accessible service.

Transition Plan Requirements for Urbanized Areas

Final Rule 49 CFR Part 27 also requires that a transition plan be prepared for each urbanized area, including within that plan all of the federally assisted programs and activities of each recipient of federal funds provided by the U.S. Department of Transportation, Urban Transportation Administration (UMTA). A transition plan is a staged, multi-year planning document that describes the results of the local planning process used to identify the transportation-related capital improvement projects and modifications to existing facilities, vehicles, services, policies, and practices needed, and to be undertaken so as to eliminate discrimiagainst otherwise qualified handicapped individuals solely on the basis of handicap in all programs and activities financially assisted with UMTA funds. The transition plan, which is to be completed, adopted by the local transit operator and the metropolitan planning organization, and submitted to UMTA by July 2, 1980, must:

- Identify the public transportation fixed facilities, vehicles, services, policies, and practices that do not currently meet the specific provisions of Final Rule 49 CFR Part 27;
- 2. Identify the improvement projects and modifications needed to achieve accessibility;
- 3. Establish priorities among the necessary improvements and modifications, reasonable implementation schedules, and system accessibility benchmarks;
- 4. Estimate total costs and identify sources of funding for implementing the necessary improvements and modifications;
- 5. Assign responsibility for implementing the necessary improvements and modifications:
- 6. Describe coordination activities to improve the efficiency and effectiveness of existing transportation services;
- 7. Describe the interim accessible transportation service which will be provided until regular transportation system accessibility is achieved and how service levels and fares for this interim accessible service were determined. the if regular transportation system is not expected to be accessible by July 2, 1982;
- 8. Describe the community participation process used in the development of the transition plan; and
- 9. Identify responses to substantive concerns raised during public hearings on the transition plan.

The transition plan is to be developed and, as necessary, reappraised and refined under the direction of the Southeastern Wisconsin Regional Planning Com-

mission (SEWRPC) as the designated Metropolitan Planning Organization (MPO) for the Milwaukee urbanized area, with public participation in the planning process. From initial planning through implementation. public participation include continuing consultation must with handicapped persons, public and private social service agencies, public and private operators of existing transportation for handicapped persons, public and private transportation operators, and other interested and concerned persons. Prior to the submittal of the urbanized area transition plan, a public hearing on the plan must be held, and responses to substantive comments raised during the hearing must be included in the plan. In addition, the plan must be endorsed by each recipient of UMTA funds responsible for implementing portions of the transition plan and by the SEWRPC.

RECIPIENTS OF UMTA 7 FUNDS IN THE MIL-WAUKEE URBANIZED AREA

The Milwaukee urbanized area, shown on Map 1, is located in southeastern Wisconsin. It is approximately 465.5 square miles in size, and based on 1970 census data, has a total population of 1,252,457 persons. Within the Milwaukee urbanized area, both Milwaukee and Waukesha Counties are direct recipients of federal funds provided through the U.S. Department of Transportation, Urban Mass Transportation Administration (UMTA), which are used to support public transportation programs. This planning

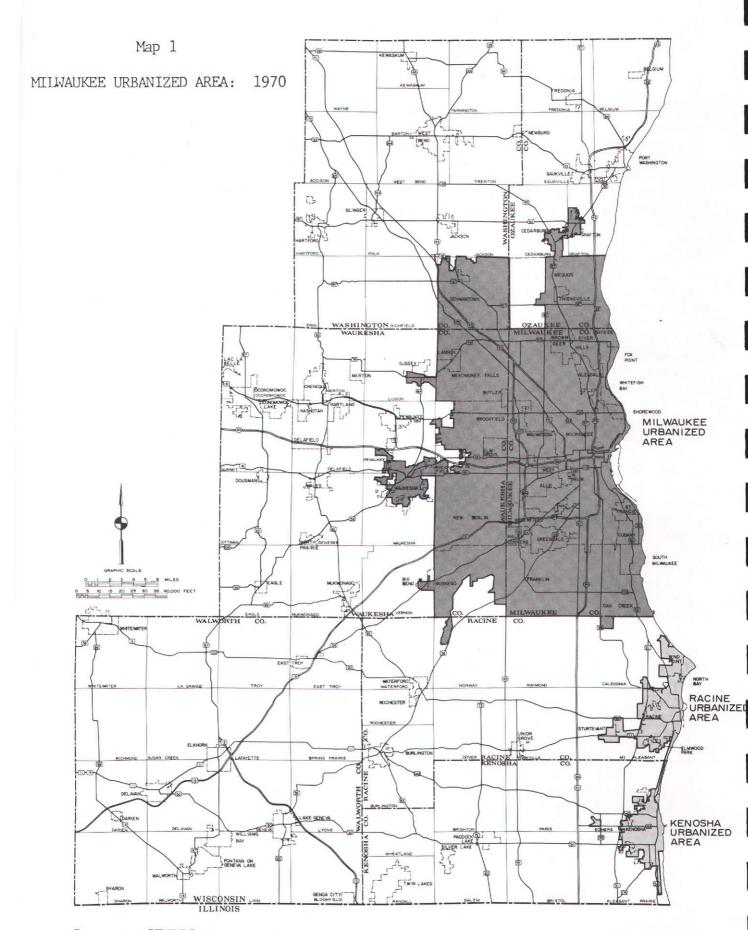
report, however, contains the assessment of only Milwaukee County's compliance with all of the provisions of Final Rule 49 CFR Part 27 in the conduct of its federally assisted public transportation program and presents Milwaukee County's endorsed transition plan for making the improvements and modifications necessary to bring its federally assisted public mass transportation program into compliance. A separate transit operator transition plan exists for Waukesha County.8

Milwaukee County is a recipient of UMTA funds under Sections 3 and 5 of the Urban Mass Transportation Act of 1964. as amended, which partially support its public transportation program. funds may be used by the County to subsidize 80 percent of the cost of modernizing existing publicly owned bus facilities and equipment and of purchasing new bus facilities and equipment such as buildings, buses, and bus shel-The funds may also be used to subsidize to a maximum level of 50 percent the operating deficits incurred in the provision of public transit services. Table 1 shows the amount of UMTA funds which have been allocated to and each year since Milwaukee received providing public mass County began transportation services in 1975. recipient of UMTA funds, Milwaukee County must, therefore, comply with all of the previously mentioned applicable provisions of Final Rule 49 CFR Part 27 nondiscrimination on concerning basis of handicap in federally assisted programs and activities receiving or federal financial from benefitting assistance.

There have also been six indirect recipients of federal funds provided through UMTA in the Milwaukee urbanized

⁷Urbanized areas are geographic areas delineated by the U.S. Bureau of the Census. They consist of those areas devoted to intensive urban land uses and areas contiguous to large central cities which together form the core of the urbanized area. Urbanized areas are intended to represent the total area which functions as the "true" city, as opposed to the "artificial" cities, represented by civil division boundaries.

See Community Assistance Planning Report No. 39, <u>A Public Transit System Accessibility Plan</u>, Volume 4, <u>Milwaukee Urbanized Area/Waukesha County</u>.



Source: SEWRPC.

Table I

UMTA SECTION 3 AND 5 FUNDING ACTIVITY IN THE MILWAUKEE URBANIZED AREA: 1975-1979

(Recipents: Milwaukee and Waukesha Counties)

	1	Section 5 Ca	pital and C	perating Assis	stance Funds		Section 3 Car	oital Assista	nce Funds
Year	Fiscal Year Urbanized Area Allocation	Grant Number	Recipient	Expended During Calendar Year ^b	Urbanized A Annual	rea Balance Cumulative	Funds Received ^b	Grant Number	Recipient
1975	\$ 2,601,554	W1-05-4003	Mi Iwaukee County	\$ 1,462,033	\$1,139,521	\$1,139,521	\$18,274,516	WI-03-0005 ^f	Mi Iwaukee County
1976	4,335,923	WI-05-4010	Mi Iwaukee County	3,521,105	814,818	1,954,339			
1977 ^a Total	6,720,317	WI-05-4026 WI-05-4017	Mi waukee County Waukesha County	5,257,455 41,900 \$5,299,355	1,420,962	3,375,301	7,498,248	WI-03-0025 ⁹	Mi Iwaukee County
1978 Total	6,720,317	WI-05-4037 WI-05-4036	Mi Iwaukee County Waukesha County	7,240,099 <u>68,050</u> \$ 7,308,140	d (587,832)	2,787,469	18,978,832	W1-03-0035	Mi Iwaukee County
1979 Capital/ Operating Subtotal Bus Capital		WI-05-4006 WI-05-4043 WI-05-0010	Mi Iwaukee County Waukesha County Mi Iwaukee County	10,078,089 90,900 \$10,168,989 2,689,912 ^C	d (1,172,108)	1,615,361 ^e			
Total	\$11,598,294								

 $^{^{\}rm a}$ 1977 Section 5 funding allocation covers the 15-month period from July 1, 1976, to September 30, 1977, and reflects a change in the federal fiscal year.

Source: Milwaukee County Department of Public Works, Transportation Division; Waukesha County Highway Department, and SEMRPC.

area. In the federal fiscal year 1975 funding cycle, the following private, nonprofit agencies: American Cancer Society, Milwaukee Division, Inc.; Curative Rehabilitation Center of Milwaukee; Elder Care Line, Inc.; Goodwill Industries of Milwaukee Area, Inc.; Jewish Vocational Services; and Project

Involve, Inc., all received UMTA monies through the Wisconsin Department of Transportation (WisDOT) to support the purchase of various types and sizes of vehicles including automobiles, vans, and buses and radio equipment in order to provide specialized transportation service for elderly and handicapped

^bUnaudited.

^cincludes supplemental UMTA funds.

dBrackets indicate amount of Section 5 funding expended beyond federal fiscal year allocation.

This deficit amount was made up from draw down of cumulative Section 5 funding surplus of allocations from previous years.

e_{Projected}

functudes two amendments: one in October 1976 and one in November 1976.

⁹Includes one amendment in April 1979.

persons throughout Milwaukee County. The total cost of these vehicles and radio equipment has been \$187,218. amount, \$149,775, or 80 percent of the total purchase price, was funded with federal monies available to WisDOT under Section 16(b)(2) of the Urban Transportation Act of 1964, as amended. Table 2 provides an alphabetical listing of the six private nonprofit agencies which indirectly received UMTA Section 16(b)(2) funds allocated to each state in federal fiscal year 1975, the amount federal funds received. and acquisitions made with these funds.

Between the 1975 and 1979 federal fiscal funding cycles, only Goodwill Industries of Milwaukee Area, Inc. has received any additional indirect federal funding for transportation vehicles and related equipment under Section 16(b) In the federal fiscal year 1977 funding cycle, Goodwill received UMTA monies through the WisDOT to support the purchase of six 40-passenger wheelchair lift-equipped buses and radio equipment. The total cost of these vehicles and radio equipment was \$133,386. Of this amount, \$94,366, or about 71 percent of the total purchase price, was paid for with UMTA Section 16(b)(2) funds.

Since WisDOT is the direct recipient of these Section 16(b)(2) funds, the provisions of Final Rule 49 CFR Part 27 require that WisDOT be responsible for ensuring that agencies to which distributes funds in the form of transportation facilities and equipment are in compliance with the provisions of Final Rule 49 CFR Part 27 or that each such agency has a transition plan for achieving compliance as soon as practicable. Therefore, this volume of SEWRPC Community Assistance Planning Report No. 39 presents only the transition plan for making the Milwaukee County Transit System accessible. A separate accessibility assessment of "504" compliance for 1979 recipients and 1980 potential recipients of UMTA 16(b)(2) funds in the Milwaukee urbanized area prepared in cooperation with the WisDOT is presented in Appendix В.

EXISTING PLAN TO PROVIDE ACCESSIBLE PUBLIC TRANSPORTATION SERVICES IN MILWAUKEE COUNTY

Background

In August, 1976, more than two years before the issuance of Final Rule 49 CFR Part 27, SEWRPC undertook a comprehensive study to determine the special transportation needs of transportation handicapped 9 people in southeastern Wisconsin and how to effectively accommodate those needs. This study conducted in accordance with the provisions of Section 16(a) of the Urban Mass Transportation Act of 1964, as amended, and the provisions of specific federal rules 10 pertaining to "special efforts" transportation requirements for elderly and handicapped persons issued jointly by the Urban Mass Transportation and Federal Highway Administrations on April 30, 1976. Assisting the Regional Planning Commission staff throughout this study were three technical and citizens' advisory committees consisting of from 18 to 33 members, each focusing on a

Transportation handicapped people are defined as elderly and handicapped persons who, because of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including those who are nonambulatory wheelchair-bound and those with semi-ambulatory capabilities, are unable, without special facilities or special planning or design, to utilize public mass transportation facilities and services as effectively as persons who are not so affected.

¹⁰ See Federal Register, Vol. 41, No. 85 - Friday, April 30, 1976, Part II: U.S. Department of Transportation, Urban Mass Transportation Administration, Federal Highway Administration, "Transportation for Elderly and Handicapped Persons."

Table 2

LOCAL RECIPIENTS OF INDIRECT UMTA SECTION 16(b)(2) FUNDS ALLOCATED TO THE WISCONSIN DEPARTMENT OF TRANSPORTATION IN FEDERAL FISCAL YEAR 1975

	Р	roject Fun	ding	
Agency	Federal	Agency	Total	Project Request
American Cancer Society, Milwaukee Division, Inc.	\$ 7,544	\$ 1,886	\$ 9,430	2 station wagons
Curative Rehabilitation Center of Milwaukee	48,389	12,097	60,486	3 15-passenger vans with lifts 2 15-passenger vans 18-passenger mini- bus with lift Radio equipment
Elder Care Line, Inc.	16,861	4,215	21,076	2 15-passenger vans 1 5-passenger van Radio equipment
Goodwill Industries of Milwaukee Area, Inc.	39,082	9,770	48,852	12-passenger van 28-passenger bus 40-passenger bus 40-passenger bus with lift Radio equipment
Jewish Vocational Service	16,956	4,239	21,195	2 5-passenger vans
Project Involve, Inc.	20,943	5,236	26,179	2 2-passenger vans 8-passenger bus with lift Radio equipment
Total	\$149,775	\$37,443	\$187,218	<u></u>

Source: Wisconsin Department of Transportation and SEWRPC.

specific subarea of the seven-county Southeastern Wisconsin Region: 1) Racine County: 2) Kenosha and Walworth Counties combined; and 3) Milwaukee, Ozaukee, Washington, and Waukesha Counties com-Each of these committees 11 was comprised of handicapped persons, including nonambulatory wheelchair-bound persons, representatives of advocacy organizations for handicapped persons, public and private social service agencies, public and private operators of existing transportation services for handicapped persons, public and private operators of existing transportation services for the general public and other interested persons.

The findings and recommendations resulting from this study, which took approximately 20 months to complete at a total estimated cost of \$226,500, are set forth in SEWRPC Planning Report No. 31, entitled A Regional Transportation Plan for the Transportation Handicapped in Southeastern Wisconsin: 1978-1982. These findings and recommendations include:

- 1. Estimates of the number of transportation handicapped persons in the Region;
- Information relating to the socioeconomic characteristics of transportation handicapped persons in the Region;
- 3. Data on the travel habits and patterns of transportation handicapped persons in the Region;

- 4. Inventories of the various types of public and private operators of existing transportation services for the transportation handicapped, including public transit systems, social service agencies, taxicab services. private chair-car carrier services and nursing homes providtransportation services; ing
- 5. Estimates of the latent travel demand for accessible public transit systems at one-half the regular adult fare and for public or private demand responsive transportation services at various fare levels ranging from no fare to \$4.00 per one-way trip;
- 6. An evaluation of alternative transportation improvement plans for transportation handicapped persons; and
- 7. A five-year plan containing recommendations for implementing transportation projects specifically designed to provide public transportation services that are accessible to transportation handicapped persons.

The contents of this five-year planning report were the subject of two public hearings held on Jaunary 24, 1978 and February 6, 1978, respectively. Following these hearings, this report was formally adopted by the Regional Planning Commission on April 13, 1978, and the recommendations are currently in various stages of implementation throughout the Region.

Transportation Handicapped Population in Milwaukee County

Table 3, which is based on related findings of the study of the transportation handicapped, shows the estimated number of transportation handicapped persons residing in Milwaukee County by type of mobility limitation. As shown in the table, an estimated 46,147 persons or 4.6 percent of the 1,009,235 total

¹¹ See Appendix A of SEWRPC Planning Report No. 31, A Regional Transportation Plan for the Transportation Handicapped in Southeastern Wisconsin: 1978-1982, April 1978, for a complete alphabetical listing of the members of these three committees.

Table 3

ESTIMATES OF TRANSPORTATION HANDICAPPED PERSONS IN MILWAUKEE COUNTY BY TYPE LIMITATION AS DERIVED FROM INCIDENCE RATES BASED ON SECONDARY SOURCE DATA:

1975

Limi tation	Number of Persons
Chronically Disabled Living in Private Households: Mobility Limitation	
Has Trouble Cetting Around	3,116 2,128
Subtotal	31,934
Acutely Disabled	2,897
Institutionalized	11,316
Total Transportation Handicapped Persons	46,147
Percent of Population ^a	4.6

^aBased on the following 1975 Wisconsin Department of Administration's population estimates: Milwaukee County population--1,009,235 persons.

Source: SEWRPC Planning Report No. 31, A Regional Transportation Plan for the Transportation Handicapped in Southeastern Wisconsin: 1978-1982, by Applied Resource Integration, Ltd. and SEWRPC, April 1978.

persons residing in Milwaukee County in 1975, were determined to be transportation handicapped.

Summary of Specific Adopted Plan
Recommendations for Milwaukee County
The regional transportation plan for the
transportation handicapped in southeastern Wisconsin adopted by SEWRPC contains
three recommendations which pertain to
Milwaukee County:

1. That the entire fleet of buses operating during the base periods of Milwaukee County's federally assisted public transportation program be accessible to the handicapped, including those persons who are nonambulatory wheelchair bound;

- 2. That since fully accessible base period transit service cannot be expected to provide mobility opportunities to a11 transportation handicapped persons in Milwaukee County, a user-side subsidy program be implemented for those transportation handicapped persons living more than two blocks from a local bus route and for those transportahandicapped persons will continue to be physically unable to use accessible bus service; and
- 3. That efforts be made to coordinate all existing public and private transportation services for the transportation handicapped.

On January 11, 1980, the Milwaukee County Board of Supervisors formally adopted SEWRPC Planning Report No. 31, A Regional Transportation Plan for the Transportation Handicapped in Southeastern Wisconsin: 1978-1982, with the following amendments and conditions:

- "1) That Milwaukee County does intend to purchase 250 full-size accessible buses and, bу doing, demonstrates its intention to comply with the accessibility requirements for buses as contained in the "504 regulations" enacted bу the Department of Transportation on May 31, 1979, and fully intends implement any policy or program changes required under the regulations;
- 2) That although Milwaukee County hereby adopts SEWRPC Planning Report No. 31, it also recognizes that the recommendations contained therein were written to conform with the special efforts programming requirements contained in the April 30, 1976 Regulation, Transportation for Elderly and Handicapped Persons,

which Regulation was rescinded as a result of the promulgation of the 504 Regulation and although Milwaukee County will continue to proceed with the implementation of the recommendations contained in the SEWRPC report, it also maintains the right to discontinue any program or policy effort that is not required under, or is superceded by, the 504 Regulations;

- 3) That, except for certain operational differences, Milwaukee County intends to operate user-side subsidy program in 1980 but, for the purpose of receiving federal financial assistance, the adoption of this report does not obligate the County to provide such service beyond 1980 unless federal regulations require the provision of said service or the County chooses to provide said service at its own discretion;
- 4) That Milwaukee County intends to continue planning efforts to explore the possibility of coordinating transportation services provided by social service agencies but does not commit Milwaukee County to be the coordinating agency; and
- 5) That Milwaukee County reserves the right to adopt operational practices that may not conform with the recommendations contained within the Plan as long as they are consistent with the overall goals as outlined in the Plan."

It should also be noted that on December 2, 1975, prior to beginning the development of the regional transportation plan for the transportation handicapped, a complaint was filed against officials of Milwaukee County government, the Milwaukee County Transit Board, and the Urban Mass Transportation Administration (UMTA) in the United States District Court, Eastern District of Wisconsin, on behalf of "mobility handicapped indivi-

duals." This complaint alleged that, in violation of existing federal laws, federal funds were about to be used to purchase a privately owned transit system and 100 new buses which would not be accessible to the handicapped and that no plan existed to make the transit system accessible. As a result of this complaint, a preliminary injunction was issued by the Court on December 24. 1975. This injunction ordered that no additional mass transit vehicles (except for the mass transit vehicles Milwaukee County currently owned and operated at that time), which were not accessible to the mobility handicapped could be purchased, leased, rented, or in any way operated with federal funds until it could be demonstrated to the satisfaction of the court that mass transportation facilities and services comparable those provided by the Milwaukee Transit System which can be effectively utilized by mobility handicapped individuals have been planned, designed, and made available to such in a nondiscriminatory individuals manner. This injunction was made permanent on February 14, 1977, and continues in effect. No effort has been made to have this injunction lifted though the following has been done:

- 1. The SEWRPC has completed the development of a regional transportation plan for the transportation handicapped in accordance with the provisions of federal laws and implementing rules and regulations issued prior to May 31, 1979;
- 2. Milwaukee County has adopted its specific county recommendations contained in the SEWRPC plan, as noted above; and
- 3. Milwaukee County is implementing these plan recommendations.

PURPOSE OF THIS PLANNING REPORT

The purpose of this planning report is to document the results of the cooperative planning activities of Milwaukee County, the Milwaukee County Mass Transit Committee, Milwaukee Transport Services, Inc., the transition plan citizens and technical advisory committee, and the Southeastern Wisconsin Regional Planning Commission in their efforts to continue on from where the preceding transportation plan for the transportation handicapped left off and to comply with all of the provisions of Final Rule 49 CFR Part 27 as they specifically apply to the federally assisted Milwaukee public mass County transportation program. This report will, therefore, provide:

- 1. A description of the Milwaukee County public mass transportation program, including the existing services provided under the program, the basic policies and practices which are essential to the conduct of the program, and the results of an evaluation made to determine if the program's existing public transit services, policies, and practices discriminate against handicapped persons;
- 2. An identification of the fixed facilities and equipment which are an integral part of the Milwaukee County public mass transportation program, including public buildings, buses and bus passenger waiting shelters, and park-ride lots; and the physical barriers which make it difficult or impossible handicapped persons to effectively utilize the public transit services available through the program;
- 3. A description of the planning process used to create an interim accessible transportation service which will serve the transportation needs of handicapped persons until the Milwaukee County public transportation is accessible and the operating characteristics of the interim transportation service, if the regular transportation system is not accessible by July 2, 1982;

- 4. The transition plan, which is to be followed in an effort to achieve overall program accessibility as soon as practicable; and
- 5. A description of the transportation service coordination activities in Milwaukee County, including current progress and ongoing planning efforts.

FORMAT OF PRESENTATION

This planning report consists of a total of six chapters, including this introductory chapter and a summary chapter. Chapters II and III, entitled "Services, Policies, and Practices Transition Plan Element," and "Facilities and Equipment Transition Plan Element," respectively, together represent Milwaukee County's adopted transition plan for accomplishing the necessary improvements or modiin the County's federally fications mass assisted public transportation program to make it accessible to handi-Chapter IV, entitled capped persons. "Current Special Efforts/ Interim Service," describes other special efforts, in addition to making the Milwaukee County Transit System accessible, which are being made to provide accessible public transportation service that can effectively be utilized by handicapped persons. Chapter V, entitled "Overall Transportation Service Coordination," describes the progress being made toward coordinating the activities of existing public, private, and private, non-profit providers of human transportation services in Milwaukee County, as well as anticipated future efforts to achieve coordination. Chapter VI, "Summary," sets forth a list of all plan recommendations as well as a discussion of public reaction to the plan and the Advisory Committee's response to that reaction. A transcript of the proceedings of the public hearing concerning the plan recommendations is set forth in Appendix C.

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Chapter II

SERVICES, POLICIES, AND PRACTICES TRANSITION PLAN ELEMENT

INTRODUCTION

As explained in the preceding chapter, since Milwaukee County is a recipient of federal funds which are used to partially support the operation of its public transportation program, it must develop a transition plan for accomplishing the improvements or modifications necessary to make its public transportation program accessible to handicapped persons including persons who are nonambulatory wheelchair-bound and persons with vision and hearing impairments. This transition plan must cover all aspects of the County's public transportation program, including the program's existing services, policies, and practices, as well as the facilities and equipment currently being used to carry out the program. The main objective of the plan is to ensure that no aspect of the County's public transportation program is deficient and prevents otherwise qualified handicapped persons from receiving the benefits offered under the program solely on the basis of their handicap.

For those persons involved in the overall review and development of Milwaukee County's transition plan, this chapter begins with a brief description of: 1) the background of the County's current involvement in a federally assisted public transportation program; 2) the amount of federal financial involvement in the County's public transportation program in terms of current (1979) program budget; and 3) the management organization involved in carrying out the County's public transportation program. Following this is a documentation of the results of the local planning process used to develop the services, policies, and practices element of the County's transition plan. The documentation includes a description of the

existing transportation services provided under the County's public transportation program and those policies and practices which directly or indirectly affect the extent to which handicapped persons are able to receive the benefits of the program. The services, policies, and practices described are:

- Hiring and employment policies and practices;
- 2. Safety and emergency procedures;
- 3. Periodic sensitivity and safety training for personnel;
- 4. Accommodations for companions or aides of handicapped travelers;
- Intermodal coordination of transportation providers;
- 6. Coordination with social service agencies that provide or support transportation for handicapped persons;
- 7. Comprehensive marketing considerate of the travel needs of handicapped persons;
- Leasing, rental, procurement, and other related administrative practices;
- 9. Involvement of existing private and public operators of transit and public paratransit in planning for and providing other accessible modes of transportation and appropriate services;
- Regulatory reforms to permit and encourage accessible services;
- 11. Management supervision of accessible facilities and vehicles;

- 12. Maintenance and security of accessible features;
- Labor agreements and work rules;
- 14. Appropriate insurance coverage.

This chapter also: 1) identifies handicap accessibility deficiencies in the County's transportation program services and related policies and practices which were determined to exist; 2) describes the alternative actions which were considered and recommended to eliminate or reduce the effect of these deficiencies; 3) presents a prioritized listing and description of the service, policy, and practice modifications to be undertaken to eliminate the identified deficiencies of the program; 4) provides a schedule for implementing each modification; 5) shows the cost and sources of funding involved in accomplishing each modification; and 6) identifies the implementing agency responsible for each modification.

BACKGROUND

Milwaukee County first became financially involved in the provision of general public transit service in the Milwaukee urbanized area in May 1973. The County, through a contractual agreewith the financially troubled private firm of Milwaukee and Suburban Transport Corporation (the owner and operator of public transit service in the area at the time), began subsidizing fares for senior citizens County taxpayer funds at the rate of approximately \$58,000 per month. Through this public subsidy, a half-fare program was created, whereby any person 65 years of age or older could ride the local public transit system for one-half of the regular adult fare of \$0.60 per ride at any time except from 6:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 6:00 p.m. Monday through Friday. (In 1974, Milwaukee County expanded this half-fare program to include disabled people receiving benefits under the federal Medicare program.)

In 1973, the Milwaukee County Board of Supervisors also adopted the Milwaukee Area Transit Plan (MATP) as an amendment to the transit system component of adopted regional transportation plan. In accordance with one of the MATP recommendations to expand and upgrade local transit service, the County Board also directed that a Milwaukee Area Transit Development Program (TDP) be developed as the initial step in acquiring the assets of the Milwaukee and Suburban Transport Corporation. The TDP² was adopted by the Milwaukee County Board of Supervisors in December 1974. Milwaukee County thereafter, condemned the physical property of the Milwaukee and Suburban Transport Corporation and, without any interruption in bus services, became the new owner of the local bus system on July 1, 1975. With the aid of federal transit operating and capital assistance funds and assistance state transit operating funds, the County has since continued to improve general public transit service in Milwaukee County. As a result, ridership on the Milwaukee County Transit System has increased 26 percent since 1975 from a total of 51,803,468 revenue passengers in 1975 to a total of 65,060,808 revenue passengers in 1979.3

¹See <u>Milwaukee Area Transit Plan</u>, prepared by the Milwaukee County Expressway and Transportation Commission in cooperation with SEWRPC, June 1971.

²See Milwaukee Area Transit Development Program, prepared by the Transportation Division of the Milwaukee County Department of Public Works, December 1974.

³In 1978 the definition of revenue passengers changed. Trips made with a weekly pass were previously allocated between both revenue passengers and transfer passengers. After 1977, all trips made with a weekly pass were counted as revenue passengers.

CURRENT BUDGET 4

The total operating expense for Milwaukee County's federally assisted public transportation program for calendar year 1979 is \$39,840,110. Income from bus passenger revenues for this same period is expected to be \$19,463,133, leaving a total operating expense deficit of \$20,376,977. Of this total deficit amount, it is anticipated that UMTA will pay \$10,078,089 (49 percent), WisDOT will pay \$5,940,674 (29 percent), Milwaukee County will pay \$2,346,156 (12 percent), and other revenue sources, primarily the Milwaukee Public School System and the University of Wisconsin-Milwaukee, will pay \$2,012,056 (10 percent). Projected total ridership for calendar year 1979 on Milwaukee County's federally assisted public transit service is 65,060,808 revenue passengers. Based on these figures, Milwaukee County is providing transportation service to the general public at a total cost of \$0.61 per one-way passenger trip. The net public subsidy cost supported by federal, State, and local tax dollars is \$0.31 per one-way passenger trip, of which UMTA pays \$0.15, WisDOT pays \$0.09, Milwaukee County \$0.04, and other sources pay \$0.03 per one-way passenger trip.

MANAGEMENT AND ORGANIZATION

The Milwaukee County federally assisted public transportation program is operated by Milwaukee Transport Services, Inc. (MTS), a private transit management firm under contract with Milwaukee County. The authority to enter into this contract was given by the Milwaukee County Board of Supervisors and the County Executive. The Board and Executive are ultimately responsible for the annual review and approval of the activities and budgets of all programs in the County supported by County taxpayer funds. Under current contract agreements

between Milwaukee County and MTS, Inc., the day-to-day management and operation of the County's public transportation program is the responsibility of the President of MTS, Inc., who is also the Managing Director of the Milwaukee County Transit System (MCTS), and his staff. The administrative affairs associated with application for and administration of state and federal funding grants which assist the County in the public transportation program are the responsibility of the Transportation Director of the Transportation Division of Milwaukee County Department Public Works and his staff. Both the Managing Director of the MCTS and the Transportation Director of the Transportation Division of the Milwaukee County Department of Public Works serve staff of the Mass Transit Committee.

Continued program planning for major expansions, contractions, and modifications in public transit services, policies, and practices is carried out cooperatively by the staffs of MTS, Inc.; the Milwaukee County Department of Public Works, Transportation Division; the Southeastern Wisconsin Regional Planning Commission (SEWRPC); and with the advice of the members of citizens' and techniadvisory committees created ca1 assist in specific transit system planning activities. The implementation of substantive program expansions, contractions, and modifications normally requires the review and approval of the Mass Transit Committee, the Milwaukee County Board of Supervisors, the County Executive, SEWRPC, the Wisconsin Department of Transportation (WisDOT), and the Urban Mass Transportation Administration (UMTA). The SEWRPC, which is the designated metropolitan planning organization for the Milwaukee urbanized area, is required by the federal government to review and endorse all federally assisted transportation programs to be undertaken in the urbanized area. The Commission's review and endorsement ensures that the programs are consistent with the area's long-range development plans for land use and the transportation system, as well as the area's overall

⁴Audited figures for calendar year 1979.

social, economic, environmental, system performance, and energy conservation objectives before a project is approved for funding by UMTA.

EXISTING PUBLIC TRANSPORTATION SERVICES

The Milwaukee County federally assisted public transportation program provides seven different types of bus transportation services. There are three types of local bus services: 1) regular local bus service; 2) feeder bus service; and 3) school-day-only bus service. The other types of bus service are: 1) freeway flyer bus service, 2) shuttlebus service, 3) UBUS service, and 4) special bus service.

Regular Local Bus Service

Regular local bus service is provided over 31 fixed routes in Milwaukee County. Map 2 shows the location of each of these routes. As shown on the map, the local bus routes create a dense rectangular grid of north-south east-west cross-town routes with spacings of no more than one-half mile between most routes. The map also shows that many of these 31 local bus routes have one or more branches at one or both ends of the route which extend local bus service at a somewhat reduced frequency of service to outlying areas with lower population densities. The rectangular grid pattern of the local bus routes makes it possible for most persons who use the transit system to reach the City of Milwaukee's downtown central business district (CBD) -- the largest generator of Milwaukee trips in County--without having to transfer buses more than once. In fact, 16 of the 31 regular local bus routes provide direct, no service to Milwaukee's CBD.

Bus service is available on most of the 31 regular local bus routes 21 hours a day and seven days a week, including holidays, from 4:00 a.m. to 1:00 a.m. Table 4 shows the hours bus service is available on each of the 31 local service bus routes on weekdays, Saturdays, Sundays, and holidays. Average headways between buses vary on each route and are

directly related to bus riding demand. As bus ridership increases on a particular route, additional buses are added (decreasing the headways between buses) to maintain a bus load factor (passenger-to-seat ratio) that does not exceed 1.33 persons per seat during the peak periods of bus ridership (6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. Monday through Friday) and that does not exceed 1.00 person per seat during the remaining weekday hours of operation and on Saturdays, Sundays, and holidays. Table 5 shows the headways between buses on each route during four different time periods (a.m. peak, mid-day, p.m. peak, night) for weekdays, Saturdays, Sundays, and holidays.

Feeder Bus Service

Feeder bus service is provided over seven fixed routes in Milwaukee County. Map 3 shows the location of each of these routes. Feeder bus routes are used to provide a sub-system of local bus service in outlying lower density areas of Milwaukee County. From these areas, it is not practical to provide regular local bus service due to existing bus ridership demand. Instead, these routes are designed to "feed" the regular local bus routes. The seven feeder bus routes function just like the regular local bus routes, except that the routes are considerably shorter and it is not possible to make a crosstown trip without transferring buses (from a feeder route to a regular local service route) at least once.

Bus service on the seven feeder bus routes is generally available 12 hours a day, from approximately 6:00 a.m. to 6:00 p.m. Four of the feeder routes have weekday evening service (routes 52, 64, 68, and 82) and three routes (routes 52, 64, and 68) have greatly reduced levels of service on Saturdays, Sundays, and holidays. Table 4 shows the hours bus service is available on the feeder bus routes on weekdays, Saturdays, Sundays, and holidays. Like the local service bus routes, average headways vary between routes and are directly related to bus riding demand. Table 5 shows the headways between feeder buses during four

different time periods (a.m. peak, mid-day, p.m. peak, and night) for weekdays, Saturdays, Sundays, and holidays.

School-Day-Only Bus Service

School-day-only bus service is provided over seven fixed routes in Milwaukee County. Map 4 shows the location of each of these routes. The objective to be met in providing school-day-only bus service is to create a subsystem of local bus that willprovide routes service to no-transfer bus certain junior and senior high schools in outlying lower density areas of the County. In these areas, the schedule and amount of local bus service is not adequate to accommodate the peak student riding demand of school schedules. Even though these seven school-day-only routes are designed to primarily serve student school-related trips, bus service on these routes is open to the general public and may be used like feeder bus service to "feed" the 31 regular routes.

Bus service on the seven school-day-only bus routes, as the descriptive title of this service implies, is available on school days only. Buses which operate on these routes make relatively few trips. The trips are during the morning and evening school day peak periods of student ridership. These peak periods are from 6:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 6:00 p.m. Table 5 shows the number of trips buses make on the seven school-day-only bus routes.

Fares for Local Bus Service, Feeder Bus Service, and School-Day-Only Bus Service

The one-way adult fare for bus service on the 31 regular local bus routes, the seven feeder bus routes, and the seven school-day-only bus routes is \$0.50 per ride. The fare for children under 12 years of age is \$0.25 per ride. Children under six years of age ride free when accompanied by an adult. On regular school days, eligible students who have a student fare permit card and are over 12 years of age can also use the local bus system for \$0.25 per ride from 6:00 a.m. to 6:30 p.m. Eligibility for the student fare program is limited to those

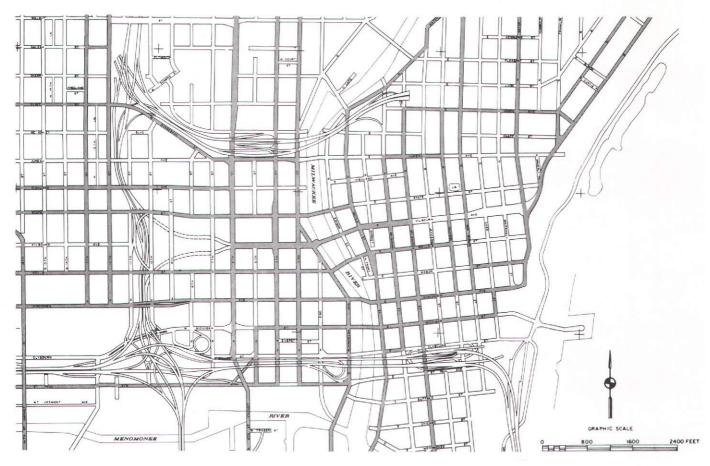
students required by law to attend a public or parochial elementary or secondary school or the Milwaukee Area Technical College (MATC) for credit courses as part of a regular high school program. Permit cards can be obtained for a cost of \$2.00 from the school the student attends and must be shown to the bus driver upon demand at the time the reduced fare is paid.

Local service bus fares can be paid by three different methods: 1) by the exact fare (bus drivers are not allowed to make change); 2) by a bus ticket purchased in advance at the regular adult's or child's fare--good for a single ride; or 3) by a weekly bus pass, purchased in advance for \$5 per week--good for unriding from Sunday limited through Saturday. Free one-hour transfers are issued upon request when the fare is paid. A liberal transfer policy which allows transfers to be used at any bus stop when boarding any bus going any direction, in effect, makes the transfer a one-hour pass.

A half-fare program for elderly and handicapped people is in effect during weekday nonpeak periods of travel and Saturdays, Sundays, and holidays. Persons who qualify for this program can use the local bus service for a one-way fare of \$0.25, except from 6:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 6:00 p.m. weekdays. Elderly persons must be 65 years of age or older and show the bus driver a Medicare card or a H.A.F.L. card in order to ride for \$0.25. The H.A.L.F. card is issued to persons 65 years of age or older who do not have Medicare cards. The H.A.L.F. card is available at any of the six Project Involve agency locations in Milwaukee County, shown in Table 6, or from the Milwaukee County Clerk's office at 901 N. Ninth Street in Milwaukee. To obtain a H.A.L.F. card, a person must show proof of age and be unable to qualify for a Medicare card.

Handicapped persons must show the bus driver either a Medicare card or an MCTS half-fare card in order to ride for \$0.25. The latter is issued by the MCTS

Map 2 MILWAUKEE COUNTY TRANSIT SYSTEM LOCAL ROUTES m LEGEND 10--(32)-



Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.

and is a photo-identification card. An aide accompanying a handicapped person with a half-fare card rides free. Obtaining a half-fare card involves a four-step process:

- Secure application material in person or by mail from the general offices of the Milwaukee County Transit System, located in the City of Milwaukee at 4212 W. Highland Boulevard, 53208. Phone Number: 344-4550.
- 2. Fill out Section A of the Certification Form.
- 3. Have a physician or approved agency complete Sections B, C, and D of the Certification Form. (Table 7 provides a list of approved agencies.)

4. Bring the completed Certification Form to the general offices of the Milwaukee County Transit System (address given in Step 1) and have your picture taken. The half-fare card is issued at this time. 5

Since the general offices of the MCTS currently are not accessible to wheel-chair users, the transit system management staff will, upon request, make arrangements to take a handicapped person's picture for the half-fare photo identification card at a more accessible location.

⁵A total of 3,588 persons are registered for the half-fare program at this time.

Table 4

MILWAUKEE COUNTY TRANSIT SYSTEM,
SERVICE HOURS WEEKDAYS,
SERVICE HOURS SUNDAY AND HOLIDAYS

		- 5	A.M.				71	P.M.	-	515		A.M	
Route Numbers	4	6	8	10	12	2	4	6	8	10	12	2	4
Local													
10 11a 12 13 14a 15a 18a 19a 20a 21a 22a 23a 27a 28	-	10										_	
12 ^a	-			_		_						0	
1 3 1 4a		64	Two									_	
15 ^a	-	-	-										
18 a												_	
20 ^a			ACT I								_		
21 ^a	-	-									_	_	
22a		- 10											
27 ^a	_	-	Int.			_			_				
28 30				_					-	_			
31	-		E 80										
31 _a 35 ^a	-	100		_				24			_	_	
50	1 .		Tal 1										
53a		- 50	Tilat					100			_		
54a	-		DAME		_								
51a 53a 54a 57a 58a 60a 62a 63	_											_	
60a		-			_				_			•	
62	_	. 10											
66	-		ruse!									_	
67	-	-		_	_	_			_	-	_		
71 76											-	_	
76 80 ^a		-		_								-	
Feeder 52	1		E La										
64		-		_		_	-	10		_			
64 _a 68 _a 73													
74													
82		-		_	_	_	100		_				
88	1	1					1	1					
Flyer													
40		-					-						
41 42		-	de M				-						
43		-					-	150.5					
44 45	(1)												
46			P	Ų									
47							-						
48 49		15											
Shuttlebus 7		E						13					
		- 6											
School Day (high school) 59													
(high school)		8					No.						
61			-										
83			-				-						
85 86		h	_										
87			-				-						
89						-							
School Day (UW	M)												
5 6			-		_	_	1	1		_			
6 40U			1										
41U			100			_		8					
44U		1		-	-			4					
Total 61													

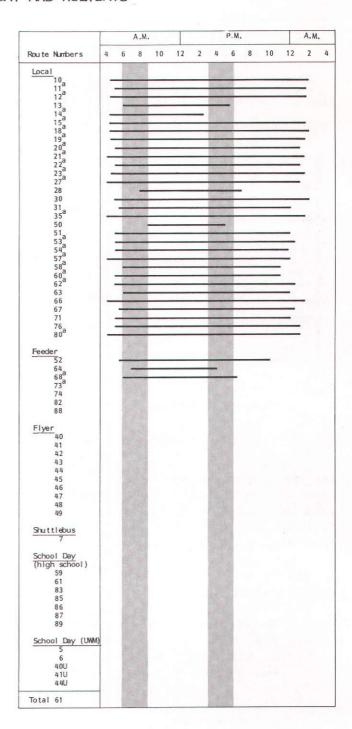
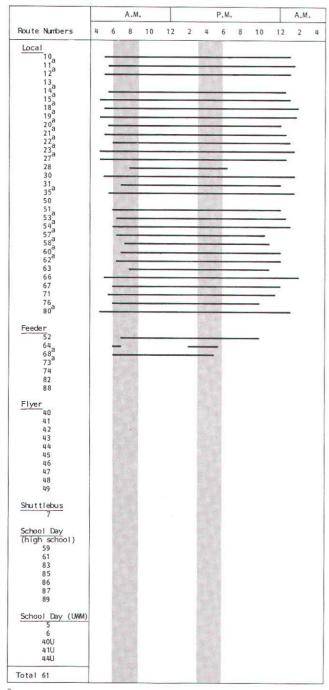


Table 4 (continued)



^aRoutes servicing minority areas.

Freeway Flyer Bus Service

Freeway Flyer bus service is provided over 12 fixed routes in Milwaukee County. Ten of the routes provide service to the central business district of Milwaukee, which is the largest trip generator within southeastern Wisconsin. The other two routes provide service to the Uniof Wisconsin-Milwaukee, versity second largest trip generator within the The two routes serving University are discussed in the description of the UBUS service. Map 5 shows the location of the ten Freeway Flyer routes serving the City of Milwaukee central business district.

Freeway Flyer service was established in response to a demand for high-speed transit service from outlying areas of Milwaukee County to the two largest trip generators within southeastern Wisconsin. The flyer service has a limitedstop local collection route, nonstop line-haul service via the freeway system, and a limited-stop distribution route. To facilitate the use of this service by persons living beyond the outlying collection segment, park-ride lots are available for all but one Freeway Flyer route. A total of 12 park-ride lots are used to provide this service. Five of the 12 lots are publicly owned, while seven are located at private shopping centers. There is no charge for parking at the park-ride lots.

Service on the Freeway Flyer routes is scheduled in accordance with demand. All of the flyer routes serving the Milwaukee central business district operate during weekday peak hours, from 6:30 a.m. to 8:30 a.m. and from 3:30 p.m. to 6:00 p.m. Two flyer routes provide weekday mid-day service. No flyer service is provided on weekday evenings or on Saturdays, Sundays, or holidays. Reverse commuter service on two routes is also

^bShaded areas indicate peak periods.

Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division

specifically scheduled to meet the transportation needs of persons who work in outlying areas. Table 8 shows the number of weekday trips buses make on each of the 10 Freeway Flyer routes.

The one-way fare for Freeway Flyer bus service for all persons is \$0.10 more than the regular fare charged for local bus service.

Shuttlebus Service

Shuttlebus service is provided over one route in the Milwaukee central business district. Map 6 shows the location of this route. The objective of this service, which is marketed under the name "Shuttlebug," is to provide an attractive, convenient, and efficient public transportation service at a low user fare for travel between trip origins

Table 5

MILWAUKEE COUNTY TRANSIT SYSTEM BUS HEADWAYS

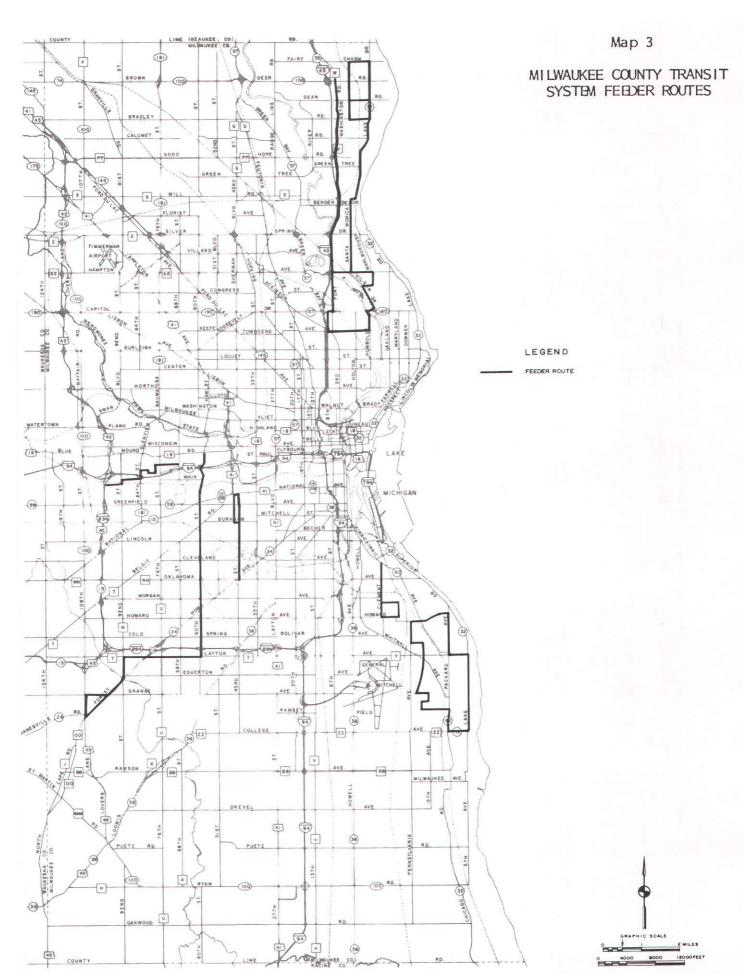
•						
Route Number	A.M. Peak 6-9	Mid-Day 9-3	P.M. Peak 3-6	Night 6-10	Sa turday	Sunday and Holiday
Monoer	0-9	9-3	3-0	0 10		
			·			
Local Service						
10	5-13 ^a	8-10	4-10	11-21	9-22	15-25
11	7-15	6-17	10-16	16-26	16-31	22-33
12	9-11	9-11	7-13	1,2-31	10-29	20-35
13	22-44	23-47	23-25	1 trip	45-48	
14	6-15	11-17	6-14	17-29	13-25	16-29
15	7-17	15	10-14	18-28	13-30	14-32
18	6-13	12-14	5-13	15-25	13-22	17-25
19	6-13	5-9	4-12	8-16	6-16	11-24
20	5-21	15	5-14	13-28	14-25	17-35
21	14-17	15	9-16	8-27	13-28	16-30
22	5-17	8-16	13-20	18-31	16-34	18-37
23	4-20	9-11	7-10	13-24	10-30	14-28
27	4-16	10-16	7-13	13-20	11-20	13-20
28	26	24	26	24	26	26
30	1-11	4-7	4-9	8-16	6-16	7-16
31	10-27	16-17	10-18	17-20	16-28	20-40
35	10-15	10-15	12-16	19-40	15-37	21-39
50	15-35	16-64	26-29		8	
51	5-22	2-20	7-21	16-30	15-27	19-26
53	15-23	18-20	18-21	29-31	20-44	26-38
54	7-19	16-19	13-16	21-32	15-33	23-60
57	9-15	13-15	7-23	22-28	20-30	20-31
58	10-28	27-32	16-30	25-48	29-55	27-53
60	1-15	4-15	1-17	4-33	12-34	15-35
62	4-15	11-16	7-15	15-19	13-23	14-27
63	19-27	25	15-20	25	27-51	25-51
66	4-16	7-15	7-13	11-26	4-28	15-28
67	3-26	22-24	17-26	28-42	28-37	27-65
71	16-20	16	15-19	22-43	15-35	14-35
76	3-19	14-18	7-26	24-34	5-32	4-36
80	11-16	14-16	4-16	16-24	14-25	17-33
				l	<u> </u>	

Table 5 (continued)

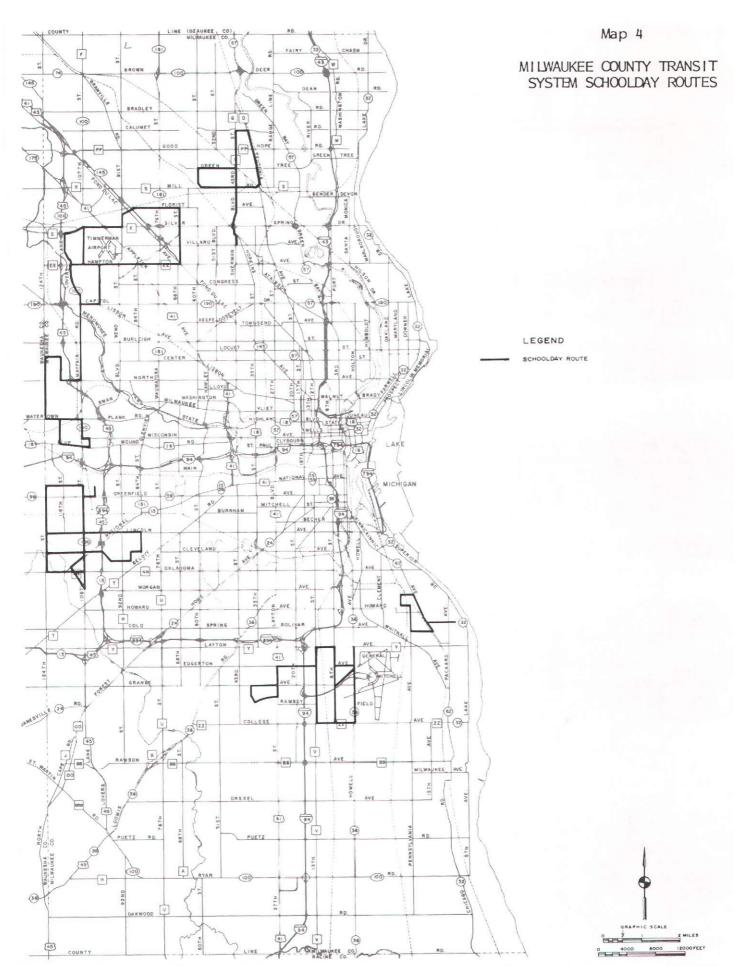
Route Number	A.M. Peak 6-9	Mid-Day 9-3	P.M. Peak 3-6	Night 6-10	Sa turday	Sunday and Holiday
Feeder						
52	10-20	20	10-20	18-28	20	17-47
64	33-43	27-54	18-43	1 trip	28-69	5 trips
68	7-20	8-48	1-28	20-50	7-48	37-56
73	7-35	20-41	7-33			
74	28-30	2 " 22	29-30	20 24		
82	22-32	24-33	27-31	20-24		
88	4-39	25	1-38			
Freeway F1yer						
40	15-31		15-36			
41	6-30		7-45			
42	10-22		10-25			
43	4-34		10-30		_ 	
44 45	4-36 4-31		10-37 10-33			
45	4-31		6-32			
47	4-29		16-36			
48	10-30		15-37			
49	2-33	55-64	10-25			
Shuttlebus 7		3-7				
School-Day-Only (high school)						
59	9 trips		7 trips			
61	7 trips		8 trips			
83	2 trips		4 trips			
85	3 trips		4 trips			
86	3 trips		4 trips			- -
87	3 trips		5 trips			
89	2 trips		4 trips			
Schoo1-Day-On1y (UWM)						
5	25-59	60	47-67	2 trips		
6	34-60	57-60	55-65			
40-U	59	64	64			
41-U	2 trips	2 trips	1 trip			
44-U	5 trips	4 trips	60			

 $^{^{\}mathrm{a}}\mathrm{Numbers}$ in columns indicate time in minutes between buses.

Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.



Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.



Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.

Table 6
PROJECT INVOLVE AGENCY LOCATIONS

Agency	Address		
Central Office	161 W. Wisconsin Avenue, Milwaukee Telephone: 272-5600		
GudahySt. FrancisSouth			
Milwaukee Office	5845 S. Swift Avenue, Cudahy		
East Side Office	Telephone: 482-2030 931 E. Ogden Avenue, Milwaukee Telephone: 273-5500		
Northwest Side Office	2816 N. Teutonia Avenue, Milwaukee		
	Telephone: 372-9450		
South Side Office	1311 W. Lincoln Avenue, Milwaukee Telephone: 384-3270		
West Allis Office	5928 W. Burnham Street, West Allis		
	Telephone: 543-6007		

Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.

and destinations within the Milwaukee central business district. To achieve this objective, a relatively high level of direct, no transfer, bus service is provided over this specially marked Shuttlebug route with headways ranging from three to seven minutes between buses. Shuttlebug service is available in the Milwaukee central business district 6½ hours per day from 9:30 a.m. to 4:00 p.m., Monday through Friday. The one-way fare for all users is \$0.10 per ride. Weekly bus passes and the one-hour bus transfer are also accepted as fare on the Shuttlebug route.

UBUS Service

A total of 10 bus routes in Milwaukee County provide direct, no-transfer bus service to the University of Wisconsin-Milwaukee (UWM). Map 7 shows the location of each of these routes. The bus service provided on these routes has been given the name "UBUS Service" by UWM officials who, in cooperation with

officials of the Milwaukee County Transit System, have been involved, since September 16, 1973, in an extensive transit marketing and promotional campaign intended to encourage UWM students, faculty, and staff to take the bus when commuting to and from UWM.

Under this marketing and promotional campaign, UWM purchases adult fare bus tickets from the Milwaukee County Transit System at the regular cost of \$0.50 and re-sells them at a discount rate of \$0.35 to UWM students, faculty, and staff.

Of these 10 UBUS routes, five (Routes 5, 6, 16, 40U, and 41U) are designed to serve areas of Milwaukee County having above average residential concentrations of UWM students, faculty, and staff. These five routes consist of two Freeway Flyer routes with provisions for free off-street public parking at their

Table 7

CERTIFYING AGENCIES FOR THE MILWAUKEE COUNTY TRANSIT SYSTEM OFF-PEAK HALF-FARE PROGRAM FOR HANDICAPPED PERSONS

Agency	Address		
Badger Home for the Blind Curative Rehabilitation Center DePaul Rehabilitation Hospital Easter Seal Society Coodwill Industries Jewish Vocational Service Jewish Vocational Service	912 N. Hawley Road, Milwaukee 9001 Watertown Plank Road, Wauwatosa 4143 S. 13th Street, Milwaukee 5225 W. Burleigh Street, Milwaukee 6055 N. 91st Street, Milwaukee 1339 N. Milwaukee Street, Milwaukee		
School Work Services Sacred Heart Rehabilitation	2601 N. Third Street, Milwaukee		
HospitalSouthwest CampusSunrise Nursing Home for the	1545 S. Layton Boulevard, Milwaukee 6015 W. Forest Home Avenue, Milwaukee		
Blind	827 N. 34th Street, Milwaukee		
Blind Division of Vocational Rehabilitation (vocational rehabilitation clients only) St. John's School for the Deaf	5316 W. State Street, Milwaukee 819 N. Sixth Street, Milwaukee 6815 W. Capitol Drive, Milwaukee 3555 S. 27th Street, Milwaukee		
(hearing disabilities only)	3680 S. Kinnickinnic Avenue, St. Francis		

Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division

outlying route termini, one local service route (Route 6) characterized by designated bus stops along the entire length of the route at distances no greater than 1,200 feet apart, and two combination local service/freeway express routes on which UBUS service operates as a local service route over about half of the route length and as a freeway express route over the remaining half of the route. Bus service on these five specially designed UBUS routes is open to the general public. However, the service only operates, in accordance with student riding demand, on weekdays

during class hours for the University's fall and spring semesters. In addition to these five UBUS routes, three other UBUS routes (Routes 21, 60, and 62) have been created by extending the eastern termini of three local service bus routes to UWM. Like the five special UBUS routes, although bus service on these route extensions is open to the general public, it is only available on weekdays during class hours for the University's fall and spring semesters. Finally, the two remaining UBUS routes (Routes 15 and 22) are regular local service bus routes which, because of



Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.

Table 8

MILWAUKEE COUNTY TRANSIT SYSTEM FREEWAY FLYER SERVICE

Route	Description	A.M. Runs Inbound-Outbound		P.M. Runs Inbound-Outbound	
40	College Avenue	8	4	2	7
41	Watertown Plank	6	2	4	8
42	North Shore-Northland	12	4	3	9
43	Hales Corners K-Mart	9	4	1	8
44	West Allis Treasure Island	9	3	2	8
45	Capitol Drive Treasure				
	Island	11	5	2	10
46	Spring Mall	12	5	4	13
47	S. 27th Street Target	7	3	3	7
48	Holt-Morgan	7	5	3	6
49	Northridge-Treasure Island	11	3	2	11

Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.

their location, provide direct, notransfer bus service to UWM as part of their regular daily service.

Special Bus Service

Special bus service provided by the MCTS consists of a stadium bus service, special school bus service, contract bus service, charter bus service, and a sight-seeing bus service.

Stadium Bus Service: Bus service is provided for selected special events (sporting and other) held at Milwaukee County Stadium. Depending on the day of the week the event occurs and the anticipated demand for public transportation, as many as 10 specially designed routes can be utilized to provide direct bus service to the Stadium. Map 8 shows the location of these routes.

The ten routes consist of five routes which operate on the local street system and five routes which operate from outlying park-ride lots as "Stadium Flyer" express routes via the Milwaukee County freeway system. The five Stadium bus routes which operate on the local street

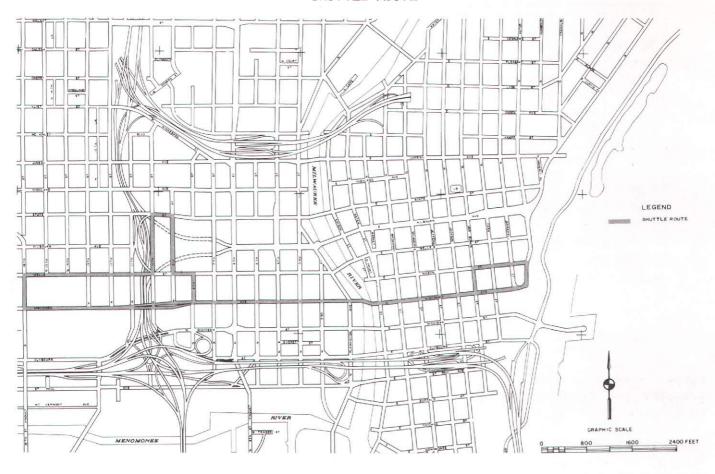
system are designed so that anyone who desires to use this special Stadium bus service has to transfer no more than once from one of the 31 regular local service bus routes in Milwaukee County to get to a Stadium bus route. The five "Stadium Flyer" bus routes operate only for selected Stadium events.

Of the five local Stadium routes, Route 90 (see Map 8) is operated for nearly all Stadium events, while the other local street Stadium routes are operated only when sufficient demand is anticipated. The one-way fare for Stadium bus service is the regular local bus fare plus \$0.10.

Special School Bus Service: Bus service is provided in cooperation with the Milwaukee Public School System to assist the City of Milwaukee in carrying out its school integration program for junior and senior high schools. Buses operate over specially designed routes on the local City street system, providing direct, no-transfer bus service between a total of nine junior and senior high schools and residential

Map 6

MILWAUKEE COUNTY TRANSIT SYSTEM CENTRAL BUSINESS DISTRICT SHUTTLE ROUTE

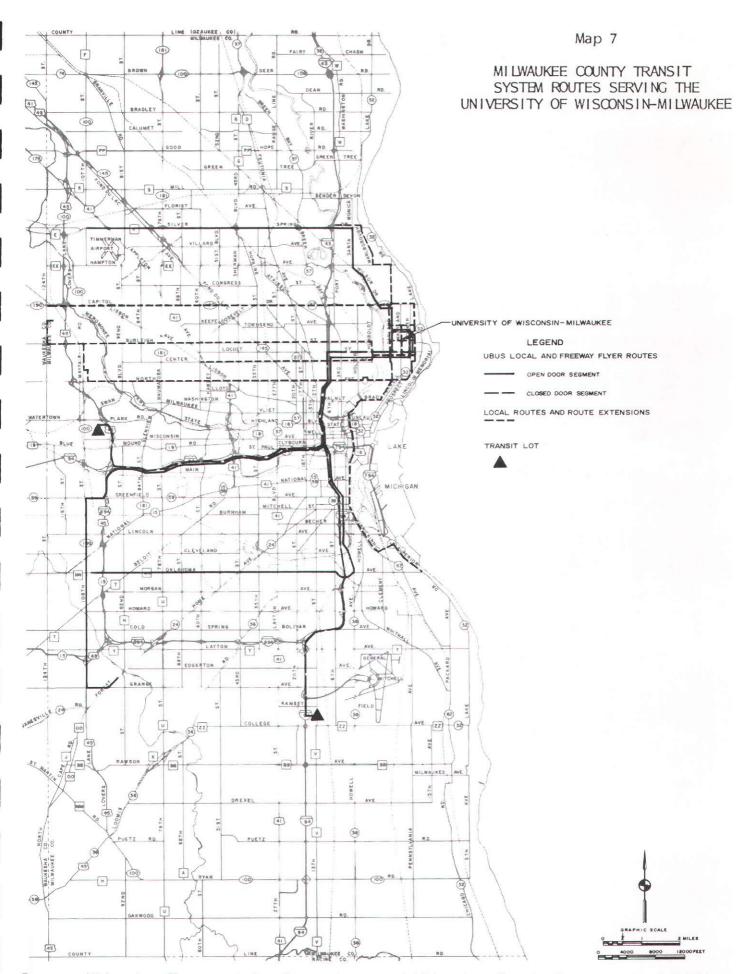


Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.

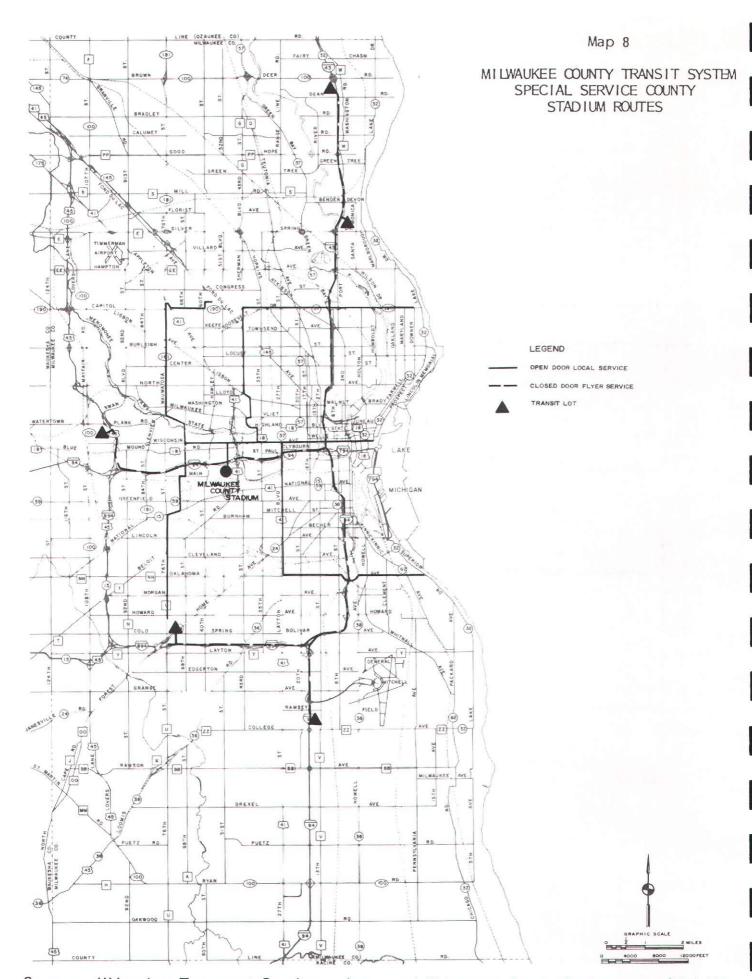
areas of the City of Milwaukee having high concentrations of students. As part of this program, the Milwaukee Public School System purchases weekly student passes for \$2.50 from the Milwaukee County Transit System and distributes them free of charge to students who use this bus service.

Contract Bus Service: Contract bus service to employment and business areas is provided by the Milwaukee County Transit System only on a guaranteed revenue basis. This type of bus service is

provided to areas such as industrial and office parks that wish to have bus service extended to their facilities during certain times of the day and days of the week, even though they are not located on an existing bus route. Under contract arrangements, the owner or person responsible for such a facility agrees to cover the full cost of extending bus service on an existing bus route to the facility if bus passenger revenues generated on this extended route segment do not cover the total cost of the service. Contracted bus services on



Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.



Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.

these extended regular local bus routes are open to the general public. Regular local service bus fares are in effect for all users. Such contracted bus services are currently being provided to:

- Ideals Publishing Company, 11315
 W. Watertown Plank Road,
- 2. Globe-Union, 5757 N. Green Bay Road,
- 3. Briggs and Stratton, 3333 W. Good Hope Road, and
- 4. Bishop's Woods, 13400 W. Bishop's Lane.

A similar guaranteed revenue contract service is provided between UWM and three remote parking lots. This service is also open to the public. The one-way fare is \$0.05.

Charter Bus Service: Milwaukee County has a charter agreement on file with the Department of Transportation, UMTA, concerning the provision of incidental charter service. The charter bus is provided during periods of regular transit service between any points located within Milwaukee, Ozaukee, Racine, Washington, and Waukesha Counties. One of the buses available for charter service specially modified 1956 General Motors Corporation bus equipped with a rear door wheelchair lift and tie-down devices sufficient to accommodate eight wheelchair users.

Sight-Seeing Bus Service: Guided sight-seeing bus tours are provided by the MCTS during summer months. This service is available on a pre-scheduled basis six days a week, Monday through Saturday. The fare for the regular three and one-half hour tour is \$4.50 for adults and \$3.00 for children.

EXISTING TRANSIT SYSTEM POLICIES AND PRACTICES

Hiring and Employment Policies and Practices

In 1977, the Milwaukee County Transit System (MCTS) developed a formal policy

document concerning nondiscrimination and affirmative action in hiring and employment of handicapped persons. This policy states that "Milwaukee Transport Services, Inc. will not discriminate against any employee or applicant for employment because of physical or mental handicaps in regard to any position for which the employee or applicant for employment is qualified to efficiently perform the duties and responsibilities their respective positions." should be recognized, however, that all applicants for bus operator positions must meet certain minimum physical and mental requirements before being accepted for employment. The hiring employment policy of Milwaukee Transport Services, Inc. (MTS) further states: "We agree to take affirmative action to employ, advance in employment, and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicaps in all employment practices such as the following: employment, upgrading, advertising, lay-off or termination, rates of pay or other forms of compensation, and selection for training."

In addition, MCTS has had a long established policy of transferring employees who become disabled to other positions within the system. In fact, as part of the labor agreement with the Amalgamated Transit Union, Local 998, MCTS has an established policy of offering alternative employment, if available, to disabled employees regardless of their position on the seniority list.

Safety and Emergency Procedures

Safety and emergency procedures are established as normal practice whenever the need for such procedures arises, both in providing bus service to the general public and safeguarding the health of MCTS employees.

MCTS Safety Committees: Three separate safety committees comprised of MCTS employees meet regularly to consider problems related to public and MCTS employee safety and emergencies. These three committees are responsible for developing procedures to deal with safety and emergency problems.

Equipment and Plant Department Safety Committee—This committee is comprised of mechanics from the garage and the general garage foreman. The function of this committee is to review the monthly equipment and plant safety inspection report and make recommendations for improving existing procedures to the management of MTS, Inc.

Transportation Department Safety Committee—This committee is comprised of bus operators, the manager of transit system operations, the chief route supervisor, and the superintendents of: transportation, equipment and plant, and scheduling. The function of the committee is to review safety and emergency problems involving the delivery of bus services to the general public and make recommendations for improving existing procedures to the management of MTS, Inc.

MTS, Inc. Management Safety Committee--This committee is comprised of manager of transit system operations. the director of personnel, the superintendent of the equipment and plant department, the superintendent of the transportation department, the chief supervisor of bus operators, and the chief route supervisor. The function of this committee is to review accident records, examine trends, study specific safety problems, and recommend methods. procedures, and practices to maintain and improve safe operations.

Public Bus Safety and Emergency Procedures: Basically, public bus safety and emergency procedures require that bus operators assist bus passengers in boarding, alighting, or being seated whenever a bus passenger requests such assistance. In addition, bus operators are encouraged to offer assistance if it appears that a bus passenger is in need of help. MCTS buses are also equipped with two-way radios which enable the bus operator to contact the bus dispatcher get police or medical emergency assistance when needed.

Special procedures have been developed for bus operators to follow when assisting a nonambulatory wheelchair-bound bus

passenger. The procedures are taught as part of a three-week training program each bus operator receives after being accepted for employment. Before operating the wheelchair lift, the bus operator must make sure that no one is within five feet of the front doorway of the After the wheelchair-bound passenger has boarded the wheelchair lift and the end-gate on the lift has been raised, the bus operator must instruct the wheelchair-bound bus passenger to lock the wheelchair wheels before the bus operator is permitted to raise the lift. Bus operators are not required to leave the bus to assist a person in getting on the wheelchair lift for two reasons: 1) When the wheelchair lift is in the "down" position, the bottom two front-door bus steps which function as the lift platform are absent, making it difficult for the bus operator to leave and re-enter the bus. 2) The bus operator must be on the bus to operate the lift. After the wheelchair lift has been raised to bus floor height, the bus operator informs the wheelchair-bound bus passenger he/she may move from the lift into the bus and indicates where the wheelchair tie-down is located on the bus. The bus operator also assists in the procedure of securing the wheelchair in the tiedown location before operating the bus. A similar procedure must be followed by the bus operator when a wheelchair-bound bus passenger is alighting from the bus.

Special signs are posted inside at the front of the bus behind the row of longitudinal seats and next to the first row of transverse seats on both sides of the bus. The signs request able-bodied persons to yield these first four rows of seats to elderly or handicapped persons when needed.

Periodic Sensitivity and Safety Training for Personnel

All bus operators, when employed, are in a training program for the first three weeks. The first four days of the training program are spent in class and on the road (not in service) to give the prospective bus operator the knowledge and technical driving skills necessary to perform his/her duties proficiently. The next 10 days of the training program are spent in actual in-service operation of a bus on a regular bus route under the direction of a platform instructor. The final day of the training program is spent in the classroom, reviewing procedures related to his/her bus driving responsibilities.

An important part of the three-week training program concerns how to deal with the public in a courteous and helpful manner. Special emphasis is placed on assisting handicapped persons. During the training program, every newly hired bus operator is shown the filmstrip presentation entitled "Special prepared by Moss Rehabilitation Center, Philadelphia, Pennsylvania. The filmstrip points out the necessity of being sensitive to the special needs of handicapped persons and of making sure that handicapped individuals are assisted when necessary. Milwaukee Transport Services, Inc. has been showing this filmstrip to newly hired bus operators since October 1975. It is estimated that 40 percent of MCTS's 1,000 bus operators have seen the filmstrip.

All MCTS bus operators are reviewed annually by the operator training division. As part of this review, a "followup" instructor rides with each bus operator to assess how he/she handles both the technical aspects of bus operations, as well as the human aspects of dealing with the public. Each bus operator is also contacted by supervisory staff whenever he/she is involved in an "incident." This not only includes vehicular and passenger accidents, but also any public complaints. At that time, the bus operator is reinstructed in the proper procedures to follow and appropriate disciplinary action taken.

MCTS telephone information clerks are trained to: give precise, accurate information, repeat the information when requested, and make sure that the individual understands the information provided.

Telephone information clerks are also made aware that individuals who are confined to wheelchairs may never have used the City bus system, and thus it is important to provide detailed information concerning the bus trip.

Accommodations for Companions or Aids of Handicapped Travelers

Since 1976 the MCTS has had a policy which allows a companion or aide to ride free when in the company of a handicapped bus passenger presenting a valid MCTS half-fare photo I.D. card during nonpeak hours. It has also been a long-standing policy of the MCTS to allow guide dogs to ride with their masters.

Intermodal Coordination of Transportation Providers

The MCTS currently operates accessible buses on six local bus routes. These routes come within a radius of two blocks of the following intercity bus terminals:

- 1. American Coach Lines, Inc., 804 N. Plankington Avenue,
- 2. Badger Bus Depot, 635 N. Seventh Street,
- Greyhound Bus Lines, 606 N. Seventh Street,
- 4. Royal Coach Lines, Inc., 804 N. Plankington Avenue, and
- 5. Wisconsin Coach Lines, 606 N. Seventh Street.

Accessible bus service is not available to the Wisconsin-Michigan Coaches, Inc., bus terminal. In addition, neither the Amtrak Station nor the Milwaukee County Airport (General Mitchell Field) is currently serviced by accessible bus service. In early 1980, however, 150 additional accessible buses are to be delivered to Milwaukee County. At that time, accessible bus service will be provided to the terminals mentioned above that are not currently serviced.

Coordination With Social Service Agencies That Provide or Support Transportation for Handicapped Persons

In April 1979, the Milwaukee County Executive's Task Force on Transportation for the Elderly and Handicapped surveyed all major social service agency transportation providers in Milwaukee County to ascertain the types and levels of service provided. This data is currently being analyzed to determine the feasibility of coordinating these services. A final report from this Task Force is scheduled for completion in March 1980. To the extent practicable, the findings of this report will be reviewed and implemented to ensure that optimum utilization of all available public, private, and social service agency transportation

When requested, the MCTS has brought a lift-equipped bus to meetings of handicapped groups to demonstrate the lift mechanism and allow wheelchair-confined individuals to try the mechanism in a controlled situation.

resources is achieved.

Finally, Milwaukee County, in cooperation with the Curative Rehabilitation Center (an agency providing comprehensive outpatient services to children and adults with physical, mental, and developmental disabilities), is instituting a three-year program to provide automobile driver education to physically disabled adults. The objective of the program is to develop educational techniques for teaching severely handicapped adults to drive safely and effectively. The \$150,000 total cost of the program is being funded through the Governor's Office on Highway Safety at a rate of \$50,000 per year, using federal monies available under Section 402 of the National Highway Safety Act.

Comprehensive Marketing Considerate of the Travel Needs of Handicapped Persons

The MCTS operates a public telephone information service seven days a week, 24 hours a day. By using this service, most individuals can receive information concerning specific bus schedules and

routes. Public timetables are available for each bus route at any of the four transit system operating buildings in the County. In addition, bus operators are expected to carry public timetables with them for their particular route. On request, timetables will also be mailed by MTS, Inc., to anyone.

A special transit system route guide is available to the public upon request. This route guide is a detailed map showing all routes operated by the MCTS. The guide also offers a variety of information on how to use the bus service.

A new brochure, entitled "How to Ride the Wheelchair Lift Bus," has been developed and distributed to various agencies that serve persons confined to wheelchairs. In addition, this brochure has been sent to all wheelchair-bound participants in the special User-Side Subsidy Transportation Program operated by Milwaukee County (see Chapter IV). Included with this brochure is a special map showing the location of the six accessible MCTS bus routes in Milwaukee County and a list of points of interest served by these routes.

A multi-media campaign was used to announce the implementation of accessible bus service on the six MCTS bus routes. This campaign included purchased radio commercials, paid newspaper ads, public service announcements, news releases, human interest stories, and extensive news media coverage.

The preceding discussion shows that the MCTS uses a variety of transit system marketing techniques to inform persons of available services. These include telephone information services; printed

⁶In 1976 the size of print used in the public timetable was enlarged. According to comments from persons with vision impairment, this has significantly improved the readability of the transit system's public time-tables.

public timetables, route maps, and informational brochures; and radio, television, and newspaper advertising.

Blind persons who cannot use the public timetables or the MCTS route guide can obtain information about the MCTS by using the public telephone information service. Conversely, deaf persons who cannot use the telephone information service can obtain information about the MCTS by using public timetables and the MCTS route guide.

Leasing, Rental, Procurement, and Other Related Administrative Practices

It is the current policy and practice of both Milwaukee County and MTS, Inc., that all successful bidders contracting to provide products and services for the MCTS must sign assurances as part of the contract bid documents that they do not discriminate in hiring and employment on the basis of handicap and that they have an affirmative action policy toward the hiring of handicapped persons.

Involvement of Existing Private and Public Operators of Transit and Public Paratransit in Planning for and in Providing Other Accessible

Modes and Appropriate Services Milwaukee County operates a special User-Side Subsidy Program for persons who are confined to wheelchairs, require the use of a walker or crutches, or are legally blind. The program subsidizes the transportation of handicapped persons up to \$10 per trip for persons in wheelchairs and \$7 per trip for other eligible handicapped persons. The differential in maximum subsidy recognizes the fact that persons confined to wheelchairs are more likely to require more expensive lift-equipped van services. This program relies solely on the existing transportation resources of private taxicab firms and private chair car carrier firms. More information concerning this program is presented in Chapter IV.

Regulatory Reforms to Permit and Encourage Accessible Services

There are no known regulatory constraints that will prevent MCTS service from being made accessible to the handicapped.

Management Supervision of Accessible Facilities and Vehicles

The MCTS employs 22 route supervisors. responsibility is to: monitor over-the-road bus operations; handle emergencies such as accidents, detours, and fires; and expedite special bus services such as charter bus service and special school bus runs, and boarding or alighting of wheelchair passengers. All route supervisors have been trained to manually operate the wheelchair lift on the bus in the event of a mechanical breakdown. In addition, bus operators are required to report each boarding and alighting of a wheelchair passenger, including the amount of delay involved, to his/her dispatcher. The dispatcher then advises the bus driver on how to get back on schedule. The specific action will vary, depending on the amount of delay. When the dispatcher receives such notification, an available supervisor is sent to the boarding or alighting destination as a precautionary measure. The supervisor can then assist if there any problems with boarding alighting.

Maintenance and Security of Accessible Features

All wheelchair lifts are cycled each night when accessible buses are cleaned and any malfunction is reported to the garage clerk responsible for assigning buses to routes. The garage clerk then assigns only buses with operable lifts to the all-day runs on the six guaranteed accessible bus routes. The lifts are also checked every 3,000 miles and undergo a major inspection and maintenance every 9,000 miles.

Labor Agreements and Work Rules

Existing MCTS labor agreements and work rules do not specifically address handicapped employees except in the event an employee becomes disabled and cannot perform the tasks required in his/her regular job. If this occurs, the handicapped individual is considered first for a job which he/she is capable of doing, regardless of seniority.

Appropriate Insurance Coverage

The MCTS is self-insured up to a maximum of \$250,000 for each accident. The MCTS

carries additional insurance up to a maximum of \$10,000,000 for each accident. There are no restrictions on insurance coverage which might relate to handicapped persons.

SERVICES, POLICIES, AND PRACTICES ISSUES ANALYSIS AND RECOMMENDATIONS

Based on the preceding description of the existing bus transportation services of the Milwaukee County Transit System (MCTS), the Steering Committee of the Milwaukee County Executive's Task Force on Transportation for the Elderly and Handicapped, which served as the advisory committee for the development of the MCTS Transition Plan, has determined that: excluding transit system facilities and equipment (which will be addressed in the next chapter), there is no indication that the operating characteristics of the various bus services provided by Milwaukee County (such as area served, bus routing, scheduling, frequency of service, days and hours of operation. and fares) discriminate against persons solely on the basis of handicap. The Steering Committee has further determined that a number of modifications of MCTS policies practices have already been made to promote nondiscrimination in the hiring and employment of handicapped persons and to facilitate the safe and effective use of the various bus services of the MCTS by handicapped persons. The changes have been made because Milwaukee County has been proceeding toward achieving transit system accessibility through the acquisition of new wheelchair liftequipped buses since April 1977. At that time, design specifications in a thenpending 1975 UMTA Section 9 capital assistance grant to purchase 100 new 49to 53-passenger buses were changed to include the installation of a wheelchair lift and wheelchair tie-down location on each bus. Milwaukee County's commitment to an accessible transit system was made official on January 11, 1980, when the Milwaukee County Board of Supervisors approved a resolution adopting SEWRPC

Planning Report No. 31, A Regional Transportation Plan for the Transportation Handicapped in Southeastern Wisconsin: 1978-1982, with the condition, "that Milwaukee County...by so doing, demonstrates its intention to comply with the accessibility requirements for buses as contained in the 504 regulaenacted by the Department tions Transportation on May 31, 1979, fully intends to implement any policy or program changes required under the regulations." As evidence of this commitment, Milwaukee County has thus far purchased 250 new wheelchair lift-equipped 44- to 47-passenger buses. With the delivery of the last 150 of these new buses (expected by April 1980) Milwaukee County will have a total bus fleet that is 39 percent accessible. As wheelchair lift-equipped buses are put into regular route service, it is anticipated that by July 2, 1980, at least 28 percent of the peak period bus fleet will be accessible. This level of bus fleet accessibility is consistent with the July 1980 benchmark that Milwaukee County has set for planning purposes in order to ensure (as shown in Table 13) that in accordance with Final Rule 49 CFR 27, by July 2, 1982, 50 percent of the buses operating during the peak periods will be wheelchair lift-equipped. detailed information concerning Milwaukee County's current bus fleet replacement and expansion program will be presented in Chapter III, "Facilities and Equipment Transition Plan Element." This section, however, discusses issues of a transit system-related services, policies, and/or existing practices nature which have been raised. issues should be addressed to further promote nondiscrimination in the hiring and employment of handicapped persons and to facilitate the safe and effective use of the various bus services of the MCTS by handicapped persons.

The issues to be discussed herein were obtained from three sources: 1) the transit system management staff of Milwaukee Transport Services (MTS), Inc.;

2) the Steering Committee of the Milwaukee County Executive's Task Force on Transportation for the Elderly and Handicapped; and 3) an estimated 260 existing and potential users of the bus services of the MCTS. The 260 users are persons who either attended one of the three public hearings (in February 1979) on transportation for people with handicaps and disabilities, conducted by the Milwaukee County Commission for Handicapped and Disabled Persons; or attended one of two public hearings (in March 1979) on transportation for older adults conducted by the Milwaukee County Commission on Aging; and/or submitted a written response to one of the more than 400 questionnaires distributed by the Commission and Committee to elderly and handicapped persons in Milwaukee County. The actions proposed herein to resolve the issues have been approved by the Steering Committee of the Milwaukee County Executive's Task Force.

TRANSIT SYSTEM SERVICE RELATED ISSUES

Selection of New Bus Routes

Elderly and handicapped residents of Milwaukee County and local advocacy organizations for the elderly and handicapped have expressed concern that the transportation needs of elderly handicapped persons living in outlying areas of the County are not being adequately served because the expansion of bus transportation service in the County has not kept pace with development in these areas. Persons living in new government-subsidized low- and moderateincome housing projects for the elderly located in outlying areas of the County are without public transportation. MCTS officials have pointed out that public funds for the extension of public transportation to outlying areas of the County are limited. In addition, land use densities in many of the recently developed outlying areas of the County are not high enough to make it economically feasible to extend traditional fixed-route bus services to these areas.

In an effort to address this issue, the Steering Committee of the Task Force has recommended that:

- 1. Local transportation planners give consideration to the use of nonfixed-route bus services in MCTS service planning to serve concentrations of people with special transportation needs residing in areas where the extension of fixed-route bus services is not cost-effective.
- 2. A transportation impact statement be required for all future publicly subsidized housing projects. The statement must provide written evidence of the availability of public transportation services to the residents of the proposed project, as well as the user costs of these public transportation services.
- 3. All local units of government Milwaukee County within SEWRPC use their respective review and approval authorities over any proposed housing development project for the elderly and/or handicapped to ensure that no such project is approved in areas a) where there is neither existing nor planned public mass transportation service, or b) where no provisions have been made, as part of the proposed project, to directly provide or subsidize a comparable alternative transportation service.

POLICY AND PRACTICE ISSUES

Hiring and Employment Policies and Practices

The private transit management firm of Transport Services Milwaukee Inc., which is responsible for day-to-day operation of the MCTS has a policy of nondiscrimination in hiring and employment of individuals solely on the basis of handicap. However, officials of MTS, Inc., stated that, as a practical matter, people with certain types of handicap may not qualify for a position of employment with the MCTS because they would not be able to successfully perform the minimum physical or mental responsibilities of the position.

In response, the Task Force Steering Committee has reommended that a list of the physical requirements involved in the performance of work responsibilities of each of the various positions of possible employment with the MCTS be developed by MTS, Inc., during 1981. The lists are to be made available to any applicant for employment who requests this information.

Safety and Emergency Procedures

In their internal review of existing public bus safety and emergency procedures, officials of MTS, Inc., have noted that no procedure has ever been established for evacuating passengers from a bus during an emergency. The Task Force Steering Committee has, therefore, recommended that such a procedure be developed by MTS, Inc., during 1980, taking into consideration the special needs of persons with various types of handicaps. Reviews and comments on the proposed procedure are to be obtained from: the Advisory Committee designated by Milwaukee County to monitor implementation of the MCTS Transition Plan, the Milwaukee County Commission for Handicapped and Disabled Persons, and the Milwaukee County Commission on Aging.

Periodic Sensitivity and Safety Training for Personnel

Elderly and handicapped residents of Milwaukee County and local advocacy organizations for the elderly and handicapped consider the need for periodic training of bus operators to be an important issue. They have noted that, to date, MCTS bus operators have received limited training in recognizing or assisting bus passengers with handicaps. The following specific problems related to bus operator training activities have been identified:

Limited Training Staff: The training unit of Milwaukee Transport Services, Inc., currently consists of six fulltime bus operator trainers and 35 bus operators who serve as platform instructors. Due to high bus operator turnover, the six full-time bus operator trainers are needed on a continuing basis to train new bus operators and have very

little time to devote to enrichment training programs for experienced bus operators.

Insufficient Passenger Assistance Training for New Bus Operators: New bus operators currently receive a total of three weeks of training. One week is spent in a classroom setting and two weeks are spent behind the wheel of a bus. The elderly and handicapped feel that the training program does not include adequate instruction to acquaint bus operators with the special needs of elderly and handicapped passengers.

Insufficient Passenger Assistance Training for Experienced Bus Operators: When Milwaukee County received its initial order of 100 new wheelchair liftequipped buses, experienced bus operators were required to attend two 1½-hour training sessions on how to operate the lifts. However, no additional training has been provided in the area of passenger-assisting techniques.

In summary, MCTS bus operators have received what the Steering Committee of the Milwaukee County Executive's Task Force on Transportation for the Elderly Handicapped considers a minimal amount of training to prepare them for responsibilities associated with serving the bus-riding elderly handicapped public. Current bus operator training focuses mainly on the operation of the wheelchair lift itself, general passenger-driver relations, bus maneuand safety procedures. vering, training includes only limited instruction acquainting bus operators with the special needs of elderly and handicapped bus passengers. The Task Force Steering Committee has, therefore, recommended that:

1. Milwaukee County include an estimated \$31,800 7 annually in MCTS's operating budget, beginning in 1981, to be used by Milwaukee

All estimates in chapter are based on 1980 dollars.

Transport Services, Inc. specifically for the purpose of hiring one additional bus operator trainer to provide passenger assistance training to bus operators.

- 2. During 1981, Milwaukee Transport Services, Inc. develop a Bus Passenger Assistance Training Module for new bus operators which would include at least the following elements:
 - a. Recognition of basic characteristics of major disabling conditions;
 - b. identification of common assistance devices used by handicapped persons;
 - c. techniques for assisting elderly and handicapped passengers including: the use of wheelchair tiedowns, bus stop boarding and alighting procedures, fare management, and response to passenger signals for bus stops;
 - d. safety and emergency procedures:
 - e. operation of the wheelchair lift and bus kneeling features;
 - f. responses to various situations involving elderly and handicapped bus passengers; and
 - g. actual training experience assisting persons with various types of disabilities.
- At least once a year, MTS, Inc., provide continuing training, including bus-passenger assistance training, to all bus operators.
- 4. MTS, Inc., ensure that all full time bus operator training staff receive instruction in teaching passenger assistance training to bus operators.

The cost of implementing recommendations 2, 3, and 4 is estimated to be \$69,700 annually.

Accommodations for Companions or Aides of Handicapped Travelers

The current policies and practices of the MCTS concerning accommodations for companions or aides of handicapped travelers, described on page 37, are considered by the Task Force Steering Committee adequate at present to promote transit system accessibility.

Intermodal Coordination of Transportation Providers

The current efforts of Milwaukee County to achieve intermodal coordination of transportation providers, as described on page 37 and in Chapter V, "Overall Transportation Service Coordination," are considered by the Steering Committee adequate at present to promote transit system accessibility.

Agencies That Provide or Support Transportation for Handicapped Persons

The current efforts of Milwaukee County to achieve coordination with social service agencies that provide or support transportation for handicapped persons, as described on page 38 and in Chapter V, "Overall Transportation Service Coordination," are considered by the Steering Committee adequate at present to promote transit system accessibility.

Comprehensive Marketing Considerate of the Travel Needs of Handicapped Persons (Mobility Training and Public Information)

and potential elderly Existing handicapped users of the transportation services of the MCTS and advocacy organizations for these users consider mobility training for the handicapped and the development of a good public information program important in achieving increased ridership by the handicapped on the MCTS. Mobility training is a program of providing instruction to physically- and mentally-handicapped persons on how to use the accessible public bus system. The purpose of providing this training is to give handicapped nonusers of the transit system the confidence and the

basic information concerning fares, routes, and schedules to enable them to use the public transit system. This will eliminate the need to provide many of these individuals with more costly specialized agency transportation services. In order to achieve this purpose, the Steering Committee of the Task Force has recommended that:

- 1. Milwaukee County include an estimated \$40,000 annually in funds in the 1981 County budget to either employ directly or contract with an existing organization or institution for the equivalent of one full-time, qualified staff person (including fringe benefits) to provide mobility training to physically-and mentally-handicapped persons on the use of accessible MCTS buses.
- 2. The responsibilities of the additional bus operator-trainer position proposed in recommendation 1. under "Periodic Sensitivity and Safety Training for Personnel" include:
 - a. serving as liaison between MTS, Inc., and the Milwaukee County health and social service agencies serving the elderly and handicapped;
 - b. providing technical and user information services concerning the MCTS to elderly and handicapped residents of the County; and
 - c. scheduling the available accessible spare buses for use by interested agencies and elderly and handicapped groups as an assistive means of providing mobility training.
- 3. The Marketing Department of MTS, Inc., in cooperation with the Milwaukee County Commission on Aging and the Milwaukee County Commission for Handicapped and Disabled Persons, develop a com-

prehensive public information program about the MCTS. This program is to include a "New Rider's Kit" containing information which describes how to use the wheel-chair lift and kneeling features on accessible buses, the special needs and requirements of elderly persons and persons with various types and degrees of handicap, as well as basic information on the use of the bus system.

- 4. The Marketing Department of MTS, Inc., in cooperation with the Milwaukee County Commission on Aging and the Milwaukee County Commission for Handicapped and Disabled Persons, review and, as necessary, revise existing printed bus schedule information for the public, to make it easier to understand.
- 5. MTS, Inc., develop a bus-rider comment and suggestion form and make the form conveniently available to users of the MCTS.
- 6. MTS, Inc., seek to ensure that each bus operator maintains an adequate supply of bus schedules on the bus at all times.
- 7. Milwaukee County include an estimated \$21,000 annually in the MCTS operating budget beginning in 1981 to enable MTS, Inc., to expand its telecommunications capabilities through the hiring of one additional transit system information clerk and an estimated \$1,000 annually to improve consumer access to transit system information through the installation of a teletypewriter (TTY) use by hearingservice for impaired individuals.

Leasing, Rental, Procurement, and
Other Related Administrative Practices
The current policies and practices of
the MCTS concerning leasing, rental,
procurement, and other related administrative practices, described on page
39, are considered adequate at present

by the Steering Committee of the Task Force to promote transit system accessibility.

Involvement of Existing Private and Public Operators of Transit and Public Paratransit in Planning for and in Providing Other Accessible Modes and Appropriate Services In the Steering Committee's review and discussion of the information presented on page 39, it was generally agreed that Milwaukee County has made noteworthy efforts to involve private and public operators of transit and paratransit in planning for and in providing other accessible modes of transportation and appropriate services. The Committee perceives, however, that opportunities still exist to more effectively use transportation resources, particularly among the social service agencies that provide transportation service. The Committee further perceives that one way to promote the effective use of these agency resources is through the continuing involvement of these agencies in the planning and coordinating of accessible transportation services for the elderly and handicapped.

The Steering Committee of the Task Force, therefore, recommends that the elderly and handicapped advisory committee established to monitor the implementation of Milwaukee County's transition plan consider the concerns of the existing private and public operators of transit and paratransit services in Milwaukee County.

Regulatory Reforms to Permit

and Encourage Accessible Services

As stated previously on page 39, there are no known existing regulatory constraints that will prevent the MCTS from achieving accessibility.

Management Supervision of Accessible Facilities and Vehicles

It is the policy and practice of Milwaukee County that only persons confined to a wheelchair may use the wheelchair lift on an accessible MCTS bus. Also, the kneeling feature on accessible buses is to be operated only when a passenger re-

The wheelchair-lift quests it. policy is in effect because Transit System officials feel that use of the wheelchair lift by standees presents a safety problem. Standees not properly positioned on the lift could injure themselves by bumping their heads on the top of the doorway as the lift is raised and brought into the bus. Transit system officials also do not use the bus kneeling feature unless a passenger requests it as the kneeling feature lowers the doorway of the bus below the curb height. If the operator has the bus located too close to the curb, the bottom of the wheelchair-lift device in the front doorway of the bus could be damaged. Therefore, to reduce the possibility of this type of damage, bus operators are instructed to only operate the bus kneeling feature when requested to do so.

Elderly and handicapped users of the MCTS and advocacy organizations feel that the current MCTS policies and practices concerning the use of wheelchair lift and the bus kneeling feature creates an unnecessary hardship for an estimated 15 percent of the elderly population in the County who have difficulty climbing steps and an estimated 60 percent of the County's transportation handicapped population who are semi-ambulatory, but have mobility impairments' which restrict ambulation. It has been pointed out that Washington, D.C.; Santa Clara County, California; Hartford, Connecticut; and Westchester, New York all have wheelchair lift-equipped buses either identical to or very similar to those used by the MCTS and each of these transit systems allows both wheelchair users and semi-ambulatory persons to use wheelchair lifts. To date none of these transit systems has experienced safety problems as a result of allowing semi-ambulatory persons to use the wheelchair lift. In addition, the kneeling feature is routinely used to assist elderly persons in boarding and alighting from the bus. Based on the experience of these other transit systems, the Steering Committee of the Task Force has recommended that:

- 1. On a one-year trial basis in 1981, Milwaukee County change the current policy and practice concerning the use of the wheel-chair lift to allow semi-ambulatory persons to use the lift on all accessible bus routes.
- 2. MTS, Inc., in 1981 paint footprints on the lift platform to indicate where a nonwheelchairbound person should stand when using the lift, to avoid the potential for personal injury.
- 3. In 1981 Milwaukee County permanently change the current policy and practice concerning the use of the bus kneeling feature to the use of the kneeling feature whenever an elderly or handicapped person is boarding or alighting from the bus at street level.

Maintenance and Security of Accessible Features

Based on the experience of the MCTS, lift failures are generally due to electrical or mechanical problems in operating the lift. The most common source of electrical problems is the box containing the controls for operating the lift. This control box is located inside where the seated driver can conveniently operate the controls. Its design is such that the controls are susceptible to damage caused by coffee spills and by collection of dust and grime. The most common source of mechanical problems is damage caused to the underside of the lift if a bus operator activates the bus kneeling feature when the bus is too close to the curb. This may result in the underside of the lift--the lowest point on the bus--striking the curb, a or some other protruding snowbank, object at the curb and being damaged.

To develop practical solutions to these electrical and mechanical problems, the Steering Committee of the Task Force has recommended that:

1. MTS, Inc., in 1981 install protective plastic covers or cloth dust shields (at an estimated

- cost of \$500) over the wheelchair lift control box to prevent moisture, dust, and grime from getting into the controls on the 100 wheelchair lift-equipped Flexible buses in the current bus fleet.
- 2. MTS, Inc., in 1981 investigate the feasibility of installing a shock-absorbing bracket or "bumper" in an appropriate location on the underside of the bus, to protect the wheelchair lift from being damaged.

Labor Agreements and Work Rules

A provision currently exists in the labor contract agreement between the management of MTS, Inc., and its employees, represented by the Amalgamated Transit Union, which requires that certain positions of employment with the MCTS must be filled by existing employees, based on seniority. Among these positions are some which could be filled by a handicapped person. Though a present employee could become disabled and be assigned to one of these positions, there is no possibility under the present agreement to hire a handicapped person to fill one of these positions from outside the existing pool of employees.

Most entry-level positions of employment with the MCTS have physical requirements that people with certain physical disabilities could not perform. As a result, under the agreement, a person who is confined to a wheelchair or a person with a vision or hearing impairment in most cases cannot qualify to obtain an entry-level position needed to gain seniority. Thus, the person is blocked from moving into a nonentry-level position covered in the union contract which they might otherwise be physically qualified to hold.

A second issue of concern to the elderly and handicapped is that there is no employee work rule which requires bus operators to physically assist elderly and handicapped passengers who have difficulty boarding and alighting from a bus, or in moving to and from a seat

location on the bus. The management of MTS, Inc., has indicated that, while it is true that bus operators are not required to physically assist any bus passenger having difficulty using the bus, operators are informed that providing assistance would be appreciated by the passenger. The management has also stated that a work rule requiring bus physically assist bus operators to would have significantly passengers increased transit system operating cost implications. This would result from union demands for higher wages because the bus operator's duties and responsibilities have been expanded and from higher insurance rates because of transit system liability for injuries to the bus operator or the bus passenger while physical assistance is being provided.

In an effort to resolve these issues, the Steering Committee of the Task Force has recommended that:

- 1. The management of MTS, Inc., and the union representatives of its nonmanagement employees 1982 contract negotiations, give serious consideration to eliminating provisions in the labor agreement contract which, handicapped effect. prevent persons confined to wheelchairs or with vision or hearing impairments from being employed in nonmanagement positions with the MCTS.
- 2. The management of MTS, Inc., and the union representatives of nonmanagement employees during 1982 contract negotiations, meet to consider the need for, and the effect of, modifying and expanding employee work rules to provide for bus operators to physically assist elderly and handicapped bus passengers whenever such assistance is requested. The findings and recommendations resulting from this meeting(s) are to be reported to the advisory committee created to monitor the implementation of the transi-

tion plan and the Mass Transit Committee of the County Board of Supervisors.

Appropriate Insurance Coverage

The insurance coverage of the MCTS is considered adequate at this time by the Steering Committee of the Task Force.

OTHER POLICY AND PRACTICE ISSUES

Transit System

Management Related Issues

The elderly and handicapped public, as well as the advocacy organizations, have expressed concern that the processes of planning, programming, implementing, and administering the services, policies, and practices of the MCTS are not understood by the public and do not provide opportunity for effective ongoing public involvement. The elderly and handicapped public and the advocacy organizations are also concerned that the roles and responsibilities of the Milwaukee County Executive's Office; the Milwaukee County Board of Supervisors; the Mass Transit Committee; the Milwaukee County Department of Public Works, Transportation Division; and MTS, Inc., are not clearly defined when it comes to determining who makes the important decisions concerning the planning, programming, implementation, and administration of the services, policies, and practices of the MCTS. As a result, the persons who are interested in the programs and activities of MCTS do not know how, when, or where to get involved in the process.

In seeking to resolve this issue, the Steering Committee of the Task Force has recommended that:

1. A study be undertaken in 1981 by Milwaukee County to clearly define and establish the roles and responsibilities of the Milwaukee County Executive; the Milwaukee County Board of Supervisors; the Mass Transit Committee; the Milwaukee County Department of Public Works, Transportation Division; and MTS, Inc., in the planning, programming, implementation, and administration of

the services, policies, and practices of the MCTS.

- 2. Milwaukee County in 1981 prepare and distribute an understandable summary of MCTS's management and organization structure to interested elderly and handicapped consumer groups.
- 3. Formal linkages be established by Milwaukee County in 1981 between employees of Milwaukee County and MTS, Inc., involved in transit planning, the Milwaukee County Commission on Aging, and the Milwaukee County Commission for Handicapped and Disabled Persons.
- 4. An elderly and handicapped citizens' advisory committee be appointed by the Milwaukee County Executive and approved by the Milwaukee County Board of Supervisors. This committee is to be comprised of:
 - a. nine elderly and handicapped citizens specifically including but not limited to: representatives from the Milwaukee County Commission for Handicapped and Disabled Persons and the Milwaukee County Commission on Aging; and (at least in part) users of the MCTS and other paratransit services for the elderly and handicapped;
 - two representatives of advocacy organizations for elderly and handicapped persons;
 - c. four representatives of other interested persons or organizations; and
 - d. one Chairman of the Milwaukee County Board of Supervisors or a designated member of the Mass Transit Committee.⁸

The function of this committee is to monitor the implementation of Milwaukee County's "504" transition plan for the MCTS. The committee will also review and comment on any transportation matter (including mass transit and special transit services) of a service, policy, or practice nature referred to it by the Milwaukee County Board of Supervisors, the Milwaukee County Executive, the Milwaukee County Commission on Aging, or the Milwaukee County Commission for Handicapped and Disabled Persons. This Committee will also be required to meet at least quarterly.

- 5. A technical advisory committee be created to be comprised of:
 - a. the Director of the Milwaukee County Commission for Handicapped and Disabled Persons, or designee;
 - the Director of the Milwaukee County Commission on Aging, or designee;
 - c. the Director of the Milwaukee County Department of Social Services, or designee;
 - d. the Executive Director of the Combined Community Services Board, or designee;
 - e. the Director of the Wisconsin Division of Vocational Rehabilitation, or designee;
 - f. the President and General Manager of MTS, Inc., or designee;
 - g. the Director of Transportation for the Milwaukee County Department of Public Works, or designee;

⁸The Steering Committee of the Task Force believes that representation of the County Board on the committee will provide a desirable channel of communication with elected County Board Supervisors.

- h. the Regional Director (Milwaukee Area) of the Wisconsin Department of Health and Social Services-Division of Community Services, or designee;
- the Executive Director of the SEWRPC, or designee;
- j. the Director of District Two of the Wisconsin Department of Transportation-Division of Highways, or designee;
- k. three providers of elderly and/or handicapped transportation services including at least one proprietary provider and one nonprofit provider;
- 1. the Milwaukee County Program Administrator for the State's 85.08(5) elderly and handicapped transportation assistance program for Counties; and
- m. other professional or technical representatives that may be requested by the above members in order for the committee to function properly.

The function of this committee is to conduct analyses and/or provide any information requested by the elderly and handicapped citizens advisory committee recommended in 4. above.

Number of Wheelchair Tie-Down Locations on Accessible Buses

The current policy and practice of the MCTS has been to issue specifications for the purchase of wheelchair lift-equipped buses with only one wheelchair tie-down location on each bus. As a result, each of the 250 wheelchair lift-equipped buses in the MCTS's bus fleet has only one wheelchair tie-down location on the bus. Elderly and handicapped users and potential users of the MCTS and advocacy organizations have expressed concern that having only one wheelchair tie-down location on a bus

discourages wheelchair users from maximizing their use of the accessible buses. Wheelchair users do not usually travel alone and two people in wheelchairs cannot be accommodated on a bus at the same time.

A further problem with the wheelchair tie-down is that it cannot be adjusted to accommodate a battery-operated wheel-chair. This type of wheelchair has wheels that are slightly wider or hubs that are slightly deeper than a standard wheelchair. Since it is required, for safety reasons, that the wheelchair be securely fastened in the tie-down before the bus is operated, a person who has a battery operated wheelchair cannot use the newly acquired wheelchair lift-equipped buses.

The Steering Committee of the Task Force has, therefore, recommended that:

- 1. Subject to the availability of either federal or state funds to support a one-year demonstration project, Milwaukee County add a second wheelchair tie-down location to all accessible buses on one local bus route in the County, and study the effect the change would have on bus use by nonambulatory wheelchair-bound persons. (It is anticipated that this project would require the modification of seating on eight to ten buses at an estimated cost of \$1.800 to \$2,000 per bus.)
- 2. The Urban Mass Transportation Administration (UMTA) cooperate with existing accessible bus and physical assistive device manufacturers in researching and developing a more generally suitable device for safely securing wheelchairs of all types on buses purchased with federal financial assistance.

Bus Stop Loading Zones

Officials of the MCTS report that the rear-door-mounted wheelchair lifts on the 150 RTS-2 General Motors Corporation

buses recently acquired by Milwaukee County cannot be used because existing bus stop loading zones (the area in which parking is prohibited) are not long enough to enable bus operators to maneuver the back door of the bus into a position close to and parallel to the curb. As a result, the lift cannot be properly lowered onto the curb to bridge the gap between sidewalk and street level which a wheelchair-bound person would otherwise find difficult or impossible to negotiate in attempting to board the bus.

The Steering Committee of the Task Force therefore recommended that:

- Milwaukee County develop a solution in 1981 to the problem of inadequate bus loading zone space at MCTS stops for proper use of rear-door entrance mounted wheelchair lifts.
- 2. The UMTA require bus manufacturers to locate wheelchair-lift devices at the front door entrance of newly designed buses.

Bus Passenger and Operator
Concern for the Special Needs
of the Elderly and Handicapped

Elderly and handicapped users of the MCTS and advocacy organizations have expressed concern that the general busriding public and bus operators are not considerate of the special needs of elderly and handicapped bus riders. They note that: 1) though it is requested on signs posted over the longitudinal seats and next to the first row of transverse seats at the front of the bus, the bus-riding public is not relinquishing seats to elderly and handicapped bus riders; 2) though it is required under an existing transit system policy, most bus operators do not routinely call out street names at approaching bus stops; 3) unless a passenger has managed to get near an exit door before the bus stop is reached, some bus operators do not respond to the bus stop buzzer on the bus; and 4) some bus operators turn off the bus stop buzzer. These latter two practices have caused elderly and handipeople who have difficulty

walking to miss getting off at their desired bus stop because they have moved too slowly.

Therefore, the Steering Committee of the Task Force has recommended that:

- MTS, Inc., seek to ensure that the wording of the message on priority bus seating signs for the elderly and handicapped is strengthened, the sign prominently displayed, and the message enforced on all MCTS buses.
- 2. MTS, Inc., make more effort to enforce its policy requiring bus operators to call out street names as approaching bus stops. The enforcement of this policy would greatly aid bus users who have impaired vision, including those who are blind.
- 3. MTS, Inc., prohibit bus operators from turning off the bus stop buzzer on the bus.
- 4. MTS, Inc., make bus operators aware that elderly and handicapped persons who have difficulty walking have missed their bus stop because they have not been able to get to the door quickly enough to signal their desire to get off.
- 5. MTS, Inc., instruct bus operators to be aware of indications of a passenger's desire to get off the bus as approaching a bus stop other than movement in the aisle in the vicinity of the exit door.

SUMMARY

This chapter has described the federally assisted transportation programs and activities of the MCTS. The description has included a discussion of the background of Milwaukee County's current level of involvement in the ownership and operation of a public bus system; the current magnitude of the federally assisted transportation programs and activities of the MCTS in terms of total

annual transit system operating cost and ridership in 1979; and the management and organization involved in planning, programming, implementing, and administering the services, policies, and practices of the MCTS. More importantly, this chapter has described the existing services, policies, and practices of the including the basic operating characteristics of the seven different types of bus transportation services provided by the MCTS and the current transit system policies and practices pertaining to 14 areas of handicapped accessibility related issues. Discussion of the services, policies, and practices has included an identification of current service, policy, and practice provisions to facilitate the achievement of transit service accessibility, well as additional issues of a service, policy, or practice nature which should be addressed to promote nondiscrimination in the hiring and employment of handicapped persons and to facilitate the safe and effective use of the bus services of the MCTS by handicapped Finally, this chapter has persons. presented a series of recommendations to resolve these issues and, with the documentation presented in Chapter III, "Facilities and Equipment Transition Plan Element," constitutes the Transit Operator Transition Plan for the MCTS.

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Chapter III

FACILITIES AND EQUIPMENT TRANSITION PLAN ELEMENT

INTRODUCTION

This chapter presents the facilities and equipment element of Milwaukee County's transition plan for making its federally public assisted mass transportation program accessible to handicapped persons. This element includes: 1) an inventory of the buildings, ready-fare outlets, buses, bus passenger waiting shelters, and park-ride lots which are part of the operation of the County's public transportation program; 2) an identification of the physical barriers which make it difficult or impossible for handicapped persons to enter and use these facilities and equipment; 3) a prioritized descriptive listing of the modifications to be undertaken to make these facilities and equipment accessible to handicapped persons in accordance with the compliance standards for facilities and equipment set forth in U. S. Department of Transportation (DOT) Final Rule 49 CFR Part 27²; 4) a schedule for implementing each modification: 5) the cost and funding sources which will be involved in making each modification; and 6) an identification of the local agency which has the responsibility for implementing each modification.

BUILDINGS

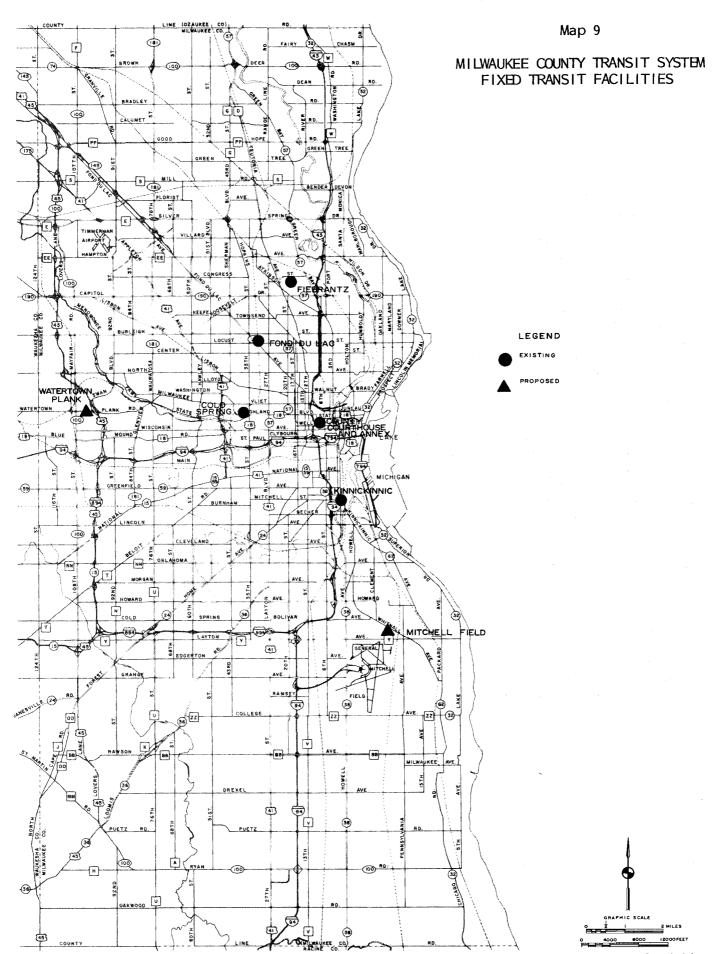
Activities related to Milwaukee County's federally assisted public mass transportation program with the exception of the Milwaukee County Transit System (MCTS) Ready-fare outlets and the former Waukesha County Courthouse (which are dislater in this Chapter), conducted in five County-owned building complexes located in various parts of the City of Milwaukee. These facilities are: 1) the Cold Spring heavy maintenance shops and general offices complex; 2) the W. Fiebrantz Street bus operating garage; 3) the W. Fond du Lac Avenue bus operating garage; 4) the S. Kinnickinnic Avenue bus operating garage; and 5) the Milwaukee County Courthouse and Courthouse Annex. Map 9 shows the location of each of these facilities.

Building Accessibility Assessment

In 1978, a detailed survey was made of each of these five facilities to determine to what extent they did not comply with: 1) the minimum handicap accessibility standards contained in the American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped, 1961 (R1971), published by the American National Standards Insti-(ANSI), Inc.; 2) the Wisconsin Building Code; and 3) the City of Milwaukee Building Code. These surveys were conducted by Flad and Associates. Inc., a local private consulting firm, and were part of a comprehensive study of the accessibility of all County-owned facilities and buildings. Following is a brief description of the physical location of each of these five facilities, the activities related to the transit system conducted in each facili-

¹Ready-fare outlets are facilities where the general public can purchase bus tickets and weekly passes to ride the Milwaukee County Transit System in lieu of paying the exact cash fare each time a bus ride is taken.

²See page 2 of Chapter I, "Introduction," of this report.



Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.

ty, and a general listing of the accessibility deficiency findings contained in the consultant's report.³

Explanatory Notes:

1. The intent of this section is not to restate all of the detailed information contained in the Flad and Associates' report, but to acknowledge the existence of the report and incorporate its findand recommendations reference herein. Therefore, the following description of general public and employee-related accessibility barriers for each of the five Milwaukee County-owned facilities described in section of the chapter is general rather than specific with respect to: the location and nature of each accessibility deficiency; whether the deficiency affects the handicapped general public and/or handicapped employees of the MCTS; recommended actions to correct these accessibility deficiencies; and the estimated cost of implementing each of these actions.

What is intended by presenting a generalized listing of the existing accessibility barriers is to indicate that accessibility problems that need to be corrected were found to exist at each Milwaukee County-owned facility in which transit system-related activities are conducted. Later in this section, a program of recommended actions intended to eliminate handicap general public and employee accessibility barriers at each of these facilities is presented.

- 2. Flad and Associates, Inc., contracted with the firm of Telos, Inc., to:
 - a. review the barrier-free environment questionnaire used in the Flad and Associates' accessibility report for accuracy and compatibility with current provisions of ANSI All7.1 concerning handicap accessibility design standards;
 - b. review the Flad and Associates' field survey methodology, including reporting format and documentation;
 - c. review summary retrofit recommendations for each building site or site surveyed with regard to documented violations; and
 - d. review and critique assumptions and recommendations which relate to specification, design, or practicable solutions not addressed in the current provisions of ANSI Al17.1.

In conducting these reviews, the report issued by Telos, Inc. was based largely on differences between the current ANSI standards (as revised through 1971) and a 1977 draft of newly proposed handicap accessibility standards promulgated by ANSI, Inc. Flad and Associates, Inc., considered the more than six pages of concerns, comments, and recommendations by Telos, Inc. However, because current 504 regulations specify the use of the ANSI as revised standards through 1971, they chose not to revise study procedures, their own findings, and recommendations to account for differences between the existing ANSI standards and proposed draft standards.

Milwaukee County Facilities and Buildings Survey-Accessibility for the Handicapped, Flad and Associates, Inc., February 26, 1979.

The Telos, Inc., concerns, comments, and recommendations, however, will be referred to by Milwaukee County during the implementation phase of the Flad and Associates, Inc., report and recommendations contained in the Telos report will be implemented where practicable.

Facility 1: Cold Spring Heavy Maintenance Shops and General Office Complex

This facility is located south of W. McKinley Boulevard between N. 38th Street and W. Highland Boulevard. The entire complex consists of eight buildings, six of which are three-story, interconnected buildings, and two of which are unused at this time. Figures 1 and 2 show the general layout of this facility.

Facility Use: The first floor of the building complex contains a heavy maintenance shop, a paint shop, a sign and print shop, and space for vehicle parking and general storage. No services are provided to the general public on this floor. The second floor of this building complex provides general office space for the Milwaukee Transport Services (MTS), Inc., Executive Department, Transportation Department, Schedule Department, Claims Department, Equipment and Plant Department, Personnel Department, Marketing Department, Accounting Department, Employee Benefits Department, a research and planning section, and an elderly and handicap transportation management section for Milwaukee County's User-Side Subsidy Program and the transit system's half-fare program. The third floor contains an employee room, a bus operator room, offices of the plant and equipment department supervisory personnel space for general storage. A total of 286 employees of MTS, Inc., comprised of 127 mechanics and 159 general office employees work in this facility. Except for one off-street public parking space outside the employment office at N. 40th Street and W. McKinley Boulevard, offstreet parking is provided only for transit system employees.

Direct services provided to the general public on the second floor level include transit system information dissemination (in person, by telephone, or by mail), bus ticket and weekly pass sales, the filing of complaints, reclaiming of lost articles, and a claims department. Applicants for both the MCTS's elderly and handicapped half-fare program and Milwaukee County's User-Side Subsidy Program for persons who are nonambulatory wheelchair bound, or legally blind, or who require the use of walkers or crutches may also register, have their pictures taken for photograph identification cards, and have their applications processed on the second floor. No direct services involving the general public are performed in any of offices located on the third floor. On average weekday, an estimated public visits are made to this facility.

Building Accessibility Assessment: Ingress and egress to the first floor level of this building complex from the outside is available through a number of building entrances which have either electrically operated garage doors or are standard door entrances. To get to these entrances, a person must enter the Cold Spring property through a gate just McKinley south of W. Boulevard N. 38th Street and then travel approximately one block south and one and one-half blocks west to the building complex site. The Flad and Associates' survey determined that none of these building entryways met current accessibility design standards. Although there are no steps up or down to any of these first floor entrances, the confor the electric garage door tro1s openers are more than 48 inches above the finished floor and the standard door entrances have broken concrete thresholds and/or nonlever-type door hardware.

The building's main entrance, which is located at 4212 W. Highland Boulevard and the two side entrances, located on the south side of W. McKinley Boulevard, in the vicinity of N. 40th Street, provide direct access to the second floor level from the outside. None of the second floor entrances met ANSI handi-

capped accessibility standards due to the presence of steps without ramps for wheelchair users. The survey found that the exterior approach to the doorway at the main building entrance is level, but just inside the door there are three steps leading down to the second floor corridor. One of the side entrances (at the transit system's employment office) has one outside step up to the doorway into the building, but no inside steps to the second floor corridor. The other side entrance has one outside step up to the doorway into the building and also two steps inside the doorway down to the second floor corridor. There are no outside entrances providing access to the third floor level of this building complex.

A service elevator in this building complex operates between the first and second floors. This elevator is used primarily to move supplies ordered by the Purchasing and Stores Division. The Flad and Associates' survey found that this elevator does not meet ANSI handicap accessibility standards. The survey further determined that the barriers which render this elevator inaccessible are such that the elevator would have to be totally reconstructed to provide handicap accessibility.

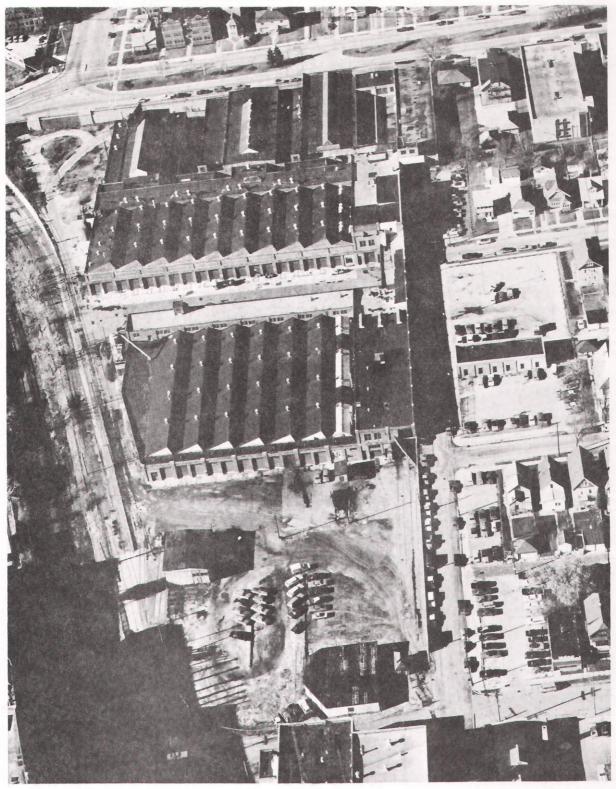
Summary of the General Public and Employee Related Building Accessibility Barriers Identified at the Cold Spring Complex by the Flad and Associates, Inc., Study Report

- Properly sized and properly located reserved handicap offstreet parking spaces are not provided.
- Walkway to building entrance needs to be reconstructed to provide a proper grade and handrails for wheelchair users.
- A ramped platform raised to building entrance height large enough to accommodate a wheelchair needs to be constructed outside building entrance.

- A platform tapered to the corridor for wheelchair users needs to be constructed outside the medical benefits office.
- Building entrances and exits are not accessible to the handicapped.
- Interior and exterior doors and doorways are not accessible (because of door-widths and opening hardware).
- Door thresholds are broken and uneven.
- Handrails are not properly mounted on stairs.
- Step treads and risers do not meet ANSI accessibility standards, since they have abrupt nosings, a slippery surface, and riser heights of less than seven inches.
- Men's and women's toilet facilities are not accessible (water closets, mirrors, towel dispensers, hand dryers, sinks, light switches).
- Drinking fountains are not accessible.
- Public telephones are neither accessible nor equipped for individuals with hearing disabilities.
- Fire alarms are not accessible.
- Adequate building and room identification signs are not provided.
- Emergency warning signals--visual and audible--are not provided.
- Hazards protrude into hall passageway.
- Existing elevator is not accessible.

Figure 1

COLD SPRING HEAVY MAINTENANCE SHOPS
AND GENERAL OFFICE COMPLEX--AERIAL PHOTO



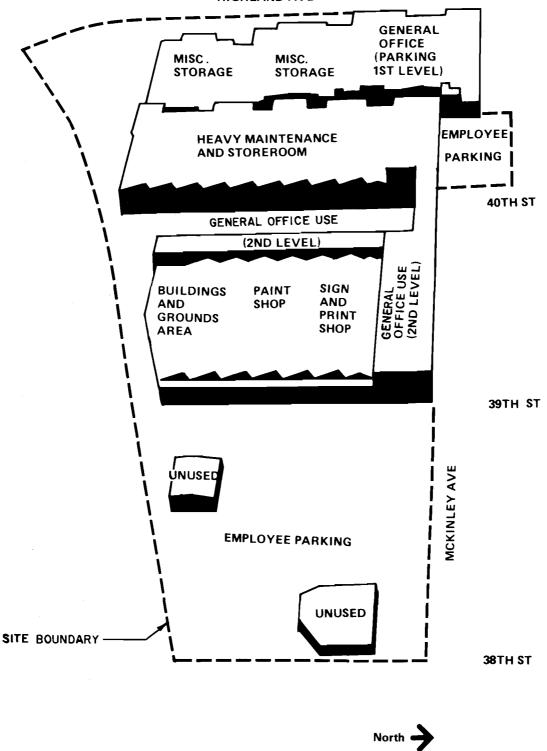
Source: W. C. Gilman and Company.

Figure 2

COLD SPRING HEAVY MAINTENANCE SHOPS

AND GENERAL OFFICE COMPLEX--FUNCTIONAL LAYOUT

HIGHLAND AVE



Source: W. C. Gilman and Company.

- Garage door opener controls are not accessible.
- Fire doors are difficult to open.
- Lockers and showers are not accessible.
- Lighting switches, heating and ventilation controls and time clocks are not accessible.
- Street car tracks are exposed in walkway areas.

Facility 2: W. Fiebrantz Street Bus Operating Garage

This facility is located north of W. Fiebrantz Street between N. 19th Street and N. 19th Place. The facility consists of five buildings, one of which has two stories. Figures 3 and 4 show the general layout of this facility.

Facility Use: This facility consists of a service building for bus fueling and cleaning, three interconnected bus storage buildings, and the two-story light maintenance building. The second level of the light maintenance building contains general offices (for a station clerk and station superintendent) and a bus operator's staging area, including lockers and toilet and shower facilities. Off-street parking for employees only is provided at this facility. A total of 261 employees of MTS, Inc., comprised of 226 bus operators, 31 mechanics, 2 station clerks, 1 janitor, and 1 station superintendent are assigned to this facility.

Direct services provided to the general public on the second floor of the light maintenance building are the selling of bus tickets and weekly passes and the furnishing of general bus route information. On an average weekday, an estimated 25 persons avail themselves of these services.

Building Accessibility Assessment:

Public and employee ingress and egress to the second floor of the light maintenance building from the outside is provided through the building's main entrance, at 1900 W. Fiebrantz Street. This entrance did not meet the ANSI handicap accessibility standards because there are steps without ramps for wheel-chair users and no level change device. The Flad and Associates' survey also found that one outside step must be negotiated to reach a first floor lobby from which three flights of stairs consisting of 33 steps lead to the second floor level.

Direct ground level access to the facility's remaining buildings is provided through any one of a number of building entrances which have either electrically operated garage doors or are standard door entrances. While there are no steps at these ground level entrances, the Flad and Associates' survey determined that several of these building entryways do not meet current ANSI accessibility design standards because some of the controls for the electric garage door openers are more than 48 inches above the finished floor, while the standard door entrances have raised thresholds and/or nonlever-type door hardware.

Summary of the General Public and Employee Related Building Accessibility Barriers Identified at the Fiebrantz Garage by the Flad and Associates, Inc., Study Report

- Properly sized and properly located reserved handicap offstreet parking spaces are not provided.
- Walkway to building entrance needs to be reconstructed to provide a proper grade and handrails for wheelchair users.
- A ramped platform raised to building entrance height large enough to accommodate a wheelchair needs to be constructed outside building entrances.
- Building entrances and exits are not accessible to the handicapped.

- Interior and exterior doors and doorways are not accessible (because of door-widths and opening hardware).
- Handrails are not properly mounted on stairs.
- Step treads and risers do not meet ANSI accessibility standards since they have abrupt nosings, a slippery surface, and riser heights of less than seven inches.
- Men's and women's toilet facilities are not accessible (water closets, mirrors, towel dispensers, hand dryers, sinks, light switches).
- Drinking fountains are not accessible.
- Public telephones are neither accessible nor equipped for individuals with hearing disabilities.
- Fire alarms are not accessible.
- Adequate building and room identification signs are not provided.
- Emergency warning signals--visual and audible--are not provided.
- Fire doors are difficult to open.
- Lockers and showers are not accessible.
- Lighting switches, heating and ventilation controls, and time clocks are not accessible.

Facility 3: W. Fond du Lac Avenue Bus Operating Garage

This facility is located north of W. Locust Street between N. 35th Street and W. Fond du Lac Avenue. The facility consists of nine buildings, one of which has three-stories. Figures 5 and 6 show the general layout of this facility. As

shown in these figures, an east-west alley traverses the site and passes between the operators' building to the north and the remainder of the site's buildings to the south. This alley provides public access to the operators' building and also is used as an internal circulation roadway for bus operations.

Facility Use: The facility consists of a service building for bus fueling and cleaning, five bus storage buildings, a light maintenance building, an operators' building, and a three-story "out" building, which is unused at the present time. The operators' building contains the offices of the station clerk and station superintendent and a bus operator staging area, including lockers and toilet and shower facilities. Only offstreet employee parking is provided at this facility. A total of 583 employees of MTS, Inc., comprised of 515 bus operators, 61 mechanics, 4 station clerks, 1 janitor, and 2 station superintendents, are assigned to this facility.

Direct services provided to the general public from offices in the operator's building are the selling of bus tickets and weekly passes, and the furnishing of general bus route information. In an average weekday, an estimated 80 persons avail themselves of these services.

Building Accessibility Assessment: Public and employee ground level ingress and egress to the operators' building, located at 3343 W. Fond du Lac Avenue, is provided by an entrance on the south side of the building. This entrance does not meet ANSI handicap accessibility standards. The Flad & Associates'survey found that, although the entrance is located at ground level, the existing doorway opening is too narrow and lever-type door hardware is not provided.

Direct ground level access to this facility's remaining buildings is provided through a number of entrances which have either electrically operated garage doors or are standard door entrances. With the exception of a side

Figure 3

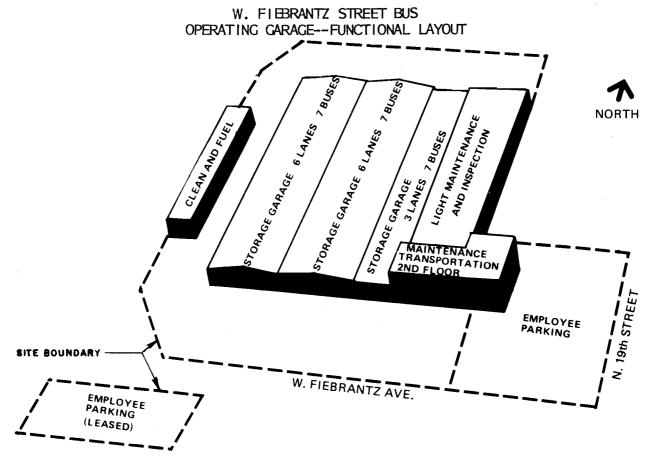
W. FIEBRANTZ STREET BUS OPERATING GARAGE--AERIAL PHOTO



Source: W. C. Gilman and Company.

entrance door to the bus storage building closest to the operators' building, there are no steps to any of these ground level entrances. The Flad & Associates' survey has, however, determined that several of these building entryways do not meet current ANSI accessibility design standards because the controls for the electric garage door openers are more than 48 inches above the finished floor and the standard door entrances have raised thresholds, nonlever-type door hardware, and narrow doorway openings.

Figure 4



Summary of the General Public and Employee Related Building Accessibility Barriers Identified at the Fond du Lac Garage by the Flad and Associates, Inc., Study Report

- Properly sized and properly located reserved handicap offstreet parking spaces are not provided.
- Walkway to building entrance needs to be reconstructed to provide a proper grade and handrails for wheelchair users.
- A ramped platform raised to building entrance height large enough to accommodate a wheelchair needs to be constructed outside building entrances.

- Building entrances and exits are not accessible to the handicapped.
- Interior and exterior doors and doorways are not accessible (because of door-widths and opening hardware).
- Handrails are not properly mounted on stairs.
- Step treads and risers do not meet ANSI accessibility standards since they have abrupt nosings, a slippery surface, and riser heights of less than seven inches.
- Men's and women's toilet facilities are not accessible (water

Figure 5

W. FOND DU LAC AVENUE BUS OPERATING CARACE--AERIAL PHOTO

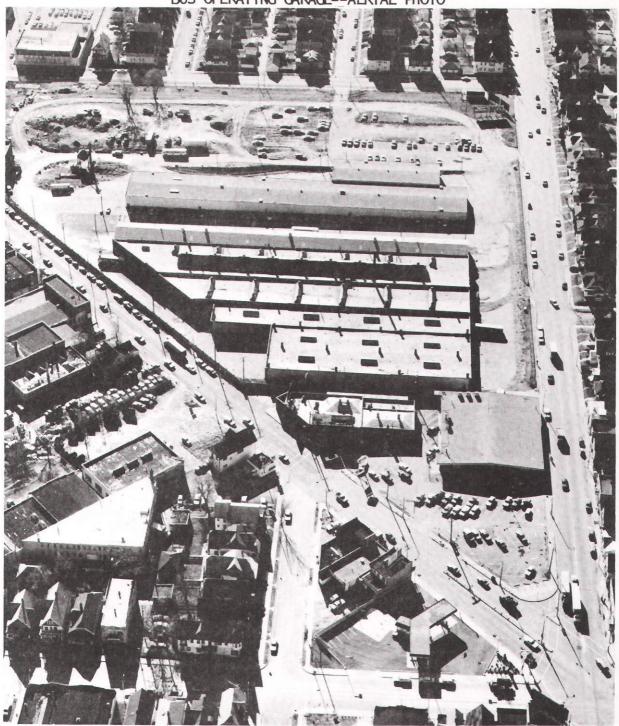
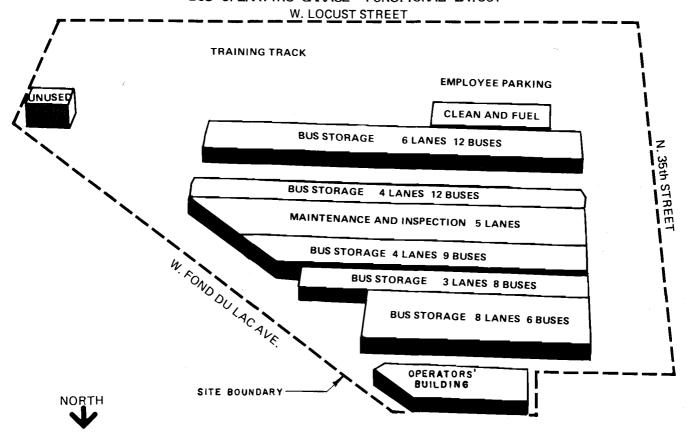


Figure 6

W. FOND DU LAC AVENUE

BUS OPERATING GARAGE--FUNCTIONAL LAYOUT



closets, mirrors, towel dispensers, hand dryers, sinks, light switches).

- Drinking fountains are not accessible.
- Public telephones are neither accessible nor equipped for individuals with hearing disabilities.
- Fire alarms are not accessible.
- Adequate building and room identification signs are not provided.

- Emergency warning signals--visual and audible--are not provided.
- Fire doors are difficult to open.
- Lockers and showers are not accessible.
- Lighting switches, heating and ventilation controls, and time clocks are not accessible.

Facility 4: S. Kinnickinnic Avenue Bus Operating Garage

This facility is located east of S. Kinnickinnic Avenue at E. Mitchell Street. The facility consists of nine buildings, one of which is a four-story building. Figures 7 and 8 show the general layout of this facility.

Facility Use: This facility consists of a service building for bus fueling and cleaning, a light maintenance building, six bus storage buildings, and a fourstory bus operators' building. first floor of the operators' building contains the general offices of the station clerk and station superintendent and a bus operators' staging area. The second floor contains toilet and locker facilities for female bus operators. The top two levels of this building are unused. The building does not have an elevator. Off-street parking for employees only is provided at this facility. A total of 313 employees of MTS, Inc., are assigned to this facility. This includes 259 bus operators, 50 mechanics, 2 station clerks, 1 janitor, and 1 station superintendent.

Direct services provided to the general public from the first floor offices of the operators' building are the selling of bus tickets and weekly passes and the furnishing of general bus route information. In an average weekday, an estimated 70 persons avail themselves of these services.

Building Accessibility Assessment: Public and employee ingress and egress to the first floor level of the operators' provided building is through entrances--the building's main entrance at 1710 S. Kinnickinnic Avenue and an entrance on the north side of the building. Neither of these entrances met ANSI handicapped accessibility standards partly because of steps without ramps for wheelchair users. The Flad Associates' accessibility survey found that the S. Kinnickinnic Avenue entrance has two outside steps to its doorway. The survey also determined that the second level of this building was not accessible since a flight of stairs separates the first and second floor levels.

Direct ground level access to the facility's remaining buildings is provided through any one of a number of building entrances which have either electrically operated garage doors or are standard door entrances. While in most cases there are level building entrances, the Flad and Associates' accessibility survey determined that several of these building entrances do not meet current ANSI accessibility standards because the controls for the electric garage door openers are more than 48 inches above the finished floor and the standard door entrances have raised thresholds, narrow doorway openings, and/or nonlever-type door hardware.

Summary of the General Public and Employee Related Building Accessibility Barriers Identified at Kinnickinnic Garage by the Flad and Associates, Inc., Study Report

- Properly sized and properly located reserved handicap offstreet parking spaces are not provided.
- Building entrances and exits are not accessible to the handicapped.
- Interior and exterior doors and doorways are not accessible (because of door-widths and opening hardware).
- Handrails are not properly mounted on stairs.
- Step treads and risers do not meet ANSI accessibility standards, since they have abrupt nosings, a slippery surface, and riser heights of less than seven inches.
- Men's and women's toilet facilities are not accessible (water closets, mirrors, towel dispensers, hand dryers, sinks, light switches).
- Drinking fountains are not accessible.

- Public telephones are neither accessible nor equipped for individuals with hearing disabilities.
- Fire alarms are not accessible.
- Adequate building and room identification signs are not provided.
- Emergency warning signals--visual and audible--are not provided.
- Fire doors are difficult to open.
- Lockers and showers are not accessible.
- Lighting switches, heating and ventilation controls and time clocks are not accessible.
- Street car tracks are exposed in walkway areas.

Facility 5: Milwaukee County Courthouse and Courthouse Annex

This facility, consisting of two multistory interconnected buildings, is located between W. Wells Street and W. State Street and extends from N. 9th Street to a block west of N. 10th Street. The general location and layout of this facility is shown in Figure 9.

Facility Use: Transit-related functions conducted within these two buildings are carried out in the offices and public meeting rooms by the Milwaukee County Executive, the members of the Milwaukee County Board of Supervisors, and the members of the Mass Transit Committee. They are ultimately responsible for developing and approving all major policy and budgetary matters related to the County's federally assisted public mass transportation program. Additional transit-related functions conducted within this building complex are carried out by the Milwaukee County Department of Public Works, Transportation Division staff, who in cooperation with management staff of MTS, Inc., and the staff of the Southeastern Wisconsin

Regional Planning Commission (SEWRPC) is responsible for the planning, design, and construction of all transit system-related projects and activities. This includes the preparation and administration of all transit system-related reports and state and federal funding applications and grants. There are over 1,500 persons who are employed by Milwaukee County and work within the courthouse and courthouse annex. Of these employees, 12 are staff of the Transportation Division assigned to work on projects and activities pertaining to the County's federally assisted public mass transportation program. Off-street parking facilities for employees are in a three-story Courthouse 1ocated Annex parking ramp and also several blocks south of the courthouse complex.

Direct transit-related services to the general public performed in this building complex include the sale of bus tickets and weekly passes by the County Treasurer's Office, the public information center (operated by the Department of Public Works), and the provision of public meeting rooms for various meetings and transit-related hearings. Transit system information can also be obtained by the general public from the staff of the Department of Public Works, Transportation Division. and from the staff and members of the Milwaukee County Board of Supervisors and the County Executive. In an average weekday, approximately 10 persons avail of these services. themselves street paid attendant parking for the public is provided in a surface parking lot north of the courthouse and in the Square underground McArthur garage located east of the N. 9th Street For handicapped courthouse entrance. persons, three reserved parking spaces on the lower level of the three courthouse annex parking levels, and three reserved parking spaces in the paid attendant surface parking lot north of the County Courthouse are available.

Building Accessibility Assessment: The main entrance to the courthouse is located at 901 N. 9th Street. Addi-

Figure 7

S. KINNICKINNIC AVENUE
BUS OPERATING GARAGE--AERIAL PHOTO

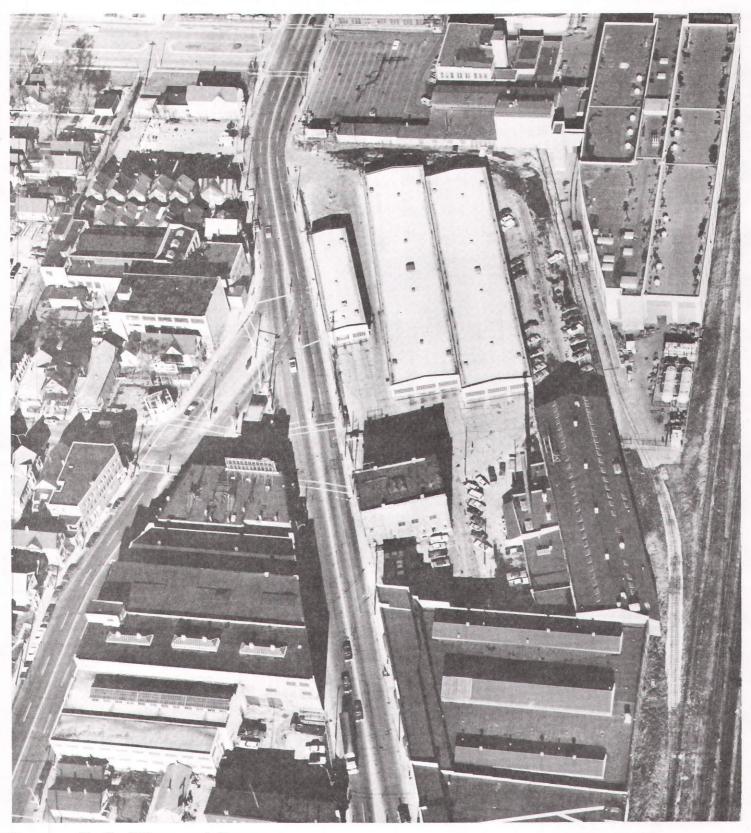


Figure 8

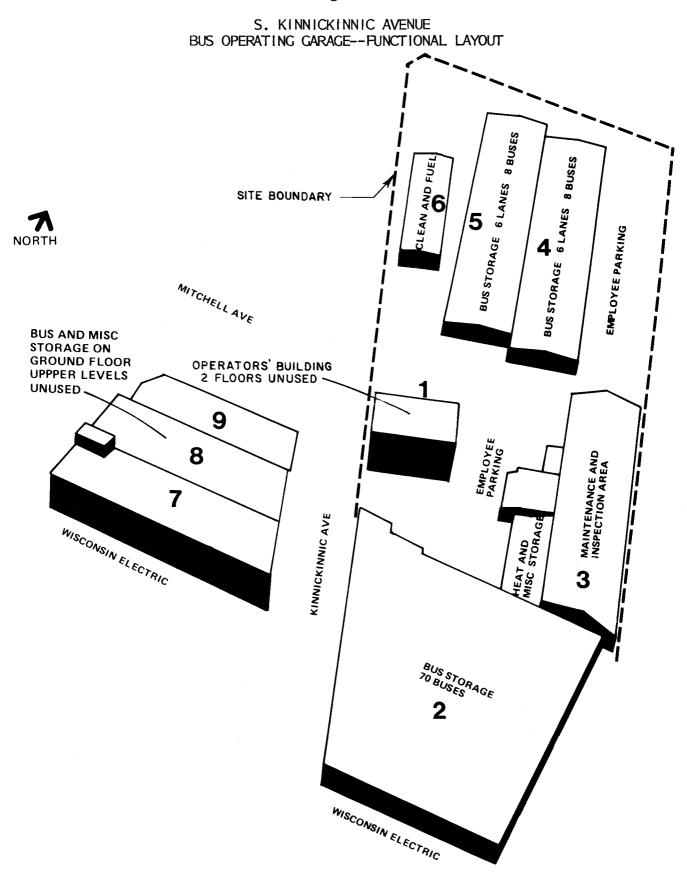
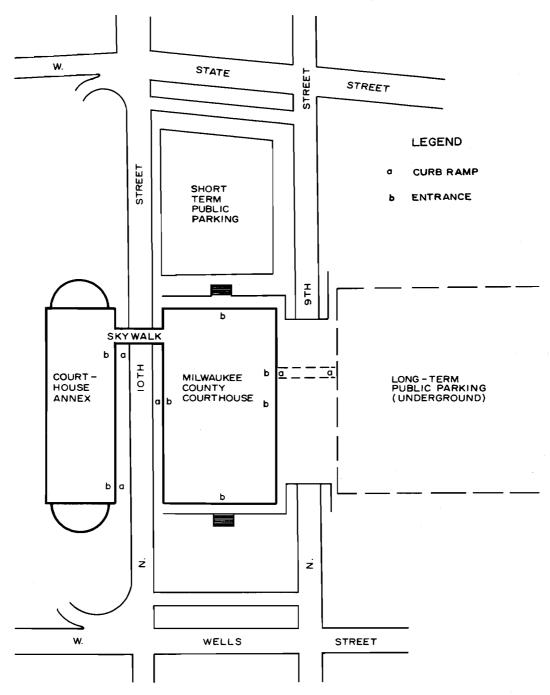


Figure 9
MILWAUKEE COUNTY COURTHOUSE COMPLEX



tional building entrances are located on the north and south sides of the building and on the west side of the building adjacent to N. 10th Street. None of the entrances meet current ANSI building accessibility standards. The Flad and Associates' survey found that the building's main entrance is not accessible due primarily to the presence of a long, uninterrupted interior ramp connecting the building's entrance with a basement level elevator lobby. The north and south entrances of the building are inaccessible because of a flight of exterior stairs to the entranceway and an additional flight of stairs to the ground level hallway. The west entrance of the building adjacent to N. 10th Street, although an at-ground entrance, is inaccessible due to narrow doorway openings, non-lever door hardware, and the absence of a curb ramp to N. 10th Street. Within the building, access between floors is provided by eight elevators and numerous flights of stairs. The courthouse elevators were surveyed and were found to be inaccessible due to improperly mounted operating controls, the absence of control identification and floor number identification, and the absence of an audible floor indicator system.

The main entrance to the first floor level of the courthouse annex is at 907 N. 10th Street. A second entrance to the first floor of the annex is south of the main entrance and is also on N. 10th Street. These entrances do not meet current ANSI building accessibility standards. The Flad and Associates' survey determined that these entrances were not accessible due to narrow doorway openings, nonlever-door operating hardware, and the absence of a curb ramp to N. 10th Street. The building can also be entered through enclosed elevator lobbies which are located on the three parking levels of the courthouse annex. These elevator lobbies were surveyed and found to be inaccessible due to the excessive pressure required to open the lobby door. The elevator system in the building was surveyed and found to be not accessible because of the height of

the operating controls, the absence of control identification and floor number identification, and the absence of an audible floor indicator system.

Summary of the General Public and Employee Related Building Accessibility Barriers in the Milwaukee County Courthouse Identified by the Flad and Associates, Inc., Study Report

- Properly sized and properly located reserved handicap offstreet parking spaces are not provided.
- Walkway to building entrance needs to be reconstructed to provide a proper grade and handrail for wheelchair users.
- Building entrances and exits are not accessible to the handicapped.
- Interior and exterior doors and doorways are not accessible (because of door-widths and opening hardware).
- Handrails are not properly mounted on stairs.
- Step treads and risers do not meet ANSI accessibility standards, since they have abrupt nosings, a slippery surface, and riser heights less than seven inches.
- Men's and women's toilet facilities are not accessible (water closets, mirrors, towel dispensers, hand dryers, sinks, light switches).
- Drinking fountains are not accessible.
- Public telephones are neither accessible nor equipped for individuals with hearing disabilities.

- Fire alarms are not accessible.
- Adequate building and room identification signs are not provided.
- Emergency warning signals--visual and audible--are not provided.
- Elevators are not accessible.
- Lockers and showers are not accessible.
- Lighting switches, heating and ventilation controls and time clocks are not accessible.

Summary of the General Public and Employee Related Building Accessibility Barriers in the Milwaukee County Courthouse Annex Identified by the Flad and Associates, Inc., Study Report

- Properly sized and properly located reserved handicap offstreet parking spaces are not provided.
- Building entrances and exits are not accessible to the handicapped.
- Interior and exterior doors and doorways are not accessible (because of door widths and door opening hardware).
- Door thresholds are broken and uneven.
- Men's and women's toilet facilities are not accessible (water closets, mirrors, towel dispensers, hand dryers, sinks, light switches).
- Drinking fountains are not accessible.
- Public telephones are neither accessible nor equipped for individuals with hearing disabilities.

- Adequate building and room identification signs are not provided.
- Emergency warning signals--visual and audible--are not provided.
- Elevator is not accessible.

Milwaukee County-Owned Building Accessibility Summary

The findings of the report by Flad and Associates, Inc., an independent private indicate that consultant. there are accessibility barriers in the five Milwaukee County-owned building complexes in which activities related to the County's federally assisted public mass transportation program are conducted. These five facilities have been identified as: 1) the Cold Spring heavy maintenance shops and general offices complex; 2) the Fiebrantz Street bus operating garage; 3) the Fond du Lac Avenue bus operating garage; 4) Kinnickinnic Avenue bus operating garage; and 5) the Milwaukee County Courthouse and Courthouse Annex. Table 9 lists the various general public and employee related handicap accessibility barriers for each of these facilities. More detailed information concerning the nature and location of each transit system building accessibility barrier and recommended modifications the with estimated costs to eliminate these barriers is presented in the Flad and Associates' report.

It is likely that the existing handicap accessibility barriers in these five facilities would affect persons with certain types of disabilities. Persons who are wheelchair bound and those persons with vision and hearing impairments would be affected if they attempted to access certain public areas of these facilities or if employed by MTS, Inc., or Milwaukee County and assigned to work in certain areas of these facilno handicapped ities. At present, persons requiring extraordinary building accessibility modifications work for MTS, Inc. Persons with these handicaps who are currently employed by Milwaukee

Table 9
MILWAUKEE COUNTY TRANSIT SYSTEM BUILDING ACCESSIBILITY BARRIERS

General Public and Employee Accessibility Barriers		W. Fiebrantz Street Bus Operating Garage	W. Fond du Lac Avenue Bus Operating Carage	S. Kinnickinnic Avenue Bus Operating Garage	Milwaukee County Courthouse	Milwaukee County Courthouse (Annex)
Properly Sized and Properly Located Reserved Handicapped Off-street Parking Spaces Are Not Provided.	x	x	x	×	x	x
Walkway to Building Entrance Needs to Be Reconstructed to Provide a Proper Grade and Handrails for Wheelchair Users.	x	x	×		x	
A Ramped Platform Raised to Building Entrance Height Large Enough to Accommodate a Wheel- chair Needs to be Constructed Outside Building Entrances.	×	x	x			
A Platform Tapered to the Cor- ridor for Wheelchair Users Needs to Be Constructed Cut- side Medical Benefits Office.	x					
Building Entrances and Exits Are Not Accessible to the Handicapped.	x	x	x	x	x	x
Interior and Exterior Doors and Doorways Are Not Acces- sible (because of door-widths and opening hardware).	x	×	x	x	×	x
Door Thresholds Are Broken and Uneven.	x					X
Handrails Are Not Properly Mounted on Stairs.	x	х	×	x	х	
Step Treads and Risers Do Not Meet ANSI Accessibility Stan- dards, Since They Have Abrupt Nosings, a Slippery Surface, and Riser Heights of Less Than Seven Inches.	x	x	x	x	x	
Men's and Women's Toilet Facilities Are Not Accessible (water closets, mirrors, towel dispensers, hand dryers, sinks, light switches).		x	x	x	×	x
Drinking Fountains Are Not Accessible.	x	x	x	x	х	х
Rublic Telephones Are Neither Accessible Nor Equipped For Individuals With Hearing Dis- abilities.	x	×	x	x	х	x
Fire Alarms Are Not Accessible.	x	x	х	x	Х	
Adequate Building and Room Identification Signs Are Not Provided.	x	x	x	x	x	x
Emergency Warning Signals Visual and AudibleAre Not Provided.	×	x	x	<u>x</u>	x	. X
Hazards Protrude Into Hall Passageway.	x					
Elevator Is Not Accessible.	х			_	х	x
Garage Door Opener Controls Are Not Properly Mounted.	х					
Fire Doors Are Difficult to Open.	x	×	x	х		
Lockers and Showers Are Not Accessible.	x	x	. x	х	х	
Lighting Switches, Heating and Ventilating Controls, and Time Clocks Are Not Accessible.	×	x	x	x	х	
Street Car Tracks Are Exposed in Walkway Areas.	x			x		

Source: Milwaukee County Department of Rublic Works, Transportation Division; Milwaukee County Facilities and Building Survey--Accessibility for the Handicapped, report, Flad and Associates, Inc., February 26, 1979; and SBWRPC.

County are assigned to work in areas of the Milwaukee County Courthouse and Courthouse Annex which are accessible.

Five-Year Milwaukee County Building Modification Program to Achieve Handicap Accessibility

In response to the findings and recommendations of the Flad and Associates' report, which surveyed the accessibility of all County-owned buildings, Milwaukee County has established a five-year (1980-1984) \$5.2 million program to make handicap accessibility modifications to more than 250 County-owned facilities at the rate of approximately \$1 million per year. The priority order in which the modifications have been scheduled is based on the amount of public usage each building receives. Based on this public usage criterion, accessibility modifications, in accordance with the Flad and Associates' report, have been scheduled for the Milwaukee County Courthouse and Courthouse Annex in 1980, and for the four County-owned transit system facilities in 1984.

It should also be noted, however, that before 1984--except for the W. Fiebrantz Street bus operating garage--the County expects to completely reconstruct the other three County-owned transit system facilities. The reconstruction is part of a major transit system facilities improvement program described in the next section. The coordination of scheduled activities related to both the five-year Milwaukee Building County Modifications Program and the MCTS Facilities Improvement Program are shown in Table 10.

Current Transit System Facilities Improvement Program

Milwaukee County is in the process of implementing a major transit system facilities improvement program. This program is based on an \$87,000 Transit Facility Requirement study 4 which was

completed in July 1978. The study was conducted by W. C. Gilman and Company, a division of Barton-Aschman Associates, Inc. The objective of this study was to determine the number, location, and function of transit system facilities needed for Milwaukee County's transit operation—now and in the future. The results of this study include the following recommendations:

For Existing Facilities: At the S. Kinnickinnic Avenue Bus Operating Garage
construct a new bus operators' building,
and a light maintenance building. Renovate and construct additions to the
vehicle storage building, and the bus
service building. Raze surplus and
obsolete buildings, acquire additional
adjacent property, and construct employee parking areas.

At the <u>W. Fond du Lac Bus Operating Garage</u> construct a new bus operators' building, a new light maintenance building, and a new service building. Raze surplus and obsolete buildings. Construct employee parking areas.

At the <u>W. Fiebrantz Street Bus Operating Garage</u> construct a new bus operators building.

At the <u>Cold Spring Heavy Maintenance</u> Shops and General Office Complex abandon this facility and make this site available for redevelopment.

For New Facilities: At the Watertown Plank Road (Milwaukee County Institution Grounds) Bus Operating Garage and Heavy Maintenance-Administration Facility construct a new administration building, and heavy maintenance building to replace facilities at the abandoned Cold Spring site. Construct a new bus operating garage providing for bus storage, light maintenance service, and operations.

At the General Mitchell Field Bus Operating Garage construct a new bus operating garage providing for bus storage, light maintenance service, and operations.

Milwaukee Transit Facility Requirements, W. C. Gilman and Company, June 1979.

Table 10

MILWAUKEE COUNTY TRANSIT SYSTEM FACILITIES IMPROVEMENT SCHEDULE: 1980

Facility	Year of Grant Application	Description of Project Stage	Estimated Cost of Stage	Anticipated Funding Sources	Implementing Agency
S. Kinnickinnic Avenue Bus Operating Garage	1977	Stage 1: Prepare detailed master plan in- including preliminary engi- neering for the improvement of the S. Kinnickinnic (KK) bus operating garage. Prepare final design and construction plans for a new KK bus opera- tors' building	\$ 252,300 ^b	UMTA Sec. 3 (80 percent) \$ 201,840 Milwaukee County (20 percent) 50,460 Total \$ 252,300	Milwaukee County
	1979	Stage 2: Prepare final design and construction plans for light maintenance, vehicle storage and bus service buildings. Construct new bus operators' and maintenance buildings. Construct additions to and remodel bus service and storage buildings. Acquire adjacent property. Raze surplus and obsolete buildings. Construct employee parking lot.	\$9,099,000 ^b	UMTA Sec. 3 (80 percent) \$7,279,200 Milwaukee County (20 percent) 1,819,800 Total \$9,099,000	Milwaukee County
	1984	If the facility improvements as set forth in Stages 1 and 2 are not implemented, handicap accessibility modifications in accordance with the five-year Milwaukee County Building Modification Program will be made. The modifications will be made in accordance with the recommendations in the Flad and Associates, Inc., accessibility report.	\$ 27,300 ^C		
W. Fond du Lac Avenue Operating Garage	1979	Stage 1: Prepare detailed master plan including preliminary engineering for the improvement of the W. Fond du Lac Avenue bus operating garage.	\$ 112,000 ^b	UMTA Sec. 3 (80 percent) \$ 89,600 Milwaukee County (20 percent) 22,400 Total \$ 112,000	Milwaukee County
	1979	Stage 2: Prepare final design and con- struction plans for new bus operators' building, light maintenance building, and service building. Construct new bus operators' building. Raze existing bus operators' building and surplus training building.	\$1,176,000 ^b	UMTA Sec. 3 (80 percent) \$ 940,800 Milwaukee County (20 percent) 235,200 Total \$1,176,000	Milwaukee county
W. Fond du Lac Avenue Bus Operating Garage	1981	Stage 3: Construct new maintenance building and new service building. Raze surplus and obsolete buildings. Construct employee parking areas.	\$2,745,000 ^d	UMTA Sec. 3 (80 percent) \$2,196,000 Milwaukee County (20 percent) 549,000 Total \$2,745,000	Milwaukee County
	1984	If the facility improvements as set forth in stages 1, 2, and 3 are not implemented, handicap accessibility modifications in accordance with the five-year Milwaukee County Building Modification Program will be made. The modifications will be made in accordance with the recommendations in the Flad and Associates, Inc., report.	\$ 24,000 ^C		
W. Fidbrantz Street Bus Operating Garage	1984	It is anticipated that the major facility improvements recommended in the Milwaukee Transit Facility Requirements report will not be accomplished until after 1985. However, to the extent practicable, in 1984, projects should be implemented to correct and eliminate handicap accessibility barriers identified in the Flad and Associates, Inc., report in accordance with the provisions of Final Rule 49 CFR Part 27.	\$ 30,300 ^C	UMTA Sec. 3 (80 percent) \$ 24,240 Milwaukee County (20 percent)	Milwaukee County

Table 10 (continued)

Facility	Year of Grant Application	Description of Project Stage	Estimated Cost of Stage	Anticipated Funding Sources	Implementing Agency
Cold Spring Heavy Maintenance Shops and General Offices Complex		Since this site will be vacated by 1985, no work will be done to eliminate existing handicap accessibility barriers. (See project description for Watertown Plank Road [County Institution Grounds] bus operating garage and heavy maintenance/administrative facility).	\$ 64,000 ^C		
Watertown Plank Road (County Institution Grounds) Bus Opera- tors' Garage and Heavy Maintenance/Administra- tion Facility	1980	Stage 1: Prepare detailed master plan including preliminary engineering for the construction of bus operators' garage and heavy maintenance/administration facility at Watertown Plank Road (County Institutions Grounds). Prepare final design and construction plans for a bus operating garage.	\$1,112,000 ^d	UMTA Sec. 5 (80 percent) \$ 889,600 Milwaukee County (20 percent) 222,400 Total \$1,112,000	Milwaukee County
	1981	Stage 2: Prepare final design and con- struction plans for new heavy maintenance/adminis- tration building. Construct new bus operating garage. Construct roads, public and employee parking areas.	\$9,320,000 ^d	UMTA Sec. 3 (80 percent) \$7,456,000 Milwaukee County (20 percent) 1,864,000 Total \$9,320,000	Milwaukee County
	1982	Stage 3: Construct new heavy mainte- nance/administration build- ing. Construct roads, pub- lic and employee parking areas.	\$12,100,000 ^d	UMTA Sec. 3 (80 percent)\$ 9,680,000 Milwaukee County (20 percent) 2,420,000 Total \$12,100,000	Milwaukee County
Ceneral Mitchell Field Bus Operating Carage		It is anticipated that no work will be accomplished on the development of this major facility recommended in the Milwaukee Transit Facility Requirements report until some time after 1985.	\$10,000,000		
Milwaukee County Court- house and Courthouse Annex	1980	In accordance with the five- year Milwaukee County Build- ing Modification Program to make handicap public and employee building acces- sibility modifications as recommended in the Flad and Associates, Inc., report.	\$ 185,200 ^d	Milwaukee County (100 percent)\$ 185,200 ^e Total \$ 185,200	Milwaukee County

^aAll estimated cost totals include project administration and contingency costs normally included in all UMTA grant applications.

Source: Milwaukee County Department of Public Works, Transportation Division, and SBWRPC.

In accordance with the listed improvement recommendations, Milwaukee County has scheduled the implementation of these improvements. Table 10 presents the schedule, including a prioritized list of stages of the projects to be implemented, the estimated cost of each stage, the anticipated project funding

sources, and the agency responsible for implementing each project. As plans are developed for the design and construction of these facilities, they will comply with the most recent version of the ANSI, Inc., specifications for making buildings and facilities accessible to the physically handicapped; Chapter

^bActual grant amount.

^CEstimated cost of eliminating accessibility barriers only, per Flad and Associates, Inc., Report in 1978 dollars which are factored by 1.30 to represent 1980 dollars.

dBased on 1980 dollars.

eHUD Community Development Block Crant funds may be available to offset \$1,000,000 of the total \$5.2 million Milwaukee County Building Modification Program and thus, part of the costs of this specific project.

52.04 of the Wisconsin Building Code; and Chapter 19-10 of the City of Milwaukee's Building Code.

Transit System Facilities Improvement
Program Status Report and Proposed
Interim Accessibility Modifications
System Facilities Improvement
Program Status Report and Proposed
Interim Accessibility Modifications
System Facilities Improvement
Program Status Report and Proposed
Interim Accessibility Modifications

Kinnickinnic Avenue Bus Operating Site planning and preliminary construction plans for the reconstruction and remodeling of the S. Kinnickinnic Avenue bus operating garage, recommended in the Transit Facilities Requirements Report, were completed in 1979 under a capital improvement grant approved by the Urban Mass Transportation Administration (UMTA) in 1977. second capital improvement grant to fund the construction of a new operators' building, a new light maintenance building, an addition to the bus service building, and an addition to the bus storage building was approved by the UMTA in 1979. The operators' building is being constructed and is scheduled to be available for occupancy in late 1980. Construction plans for the other buildings on this site are currently being Construction of these buildprepared. ings is scheduled to begin in 1980 and to be completed in 1982. Given the timeliness of this construction schedule, modifications to the existing buildings at the S. Kinnickinnic Avenue site to provide for accessibility for handicapped persons on an interim basis are not recommended for implementation.

W. Fond du Lac Avenue Bus Operating Garage: Site construction plans are currently being prepared for the reconstruction of several buildings at the Fond du Lac Avenue bus operating garage, as recommended in the Transit Facilities Requirements Report. The planning is funded by a capital improvement grant approved by UMTA in 1979.

A new, accessible operators' building is scheduled for construction in 1981, pending the approval of a capital improvement grant application submitted to UMTA in 1979. An additional application will be submitted to UMTA in 1980 for the construction of a new light maintenance building, a new bus service build-

ing, and general site work including the modification of those buildings not being reconstructed to make them accessible to the handicapped. These latter projects are scheduled for construction in 1981 and 1982. Although the new operators' building is scheduled to be available for occupancy in 1981, the modification of the existing operators' building to provide for handicapped access on an interim basis was also investigated. The south entrance of this building could be made accessible by: replacing the double doors with unequal leaf doors; installing appropriate door operating hardware; and providing offstreet handicapped parking adjacent to the entrance. The door could be replaced and proper hardware installed. However, a handicap parking space in the vicinity of the entrance cannot be provided due to existing property and space restrictions. If off-street handicap parking is not provided, a handicapped person would have to use the alley south of the operators' building to reach the entrance. Buses must also use this alley to get to and from bus storage buildings on the site, and this presents a safety problem for a handicapped person.

Therefore, no accessibility modifications are recommended for the existing operators' building prior to the construction of a new building in 1981. Use of the existing facility by handicapped persons is discouraged. It is further recommended that in the interim (until 1981) an accessible ready-fare outlet be established in the immediate area to eliminate the need for handicapped persons to use the Fond du Lac Avenue bus operating garage. Finally, since no handicapped persons who require accessibility modifications work at interim modifications facility, provide accessibility for handicapped prior to undertaking new employees and remodeling at construction facility (scheduled for 1981 and 1982) are not recommended.

W. Fiebrantz Street Bus Operating Garage: As previously indicated, the construction of a new bus operators' building on the W. Fiebrantz Street site

has been recommended in the Transit Requirements Report. Facilities construction of this new building would eliminate most of the accessibility barriers identified in the Flad and Associates, Inc., report. However, due to funding limitations and this project's low priority relative to other recommended facility improvements, the construction of a new operators' building at the W. Fiebrantz Street site has not been scheduled for implementation. Therefore, accessibility modifications to the buildings at this facility, as recommended in the Flad and Associates, Inc., report, have been scheduled for implementation in 1984 as part of Milwaukee County's five-year (1980-1984) Building Modification Program. modifications involve the relocation of second floor public services, such as bus ticket and weekly pass sales and bus route information, to an accessible, ground level, first floor area of the maintenance building and the construction of accessible toilet and shower facilities in the same area for transit system employees. However, concern has been expressed by MTS, Inc., officials that there may not be adequate space for the modifications unless existing light maintenance functions on this floor are displaced. Therefore, it is recommended that further study be made in 1980 of the feasibility of locating these facilities in the first floor area. further recommended that in the interim (until 1984) an accessible ready-fare outlet be established in the immediate area to eliminate the need for handicapped persons to use the W. Fiebrantz Street bus operating garage. Finally, since no handicapped persons who require accessibility modifications work at this facility, interim modifications to this facility to provide accessibility for handicapped employees prior to undertakremodeling work facility (scheduled for 1984) are not recommended.

Cold Spring Heavy Maintenance Shops and General Offices Complex: As recommended in the Transit Facilities Requirements Report, the Cold Spring heavy mainten-

ance shops and general offices complex will be abandoned upon completion of a new facility on Watertown Plank Road. The Watertown Plank Road facility is in the planning stage. When the capital improvement grant application submitted in early 1980 is approved by UMTA, work will begin on the preparation of site plans, building plans, and construction plans for the bus operating garage portion of this facility. This work is scheduled to be completed by late 1980. A second capital improvement grant application will be submitted to UMTA in the latter part of 1980. This application will request funds for the construction of the bus operating garage which is to be completed in 1982, for preparation of construction plans, and the construction of a new administration/heavy maintenance building. latter facility (intended to replace the Cold Spring facility) is scheduled for completion in 1983. Should UMTA funding not be available and should the completion of the Watertown Plank Road administration/heavy maintenance building be delayed, accessibility modifications to the Cold Spring facility, as recommended in the Flad and Associates, Inc., report have been scheduled for implementation in 1984 as part of Milwaukee County's five-year (1980-1984) Building Modification Program.

Although the Cold Spring facility is scheduled to be either abandoned 1983, or to undergo accessibility modifications in 1984, interim modifications which could be implemented prior to 1983 were also investigated. Based on this investigation, it is recommended that the W. McKinley Boulevard entrance at N. 40th Street be made accessible to the handicapped. This would require: constructing a level platform adjacent to the entrance, five feet by five feet in size and raised to the elevation of the entrance's interior floor; 2) constructing a ramp connecting this platform with the parking lot surface; 3) providing handrails along the ramp; 4) delineating a reserved handicap parking space adjacent to the entrance; and 5) affixing a handicap symbol to the exterior of the entrance door. The cost of this project is estimated to be \$1,000 based on 1980 constant dollars. It is further recommended that these modifications be scheduled for implementation in 1980 in conjunction with the planned remodeling of a vacant storage area adjacent to the entrance. Since the Marketing Department is to be relocated to this remodeled area, the W. McKinley Boulevard entrance will provide direct access to the Personnel Department, which is adjacent to the entrance, and to the relocated Marketing Department.

It is also recommended that the W. Highland Boulevard entrance be made accessible to the handicapped. This can be accomplished without structurally modifying the building by: 1) installing a wheelchair lift adjacent to the flight of steps inside this building entrance: 2) raising existing stair handrails to a height of 32 inches above tread nosing elevations; 3) extending handrails to 18 inches beyond the bottom step tread; and 4) affixing a handicap symbol to the exterior of the building entrance door. The cost of this project is estimated to be \$10,000 based on 1980 constant dollars. It is further recommended that these modifications be implemented in 1981 in conjunction with the remodeling of the offices now used by the Marketing Department. When the building modificaat the W. Highland **Boulevard** entrance are completed, the public areas in which bus tickets and weekly passes are sold, complaints are filed, and lost articles are reclaimed will be accessible to the handicapped. In addition, the Claims Department and the Executive Offices. containing the elderly handicapped transportation program management section of Milwaukee County's User-Side Subsidy Program and the transit system's half-fare program, will also be accessible to the handicapped.

This facility will either be abandoned by 1983, (in accordance with Milwaukee County's adopted Transit System Facilities Improvement Program) or, if funding limitations delay this abandonment, accessibility modifications will be made

as recommended in the Flad and Associates, Inc., report in 1984 (in accordance with Milwaukee County's fiveyear--1980-1984--Building Modification Program). Therefore, no other interim physical accessibility modifications for the handicapped public prior to 1983 are recommended. Finally, since no handicapped persons who require accessibility modifications work at this facility. interim modifications to this facility to provide accessibility for handicapped employees prior abandoning to facility in 1983 or making accessibility modifications in 1984 are not recommended.

Milwaukee County Courthouse and Court-Building house Annex: accessibility modifications recommended in the Flad and Associates, Inc., report are currently (1980) being implemented as programmed in Milwaukee County's five-year (1980-1984) Building Modification Program. These modifications involve the expenditure of an estimated \$185,200 and include, but are not limited to, providing public parking for the handicapped and providing accessible exterior building entrances, interior room entrances, toilet facilities, stairways. and elevators.

Former Waukesha County Courthouse

In addition to the five Milwaukee County-owned building complexes scribed. the former Waukesha County Courthouse, in Waukesha County, is used by the staff of the Southeastern Wisconsin Regional Planning Commission (SEWRPC) for planning activities related to Milwaukee County's federally assisted public mass transportation program. This three-story building located in the City of Waukesha at 901 N. East Avenue is owned by Waukesha County. The SEWRPC leases the second floor, parts of the first and third floors, and part of the basement as offices for its staff. At the present time, 129 Commission staff work in this facility on land use, transportation, and environmental planning-related activities. Recently completed, as well as current planning activities of the Commission

either directly or indirectly affect Milwaukee County's federally assisted public mass transportation program (in addition to the development of this transition plan) include the development of:

- A Transportation Systems Management Plan for the Kenosha, Milwaukee, and Racine Urbanized Areas in Southeastern Wisconsin: 1980;
- 2. A Transportation Improvement Program for the Kenosha, Milwaukee, and Racine Urbanized Areas in Southeastern Wisconsin: 1980-1984;
- A Regional Transportation Plan for the Transportation Handicapped in Southeastern Wisconsin: 1978-1982;
- 4. A Regional Land Use Plan and Regional Transportation Plan for Southeastern Wisconsin: 2000;
- 5. A Milwaukee Northwest Side/Ozaukee County Transportation Improvement Study; and
- A Milwaukee Area Primary Transit System Alternatives Analysis Study.

General Public and Employee-Related

Building Accessibility Barriers: No
study has been made to determine the
handicapped accessibility barriers in
the former Waukesha County Courthouse.

Recommendations: The preceding information indicates that extensive plans and programs are in progress which will provide handicap accessibility to all Milwaukee County-owned facilities in which activities related to the County's federally assisted public mass transportation program are conducted. However, no study has been made of the former Waukesha County Courthouse (which contains the staff offices of the SEWRPC) to determine to what extent physical

barriers affect handicapped public and employee accessibility. Based on this information, the following recommendations are made:

- 1. That Milwaukee County continue the program of transit system building improvements and modifications set forth in Table 10 as scheduled, in accordance with federal, state, and local handicap accessibility design standards.
- 2. That any modifications based on recommendations in the Milwaukee County Facilities and Buildings Survey/Accessibility for the Handicapped Report, prepared by Flad and Associates, Inc., to be made by Milwaukee County to transit system buildings, be undertaken through consultation with an advisory panel of persons with varying degrees and types of handicap.
- 3. That Milwaukee County continue the remodeling of the Milwaukee County Courthouse and Courthouse Annex to eliminate accessibility barriers.
- 4. That Waukesha County, in cooperation with the SEWRPC, undertake a study in 1980 to determine physical barriers in and around the former Waukesha County Courthouse which affect handicapped public and employee accessibility and that, based on the findings, a plan and implementation program be developed in 1981 to eliminate these barriers.
- 5. That regardless of the plans and implementation program developed in (4) above, Waukesha County as the owner of this facility, undertake interim actions to provide an accessible building entrance and accessible toilet facilities by the end of 1981.

Ready-Fare Outlets

There are a total of 206 ready-fare outlets located throughout Milwaukee County where the general public can purchase bus tickets and weekly passes to ride the MCTS in lieu of paying the exact cash ⁵ fare each time a bus ride is taken. Maps 10 and 11 show the location of these ready-fare outlets. Table 11 lists the name and address of each outlet.

General Public-Related Building Accessibility Barriers: No study has been made to determine the location and number of ready-fare outlets in Milwaukee County which are accessible to the handicapped.

Recommendations: That by the end of 1980 a study be conducted by Milwaukee County to determine which of the MCTS readyfare outlets are accessible to the handicapped and that a list of all accessible ready-fare outlets be published with copies made available to anyone requesting them.

That in establishing all future readyfare outlets, Milwaukee County give preference to those facilities that are accessible to the handicapped and which meet all other established standard criteria for ready-fare outlets.

BUSES

As stated in Chapter I of this report, an important provision of U. S. DOT Final Rule 49 CFR Part 27 concerning nondiscrimination on the basis of handicap is that the bus fleet used to provide a local, federally assisted public mass transportation service must be accessible to handicapped persons. Accessible in this provision means that, at a minimum, 50 percent of the buses "in service" during the weekday peak

period of transit ridership--including a sufficient number of spares--must be wheelchair lift-equipped and have the capacity to safely accommodate one or more persons in wheelchairs aboard the bus. It also means that wheelchair lift-equipped buses must be used during base period bus service before nonliftequipped buses. This bus accessibility provision must be met as soon as practicable, but no later than July 2, 1982, though this time limit may be extended to July 2, 1989, if a shorter time period would result in an extraordinarily large annual capital equipment expenditure and if interim accessible transportation service is provided.

Current Level of Bus Fleet Accessibility/Deficiency

The existing (July 1980) bus fleet of the MCTS consists of a total of 747 buses. Table 12 presents a categorical listing of the buses in the MCTS's bus fleet by type of bus including bus make and model, number of seats per bus, and the year each bus was manufactured. As shown in the table, the total bus fleet is comprised of an "active" fleet of 642 buses and an "inactive" (in storage) fleet of 105 buses. Only buses in the active bus fleet are considered in this assessment, since the inactive buses are maintained only for parts and are not available for revenue service.

The active bus fleet consists of 392 General Motors Corporation 51- to 53manufactured between passenger buses 1953 and 1967 (average age 16.5 years), Corporation 47-passenger F1xib1e wheelchair lift-equipped buses manufactured in 1978, and 150 General Motors Corporation RTS-2 44-passenger wheelchair lift-equipped buses manufactured in 1980. These figures indicate that 39.1 percent of the total active bus fleet is accessible at the present time. All buses manufactured after 1959 (a total of 481 buses) have also been equipped with a special-assist frontentrance grab rail and signs designating the seats near the front entrance for use by elderly and handicapped persons.

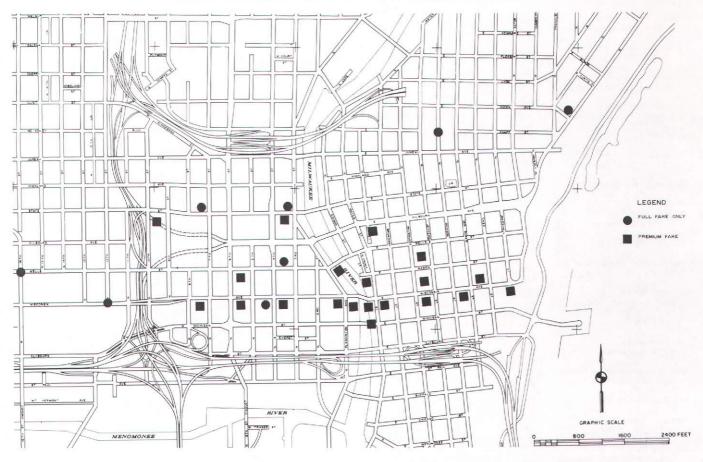
 $^{^{5}\}mathrm{MCTS}$ bus operators are not allowed to make change.



Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.

Map 11

MILWAUKEE COUNTY TRANSIT SYSTEM AUTHORIZED READY-FARE OUTLETS: CENTRAL BUSINESS DISTRICT: FEBRUARY 1979



Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.

During weekday peak periods of ridership, 499 buses are in service. The remaining 143 buses (22 percent of the active fleet) are either buses that are being serviced or are spares. Of the 499 buses in service during weekday peak periods, 55 buses (11 percent) lift-equipped. These 55 wheelchair accessible buses are regularly operating on six local service bus routes (Routes 10, 14, 18, 23, 27, and 71). Map 12 shows these accessible bus routes. These routes were selected from 11 high-priority bus routes recommended for accessible bus service in the regional transportation plan for the transportation handicapped. This priority rating was based on the number of major handicap destinations on each route.

During the weekday peak periods on the six accessible bus routes, approximately 63 percent of the buses in service are accessible. Only one accessible route (Route 14) operates with less than 50 percent (41 percent) accessible buses during the weekday peak periods. All six routes operate with all accessible buses during the weekday base periods, Saturdays, Sundays, and holidays. The remainder of the 250 wheelchair liftequipped buses are not assigned to

Table 11

MILWAUKEE COUNTY TRANSIT SYSTEM AUTHORIZED READY-FARE OUTLETS

CUDAHY

Cudahy Marine Bank^a 4702 S. Packard Avenue

Cudahy News & Hobby Center 4727 S. Packard Avenue

Gimbels - Packard Plaza 5656 S. Packard Avenue

Sentry Food Store^a 6077 S. Packard Avenue

CREENDALE

Gimbels - Southridge 5300 S. 76th Street

Layton State Bank 5635 Broad Street

Vielie Drug Co. 5626 Broad Street

CREENF (ELD)

M&I Bank of Greenfield 4200 S. 76th Street

Liquor Garden 4101 W. Howard Avenue

HALES CORNERS

Meinzer Drugs^a 10720 W. Janesville Road

State Bank of Hales Corners^a 10708 W. Janesville Road

M1LWAUKEE-DOWNTOWN

Bank of Commerce^a 515 W. Wells Street

Boston Store^a 331 W. Wisconsin Avenue

City Treasurer^a City Hall

Commonwealth Mutual Savings Bank^a 811 E. Wisconsin Avenue

Consolidated Savings & Loan Association 345 W. Wells Street

Continental Bank & Trust Company^a 735 W. Wisconsin Avenue

County Treasurer's Office Rm. 102 - Courthouse

Federal Building--Concession Stand^a 515 E. Wisconsin Avenue

First Savings Association of Wisconsin 200 E. Wisconsin Avenue

First Milwaukee Savings & Loan^a 850 N. Plankinton Avenue

First Wisconsin National Bank 777 E. Wisconsin Avenue 743 N. Water Street

Gimbels^a 101 W. Wisconsin Avenue

Great Midwest Savings & Loan Association 432 E. Wells Street Heritage Bank of Milwaukee^a 435 E. Mason Street

Journal Building Lobby⁶ 333 W. State Street

Marine National Exchange Bank 111 E. Wisconsin Avenue a 740 N. Plankinton Avenue a

MI LWAUKEE-NORTHEAST

Berson's Pharmacy 2709 N. 28th Street

Capitol Marine Bank 210 W. Capitol Drive

Continental Savings & Loan Assin. 3328 W. Villard Avenue

Dennis Clothiers & Jewelers Inc. 2300 N. Third Street

Jac. F. Donges, Inc. 1001 N. Third Street

First Wisconsin National Bank 2102 W. Fond du Lac Avenue 2303 N. Farwell Avenue 4025 N. Teutonia Avenue 2537 W. Wisconsin Avenue

Fischer's Pharmacy, Inc. 3279 N. Holton Street

Cold's Foods 5350 N. Green Bay Avenue

Oulicrest Pharmacy 1701 N. Humboldt Avenue

Hopkins Street Liquor Mart, Inc. 1646 W. Hopkins Street

Howards Beverage Center 509 W. Center Street

ICA Foodliner 2626 W. Vliet Street

Jewish Community Center 1400 N. Prospect Avenue

Jim's Beer & Liquor 3833 N. Teutonia Avenue

Lenny's Liquor Shop 1200 W. North Avenue

Low Drug Co. 3455 N. Green Bay Avenue

Marquette Liquor & Beer Depot 1611 W. Wells Street

M&I Marshall & IIsley Bank 2120 W. Wisconsin Avenue

M&I Marshall & IIsley Bank 770 N. Water Street

Milwaukee Area Technical College^a 1015 N. 6th Street

Mutual Savings & Loan of Wisconsin^a 510 E. Wisconsin Avenue

United Military Supply^a 533 W. Wisconsin Avenue

Ye Olde Apothecary^a 811 E. Wisconsin Avenue Mazur's Ideal Pharmacy 2679 N. Holton Street

Milw. County Welfare Center Food Stamp Program N. 12th and W. Vliet Streets

Milwaukee Transport Services, Inc.^a 1900 W. Fiebrantz Avenue

Moore's Barber Shop 1814 W. Atkinson Avenue

National Savings & Loan Juneau Office 1120 N. Jackson Street

O.K. Food Market 1750 N. 3rd Street

Oriental Pharmacy 2238 N. Farwell Avenue

Products for Health & Beauty, Ltd. 2915 N. Oakland Avenue

Reinhold Ace Hardware 2402 W. Lisbon Avenue

Russell's Groceries 109 E. Burleigh Street

Sheldon's Pharmacy^a 1535 W. North Avenue

Siegel's Liquor & Beer Depot, Inc. 3476 N. Oakland Avenue

Smith Drug Co., Inc. 1750 N. Cambridge Avenue

State Grocery 1904 W. State Street

Sultans Grocery Store 2526 W. Hopkins Street

Tower Rexall Drugs 2639 W. Wells Street

University Store, Ltd. 1200 W. Wisconsin Avenue

UMM Parking & Transit^a 2200 E. Kenwood Boulevard

Websters Books 2559 N. Downer Avenue

Wisconsin Currency Exchange 2700 N. Third Street

MILWAUKEE--NORTHWEST

American Hampton Bank 7600 W. Hampton Avenue

A. W. Berg Pharmacy 4939 W. Fond du Lac Avenue

Burleigh Pharmacy, Inc. 5300 W. Burleigh Street

Court Drugs, Inc. 4847 N. 76th Street 7230 N. 76th Street 9230 W. Lisbon Avenue^a

El Toro Gifts 3500 W. North Avenue

Essmanns Liquor Mart 6018 W. Silver Spring Drive

Table 11 (continued)

First Savings Association of Wisconsin 5900 W. North Avenue

First Wisconsin National Bank 5500 W. Capitol Drive 3720 W. Villard Avenue 9921 W. Capitol Drive 5220 W. North Avenue Capitol Court Mall

Fonda Pharmacy 6816 W. Hampton Avenue

Gimbels--Capitol Court 5500 W. Capitol Drive

Gimbels--Northridge^a 7700 W. Brown Deer Road

Hampton Pharmacy 5020 W. Hampton Avenue

Highland Pharmacy 5928 W. Vliet Street

Hopkins Savings & Loan Association 7901 W. Burleigh Street

Keefe Parkway Delicatessen 5835 W. Keefe Avenue

Knueppel Pharmacy 8405 W. Lisbon Avenue

Lippert Rexall Drug 3432 W. Center Street

Midtown State Bank 3405 W. Lisbon Avenue

Midtown Supermarket 4402 N. 27th Street

Milwaukee Transport Services, Inc. 4212 W. Highland Boulevard (Office)^a 3343 W. Fond du Lac Avenue (Station)^a

Nickel Pharmacy 4790 N. Hopkins Street

North Milwaukee State Bank 2741 W. Fond du Lac Avenue

Paler Pharmacy 3824 W. Florist Avenue

Park State Bank 7540 W. Capitol Drive

Ray's Supermarket 5401 W. Vliet Street

Republic Savings & Loan Association Capitol Court 1201 N. 35th Street 7617 W. Bluemound Road

Sick Room Service Pharmacy North 3415 W. Villard Avenue

M&I Silver Spring Bank 8301 W. Silver Spring Drive

Silver Spring Hardware 3526 W. Silver Spring Drive

Tosa Pharmacy, Inc. 9235 W. Capitol Drive

Unicorn Card & Gift Shop 3501 W. Villard Avenue

Wenzler's Foods 2875 N. 76th Street

West Lane Pharmacy 5937 W. Center Street Wisconsin Workshop for the Blind 5316 W. State Street

MILWAUKEE--SOUTHEAST

Arrow Mills 1238 S. 16th Street

Bay View Pharmacy 2737 S. Kinnickinnic Avenue

Bay View State Bank 2701 S. Kinnickinnic Avenue

Bern Boys, Inc. 523 W. National Avenue

Community Health Care Pharmacy 2200 W. National Avenue

First Wisconsin National Bank 4015 S. Howell Avenue 939 W. Mitchell Street

Cimbels--Southgate^a 3333 S. 27th Street

Gimbels--Mitchell 1030 W. Mitchell Street

Jahr's Super Food Center, Inc. 1569-77 W. Greenfield Avenue

Jewel Grand Bazaar 2025 W. Oklahoma Avenue

Lake Port Coffee Shop 733 S. Second Street

Langer Pharmacy, Inc. 3567 S. Howell Avenue

Larrie's House of Cards 401 E. Lincoln Avenue

Layton State Bank 2740 W. Forest Home Avenue

Layton State Bank Drive-in 2740 W. Forest Home Avenue

Lincoln Savings & Loan Association 2222 S. 13th Street 3131 S. 13th Street

Lincoln State Bank 2260 S. 13th Street

Luxuria Shop 3931 S. Howell Avenue

Malerie's Beauty Shoppe 1020 W. National Avenue

Milwaukee Soap Company 5661 S. 27th Street

Milwaukee Transport Services, Inc. a 1710 S. Kinnickinnic Avenue

Mitchell Street State Bank 1039 W. Mitchell Street

Mutual Savings & Loan of Wisconsin Southgate Shopping Center

National Savings & Loan Association 829 W. Mitchell Street

Oklahoma Food Market 2533 E. Oklahoma Avenue

Oklahoma Liquor & Beer 933 W. Oklahoma Avenue

Piszczek Southview Pharmacy 3462 S. 13th Street Prentice Drug Company 2306 S. Kinnickinnic Avenue

Richard's Foods 2438 W. Greenfield Avenue

Snyder Drugs, Inc. 3555 S. 27th Street

First Wisconsin National Bank of Southgate 4333 S. 27th Street

Werners Variety 604-A W. Lincoln Avenue

MILWAUKEE--SOUTHWEST

Emdee Pharmacy^a 3943 S. 76th Street

First Savings Association of Wisconsin 5300 S. 76th Street^a 3027 W. Lincoln Avenue

First Wisconsin National Bank 7325 W. Oklahoma Avenue

Great Midwest Savings and Loan Association, Layton Branch^a 4775 S. 27th Street

Gull Pharmacy-Midtown 3508 W. Burnham Street

Cull Pharmacy-Atwood 7530 W. Lincoln Avenue

Handy Fruit Market 3519 W. National Avenue

Howard Pharmacy 5031 W. Howard Avenue

Jerry's Pharmacy 3235 W. Lincoln Avenue

Jewel Food Store 729 S. 27th Street

Koplin Drugs^a 6913 W. Oklahoma Avenue

North Shore Savings and Loan Association 9115 W. Oklahoma Avenue

Personal Health Pharmacy 3635 W. Oklahoma Avenue

River Bend Drugs 7500 W. Oklahoma Avenue

Russ's Pharmacy 7621 W. Beloit Road

OAK CREEK

Tri-City Pharmacy, Inc. a 6312 S. 27th Street

ST. FRANCIS

Papa's Food Market 1821 E. St. Francis Avenue

SHOREWOOD

Citizens North Shore State Bank 4015 N. Oakland Avenue

Hayek Pharmacy, Inc. 4001 N. Downer Avenue

Kemp Pharmacy 4499 N. Oakland Avenue

Walgreen Drug Store 4081 N. Oakland Avenue

Table 11 (continued)

SOUTH MILWAUKEE

First Savings Association of Wisconsin^a 2901 S. Chicago Avenue

South Milwaukee Marine Bank^a 929 Milwaukee Avenue

Variety Center 927 Milwaukee Avenue

WAUWATOSA

Berg Pharmacy 7001 W. Center Street

Dobbs Drugs, Inc. 8736 W. North Avenue

First National Bank in Wauwatosa 7430 W. State Street

First Wisconsin Bank of Mayfair^a 2500 N. Mayfair Road

Gimbels-Mayfair^a 2500 N. Mayfair Road Hopkins Savings & Loan^a 2600 N. Mayfair Road

North Avenue Appliance Company 6734 W. North Avenue

Ravenswood Pharmacy 8340 W. Bluemound Rhad

Swan Pharmacy, Inc. 9130 W. North Avenue

Tosa Clinic Pharmacy 805 N. 68th Street

Wauwatosa State Bank 7501 W. North Avenue

WEST ALLIS

First Milwaukee Savings & Loan Association 9330 W. Greenfield Avenue

Liberty Savings and Loan Association 5812 W. Burnham Street

McAllister Pharmacy 7046 W. Greenfield Avenue Milwaukee County Bank 7000 W. Greenfield Avenue

Ryans 2041 S. 76th Street

State Fair Drugs 8415 W. Greenfield Avenue

Treasure Island Department Store^a 2625 S. 108th Street

Village Pharmacy 6107 W. Greenfield Avenue

West Allis Beer & Liquor 6231 W. Lincoln Avenue

West Allis Pharmacy 5932 W. Burnham Street

West Allis State Bank 6130 W. National Avenue

WHITEFISH BAY

First Savings Association of Wisconsin^a 430 E. Silver Spring Drive

Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.

regular service at this time because only the 100 Flxible Corporation buses have been accepted from the manufacturer. Though these buses represent the newest buses in the active fleet, experience has shown that the rate of mechanical failure for these buses is abnormally high. Many of these failures involve the wheelchair lift device. Therefore, to guarantee the availability of properly functioning wheelchair liftequipped buses on the six accessible

bus routes, the MCTS currently maintains an accessible spare bus ratio of 45 percent.

Current Transit System Bus Fleet

Replacement and Expansion Program

Table 13 shows the current bus fleet replacement and expansion program 7 for

 7 The bus fleet replacement and expansion program is a tentative program subject to modification at the discretion of the Milwaukee County Board of Supervisors and the Milwaukee County Executive based on changing circumstances which cannot fully anticipated for the entire five-year period of the program. Nevertheless, Milwaukee County is committed to having enough accessible buses in its bus fleet by July 2, 1982, to guarantee that a minimum of one-half of the buses in service during the weekday peak periods of ridership are accessible to the handicapped in accordance with the provisions of Final Rule 49 CFR Part 27.

^aPremium fare (\$0.60) tickets sold here.

The 150 General Motors Corporation RTS-2 wheelchair lift-equipped buses are being delivered in February and March 1980. These vehicles will need to be thoroughly inspected and road tested before being accepted from the manufacturer. Bus drivers will need to be trained to operate these new buses before they can be placed in regular service. It is anticipated, however, that by July 1980, 163 of the 250 wheelchair lift-equipped buses will be providing regular route service.

Table 12

MILWAUKEE COUNTY TRANSIT SYSTEM BUS FLEET: JULY 1980

	of Bus	Number of		Year of
Make	Model	Buses	Seats per Bus	Manu facture
GMC	5105	1 ^a	51	1956
GMC	5105	10	51	
GMC	5301	30	53	1959 _b 1960
GMC	5302	10	53	1960
GMC	5301	83	53	1962
GMC	5301	75	53	1963
CMC	5303	10	53	1964
GMC	5303	20	53	1964
GMC	5303	63	53	1965
GMC	5303	60	53	1966
GMC	5303	1	25	1967 ^C
GWC	5303	29	53	1967.
FLX	53102-8-1	100	47	1978 ^{Cl}
GMC	RTS-2	150	, 44	1980
Active	Fleet Total	642		
GMC	5105	17	51	1953
GMC	5105	18	51	1954
CMC	5105	20	51	1955
GMC	5105	28	51	1956
CMC	5105	14	51	1957
GMC	5105	8	51	1958
lnacti	ve Fleet Total	105		
Total		747	<u></u>	.
Weekday	Peak			
Period				
Require	Requirement			
Weekday				
Period			•	
Require	ment	300		

^aBus total includes one bus operator-training vehicle.

Source: Milwaukee Transport Services, Inc.; Milwaukee County Department of Public Works, Transportation Division; and SEWRPC.

^bAll buses in the MCTS's bus fleet manufactured after 1959 have been equipped with a front-entrance, special-assist grab rail and signs designating the seats near the front entrance for use by elderly and/or handicapped persons.

 $^{^{\}rm C}$ A specially modified charter bus equipped with a rear-door wheelchair lift and eight wheelchair securements.

 $^{^{}m d}$ All 100 Flxible Corporation buses are equipped with a front entrance wheelchair lift and provision for securing one wheelchair.



Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.

Table 13

MILWAUKEE COUNTY TRANSIT SYSTEM BUS FLEET REPLACEMENT
AND EXPANSION PROCRAM: 1979-1984

					Active	Fleet		
Type	of Bus	Year of	July	July	July	July	July	July
Make	Mode (Manu facture	1979	1980	1981	1982	1983	1984
GMC	5105	1953	15					
GMC	5105	1954	11					
GMC	5105	1955	15					
CMC	5105	1956	25	1				
GMC	5105	1957	10					
CMC	5105	1959	18	10				
GMC	5301	1960	30	30				
GMC	5301	1960	2					
GMC	5302	1960	8	10				
GMC	5301	1962	83	83	79	46	11	1.1
GMC	5301	1963	75	75	75	75	75	75
GMC	5303	1964	10	10	10	10	10	10
CMC	5303	1964	20	20	20	20	20	20
GMC	5303	1965	63	63	63	63	63	63
GMC	5303	1966	60	60	60	60	60	60
GMC	5303 ^a	1967	1	1	1	1	1	1
GMC	5303	1967	29	29	29	29	29	29
FLX	53102	1978 ^b	100	100	100	100	100	100
	0801							
GMC	RTS-2	1980		150	150	150	150	150
N.A.		1981			130	130	130	130
N.A.		1982				100	100	100
N.A.		1983					100	100
N.A.		1984						50
Tota	al Active	Fleet Size	575	642	717	784	849	899
	al Accessil		101	251	381	481	581	631
Tota	al Percent	Accessible	17.6	39.1	53.1	61.4	68.3	70.2
Peak Period Bus Requirements		499	570	640	700	760	800	
Accessible Buses in Peak Period Fleet Percent Accessible Peak		55	163	250	350	445	485	
	nt Accessii nd Fleet	оте геак	11.0	28.6	39.1	50.0	58.6	60.6
	al Percent cent Acces	Spares sible Spares	13.3 45.6	12.2 35.1	11.8 34.4	10.8 27.2	10.5 23.3	11.0 20.5

^aThis vehicle is a special charter bus with rear door chair lift and includes space for eight wheelchair securements on the bus.

Source: Milwaukee County Department of Public Works, Transportation Division; Milwaukee Transport Service, Inc.; and SEWRPC.

^bAll buses purchased during and after 1978 are accessible.

the MCTS. The program presented in this table indicates that during the fiveyear period, 1980-1985, Milwaukee County plans to replace 206 buses manufactured between 1953 and 1962. The table further indicates that during this same fiveyear period, Milwaukee County plans to expand its bus fleet from an active fleet of 575 buses in July 1979, to 899 buses by July 1984, an expansion of 324 buses. In total, Milwaukee County plans to purchase 530 new buses at the rate of 150 buses in 1980, 130 buses in 1981, 100 buses in 1982, 100 buses in 1983, and 50 buses in 1984. All the new buses will be wheelchair lift-equipped. At the end of this five-year period, it is anticipated that 67.8 percent of the MCTS's active bus fleet will be accessible. Table 14 shows the proposed bus capital expenditure program for the MCTS for the five-year period, 1978-1982.

Table 13 also indicates that the weekday peak period bus fleet requirement is anticipated to increase from 499 buses in July 1979 to 700 buses by July 1982, and to 800 buses by July 1984. Based on this increase, a minimum of 350 of the 700 buses operating during the weekday peak period in July 1982 will have to be accessible to comply with the provision of U. S. DOT Final Rule 49 CFR Part 27 that 50 percent of the "in service" peak period bus fleet be accessible. Table 13 indicates that this will be achieved. assuming that the number of accessible spare buses can be reduced from the current 45.6 percent of the accessible bus fleet to 27.2 percent of the accessible bus fleet by no later than 1982. Since other transit systems currently maintain accessible bus spare ratios that, in most cases, range from 10 to 20 percent of the accessible bus fleet, this assumption appears to be reasonable or even conservative. As 50 percent of the buses "in service" during the weekday peak period will be accessible by July 2, 1982, there will be no need to provide an interim accessible transportation service after this level of peak period bus fleet accessibility achieved.

Recommendations

As indicated by the preceding information, the current bus fleet replacement and expansion program Milwaukee County is implementing will result in a 61.4 percent accessible bus fleet by July 2, 1982. If the number of spare accessible buses required to guarantee accessible buses can be reduced from 45.6 percent to 27.2 percent of the total accessible bus fleet, the number of accessible buses, by July 2, 1982, should be sufficient to guarantee that 50 percent of the weekday peak period buses "in service" by that date will be accessible. Based on this information, the following recommendations are made:

- 1. That Milwaukee County continue to implement the bus fleet replacement and expansion program set forth in Tables 13 and 14 as scheduled.
- 2. That, as the new accessible buses become available for revenue service, they be assigned to operate on the transit system's bus routes in accordance with the prioritized list of bus routes to be made accessible shown in Table 15.

BUS PASSENGER WAITING SHELTERS

The MCTS has erected 160 bus passenger waiting shelters at bus stops located throughout Milwaukee County. One-half of these shelters have benches; the other half have none. As shown in Figure 10, MCTS bus passenger waiting shelters consist of six types. The basic difference between shelter types is size. The size of the shelter is determined by the number of back and side wall panels on the shelter. Each shelter is made of the same modular building materials. Glass panels are used for the walls and a translucent material is used for the molded roof. All shelters are erected on a poured-in-place concrete pad. Where required, access walks are also provided. Table 16 provides an inventory of

Table 14

MILWAUKEE COUNTY TRANSIT SYSTEM BUS CAPITAL EXPENDITURE PROGRAM: 1978-1982

	The second secon				
Year of Grant Application ^a	Project Description	Estimated ^b Cost Total	Anticipated Funding Source		Implementing Agency
1978	Fleet Replacement 64 Fleet Expansion 86 Total Buses 150	\$19,000,000	Milwaukee County (20 percent)	\$15,200,000 <u>3,800,000</u> \$19,000,000	Milwaukee County
1979	Fleet Replacement 74 Fleet Expansion 56 Total Buses 130	\$10,000,000 ^C	Milwaukee County (20 percent)	\$ 8,000,000 2,000,000 \$10,000,000	Milwaukee County
1980	Fleet Replacement 33 Fleet Expansion 67 Total Buses 100	\$17,600,000	Milwaukee County (20 percent)	\$14,080,000 <u>3,520,000</u> \$17,600,000	Milwaukee County
1981	Fleet Replacement 35 Fleet Expansion 65 Total Buses 100	\$17,600,000	Milwaukee County (20 percent)	\$14,080,000 3,520,000 \$17,600,000	Milwaukee County
1982	Fleet Replacement Fleet Expansion 50 Total Buses 50	\$ 8,800,000	Milwaukee County (20 percent)	\$ 7,040,000 1,760,000 \$ 8,800,000	Milwaukee County

^aIn comparing Table 13 with Table 14, it has been assumed, based on experience, that an 18-month to two-year lead time will be required from the time of beginning the bus capital grant application process required by UMTA for federal funding to the actual delivery of buses. Therefore, if the MCTS plans, for example, to have 50 buses delivered by July 1984, the grant application process for these buses will have to begin during 1982.

Source: Milwaukee County Department of Public Works, Transportation Division, and SEWRPC.

the bus passenger waiting shelters used by the MCTS. Maps 13 and 14 show the location of each shelter.

Shelter Site Selection Process

Five warrants are used to select bus shelter locations. Each warrant has a range of point values assigned to it. Each potential shelter location is evaluated on the basis of the warrants. The total point value for each location determines the location's rank in a prioritized listing of sites for future bus shelters. Table 17 presents the five warrants used in the site evaluation process and shows the range of point values for each of the five warrants. As shown in the table, up to 10 additional

 $^{^{}m b}$ Based on 1980 dollars. All estimated cost totals include project administration and contingency costs normally included in all UMTA grant applications.

^CIncludes \$2,500,000 approved in 1978 grant for 30 small buses.

Table 15

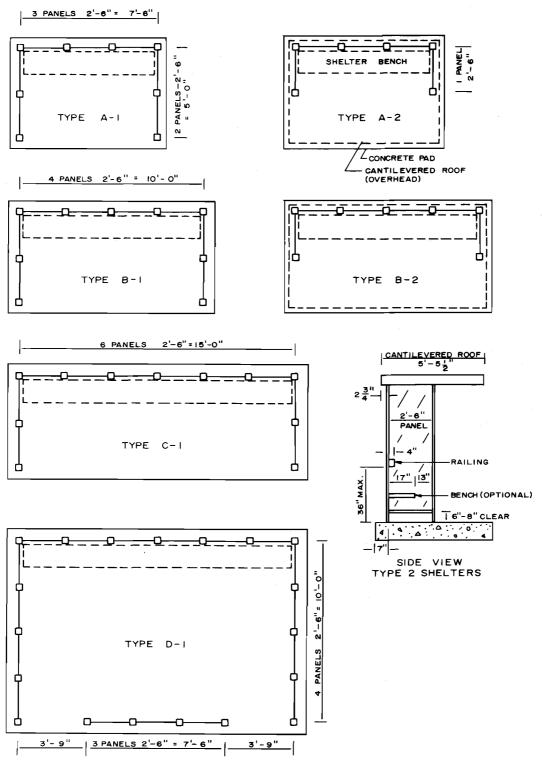
MILWAUKEE COUNTY TRANSIT SYSTEM PRIORITIZED LIST OF BUS ROUTES
TO BE MADE ACCESSIBLE

Route Number	Number of B Fond du Lac	uses In Servi Fiebrantz	ce by Station Kinnickinnic	Route Total	Summary Total
10	10			10	10
11	8		· 	8	18
14		2	7	9	27
18	8			8	35
21	9			9	44
23	11			11	55
27	5	7		12	67
62		7		7	74
71	5			5	79
76	11			11	90
80		8		8	98
51			4	4	102
15		3	5	8	110
31	7			7	117
66			7	7	124
30	19	7		26	150
19		9	8	17	167
35	7			7	174
12	11			11	185
20			6	6	191
60	7			7	198
22	5			5	203
Total In					
Service	123	43	37	203	
Total Assigned					
To Station	151	53	46	250	
Percent					
In Service	81.4	81.1	80.4	81.2	

The first 12 routes (10 through 51) were recommended in SEWRPC Planning Report No. 31, A Regional Transportation Plan for the Transportation Handicapped in Southeastern Wisconsin: 1978-1982. The next three routes (15, 31, 66) were chosen because of concentrations of persons confined to wheelchairs ascertained through analysis of User-Side Subsidy Program participants. The remaining routes were chosen on the basis of the highest volume of ridership.

Source: Milwaukee Transport Services, Inc.

Figure 10
MILWAUKEE COUNTY TRANSIT SYSTEM TYPES OF BUS PASSENGER WAITING SHELTERS



Source: Milwaukee Department of Public Works, Transportation Division

Table 16

MILWAUKEE COUNTY TRANSIT SYSTEM
BUS PASSENCER WAITING SHELTERS

Shel ter		Number of	Shelters
Туре	Shelter Size	Without Benches	With Benches
A-1	5'0" × 7'6"	17	5
B-1	5'0" × 10'0"	25	30
C-1	5'0" × 15'0"	3	15
D-1	10'0" × 15'0"		2
A-2	2'6" × 7'6"	17	1
B-2	2'6" × 10'0"	. 18	27
Total Shelters		160	

Source: Milwaukee County Department of Public Works, Transportation Division.

points are given under Warrant 5 if a potential location is at a handicapped destination.

Shelter Accessibility Assessment

During October 1979, Milwaukee County Department of Public Works, Transportation Division, staff conducted an accessibility survey of all MCTS waiting shelters. The survey was performed in accordance with the standards contained in the American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped, published ANSI. This survey determined that all 160 of the MCTS bus passenger waiting shelters are accessible. This survey also further determined, however, that in some shelters the side panels are not wide enough to extend out completely beyond a person in a wheelchair positioned in front of the bench. This is true of types A-2 and B-2, which have 2'-6" sidewall panels and some of which have 17" wide benches along the entire length of the back panels of the shelter. As a result, a person in a wheelchair only has about 13 inches of side wall protection from the weather. The roof, however, is wide enough to cover a person in a wheelchair, even with a bench in the shelter. This condition exists at 28 (17.5 percent) of the 160 bus passenger shelters.

Alternatives: Three alternatives were considered to eliminate this problem. One alternative considered was to make the side wall panels on Type A-2 and B-2 shelters wider. However, these two types are only used in locations where the width of property available for a bus shelter is not adequate to accommodate a deeper shelter. Since it is not possible to widen the side panels of these two shelter types, this alternative is not recommended. The second alternative considered was to eliminate the bench from these types of shelters. To eliminate the bench would be a great disservice to other users of the shelter, including those who are semi-ambulatory and/or elderly. Therefore, this alternative is also not recommended. The third alternative considered was to shorten the length of the bench which now extends the full length of the shelter. However, removal of part of the bench to provide sufficient space for a wheelchair would reduce the existing available seating in Type A-2 shelters from three seats to one seat, and in Type B-2 shelters from five seats to two seats. would significantly reduce the This available seating in the amount of shelter. Because of this reduction in capacity, this alternative also is not recommended.

After evaluating the Recommendations: three alternatives, it has been concluded that there is no apparent reasonable corrective action that will eliminate the problem of reduced sidewall protection from the weather for persons confined to wheelchairs who use Type A-2 and B-2 shelters with benches. Therefore, no action to eliminate this problem is recommended. It is recommended, however, that as the shelter construccontinues. program the County consider the problem of reduced sidewall protection for wheelchair-bound persons Type A-2 and B-2 shelters with benches when sites are selected and make

every effort to ensure that all future shelters provide adequate sidewall protection from the weather.

PARK-RIDE LOTS

A total of 12 public parking lots in outlying areas of Milwaukee County are served by buses operated by the MCTS. These parking lots provide free space for people to park their personal vehicles and commute by bus or carpool. Persons who use these parking facili-"park-ride lots"--are ties--known as mainly those commuting to the City of Milwaukee downtown central business district, the largest generator of trips in the Southeastern Wisconsin Region. Map 15 shows the 12 existing, and the six proposed, park-ride lots in Milwaukee County.

Five of the 12 park-ride lots served by the MCTS were developed with public funds to facilitate bus and carpool commuter parking. The five lots are: 1) the Brown Deer lot; 2) the Watertown Plank Road lot; 3) the Northshore lot; 4) the College Avenue lot; and 5) the Holt Avenue lot. Lots 1 and 2 were constructed by the Milwaukee County Department of Public Works using Milwaukee County funds entirely. Lots 3, 4, and 5 were constructed by the Wisconsin Department of Transportation (WisDOT) using both Federal Highway Administration (FHWA) and State funds. In addition to free parking space for bus riders who these lots, in accommodations include a bus passenger waiting shelter located on a bus boarding island and a public telephone.

The seven remaining park-ride lots are privately owned, joint-use facilities located in a remote section of the public parking areas of seven major shopping centers or retail stores. These remote parking areas serve both commuter bus and carpool parking, and overflow customer parking. The seven joint-use park-ride lots are located at: 1) the Northridge Shopping Center; 2) the Brown Deer Road Treasure Island Store; 3) the Capitol Drive Treasure Island Store; 4)

the West Allis Treasure Island Store; 5) the Hales Corners K-Mart Store; 6) the Northland Shopping Center; and 7) the Spring Mall Shopping Center. The MCTS serves these private parking lots at the invitation of the store owners. Besides the free parking space which is provided for bus riders who park in these parkride lots, each of the lots, except the Northridge Shopping Center park-ride lot, has a bus passenger waiting shelter. None of the park-ride lots has a boarding island or a telephone.

Park-Ride Lot Accessibility Assessment During October, 1979, Milwaukee County Department of Public Works, Transportation Division, staff conducted an accessibility assessment survey of the 12 park-ride lots served by the MCTS. The survey was performed using the standards contained in the American National Standard Specifications for Buildings and Facilities Accessible to and Usable by the Physically Handicapped. Following is a description of the approximate location of each parkride lot in Milwaukee County and the accessibility barriers which were found to exist in each lot.

North Shore Park-Ride Lot: This lot is located near the northwest corner of the intersection of E. Silver Spring Drive and N. Port Washington Road. This lot was constructed by the WisDOT in 1973, using FHWA and State funds. The lot has a capacity of 190 cars. Besides parking, this lot contains a bus passenger waiting shelter on a bus boarding island and a coin-operated public telephone.

Accessibility Barriers:

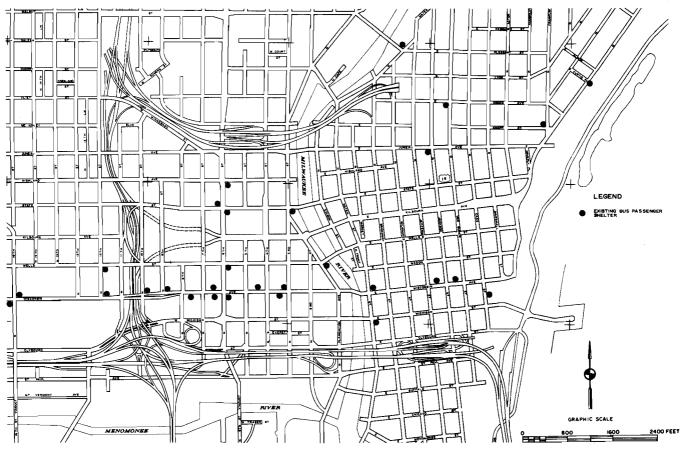
- No designated handicapped parking
- No curb ramps at bus boarding island
- Bus passenger waiting shelter not accessible
- Narrow walk ways on bus boarding island



Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.

Map 14

MILWAUKEE COUNTY TRANSIT SYSTEM BUS PASSENGER SHELTER LOCATIONS: CENTRAL BUSINESS DISTRICT



Source: Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.

• Public telephone not accessible

Brown Deer Road Park-Ride Lot: This lot is on the south side of W. Brown Deer Road west of and adjacent to the North-South Freeway (IH-43). This lot was constructed by Milwaukee County in 1974, using County funds. The lot has a capacity of 223 cars. Besides parking, this lot contains a bus passenger waiting shelter on a bus boarding island and a coin-operated public telephone.

Accessibility Barriers:

- No designated handicapped parking
- No curb ramps at bus boarding island
- Public telephone not accessible

Watertown Plank Road Park-Ride Lot: This lot is on the south side of W. Watertown Plank Road west of and adjacent to the

Table 17

MILWAUKEE COUNTY TRANSIT SYSTEM WARRANTS FOR BUS PASSENGER SHELTER SITE EVALUATION

Warrant		 Value	Score
, , , , , , , , , , , , , , , , , , ,			
Loading Count Persons	25- 74 75-149 150-299 300-up	10 20 30 40	
Passenger Waiting Time (half of midday headway) Minutes	0- 3 3.1- 6 6.1- 9 9.1-12 12.1-15 15.1-up	0 4 8 12 16 20	
Bus Route Situation Transfer point On-line stop		10	
Exposure to Weather Conditions Minimum Average Full		5 10 20	
Special Location Being Served Housing for elderly Recreation for elder Elderly Nutritional Program Over 60 Clinic Handicapped destinat Hospital School College High density resider Commercial center Industrial plant Park Minority concentration Other (if more than one values are addition	tion ntial ions pertains, ive to a	10 10 10 10 10 10 10 10 5 5 5 0 0	

Source: Milwaukee Transport Services, Inc.

43 MILWAUKEE COUNTY TRANSIT (48) SYSTEM TRANSIT LOTS (32) BRADLEY LEGEND EXISTING PARK-RIDE TRANSIT LOTS (170) I NORTHSHORE E 2 BROWN DEER ROAD BEHOER 3 WATERTOWN PLANK ROAD FLORIST 4 COLLEGE AVENUE 5 HOLT/MORGAN A EXISTING JOINT-USE TRANSIT LOTS FEE EE 6 NORTHRIDGE 7 BROWN DEER TREASURE ISLAND 8 CAPITOL DRIVE TREASURE ISLAND GENTER 9 WEST ALLIS TREASURE ISLAND 10 HALES CORNERS K-MART | NORTHLAND 12 SPRING MALL WATERTOWN A PROPOSED PARK-RIDE 1 183 A S. 76TH. STREET B HALES CORNERS (AI) C NATIONAL AVENUE D STATE FAIR PARK E GOOD HOPE ROAD 100 (24) F COLLEGE UBUS/CARPOOL 5 112 (B) B 10 RAMSE TZZ -(32) MILWAUKEE. (30)

Milwaukee Transport Services, Inc., and Milwaukee County Department of Public Works, Transportation Division.

southbound on-ramp to the Zoo Freeway (STH 45). This lot was constructed by Milwaukee County in 1976, using County funds. The lot has a capacity of 216 cars. Besides parking, this lot contains a bus passenger waiting shelter on a bus boarding island and a coin-operated public telephone.

Accessibility Barriers:

- No designated handicapped parking is provided
- No curb ramps at bus boarding island
- Public telephone not accessible

College Avenue Park-Ride Lot: This lot is on the north side of W. College Avenue in the northeast quadrant of the W. College Avenue interchange with the North-South Freeway (I-94). This lot was constructed by the WisDOT in 1975, using FHWA and State funds. The lot has a capacity of 315 cars. Besides parking, this lot contains a bus passenger waiting shelter on an accessible bus boarding island and a coin-operated public telephone.

Accessibility Barriers:

- No designated handicapped parking
- Public telephone not accessible

Holt Avenue Park-Ride Lot: This lot is on the north side of W. Holt Avenue west of and adjacent to the North-South Freeway (I-94). This lot was constructed by the WisDOT in 1979, using FHWA and State funds. The lot has a capacity of 239 cars. Besides parking, this lot contains a bus passenger waiting shelter on an accessible bus boarding island and a coin-operated public telephone. Designated handicapped parking space is also provided.

Accessibility Barriers:

• Public telephone not accessible

Northridge Shopping Center Park-Ride Lot: Northridge Shopping Center is near the northwest corner of the intersection of W. Brown Deer Road and N. 76th Street. The park-ride lot is at the east end of this shopping center complex. The lot has a capacity of approximately 100 cars. Besides parking, there are no other conveniences for bus riders who use this park-ride lot.

Accessibility Barriers:

 No designated parking for the handicapped

Brown Deer Road Treasure Island Park-Ride Lot: The store is near the northeast corner of the intersection of W. Brown Deer Road and N. Green Bay Road. The park-ride lot, which is near the fringe of the store's parking area, has a capacity of approximately 125 cars. Besides parking, this lot contains an accessible bus passenger waiting shelter that is installed on the surface of the parking lot.

Accessibility Barriers:

 No designated parking for the handicapped

Capitol Drive Treasure Island Park-Ride Lot: The store is near the southwest corner of the intersection of W. Capitol Drive and N. 124th Street. The park-ride lot, which is east of the store and adjacent to N. 124th Street, has a capacity of approximately 140 cars. Besides parking, this lot contains an accessible bus passenger waiting shelter that is installed on the surface of the parking lot.

Accessibility Barriers:

 No designated parking for the handicapped

West Allis Treasure Island Park-Ride
Lot: The store is near the northwest
corner of the intersection of W. Cleveland Avenue and S. 108th Street. The

park-ride lot, which is adjacent to S. 108th Street, has a capacity of approximately 100 cars. Besides parking, this lot contains an accessible bus passenger waiting shelter that is installed on the surface of the parking lot.

Accessibility Barriers:

 No designated parking for the handicapped

Hales Corners K-Mart Park-Ride Lot: The store is on the east side of S. 108th Street between W. Grange Avenue and W. Parnell Avenue. The park-ride lot, which is adjacent to S. 108th Street, has a capacity of approximately 100 cars. Besides parking, this lot contains an accessible bus passenger waiting shelter that is installed on the surface of the parking lot.

Accessibility Barriers:

 No designated parking for the handicapped

Northland Shopping Center: Northland Shopping Center is on the west side of N. Teutonia Avenue between W. Douglas Avenue and W. Florist Avenue. The parkride lot, which is adjacent to N. Teutonia Avenue, has a capacity of approximately 100 cars. Besides parking, this lot contains an accessible bus passenger waiting shelter that is installed on the surface of the parking lot.

Accessibility Barriers:

 No designated parking for the handicapped

Spring Mall Park-Ride Lot: Spring Mall is near the northwest corner of the intersection of W. Cold Spring Road and S. 76th Street. The park-ride lot, which is south of the shopping center complex and adjacent to Cold Spring Road, has a capacity of approximately 200 cars. Besides parking, this lot contains an accessible bus passenger waiting shelter that is installed on the surface of the parking lot.

Accessibility Barriers:

 No designated parking for the handicapped

PARK-RIDE LOT ACCESSIBILITY SUMMARY

The findings of the survey conducted by Milwaukee County Department of Public Works, Transportation Division, staff indicates that accessibility barriers exist in each of the 12 public parking lots in Milwaukee County which serve as park-ride lots for the MCTS. Table 18 lists these accessibility barriers for each lot.

Alternatives

No alternatives to correcting the accessibility barriers at the 12 park-ride lots served by the MCTS were considered.

Recommended Park-Ride Lot Handicap Barrier Elimination Program

Table 19 shows the recommended park-ride lot handicap barrier elimination program for the 12 park-ride lots served by the MCTS. The program presented in this table would result in the elimination of park-ride lot accessibility barriers during 1981 except for the public telephone accessibility barriers. The public telephones at these facilities are the property of the Wisconsin Telephone Company and no commitment to make these telephone facilities accessible to the handicapped has been solicited from them.

SUMMARY

This chapter has presented an inventory of the buildings, ready-fare outlets, buses, bus passenger waiting shelters, and park-ride lots involved in the provision of federally assisted public mass transportation services in Milwaukee County; identified the handicap accessibility barriers which make it difficult or impossible for handicapped persons to utilize these facilities and equipment; and recommended programs of actions to eliminate these accessibility barriers. The recommendations are restated below.

Table 18

MILWAUKEE COUNTY TRANSIT SYSTEM PARK-RIDE LOT ACCESSIBILITY BARRIERS

Park-Ride Lot	No Designated Handicap Parking	No Curb Ramps At Bus Boarding Island	Bus Passenger Waiting Shelter Not Accessible	Narrow Walkways on Bus Boarding Island	Public Telephone Not Accessible
North Shore Brown Deer Watertown Plank Road College Avenue Holt Avenue Northridge Shopping Center Brown Deer Road Treasure Island Capitol Drive Treasure Island West Allis Treasure Island Hales Corners K-Mart Northland Shopping Center Spring Mall	X X X X X X	X X X	X	X	X X X X

Source: Milwaukee County Department of Public Works, Transportation Division, and SEMRPC.

Buildings

- 1. That Milwaukee County implement the programs of transit system building improvements and modifications set forth in Table 10 as scheduled, in accordance with current federal, state, and local handicapped accessibility design standards.
- 2. That Milwaukee County continue the remodeling of the Milwaukee County Courthouse and Courthouse Annex to eliminate handicap accessibility barriers.
- 3. That Waukesha County, in cooperation with the SEWRPC, undertake a study to determine physical barriers in and around the former Waukesha County Courthouse which affect handicapped public and

- employees accessibility and that a plan and implementation program be developed to eliminate these barriers.
- 4. That, regardless of the plans and implementation program developed in 3 above, Waukesha County, as the owner of the former Waukesha County Courthouse building, take interim action to provide an accessible building entrance and accessible toilet facilities by the end of 1981.

Ready-Fare Outlets

1. That, by the end of 1980, a study be conducted by Milwaukee County to determine which of the MCTS ready-fare outlets are accessible to the handicapped. A list of all accessible ready-fare outlets is

Table 19

MILWAUKEE COUNTY TRANSIT SYSTEM RECOMMENDED PARK-RIDE LOT HANDICAP BARRIER ELIMINATION PROCRAM

Park-Ride Lot	Year of Project Construction	Project Description ^a	Estimated Cost (1980 dollars)	Funding Sources	Implementing Agency
North Shore	1981	Delineate and reserve two parking spaces for handicap parking Construct curb ramps for handicap access to boarding island Relocate bus passenger waiting shelter to an accessible site on bus boarding island Widen walkways on bus boarding island	\$ 1,500	Wisconsin Department of Transportation (100 percent)	Wisconsin Department of Transportation
Brown Deer	1981	Delineate and reserve two parking spaces for handicap parking Construct curb ramps for handicap access to boarding island	1,200	Milwaukee County (100 percent)	Milwaukee County
Watertown Plank Road	1981	Delineate and reserve two parking spaces for handicap parking Construct curb ramps for handicap access to boarding island	1,200	Wiscons in Department of Transportation (100 percent)	Wisconsin Department of Transportation
College Avenue	1981	Delineate and reserve two parking spaces for handicap parking	400	Wisconsin Department of Transportation (100 percent)	Wisconsin Department of Transportation
Holt Avenue					
Northridge Shopping Center	1981	Delineate and reserve two parking spaces for handicap parking	400	Milwaukee County (100 percent)	Milwaukee County
Brown Deer Road Treasure Island	1981	Delineate and reserve two parking spaces for handicap parking	400	Milwaukee County (100 percent)	Milwaukee County
Capitol Drive Treasure Island	1981	Delineate and reserve two parking spaces for handicap parking	400	Milwaukee County (100 percent)	Milwaukee County
West Allis Treasure Island	1981	Delineate and reserve two parking spaces for handicap parking	400	Milwaukee County (100 percent)	Milwaukee County
Hales Corners K-Mart	1981	Delineate and reserve two parking spaces for handicap parking	400	Milwaukee County (100 percent)	Milwaukee County
Northland Shopping Center	1981	Delineate and reserve two parking spaces for handicap parking	400	Milwaukee County (100 percent)	Milwaukee County
Spring Mall	1981	Delineate and reserve two parking spaces for handicap parking	400	Milwaukee County (100 percent)	Milwaukee County
Total Estimated Cost	:		\$ 7,100		

^aThe current ANSI design standards do not specify the exact number of parking spaces that should be provided for handicapped persons in a public parking facility. Rather, the standards state that the number of handicap parking spaces provided should be "...in accordance with the frequency and persistency of parking needs." Milwaukee County will, thus, initially designate two parking spaces for handicapped and, should demand warrant, will provide additional spaces.

Source: Milwaukee County Department of Public Works, Transportation Division, and SEMRPC.

to be published with copies of this list made available to anyone requesting them.

2. That, in establishing all future ready-fare outlets, Milwaukee County utilize public facilities that are accessible to the handicapped whenever it is practical to do so.

Buses

- 1. That Milwaukee County implement the bus fleet replacement and expansion program set forth in Tables 13 and 14 as scheduled.
- 2. That, as new accessible buses become available for revenue

service, they operate on the transit system's bus routes in accordance with the prioritized list of bus routes to be made accessible as shown in Table 15.

Bus Passenger Waiting Shelters

- That, since all of the Milwaukee County transit system's 160 bus passenger waiting shelters have been determined to be accessible⁸ to the handicapped, there be no barrier elimination program.
- 2. That, as Milwaukee County continues its shelter construction program, the County consider the reduced sidewall protection problem for wheelchair-bound persons in Types A-2 and B-2 shelters with benches in its site selection and make every effort

to ensure that all future waiting shelters provide adequate sidewall protection from the weather.

Park-Ride Lots

1. That Milwaukee County implement the park-ride lot handicap barrier elimination program set forth in Table 19.

⁸The noted exception is that the presence of benches in Type A-2 and B-2 shelters reduces the amount of sidewall protection for a wheelchair-bound person. These 28 (of 160) shelters are only used where available property for shelter placement does not permit the installation of a shelter with more than one sidewall panel on each side.

Chapter IV

SPECIAL EFFORTS/INTERIM SERVICE

INTRODUCTION

Section 27.97 of U.S. Department Transportation (DOT) Final Rule 49 CFR Part 27 requires that, if the regular fixed-route bus system is not accessible by July 1, 1982, operators of public mass transportation systems receiving federal financial assistance must provide an interim accessible transportation service beginning at that time. The fleet replacement and expansion bus program described in detail in the preceding chapter indicates that by July 1982 Milwaukee County expected to have a sufficient number of wheelchair liftequipped buses to guarantee that, at a minimum, 50 percent of the buses operating during the peak period--including an adequate number of spares--will be accessible to the handicapped in accordance with the provisions of U.S.DOT Final Rule 49 CFR Part 27. As a result, there is no requirement as part of this transition plan development process that interim accessible transportation service to be provided by Milwaukee County after July 1982 be designed.

Section 27.97 of U.S.DOT Final Rule 49 CFR Part 27 also requires, however, that during the period from the effective date of the rule (May 31, 1979) to July 2, 1982--when interim accessible transportation service must be provided--special efforts at a "reasonable" level must be made to plan and program transportation projects and elements designed to benefit handicapped persons. "Reasonable" level is defined as the expenditure of funds equivalent to at least 5 percent of the Urban Mass Transportation Association (UMTA) Section 5 funding allocation available to Milwaukee County in 1977 and 1978, and 2 percent thereafter until the fixed-route bus system is accessible. Special efforts projects are to be programmed each

year in the annual element of the urbanized area's transportation improvement
program (TIP). Reasonable progress must
be demonstrated in implementing previously programmed projects including
those special efforts projects programmed in the annual elements of TIP's
submitted to UMTA for 1977, 1978, and
1979. Once regular fixed-route bus system accessibility is achieved, however,
there are no federal requirements that
the recipient of federal funds continue
special efforts.

To facilitate appropriate U.S.DOT reviews of this Transition Plan Report for the Milwaukee County Transit System (MCTS), this chapter documents the special efforts that have been made and will continue to be made by Milwaukee County until the fixed-route bus system is accessible in July 1982. This documentation includes a brief statement of Milwaukee County's adopted special efforts strategy, the schedule for implementing this strategy as approved by Milwaukee County for planning purposes, and the implementation status of preprogrammed special efforts viously projects.

STATEMENT OF SPECIAL EFFORTS STRATEGY

As a special efforts strategy, Milwaukee County will spend an average annual amount in UMTA and local (state and county) funds equivalent to at least 5 percent of the UMTA Section 5 funds allocated to Milwaukee County in 1977 and 1978, and at least 2 percent thereafter (until the fixed-route bus system is accessible) on two special efforts projects. These two projects are: 1) the liftof only wheelchair purchase fixed-route buses until equipped minimum of 50 percent of the buses operating during the peak periods of bus ridership are accessible; and 2) the financing of a User-Side Subsidy Program for handicapped persons. Both of these projects are in conformance with the specific special efforts recommendations contained in SEWRPC Planning Report No. 31, A Regional Transportation Plan for the Transportation Handicapped in Southeastern Wisconsin: 1978-1982, completed and adopted by the Commission in April 1978. Elements of the two projects have been programmed for implementation in the annual elements of the TIP's for the Milwaukee urbanized area that is prepared by the SEWRPC and submitted to the UMTA each year. The details of these two special efforts projects are presented in a later section of this chapter under the heading "Status of Special Efforts Project Implementation."

SPECIAL EFFORTS STRATEGY IMPLEMENTATION SCHEDULE

Table 20 presents Milwaukee County's special efforts strategy implementation schedule for 1977-1982. As shown in this schedule and in Table 14, Milwaukee County has programmed the purchase of 100 new buses in 1977, 150 new buses in 1978, 130 new buses in 1979, 100 new buses in 1980 and 1981, and 50 new buses in 1982. All the buses will be wheelchair lift-equipped and have a kneeling feature to assist people who have difficulty getting on and off the bus. With the 1982 delivery of the 100 new buses programmed as a project for implementation in 1980, the MCTS expects to have a sufficient number of wheelchair liftequipped buses to ensure that 50 percent the buses--including an adequate number of spares²--operating during the peak periods of transit ridership will be accessible.

As also shown in Table 20, Milwaukee County has included in its five-year TIP the implementation and continuation of a User-Side Subsidy Program for handicapped persons for 1978 through 1982--at a funding level in 1981 and 1982 equivalent to the 1980 User-Side Subsidy Program funding level. However, the continuation of this program beyond 1980 is contingent upon an annual appropriation of local funds by the Milwaukee County Board of Supervisors. Furthermore, the continuation of the program beyond 1980 is not necessary to satisfy the 2 percent special efforts expenditure requirements set forth in U.S.DOT Final Rule 49 CFR Part 27 if Milwaukee County continues with its bus fleet replacement and expansion plans as programmed in Tables 14 and 20.

As further shown in Table 20, the total average annual expenditure of UMTA and local funds on special efforts projects for the six-year period 1977-1982 is an estimated \$1,194,700 per year. This amount is 11.6 percent annually of the annual average total UMTA Section 5 funds Milwaukee County expects to receive. It exceeds the required 5 percent average UMTA expenditure requirements for 1977 and 1978, and the 2 percent requirements beyond 1978 until accessibility of the bus system is attained in 1982.

STATUS OF SPECIAL EFFORTS PROJECT IMPLEMENTATION

Purchase of New Wheelchair Lift-Equipped Fixed-Route Buses

1977 -- Milwaukee County applied for and received approval of an UMTA Section 3 capital improvement grant in 1975 to purchase 100 new 47-passenger buses. In 1978, following a federal court injunction, this grant was amended to include wheelchair lifts on the buses. Delivery of these 100 47-passenger wheelchair liftequipped buses manufactured by Gruman-Flxible was made in 1978. This project is complete.

Only the cost of the wheelchair lift and bus kneeling feature of the total bus purchase price may be considered a special efforts project expenditure.

 $^{^2}$ See Table 13 in Chapter III.

Table 20

MILWAUKEE COUNTY SPECIAL EFFORTS STRATEGY IMPLEMENTATION SCHEDULE: 1977-1982

							D					Project S	tatue
		Sr	ecial Ef	fort		UMTA	Requir Special					Anticipated	
.,		Estimated	Fi.	unding Sou		Section 5	Expendi			i tures Percent	Cumulative Difference	Completion Date	Imple- mentation
Year	Pro jec t	Project Cost	UMTAh	Statei	Local	Funds Received	Amount	Percent	Anount	rercent	Difference	Date	mentation
1977	Rurchase of Wheel- chair lifts for 100 vehicles with spares parts	\$ 612,000 ^b	\$489,600	\$	\$122,400	\$ 5,257,500 (operating)	\$262,900	5.0	\$ 612,000	11.6	\$ 349,100	1978	Complete
1978	Purchase of wheel- chair lifts for 150 vehicles	\$ 975,000 ^C	\$780,000		\$195,000							1980	Complete
	User-Side Subsidy Program for handi- capped persons	\$ 103,400		\$ 93,100	\$ 10,300				~-			1978	Complete
	Subtotal	\$1,078,400	\$780,000	\$ 93,100	\$205,300	\$ 7,240,100 (operating)	\$362,000	5.0	\$1,078,400	14.9	\$1,065,500		
1979	Purchase of wheel- chair lifts for 130 vehicles with spare parts	\$ 943,800 ^d	\$755,000		\$188,800	\$ 2,689,900 (capital)						1981	Grants approved for 46 buses. Grant approval for remaining buses pending.
	User-Side Subsidy Program for handi- capped persons	\$ 462,500		\$166,600	\$295,900	\$10,078,100 (operating)						1979	Complete
	Subtotal	\$1,406,300	\$755,000	\$166,600	\$484,700	\$12,768,000	\$255,400	2.0	\$1,406,300	18.1	\$2,216,400		
1980	Purchase of wheel- chair lifts for 100 vehicles with spare parts	\$ 816,000 ^e	\$652,800		\$163,200	\$ 2,900,400 (capital)						1982	Schedu Led
	User-Side Subsidy Program for handi- capped persons	\$ 674,500		\$381,500	\$293,000	\$10,600,000 (operating)						1980	Underway
	Subtotal	\$1,490,500	\$652,800	\$382,500	\$456,200	\$13,500,400	\$270,000	2.0	\$1,490,500	11.0	\$3,436,900		
1981	Purchase of wheel- chair lifts for 100 vehicles with spare parts	\$ 816,000 ^e	\$652,800		\$163,200	\$ 2,600,000 (capital)						1983	Schedulled
	User-Side Subsidy Program for handi- capped persons	\$ 674,500 f		\$381,500	\$293,000	\$ 9,000,000 (operating)						1981	Schedulled
	Subtotal	\$1,490,500	\$652,800	\$381,500	\$456,200	\$11,600,000	\$232,000	2.0	\$1,490,500	12.8	\$4,695,400		
1982	Purchase of wheel- chair lifts for 50 vehicles with spare parts	\$ 416,900 ^G	\$332,800		\$ 83,200	\$ 2,600,000 (capital)						1984	Schedu l ed
	User-Side Subsidy Program for handi- cap persons	\$ 674,500 ^G		\$381,500	\$293,000	\$ 9,000,000 (operating)						1982	Schedu led
	Subtotal	\$1,090,500	\$332,800	\$381,500	\$376,200	\$11,600,000	\$232,000	2.0	\$1,090,500	9.4	\$5,553,900		
(19	l Expenditures 77-1982) al Average	1				\$61,966,000 \$10,327,700			\$7,168,200 \$1,194,700	11.6			
Annu	ui nvei age					#10,327,700			71,134,700			<u> </u>	

^aA new bus purchase project orinarily requires two years between the time the project is initially programmed and the new buses are delivered.

Source: Milwaukee County Department of Public Works, Transportation Division, and SBMRPC.

b 102 lifts @ \$6,000/unit.

^C150 lifts @ \$6,500/unit.

d₁₃₂ lifts@\$7,150/unit.

e_{102 lifts @ \$8,000/unit.}

f_{Continu}ation of the User-Side Subsidy Program is subject to the annual appropriation of funds by the Milwaukee County Board of Supervisors.

⁹52 lifts@\$8,000/unit

 $^{^{} extsf{h}} extsf{Sections}$ 3 and 5 funds (80 percent federal, 20 percent local).

Section 85.08(5) funds.

- 1978 -- Application was made during 1978 for an UMTA Section 3 capital improvement grant to purchase 150 new 44-passenger wheelchair lift-equipped buses. This application received federal approval in October 1978. Milwaukee County then prepared and distributed bus design specifications and contract bid documents for both the 150 44-passenger wheelchair lift-equipped buses and the 30 25- to 35-passenger wheelchair lift-equipped buses. Bids were received on the large buses and the contract awarded to General Motors. Delivery of the 150 new 44-passenger wheelchair liftequipped buses was made in 1980. No bids were received on the manufacture of the buses. For rebidding purposes, Milwaukee County is currently revising its original small bus design specifications to crease the overall size of the bus from 30 feet to 35 feet. This project is partially complete.
- 1979 -- Milwaukee County applied for and received federal approval of an UMTA Section 5 capital improvement grant of \$2,689,912 in federal funding to assist with the purchase of 23 of the 100 new 47-passenger wheelchair liftequipped buses, programmed in the 1979 annual element of the TIP for the Region. Milwaukee County also applied for an UMTA Section 3 capital improvement grant of \$12,961,113 in federal funding to assist with the purchase of the remaining 77 new buses in the 100-bus project. Approval of this grant by UMTA is still pending. Completion of this project is anticipated in 1981.

User-Side Subsidy
Program for Handicapped Persons
1977 -- No project.

- 1978 -- State funds were made available to assist counties in providing elderly and handicapped transportation services (Wis. S.85.08 (5)). On June 5, 1978, Milwaukee County established a User-Side Subsidy Program. This program was for anyone in the County confined to a wheelchair. November 17, 1978, the program was expanded to include anyone who uses a walker or crutches or who is legally blind. During 1978. this enabled program eligible participants to call any participating private taxi cab or chair car carrier firm of their choice for transportation to and from any destination in Milwaukee County for any purpose for a flat fare of \$1.00 per ride. A total of 11,163 trips were made by 1,642 certified in this program participants during 1978 at a total subsidy cost of \$103,400. This project was funded by user fees, state and Milwaukee County funds. funds.
- 1979 -- Through May 1979, Milwaukee County continued its User-Side Subsidy Program for anyone in the County confined to a wheelchair and anyone using a walker or crutches or who is legally blind. This program enabled eligible participants to call any participating private taxi cab or chair car carrier firm of their choice for transportation to and from any destination in Milwaukee County for any purpose for a fare of \$1.00 per ride. In June 1979, Milwaukee County set maximum limits of \$10 per trip for persons who use wheelchairs and \$7 per trip for ambulatory persons that it would subsidize the initial \$1.00 user over Additional costs above cost. this amount were paid by the user. A hardship classification, however, was established in August 1979 which reimbursed eli-

gible individuals for a portion of the additional cost exceeding the maximum limits for trips for medical, employment, or educational purposes. A total of 67,869 trips were made by 3,543 certified participants in this program during 1979 at a total subsidy cost of \$462,500. This project was funded with State and Milwaukee County funds and user fees.

SUMMARY

This chapter has described the special efforts strategy Milwaukee County has been implementing since 1977. This strategy was included in the TIP for the Milwaukee urbanized area. It will continue at least through 1982, when it is expected that the regular fixed-route bus system will be accessible. This strategy consists of 1) the purchase of only wheelchair lift-equipped new buses until a minimum of 50 percent of the buses operating during the peak periods of bus ridership are accessible, and

2) the financing of a User-Side Subsidy Program for handicapped persons.

Also presented is Milwaukee County's schedule for implementing its special efforts strategy. This schedule covers the period 1977-1982. The total average annual expenditure of UMTA and local funds on special efforts projects for this six-year period is an estimated \$1,194,700 per year. This expenditure level is equivalent to 11.6 percent annually of the total annual average UMTA Section 5 funds to be received by Milwaukee County.

Finally, this chapter has reviewed the status of the special efforts projects programmed for implementation in the 1977, 1978, and 1979 annual elements of the TIP for the Milwaukee urbanized area. All of the programmed projects have either been completed or are in progress. This chapter has not described an interim accessible transportation service for handicapped persons since the regular fixed-route bus system is to be accessible by July 1982—when interim service must otherwise be provided.

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Chapter V

OVERALL TRANSPORTATION SERVICE COORDINATION

INTRODUCTION

Efforts being made to coordinate existing transportation services in Milwaukee County can be identified in three areas. The areas are:

- The use of private taxicab companies and private chair car carrier firms as providers of transportation services for handicapped persons under a state and county financed User-Side Subsidy Program;
- The conduct and completion of the City of Milwaukee Taxi Fare and Regulation Study; and
- 3. The efforts of the Milwaukee County Executive's Task Force on Transportation for the Elderly and Handicapped which are specifically related to transportation service coordination.

The first of these areas was described in detail in Chapter IV, "Special Efforts/Interim Service." It is apparent from the documentation presented therein that, in local efforts being made to provide accessible and reduced user cost transportation services to handicapped persons, the transportation resources of the private sector have not been overlooked. In fact, the total reliance upon private transportation providers under Milwaukee County's User-Side Subsidy Program has actually resulted in establishing two new private chair car carrier firms in Milwaukee County, Meda-Care Van and Medical Transports, Inc.

Since a great deal has already been said about the Milwaukee County User-Side Subsidy Program in the preceding chapter, this chapter will present a synopsis of the City of Milwaukee Taxi Fare and Regulation Study and a review of the coordination work efforts of the Milwaukee County Executive's Task Force on Transportation for the Elderly and Handicapped. The information presented in this chapter, as well as the preceding chapter, is intended to satisfy Section 27.103(c)(5) of U.S. Department of Transportation (DOT) Final Rule 49 CFR Part 27, which requires that each transition plan include "(the) identification of the coordination activities to improve the efficiency and effectiveness of existing (transportation) services."

CITY OF MILWAUKEE TAXI FARE AND REGULATION STUDY

The purpose of the City of Milwaukee Taxi Fare and Regulation Study was to determine legislative action which could be taken by the City of Milwaukee to improve taxicab services to the general public and also to ensure that taxicab companies continue to provide quality services in an economically taxicab healthy and competitive manner. study--which was recommended in the 1978 element of the adopted five-year (1978-1982) Transportation Systems Management (TSM) Plan for the Milwaukee urbanized area 1 -- was conducted by staff of the City of Milwaukee, Department of City Development. Assisting Department of City Development staff in the study was a nine-member advisory committee comprised of representatives from:

¹See SEWRPC Community Assistance Planning Report No. 21, A Transportation Systems Management Plan for the Kenosha, Milwaukee, and Racine Urbanized Areas in Southeastern Wisconsin--1978, page 109.

- 1. The City of Milwaukee Common Council Utilities and Licenses Committee;
- Taxicab companies licensed to operate in the City of Milwaukee;
- 3. The City of Milwaukee Common Council Legislative Reference Bureau;
- 4. The University of Wisconsin-Milwaukee Center for Urban Transportation Studies; and
- 5. The University of Wisconsin-Extension, Division of Urban Outreach, Office of Statewide Transportation Programs.

Table 21 provides a list of the names and titles of the members of the City of Milwaukee Taxi Fare and Regulation Study Committee.

The study began on April 11, 1978, and, except for the yet-to-be-published final report, was completed in December 1979. The estimated \$25,000 cost of this study was financed with funds from the U.S. DOT, Urban Mass Transportation Administration (UMTA) under Section 9, "Grants for Technical Studies," of the 1964 Urban Mass Transportation Act, as amended, and from the City of Milwaukee. UMTA financed \$20,000 (80 percent) of the cost of the study and the City of Milwaukee financed \$5,000 (20 percent) of the cost of the study.

As a result of the study, the Committee has recommended:

- That the City of Milwaukee retain its ordinances prohibiting the buying and selling of taxicab permits issued by the City.
- 2. That the City of Milwaukee continue to use its criteria for issuing taxicab permits. The criteria concern whether or not the applicant for the license:

- a. has or can obtain title to a vehicle meeting the City's vehicle safety inspection standards;
- b. has or can obtain the insurance required for the vehicle; and
- c. can provide detailed information concerning the proposed operation of the taxicab for which the license is being requested.
- 3. That the City of Milwaukee strictly enforce its vehicle safety and service requirements, because it is the enforcement of requirements and not the method of issuing permits which protects the public welfare.
- 4. That the City of Milwaukee approve a minimum fare charge of \$4.00 for taxicab service to or from the Milwaukee County Airport.
- 5. For taxicab company identification purposes, the City of Milwaukee adopt an ordinance designating specific company colors for exclusive use by a particular company.
- 6. That an updated list of authorized cab stands be incorporated in an appropriate City of Milwaukee taxicab ordinance.

The first five recommendations have been implemented by the City of Milwaukee.

In addition to the above list of recommendations, two special reports—with further recommendations—were issued by the committee. One report dealt with the potential feasibility of shared—ride taxicab service in the City of Milwaukee. The other report dealt with the need to improve the coordination of taxicab regulation and service planning

Table 21

MEMBERS OF THE CITY OF MILWAUKEE TAXI FARE AND REGULATION STUDY COMMITTEE

<u>Name</u>	<u>Title</u>
Gregory G. Gorak, Chairman	Alderman, City of Milwaukee (16th Dis- trict), Member of the City's Utilities and Licenses Committee
Betty Voss	Alderman, City of Milwaukee (10th District), Member of the City's Utilities and Licenses Committee
Robert Meitz	President, Independent Taxicab Drivers' Union
Joseph L. Sanfelippo	President, City Veterans' Taxicab Cooperative
John P. Boynton(Resigned April 1, 1979Replaced by Robert W. Brannan)	President, Boynton Cab Company
Robert W. Brannan	Deputy Director, Milwaukee County Department of Public Works
Emmorrie Jenkins	Apex Cab Company (now Union Cab Company) Director, City of Milwaukee Legislative Reference Bureau
David J. Cyra	Director, Office of Statewide Transpor- tation Programs, Division of Urban Outreach, University of Wisconsin- Milwaukee
Edward A. Beimborn	Director, Center for Urban Transporta- tion Studies, University of Wisconsin- Milwaukee
Robert P. Schmitt	Community Assistance Coordinator, Office of Statewide Transportation Programs, Division of Urban Outreach, University of Wisconsin-Extension

Source: City of Milwaukee Department of City Development.

between the City of Milwaukee and Milwaukee County governments. Below is a brief discussion of each of these reports and the findings and recommendations contained therein.

Feasibility Study of
Shared-Ride Zone Fare Taxicab
Service in the City of Milwaukee
City of Milwaukee taxicab regulations
currently allow the provision of one

type of taxicab service—exclusive—ride, metered fare taxicab service. In the provision of this type of service, the passenger has an exclusive right to the taxicab. The driver cannot pick up another passenger unless the passenger in the taxicab directs or allows the driver to do so. A fare meter in the taxicab is used to calculate the passenger's fare. The total fare is the sum of an initial minimum base fare plus a

metered charge at an established rate for vehicle running time and distance traveled.

With shared-ride taxicab service, a taxicab may be occupied by unrelated passengers who may not have the same trip origin or destination. Passengers can be picked up by the driver while servicing other passengers in the taxicab who are traveling in the same general direction. In this type of service. the taxicab may not travel the shortest path to any particular passenger's destination, since the driver may deviate from the shortest path to drop off or pick up another passenger. For this reason, shared-ride taxicab services usually use a zone system of fares which allows each passenger's fare to be calculated separately, as if the shortest route were used.

The report on the feasibility of shared-ride, zone fare taxicab service in the City of Milwaukee contains a detailed analysis of the feasibility of this type of service from two perspectives: 1) operational feasibility—that is, how a shared—ride, zone fare system would operate in the City of Milwaukee; and 2) financial feasibility—that is, whether a City of Milwaukee shared—ride, zone fare taxicab service could be self—supporting. This analysis found that:

1. Shared-ride, zone fare taxicab service is feasible in the City of Milwaukee if it is limited to subareas of the City, areas in which a high proportion of trips are within the area. This limitation is desirable for two reasons: 1) shared-ride taxicab dispatching services are limited in the number of calls which they can combine into shared rides; and 2) the dispatching service can take advantage of high travel corridors in the subarea for packaging shared rides between origins and destinations in the subarea.

- 2. Shared-ride, zone fare taxicab service is feasible in the City of Milwaukee. However, shared-ride taxicab dispatching is more costly than exclusive-ride taxicab dispatching and will be less attractive to independent cab owners-operators. Therefore, initially, the service will have to be provided by a taxicab fleet owner-operator.
- 3. Shared-ride, zone fare taxicab service is financially feasible, at least within the University of Wisconsin-Milwaukee/East Side area of the City, which was used in this analysis. It is probably feasible in other areas of the City which have significant trip generators with nearby residen-The shared-ride tial areas. taxicab service study in this analysis was found to be able to meet its expenses, provide an acceptable level of driver income, and have the potential for operator profit, while offering a fare less than metered taxicab rates.

The report concludes by recommending the adoption of an amendment to the City of Milwaukee taxicab ordinances which would allow a shared-ride, zone fare taxicab service in the City.

As a result of the report, City of Mil-waukee taxicab ordinances were amended to allow shared-ride, zone fare taxicab service in the City. It must be noted, however, that the new ordinance is permissive, not mandatory. If shared-ride, zone fare taxicab service is started, it could provide lower cost transportation for elderly and handicapped persons.

Improving the Coordination of
Taxicab Regulation and Service
Planning Between the City of Milwaukee and Milwaukee County Governments
This report considers ways in which the
efforts at coordination begun by the
City of Milwaukee Taxi Fare and Regula-

tion Study Committee can be continued. The thrust of the report is how to improve coordination and communication in taxicab matters, particularly between the City of Milwaukee and Milwaukee County. The report points out that at present there is no forum for the City and County to discuss taxicab problems of mutual interest and concern. The report, therefore, recommends:

- That an advisory committee on taxicabs and public passenger vehicles be created which includes representatives of the City of Milwaukee and Milwaukee County governments;
- That the City Clerk and Chief of Police, or their representatives, be designated as consultants to the advisory committee;
- 3. That an individual of the Milwaukee County's transportation planning staff also serve as a consultant to the advisory committee; and
- 4. That a written report on the City of Milwaukee's public passenger vehicle program be prepared annually.

Common Council resolutions will be required to implement these changes and, to date, the Council has not passed such resolutions.

ELDERLY AND HANDICAPPED TRANSPORTATION SERVICE COORDINATION EFFORTS OF THE MILWAUKEE COUNTY EXECUTIVE'S TASK FORCE ON TRANSPORTATION FOR THE ELDERLY AND HANDICAPPED

Background

The Milwaukee County Executive's Task Force on Transportation for the Elderly and Handicapped was created by the Milwaukee County Executive in August 1978. The creation of the Task Force 2 was brought about in response to recommendations contained in SEWRPC Planning Report No. 31, A Regional Transportation Plan for the Transportation Handicapped

in Southeastern Wisconsin: 1978-1982, and in the final report issued by the Milwaukee County Human Services Task Force. Both of these reports contained recommendations concerning the need for a comprehensive coordinated transportation system for elderly and handicapped residents of Milwaukee County. A second factor which influenced the creation of the Milwaukee County Task Force on Transportation for the Elderly and Handicapped was the 39-day bus operators' strike in May and June of 1978. The strike seriously affected "captive" elderly and handicapped bus riders and demonstrated the need for and importance of an effective, coordinated paratransit system in the County. Therefore, one of the principal charges of the Task Force was to oversee the development and implementation of a coordinated system transportation services for elderly and handicapped. The system was to be designed to complement, but not duplicate, the transportation services of the Milwaukee County Transit System (MCTS). In addition, the system was to make maximum use of existing transportation service providers--both public and private.

Early Months' Activities

The first few months of Task Force activities consisted of a careful review of: SEWRPC Planning Report No. 31, A Regional Transportation Plan for the Transportation Handicapped in Southeastern Wisconson: 1978-1982; Section 504 of the Rehabilitation Act of 1973; and the 1975 lawsuit filed against Milwaukee County by a group of handicapped citizens. These served as a means of familiarization and orientation for the Task Force members and relate directly to their duties.

The Task Force first considered whether to get involved in reviewing the 1978 applications of private, nonprofit

²See Appendix D for a list of the members of this Task Force.

transportation service providers in Milwaukee County for new or replacement vehicles under the UMTA 16(b)(2) program. Although a number of questions were raised regarding the use of and the need for these vehicles, the Task Force decided that it had no basis on which to legitimately pass judgment on the merits of an applicant's request. The Task Force therefore decided not to become involved in the evaluation of agency applications for 1978 federal year UMTA 16(b)(2) funds. Task Force members also agreed that a private. nonprofit agency transportation service coordination plan was needed for use in reviewing future UMTA 16(b)(2) applications. In developing this plan, a needs assessment survey was considered important to establish the need for vehicles and the special transportation service needs of the elderly and handicapped population in the County.

About this same time, a report ³ prepared by the Milwaukee County Mental Health Planning Council, which identified deficiencies and duplications in transportation services for elderly and handicapped persons, was made available to the members of the Task Force. Preliminary findings of this report indicated the need for a more complete inventory of agency transportation service providers, including equipment, personnel, funding sources, services, and costs.

A Task Force Subcommittee on Needs Assessment 4 was subsequently formed to determine an overall transportation service coordination work plan.

The Subcommittee first recommended that:

- A series of public hearings be held to determine the perceived transportation service problems and needs of elderly and handicapped persons;
- An inventory of private, nonprofit agency transportation service providers be done; and
- 3. A workshop on coordination of private, nonprofit agency transportation services be held with transportation service providers involved as "active" participants.

Public Hearing

As a result of the Needs Assessment Subcommittee's first recommendation, five public hearings were held in February and March of 1979. The first three were sponsored by the Commission for Handicapped and Disabled Persons. About 160 persons attended these hearings. They raised the following major problems: the high user cost of private specialized transportation services; the lack of adequate driver training; varying user-eligibility criteria transportation services and programs for the elderly and handicapped; and the poor quality of existing special transportation services for elderly handicapped persons.

The last two public hearings were sponsored by the Milwaukee County Commission on Aging. About 120 persons attended these two hearings. They brought up the problem of the lack of fixed-route bus service to elderly housing sites located outside the transit system's service area, and the need for increased transportation services to meal sites, medical destinations, and shopping areas.

Four to five hundred questionnaires were distributed during the course of these five hearings. The questionnaires that were returned generally supported the problems reported at the hearings.

³See Study of the Transportation Network Servicing the Mentally II1 and Developmentally Disabled in Milwaukee County, Final Report, November 15, 1978, Milwaukee County Mental Health Planning Council.

⁴See Appendix E for a list of the members of the Needs Assessment Subcommittee of the Task Force.

Transportation Providers' Inventory

As a result of the Needs Assessment Subcommittee's second recommendation, an inventory of private, nonprofit agency transportation service providers was conducted in spring of 1979. The inventory consisted of questionnaires mailed to the nonprofit transportation service providers, which were completed through personal interviews. A total of eight agencies were inventoried. These eight agencies are:

- 1. The American Cancer Society,
- 2. The American Red Cross,
- The Curative Rehabilitation Center,
- 4. Elder Care Lines,
- 5. Goodwill Industries,
- 6. The Inner City Council on Alcoholism,
- 7. The Jewish Vocational Service, and
- 8. The YWCA of Greater Milwaukee.

A report on the findings of this inventory was presented to the Task Force in May of 1979. A summary of the findings follows:

- 1. The eight agencies inventoried had a toal of 76 vehicles, consisting of 16 buses, 43 vans, and 17 auto/station wagons.
- 2. The reported total costs of operating these 76 vehicles was \$1,315,087 for 1978.
- Eleven different funding sources (9 public and 2 private) support the cost of the services.
- 4. The 76 vehicles operated an average total of 11,800 hours per month.
- 5. The eight agency transportation service providers have a combined

- total of 103 drivers. Of these, 70 are full-time, 12 part-time, and 21 are volunteers.
- 6. Four of the agencies provide transportation service in the four-county Milwaukee (Milwaukee, Ozaukee, Washington, and Waukesha) Metropolitan Area, and four agencies provide service only in Milwaukee County.
- 7. There is great variation in transportation service user-eligibility criteria among the eight agency transportation service providers inventoried.

Vehicle trip logs were also requested from each of the eight agencies. all agencies, however, were able to release trip logs. The available trip logs were analyzed in an attempt to vehicle trip-occupancy versus vehicle seating capacity throughout a day. The sampling indicated that there were time intervals during a day when some of the vehicles were being used by one individual at a time for a single trip. The frequency of this could not be determined, but the available data did indicate areas where coordination of transportation services might be possible. In addition, overlaps in service were evident along with conflicting eligibility and reporting requirements of the funding sources.

Based on this analysis, the Task Force concluded that coordination of operation is possible in a number of areas. It was concluded that transportation providers should be invited to a conference to explore these areas of possible coordination.

The Kenwood Conference: July 10, 1979
This conference for public and private transportation service providers was sponsored jointly by the Milwaukee County Executive's Task Force on Transportation for the Elderly and Handicapped and the University of Wisconsin-Extension, Division of Urban Outreach, Office of Statewide Transportation Programs.

At the conference, a review of the inventory of agency transportation service providers was presented. This was followed by a detailed and informative report on a coordinated agency transportation system for elderly and handicapped persons in Racine County. During the report presentation, it was noted that there were problems during the process coordinating agency transportation services in Racine County. However. those involved in the coordination effort believed that a coordinated system was better than a fragmented one and felt that they could make it work. A question and answer session followed this presentation.

Following | this discussion, a brief description of agency transportation services, clientele served, and existing problems and concerns was given by each of the transportation service providers present at the conference. Among the concerns most frequently mentioned were:

- 1. The increased cost of gasoline and vehicle parts.
- 2. The increased cost of personal expenses for volunteer drivers.
- 3. The increased cost of insurance, and, in some cases, the difficulty of obtaining adequate insurance.

The providers were then asked if there were any elements of their operations that could be studied by the Task Force to determine how to effectively deal with them in a more coordinated manner. The providers indicated that they did not believe there were any parts of their operations that could be coordinated at this time. The Milwaukee County providers felt more secure in serving and meeting their clients' needs with their own system. It was evident that efforts at voluntary coordination would not work at this time.

The conference results were discussed by the full Task Force. The Task Force concluded that coordination would not

take place on a voluntary basis. It was felt that a more complete study needed on ways to approach transportation service coordination through the funding sources. This might be done by program funding allocations contingent on a serious effort on the part of each transportation service provider to coordinate transportation services with other providers.

To this end, a Subcommittee of the Task Force 5 was formed to study and recommend methods of achieving agency transportation service coordination. The subcommittee began its work in September of 1979.

Coordination Subcommittee Work Efforts The Coordination Subcommittee reviewed the data gathered as part of the inventory of the eight agency transportation service providers. A review of available literature on the subject of transporta-

tion coordination was also undertaken. The Subcommittee agreed that coordination should do the following:

- 1. Reduce the duplication of services to the same population in the same geographic area.
- 2. Fill in gaps in existing transportation services.
- 3. Reduce the cost of service wherever possible to provide efficost-effective client cient. transportation.
- 4. Utilize an information system to improve the data base upon which future planning and coordination efforts can be based.

⁵See Appendix F for a list of the members of the Milwaukee County Executive's Task Force Subcommittee on Paratransit Service Coordination.

Four levels of agency transportation service coordination were studied by the subcommittee. The levels of coordination ranged from very limited coordination efforts, consisting primarily of creating a means of regular communication and information sharing among agency transportation service providers, to a total consolidation of all agency transportation services into one entity. The one entity would assume responsibility for serving the transportation needs of the clientele of all existing agency transportation service providers. The subcommittee discussed the advantages and disadvantages of the four levels of coordination. They then recommended the implementation of a transportation brokerage system as a means of achieving agency transportation service coordination.

Brokerage System of Agency Transportation Service Coordination

The brokerage system investigated by the subcommittee retains the autonomy of the sources currently financing funding transportation services for the elderly and handicapped. Each funding source would continue to determine client eligibility criteria, planning requirements, funding distribution, and to set its own budget to meet the transportation needs of clients to be served. The difference would be that the funding sources would agree to allow a brokerage agency to disburse their funds transportation purposes, rather than the funding source giving funds directly to qualified transportation provider. (Exploratory meetings with some funding agencies indicated a willingness to consider this method.)

Under the brokerage system, the brokerage agency determines the most costeffective and efficient method for using the funds for clients meeting the funding agencies' eligibility criteria. In addition, the brokerage agency contracts with transportation providers (public, private, and private/nonprofit) to perform the transportation service. Each transportation provider could still have a contract with the brokerage agency and initially provide service much the same

as it does now. As additional trip and route information becomes available, however, the problems of route duplication and gaps in service could be studied and corrected.

The brokerage agency would serve as a central base for storing and maintaining for each agency all client eligibility data and client transportation needs. The brokerage agency would also handle the payment of bills associated with providing al l special transportation services for the elderly and handicapped. This agency would thus, conthe administrative ceivably. reduce costs that transportation service providers incur by each having to do some of these functions. The brokerage agency also would be the central base for current information about each transportation service provider's fleet size, fleet availability, routes, and transportation-related operating costs.

A consumer could access this brokerage system in several ways. If the person were already eligible for transportation with one of the funding sources, the person would call the provider of his choice and arrange for the ride. provider would enter the necessary computer terminal information on a the brokerage connected to agency. Eligibility for the trip would be verified immediately. After the trip, billing can be completed through the compusystem. If the provider is not certified to transport the client of a particular funding source, the remote terminal would furnish a list of certified providers and the information would be relayed to the caller.

If the individual is not currently eligible for transportation with any funding source, he could contact either the funding source or, more appropriately, the brokerage agency. The appropriate certification forms would then be mailed to the caller. Following procedures established by each of the funding sources, and using their eligibility criteria, the brokerage agency could determine initial eligibility on the

first contact. Final approval would still be the responsibility of the funding source. The system would rely heavily on a central data processing system being maintained and updated by the brokerage agency.

The current status of the concept of implementing a transportation brokerage system as a means of coordinating agency transportation service providers is that it has been recommended by the Task Force Subcommittee on Paratransit Service Coordination to a Steering Committee of the Task Force of for further study. After considering the recommendations of the Task Force Subcommittee, the Steering Committee adopted the following motion:

"The Steering Committee believes that the modified brokerage system provides the best opportunity to accomplish coordination of elderly and handicapped transportation services. It is recommended that Milwaukee County fund a complete feasibility planning and cost study of this system as soon as possible. If, upon further investigation, the modified brokerage system is deemed an appropriate alternative, Milwaukee County should pursue or implement the brokerage system as soon as possible."

Before a complete feasibility planning and cost study of a transportation brokerage system can proceed, however, this recommendation must also be approved by the entire Task Force, the Mass Transit Committee of the Milwaukee County Board of Supervisors, the full County Board, and the County Executive.

SUMMARY

This chapter has presented a synopsis of the City of Milwaukee Taxi Fare and Regulation Study and a review of the coordination efforts of the Milwaukee County Executive's Task Force on Transportation for the Elderly and Handicapped. It should be apparent from the information presented here and in Chapter IV, "Current Special Efforts/Interim Service," that local efforts are being made through a number of coordination activities to improve the efficiency effectiveness of transportation services.

⁶See Appendix G for a list of the members of the Steering Committee of the Milwaukee County Executive's Task Force on Transportation for the Elderly and Handicapped.

Chapter VI

SUMMARY

On May 31, 1979, the U.S. Department of Transportation (DOT) issued Final Rule 49 CFR Part 27, Nondiscrimination on the Basis of Handicap in Federally Assisted Programs and Activities Receiving or Benefitting From Federal Financial Assistance. This Rule is in response to Section 504 of the Federal Rehabilitation Act of 1973, as amended, which states, "no otherwise qualified handicapped individual in the United States ...shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity receiving Federal financial assistance." In accordance with Section 504, the Rule prohibits any recipient of U.S.DOT funds from discrimagainst otherwise qualified handicapped persons in employment practices and further requires that recipients of U.S. DOT funds conduct their respective federally assisted programs and activities such that, when viewed in their entirety, they are accessible to handicapped persons.

U.S.DOT Final Rule 49 CFR Part 27 also requires that a transition plan be developed for each urbanized area and submitted to the Urban Mass Transportation Administration (UMTA) by July 2. 1980. The transition plan is to cover all nonaccessible federally assisted programs and activities of each recipient of federal funds provided under the Urban Mass Transportation Act of 1964. as amended. A transition plan is a multi-year planning document describing the results of a local planning process. The plan identifies the transportation related capital improvement projects and modifications to fixed facilities, vehicles, equipment, services, policies and practices to be undertaken to eliminate discrimination against handicapped persons and

facilitate the achievement of federally assisted program or activity accessibility. Necessary capital improvement projects and program modifications must be programmed for implementation in each year's element of the transportation improvement program (TIP) required for urbanized areas and satisfactory progress must be demonstrated each year toward their implementation. Recipients of funds for local public mass transportation programs who cannot achieve program accessibility by July 2, 1982, must establish an interim accessible transportation program for all handicapped persons who could otherwise have used the regular transportation system if it had been accessible. This interim transportation program must continue until the regular transportation system is accessible.

Within the Milwaukee urbanized area, the recipients of UMTA funds are Milwaukee County for the Milwaukee County Transit System (MCTS), Waukesha County for its commuter bus program, and private nonprofit agencies for specialized transportation services for the elderly and volume of SEWRPC handicapped. This Community Assistance Planning Report No. 39 has presented the transition plan for making the MCTS accessible. Appendix B program accessibility addresses the the Milwaukee's anticipated issue of private nonprofit agency applicants for UMTA Section 16(b)(2) funds for the 1979 year funding cycle. federal fiscal Volume 4 of this report presents the transition plan for the Waukesha County commuter bus system.

Table 22 presents a summary of the MCTS Transition Plan. The program elements addressed in this plan are transit system services, policies, and practices, buildings, ready-fare outlets, buses, bus passenger waiting shelters, and

Table 22

MILWAUKEE COUNTY TRANSIT SYSTEM TRANSITION PLAN SUMMARY

Accessibility Analysis	Accessibility Analysis	Accessibility			Section 50	e to Meetir Regulation	ng ns
Category	Element	Assessment	Recommendations	Federal 9	State	Local	Total
Transit Service Provision	Transit System Services	Service is nondiscriminatory to handicapped people; some outlying areas of Milwaukee County do not yet receive transit service	Consideration should be given in MCTS ^a service planning to non-fixed-route bus services in low density areas	h			
	•		Federal officials to require pub- lic transportation impact state- ment for future publicly subsi- dized housing projects				
			All units of government within Milwaukee County to discourage housing development for elderly and handicapped persons in areas unserved by public transportation				
Transit System Policies and Practices	Hiring and Employ- ment	Current policies and prac- tices considered nondis- criminatory to handicapped people	MTS, Inc., to develop and make available during 1981 the physi- cal jdb requirements associated with each transit system employ- ment category		<u>.</u>		
	Safety and Emer- gency Procedures	Current policies and prac- tices considered nondis- criminatory to handicapped people	MTS, Inc., to develop during 1980 a procedure for evacuating bus passengers during emergencies				
	Sensitivity and Safety Training	Bus operators receive minimal bus passenger assistance training	to establish one additional bus operator trainer position in 1981. This individual would specialize in handicapped-re- lated activities	\$15,900	\$10,600	\$ 5,300	\$31,800 (Annually)
			MTS, Inc., to develop bus passenger assistance training module during 1981				
			MTS, Inc., to provide annual re- fresher training to all bus oper- ators beginning in 1981				
			MTS, Inc., to provide bus passenger assistance training in 1981 to bus operator trainers	\$34,900	\$23,200	\$11,600	\$69,700 (Annually)
	Accommodations for companions or aides of handi- capped travelers	Current policies and prac- tices considered non- discriminatory and adequate			1		
	Intermodal coor- dination of trans- portation pro- viders	Current efforts considered non-discriminatory and adequate			- - -		
	Coordination with Social Service Agencies that pro- vide or support transportation for handicapped per-	Current efforts considered nondiscriminatory and adequate					
,	sons						
	Comprehensive mar- keting considerate of the travel needs of handicapped persons		Milwaukee County to employ or con- tract for the services in 1981 of a mobility trainer to instruct handicapped persons in the use of buses.			\$40,000	\$40,000 (Annually)
			The responsibilities of the pro- posed bus operator trainer pro- posed above to include: *liaison between MTS, Inc. and local health and social ser- vice agencies *providing information to el- derly and handicapped persons *scheduling accessible buses for use by handicapped groups and representative agencies				
			MTS, Inc., to develop comprehensive public information program begin- ning in 1981 that considers the special needs of all types of handicapped persons			out-out-	
			MTS, Inc., to continuously review bus schedule information with a view toward making this information more readable and understandable to all types of handicapped persons				

Table 22 (continued)

Accessibility Analysis	Accessibility Analysis	Accessibility		E	stimated Inc Attributable Section 504	e to Meeting	9
Category	Element	Assessment	Recommendations	Federal 9	State	local	Total
Transit System Policies and Practices (continued)	Comprehensive mar- keting considerate of the travel needs of handi- capped persons	Perceived need for handi- capped person mobility training and improved pub- lic information program (continued)	MTS, Inc., to develop and make available beginning in 1981 a bus passenger comment and sug- gestion form	-			
	(continued)	(continued)	MTS, Inc., to continuously ensure an adequate supply of bus sche- dules on buses at all times				
			Milwaukee County to provide funds to hire in 1981 one additional information clerk	\$10,500	\$ 7,000	\$ 3,500	\$21,000 (Annually)
			Milwaukee County to provide funds in 1981 to purchase and install a teletypewriter service (TTY) at MCTS general office building	\$ 500	\$ 333	\$ 167	\$ 1,000
	Leasing, Rental, Procurement, and Other Related Administrative Practices	Current practices considered non-discriminatory and ade- quate		***			
	Involvement of Private and Rub- lic Operators of Transit and Rub- lic Paratransit in Planning for and in Providing Other Accessible Modes and Appro- priate Services	Effective use of other trans- portation resources could be improved	The elderly and handicapped advisory committee established to monitor the implementation of the transition plan consider the concerns of existing private and public operators of transit and and paratransit services in Milwaukee County-in an advisory capacity (see below)				
	Regulatory Reforms to Permit and Encourage Acces- sible Services	No regulatory constraints prevent achievement of accessibility					
	Management Super- vision of Access- ibility Features and Vehicles	Only wheelchair users are allowed to use the wheel- chair lift	Milwaukee County to allow semi- ambulatory persons to use wheel- chair lifts in 1981 on a one- year trial basis on all access- ible routes			-	
	Management Super- vision of Acces- sibility Features and Vehicles (continued)	Only wheelchair users cur- rently are allowed to use the wheelchair lift (continued)	MTS, Inc., to paint footprints in 1981 on lift platform to aid in avoiding possible personal in- jury to standees			· 	
	(continued)	Kneeling feature used only when bus passenger requests it	Milwaukee County to require use of kneeling feature beginning in 1981 whenever an elderly or handicapped person gets on or off the bus at street level				
	Maintenance and Security of Ac- cessible Features	Electrical and mechanical problems occur in operating the wheelchair lift	MTS, Inc., to install in 1981 a protective cover or shield over wheelchair lift control box on the 100 wheelchair lift-equipped Flexible buses in the current bus fleet			\$ 500	\$ 500
			MTS, Inc., to investigate in 1981 the feasibility of installing a bumper to protect the wheel- chair lift from being damaged				Not yet known
	Labor Agreements and Work Rules	Vacancies in certain transit system employment classifi- cations and responsibilities that could be performed by handicapped person must be filled by existing employees on seniority basis	would facilitate the hiring of handicapped persons, Such con-				(Cost to be determined through labor contract negotiations process)
		Bus operators not required to physically assist bus passengers if requested	MTS, Inc., and employee union to consider work rule requiring bus operators to physically assist bus passengers if requested. Such consideration should be made during the next normal contract negotiation in 1982				(Cost to be determined through labor con- tract nego- tiations process)
	Appropriate Insur- ance Coverage	Current insurance coverage considered adequate					

Table 22 (continued)

Accessibility Analysis	Accessibility Analysis	Accessibility	_		Section 504	e to Meeting Regulations	
Category Other Transit System Policy and	Element Management Related Issues	Assessment Public understanding of and involvement in decision mak-	Recommendations Milwaukee County to study and bet- ter define transit system manage-	Federal 9	State	Local	Total
Practice Issues	1	ing process is inadequate	ment roles and responsibilities in				
			Milwaukee County to develop and make available to consumers the management and organizational structure for the transit sys- tem in 1981				
			Milwaukee County to establish formal linkages between transit system management and the public in 1981				
			Milwaukee County to establish an elderly and handicapped citizens advisory committee to monitor implementation of the transition plan and review and comment on any matter referred to it by the Milwaukee County Executive, the Milwaukee County Board of Supervisors, the Milwaukee County Commission for Handicapped and Disabled Persons or the Milwaukee County Commission on Aging				-
			Milwaukee County to establish technical advisory committee to conduct analyses and provide information requested by elderly and handicapped citizens advisory committee (see above)				
	Number of Wheel- chair Tie-Down Locations on Accessible Buses	Single wheelchair tie-down location per bus is a bar- rier to use of the transit system by handicapped people	tion to all buses on one route	A18 700			\$18,70
		Current wheelchair tie-down cannot be adjusted to accom- modate battery operated wheelchairs	for a one-year demonstration UMTA to require bus and physical assistive device manufacturers to research and develop a universally suitable device for securing wheelchairs	\$18,700			
	Rear Entrance Wheelchair Lift Device Locations on Buses	Insufficient bus loading zone space at bus stops to enable use of wheel- chair lifts	MCTS to develop a solution in 1981 to the existing problem of inade- quate space at existing bus stop loading zones for those buses in its current bus fleet with rear entrance wheelchair lifts				
			UMTA to require bus manufacturers to locate wheelchair lift device at the front door of newly de- signed buses				
	Bus Passenger and Operator Concern for Special Needs of Elderly and Handicapped	Rublic not relinquishing bus seats to elderly and handi- capped persons	MCTS to strengthen wording on priority bus seating signs prominently display the signs and require operators to re- quest adherence to the seating				
		Bus operators not calling out street names at approaching bus stops	MTS, Inc., to enforce existing policy requiring bus operators to call out street names at approaching bus stops				
		Bus operators not responding to bus stop buzzer on bus	MTS, Inc., to prohibit bus opera- tors from turning off bus stop buzzer				
			MTS, inc., to inform bus operators of problems that elderly and handicapped people have moving quickly to door to get off bus				
			MTS, Inc., to instruct bus opera- tors to be aware of indications of an elderly or handicapped per- son's desire to get off bus				
Fransit System Buildings	Cold Spring Heavy Maintenance Shops/General Offices Complex	Accessibility barriers exist; e.g., nonaccessible building entrances, toilet facilities, drinking foun- tains, telephones, fire alarms, lighting switches	The Cold Spring facility is sche- duled to be replaced by a new fully accessible facility at the Milwaukee County Institution grounds in 1983. If the schedule is maintained, no major work to make the existing facility ac- cessible is envisioned				

Table 22 (continued)

Accessibility Analysis	Accessibility Analysis	Accessibility			Attributab Section 50	cremental Co le to Meetin 4 Regulation	g is
Category	Element	Assessment	Recommendations	Federal 9	State	Local	Total
Transit System Buildings (continued)	Cold Spring Heavy Maintenance Shops/ Ceneral Offices (continued)	Accessibility barriers de- termined to exist; e.g., nonaccessible building en- trances, toilet facilities, drinking fountains, tele-	Milwaukee County to make W. Mc- Kinley Boulevard building en- trance at N. 40th Street access- ible in 1980	,		\$ 1,000	\$ 1,000
		phones, fire alarms, light- ing switches (continued)	Milwaukee County to make W. High- land Boulevard building entrance accessible in 1981			\$10,000	\$10,000
			Milwaukee County to make further building accessibility modifica- tions in 1984 if the new Insti- tution grounds facility is not under construction in 1983			\$83,200	\$83,200
	W. Fiebrantz Street Operating Garage	Accessibility barriers de- termined to exist; e.g., nonaccessible building en- trances, toilet facilities, drinking fountains, tele- phones, fire alarms, light-	Milwaukee County to study in 1980 the feasibility of relocating information and bus pass and ticket sales office to an ac- cessible ground floor level				
		ing switches	ing switches MTS, Inc., to provide an access- ible ready fare outlet in vici- nity of this facility during the period 1980-1984 or until the accessibility modifications to the facility are completed				
			Milwaukee County to make building accessibility modifications in 1984	\$31,500		\$ 7,900	\$39,400
	W. Fond du Lac Ave- nue Bus Operating Garage	Accessibility barriers de- termined to exist; e.g., Nonaccessible building en- trances, toilet facilities, drinking fountains, tele- phones, fire alarms, light- ing switches	The Fond du Lac Avenue facility is scheduled to be replaced by a new, fully accessible facility on the same site in 1981. Accordingly, no work to make the existing facility accessible is envisioned.				
			MTS, Inc., to provide an access- ible ready-fare outlet in vici- nity of this facility during the period 1980-1981 or until the new facility is completed				
	S. Kinnickinnic Avenue Bus Operat- ing Carage	Accessibility barriers exist; e.g., nonacces- sible building entrances, toilet facilities drink- ing fountains, telephone fire alarms, lighting switches	The Kinnickinnic Avenue facility is to be replaced by a new, fully accessible facility on the same site in 1980, Accordingly, no work to make the existing facility accessible is envisioned				
	Milwaukee County Courthouse and Courthouse Annex	Accessibility barriers de- temine to exist; e.g., signing of accessible build- ing entrances, toilet fa- cilities, drinking fountains, telephones	Milwaukee County to complete mak- ing of building accessibility modifications in 1980			\$185,200	\$185,200
	Former Waukesha County Court- house/SBMRPC Offices	Full extent of accessibility barriers currently unknown	At request of SEMRPC, Wauke- sha County to complete study in 1981 to identify existing accessibility barriers and set forth an implementation schedule for making building modifications		1	\$ 3,500	\$ 3,500
			Irrespective of the schedule called for above, Waukesha County to provide an accessible building entrance and toilet facilities in 1981		1	\$30,000	\$30,000
	Ready Fare Outlets	Number and location of exist- ing accessible ready fare outlets currently unknown	Milwaukee County to develop and make available to consumers in 1981 a list of all accessible ready fare outlets				
			Milwaukee County to give prefer- ence to accessible facilities in establishing additional ready fare outlets				'
Transit Vehicles	Buses	Vehicle fleet not yet fully accessible; 55 of the 499 buses (II percent) currently in service during weekday peak periods are wheelchair lift-equipped	Milwaukee County to undertake staged acquisition of new wheel- chair lift-equipped buses over the period 1977-1982 ^C	\$3,663,000		\$915,800	\$4,578,800

Table 22 (continued)

Accessibility Analysis	Accessibility Analysis	Accessibility			Attributab	cremental Co le to Meeting 14 Regulation:	9
Category	Element	Assessment	Recommendations	Federal 9	State	Local	Total
Transit Vehicles (continued)	Buses (cont inued)	Vehicle fleet not yet fully accessible; 55 of the 499 buses (11 percent) currently in service during weekday peak period are wheelchair lift-equipped (continued)	Milwaukee County to assign accessible buses to routes in the following priority order: (1) routes serving major travel destinations of handicapped persons; (2) routes serving areas of greatest resident concentrations of handicapped persons; (3) highest overall ridership volume routes				
Other Transit Facilities	Bus passenger Wait- ing Shelters	All existing shelters con- sidered accessible	Milwaukee County to make every reasonable effort to ensure that future shelters with benches pro- vide adequate sidewall protection for wheelchair users			·	
	Park-Ride Lots	Accessibility barriers exist; e.g., lack of de- signated handicapped park- ing spaces, lack of curb ramps to bus boarding is- lands, public telephones	Wisconsin DOT and Milwaukee County to make accessibility modifications in 1981 ^e			\$ 7,100	\$ 7,100

^aMCTS is the abbreviation for the Milwaukee County Transit System

^CProjected accessible bus acquisition schedule:¹

				Minimum			
Grant Application Year	Bus Delivery Year	Number of Buses	Cumulative Accessible Fleet	Percent Accessible Total Fleet	Percent Accessibility Peak Period Fleet		
1977	1979	100	101	18	- 11		
1978	1980	150	251	39	29		
1979	1981	130	381	53	39		
1980	1982	100	481	61	50		
1981	1983	100	581	68	59		
1982	1984	50	631	70	61		

The acquisition of wheelchair lift-equipped buses does not necessarily lead to full fleet accessibility. If the wheelchair lift is not "in-service," i.e., capable of being used by a handicapped person, on a minimum of 50 percent of the buses operating during peak periods of transit ridership by July 1982, transit system accessibility will not have been achieved. At present, problems of insufficient bus loading zone space at bus stops prevent the wheelchair lifts on 150 buses—with the lifts located in the rare door—of the 251 wheelchair lift-equipped buses in the transit system bus fleet from being utilized (bus operators have not yet been given keys to operate the lifts) and electrical/mechanical problems with the lifts on the remaining 101 accessible buses have limited the number of buses actually "in-service" with operating wheelchair lifts to 55 (11 percent of the current peak period bus fleet). These "in-service" accessible buses currently operate on six "guaranteed accessible" bus routes of the Milwaukee County Transit System's 31 local service bus routes. These problems will have to be resolved in a timely manner if the minimum percent accessible peak-period fleet timetable set forth in the transition plan is to be met.

^ePark-ride lot accessibility program:

Lot Name	Project Description	Implementing Agency
North Shore	*Delineate and reserve two parking spaces for handicapped parking *Construct curb ramps for handicapped access to boarding island *Relocate bus passenger waiting shelter to an accessible site on bus boarding island *Widen walkways on bus boarding island	Wisconsin Department of Transportation
Brown Deer	*Delineate and reserve two parking spaces for handicapped parking *Construct curb ramps for handicapped access to boarding island	Milwaukee County
Watertown Plank Road	*Delineate and reserve two parking spaces for handicapped parking *Construct curb ramps for handicapped access to boarding island	Milwaukee County
College Avenue	Delineate and reserve two parking spaces for handicapped parking	Wisconsin Department of Transportation
Holt Avenue	Already fully accessible	
forthridge Shopping Center Delineate and reserve two parking spaces for handicapped parking		Milwaukee County
Brown Deer Road Treasure Island	Delineate and reserve two parking spaces for handicapped parking	Milwaukee County

It is recommended by the Steering Committee of the Milwaukee County Executive's Task Force on Transportation for the Elderly and Handicapped that any modifications based on recommendations contained in the Milwaukee County Facilities and Buildings Survey/Accessibility for the Handicapped report prepared by Flad and Associates, Inc., to be made by Milwaukee County to transit system buildings, be undertaken through consultation with an advisory panel of persons with varying degrees and types of handicap.

^dPrioritized list of bus routes to be made accessible: Routes 10, 11, 14, 18, 21, 23, 27, 62, 71, 76, 80, 51, 15, 31, 66, 30, 19, 35, 12, 20, 60, 22.

Footnotes to Table 22 (continued)

Lot Name	Project Description	Implementing Agency
Capitol Drive Treasure Island	Delineate and reserve two parking space for handicapped parking	es Milwaukee County
West Allis Treasure Island	Delineate and reserve two parking space for handicapped parking	es Milwaukee County
Hales Corners K-Mart	Delineate and reserve two parking space for handicapped parking	es Milwaukee County
Northland Shopping Center	Delineate and reserve two parking space for handicapped parking	es Milwaukee County
Spring Mall	Delineate and reserve two parking space for handicapped parking	es Milwaukee County

fAll costs expressed in January 1980 dollars.

Source: SEWRPC.

park-and-ride lots. Table 22 summarizes the accessibility assessment findings and recommendations for making each element accessible to handicapped persons. Also shown are the estimated incremental costs—in 1980 dollars—of implementing each recommendation and the anticipated project funding sources. The specific details concerning each of these MCTS program elements are presented in Chapter II, "Services, Policies, and Practices Transition Plan Element," and Chapter III, "Facilities and Equipment Transition Plan Element."

The bus fleet replacement and expansion program described in Chapter III indicates that by July 2, 1982, Milwaukee County expects to have acquired enough new wheelchair lift-equipped buses to guarantee that, in accordance with U.S.DOT Final Rule 49 CFR Part 27, a minimum of 50 percent of the buses operating during the peak period--including an adequate number of spares-will be accessible to the handicapped. Thus, under Final Rule 49 CFR Part 27, Milwaukee County is not required to provide an interim accessible transporservice after July 2,

As documented in Chapter IV, "Special Efforts/Interim Service," the special efforts strategy of Milwaukee County during the period until transit system accessibility is achieved (1977-1982) is to: 1) purchase wheelchair lift-equipped fixed-route buses, and 2) finance a User-Side Subsidy Program for handi-The average annual capped persons. expenditure of UMTA and local funds on special efforts projects over six-year period is programmed to be an estimated \$1,194,700 per year. expenditure level is equivalent to 11.6 percent of the average annual total UMTA Section 5 funds Milwaukee County expects to receive.

Finally, Milwaukee County continues to be active in three areas in an effort to coordinate existing transportation services. These areas are:

- The use of private taxicab companies and private chair car carrier firms as providers of transportation services for handicapped persons under a State and County financed User-Side Subsidy Program (subject to continued future county board funding);
- The conduct and completion of the City of Milwaukee Taxi Fare and Regulation Study; and
- 3. The efforts of the Milwaukee County Executive's Task Force on Transportation for the Elderly

 g_{Project} cost allocations among the proposed funding sources shown in the table assume the continued availability of sufficient federal and state funds based on current funding allocation formulas.

hNo project costs are shown in those cases where it is assumed a recommendation can be implemented by existing staff and/or the recommendation does not involve significant capital equipment or facility expenditures.

¹Bus costs shown above include only the costs of wheelchair lifts and bus kneeling feature.

and Handicapped which are specifically related to transportation service coordination.

These activities are described in Chapter V, "Overall Transportation Service Coordination."

PUBLIC HEARING--REACTION TO THE PLAN

The public hearing on this transition plan was held on Thursday, May 15, 1980, in the Assembly Room of the Milwaukee County Courthouse Annex located 907 N. Tenth Street in Milwaukee, Wisconsin, at 7:00 p.m. The hearing was conducted by the Steering Committee of the Milwaukee County Executive's Task Force on Elderly and Handicapped Transportation. Approximately two weeks prior to the public hearing, special efforts were made to reach and inform interested persons of the public hearing. A public hearing notice was published twice in each of the two major local newspapers--The Milwaukee Journal, an evening news-The Milwaukee Sentinel, a paper. and morning newspaper--and once in each of three minority-oriented newspapers. A hearing notice was prepared in Spanish and posted in the offices of several Spanish community service organizations. Public service announcements were requested by letter from local radio and television stations--emphasizing in the letter the importance of their media in communicating with the hearing impaired. Approximately 800 public hearing notices were mailed to the following:

- 1. Elected representatives and officials,
- 2. Elderly and handicapped organizations,
- 3. Convalescent and nursing homes,
- 4. Public and private social service organizations,
- 5. Transportation providers,
- Civic, cultural, and social organizations,

- 7. Minority organizations,
- Radio and television news media, and
- Individuals who expressed an interest in elderly and handicapped issues.

Copies of the summary chapter of the transition plan report were made available for public distribution at the offices of: all local municipalities in Milwaukee County, the Milwaukee County Transit System, and the Southeastern Wisconsin Regional Planning Commission. A tape recording of the summary chapter was also made available at Milwaukee County offices. Finally, a copy of the entire transition plan report was available for public review at the offices of all local municipalities in Milwaukee County, the Milwaukee County Transit System, and the Southeastern Wisconsin Regional Planning Commission. At the public hearing, Spanish speaking а interpreter and two interpreters for the deaf were provided.

An estimated 130 persons attended the public hearing. In addition, nine letters with comments on matters pertaining to the public hearing were received and entered into the record of the public hearing. A complete transcript of the public hearing comments is provided in Appendix C of this report. Of the persons in attendance at the public hearing, 28 persons testified. Of the testimony made at the public hearing, no new issues were raised which have not been considered and addressed in the transition plan report.

<u>Issues Raised During</u> <u>Public Hearing Testimony</u>

Following is a point-by-point listing of the comments raised at the public hearing and a response to each of these comments.

Comment:

The continuing frequency of mechanical problems with the operation of the wheelchair lift on accessible Milwaukee

County Transit System buses makes the transit system unreliable for use by nonambulatory persons.

Response: Wheelchair lifts on buses used in regular route service are maintained and serviced according to manufacturer specifications. The wheelchair lift is cycled and lubricated at the transit system bus storage garages each day and are in working order on each bus that leaves the garage. It is not uncommon, however, for electrical or mechanical problems to occur while the bus is in fixed-route service. In an effort to eliminate some of the causes of the and electrical mechanical problems associated with the operation of the wheelchair lift, the transition plan recommends that in 1981 a protective cover or shield be installed by Milwaukee Transport Services, Inc., over the wheelchair lift control box on the 100 wheelchair lift-equipped Flxible buses in the transit system's current bus fleet to prevent moisture, dust, and grime from fouling the electrical circuitry. The plan further recommends that in 1981 Milwaukee Transport Services. Inc., investigate the feasibility of installing a protective bumper on the right front underside of each of the 100 wheelchair lift-equipped Flxible buses in the transit system's current bus fleet to protect the underside of the lift from being damaged when a bus operator activates the bus kneeling feature with the bus too close to the curb.

Comment: Nonambulatory wheelchair-bound persons have experienced bus operators driving accessible buses who are not adequately trained in the operation of the wheelchair lift.

Response: All drivers assigned to operate accessible buses have been trained in the proper operation of the wheel-chair lift. Each bus operator is also provided with a written set of step-by-step procedures on how to operate the wheelchair lift as part of his/her daily route assignment instructions. In an effort to further address this problem.

the transition plan recommends that during 1981 Milwaukee Transport Services, Inc., develop a Bus Passenger Assistance Training Module for new bus operators that includes, among other things, training in operating the wheel-chair lift and bus kneeling features and that at least once a year Milwaukee Transport Services, Inc., provide continuing training, including bus passenger assistance training to all bus operators.

Comment: One wheelchair tie-down location on each accessible Milwaukee County Transit System bus does not promote the confidence nor provide an adequate guarantee that an accessible bus will have available space for a nonambulatory wheelchair-bound person waiting to use the bus. One wheelchair tie-down location on each bus also does not enable two or more wheelchair-bound companions to travel together on the same bus.

Response: The transition plan recommends that, subject to the availability of either federal or state funds to support a one-year demonstration project, Milwaukee County add a second wheelchair tie-down location to all accessible buses on one local bus route in the County and undertake a study of the effect this change has on bus use by nonambulatory wheelchair-bound persons. is anticipated that this project would require the modification of seating on eight to ten buses at an estimated cost of \$1,800 to \$2,000 per bus based on 1980 constant dollars.

Comment: The 11-inch risers on the steps of the 100 Flxible accessible buses are too high.

Response: Officials of the Milwaukee County Transit System have written bus design specifications for step risers of eight inches, only to have bus manufacturers inform them that they cannot meet those specifications.

<u>Comment</u>: Bus operators inform nonambulatory wheelchair-bound persons attempting to use the recently acquired 150 RTS-2

accessible buses that they are not authorized to operate the wheelchair lift and they do not have the keys to do so.

Response: The rear door-mounted wheelchair lifts on the 150 RTS-2 General Motors Corporation buses cannot be used at this time because existing bus stop loading zones are not long enough to enable bus operators to maneuver the back door of the bus into a position within proximity of, and parallel to. the curb. As a result, the lift cannot be properly lowered onto the curb to bridge the gap between sidewalk and street level which a wheelchair-bound person would otherwise find difficult or impossible to negotiate in attempting to the bus. The transition plan recommends that Milwaukee County develop a solution in 1981 to the problem of inadequate bus loading zone space at Milwaukee County Transit System bus stops for proper use of rear doormounted wheelchair lifts. The plan further recommends that UMTA require bus manufacturers to locate the wheelchair lift device at the front door entrance of newly designed buses.

Comment: The tinted windows on new buses make it difficult or impossible for persons with vision impairments to read street signs from the bus.

Response: Because new buses are air conditioned, tinted glass is used in bus windows to reduce the amount of heat from sunlight entering the bus through the windows.

Comment: Some bus operators are discourteous to handicapped persons and not sensitive to their special needs.

Response: The transition plan recommends that Milwaukee County include an estimated \$31,800 annually (based on 1980 dollars) in the Milwaukee County Transit System's operating budget beginning in 1981 to be used by Milwaukee Transport Services, Inc., specifically for the purpose of hiring one additional bus operator trainer to provide bus passen-

ger assistance training to bus operators. The plan further recommends that during 1981, Milwaukee Transport Services, Inc., develop a Bus Passenger Assistance Training Module for new bus operators which would include the following sensitivity training elements:

- Recognizing basic characteristics of major disabling conditions;
- Identification of common assistance devices used by handicapped persons;
- Techniques for assisting elderly and handicapped passengers, including: the use of wheelchair tie-downs;
- Response to various situations involving elderly and handi capped bus passengers; and
- Actual training experience assisting persons with various types of disabilities.

The plan also recommends that at least once a year Milwaukee Transport Services, Inc., provide continuing training including bus passenger assistance training to all bus operators. Finally, plan recommends that Milwaukee Transport Services, Inc., ensure that a11 full-time bus operator training staff receive instruction in teaching passenger assistance training to bus operators. The cost of fully implementing these recommendations has been estimated to be \$69,700 annually (based on 1980 constant dollars).

Comment: Relatively few of the Milwaukee County Transit System bus routes have accessible bus service.

Response: At the present time, the Milwaukee County Transit System bus fleet is 39.1 percent accessible. By July 1980, of the total number of buses in service during the peak periods of transit ridership, 28 percent are expected to be accessible. If the bus fleet replacement and expansion program set

forth in Tables 13 and 14 of the transition plan is implemented as programmed, the Milwaukee County Transit System should have a sufficient number wheelchair lift-equipped buses, including an adequate number of spares ensure that 50 percent of the buses in service during the peak periods transit ridership are accessible by July 2, 1982. This will permit accessible service to be provided over all regular service local bus routes.

Comment: Many bus operators do not call out bus stops even at bus transfer corners—a practice which would greatly benefit handicapped persons with vision

¹The acquisition of wheelchair liftequipped buses does not necessarily lead to full fleet accessibility. If wheelchair lift is not "in-service," i.e., capable of being used by a handicapped person, on a minimum of 50 percent of the buses operating during peak periods of transit ridership by July 1982, transit system accessibility will not have been achieved. At present, problems of insufficient space at bus stops prevent the wheelchair lifts on 150 buses--with lifts located in the rear door--of the 251 wheelchair liftequipped buses in the transit system bus fleet from being utilized (bus operators have not yet been given keys to operate the lifts), and electrical/ mechanical problems with the lifts on the remaining 101 accessible buses have limited the number of buses "in-service" with operating wheelchair lifts to 55 (11 percent of the current peak period bus fleet). These "in-service" accessible buses currently operate on six "guaranteed accessible" bus routes of the Milwaukee County Transit System's 31 local service bus routes. These problems will have to be resolved in a timely manner if the minimum percent accessible peak period fleet timetable set forth in the transition plan is to be met.

impairments. A public address system should be installed on buses and used to call out bus stops.

Response: Bus operators are instructed to call out bus stops but apparently are lax in doing so. The transition plan recommends that Milwaukee Transport Services, Inc., make greater efforts to enforce its policy of requiring bus operators to call out street names at approaching bus stops.

<u>Comment</u>: The wheelchair tie-down securement device is not capable of accommodating all types of wheelchairs--particularly battery-operated wheelchairs.

Response: The transition plan recommends that the Urban Mass Transportation Administration cooperate with existing accessible bus and physical assistive device manufacturers in researching and developing a more universally suitable device for safely securing wheelchairs of all types on buses purchased with federal financial assistance.

<u>Comment</u>: Handicapped persons who have never been able to use the bus are afraid to try to use the new accessible buses.

Response: The transition plan recommends that Milwaukee County include an estimated \$40,000 (based on 1980 dollars) annually--which includes fringe benefits--beginning in 1981 in the County budget to either employ directly, or contract with, an existing organization or institution for the equivalent of one full-time qualified staff person to provide mobility training to physically and mentally handicapped persons on the use of accessible Milwaukee County Transit System buses. The plan further recommends that the responsibilities of the additional bus operator trainer position mentioned previously include:

 Serving as a liaison between Milwaukee Transport Services, Inc., and the Milwaukee County Health and Social Service Agencies serving the elderly and handicapped;

- Providing technical and user information services concerning the Milwaukee County Transit System to elderly and handicapped residents of the County; and
- Scheduling the availability of accessible buses for use by interested agencies and elderly and handicapped groups to provide mobility training.

Finally, the plan recommends that the marketing department of Milwaukee Transport Services, Inc., in cooperation with the Milwaukee County Commission on Aging and the Milwaukee County Commission for Handicapped and Disabled Persons, develop a comprehensive public information program about the Milwaukee County Transit System, including a "New Rider's Kit" containing, among other things, information on the operation and use of the bus wheelchair lift and kneeling features.

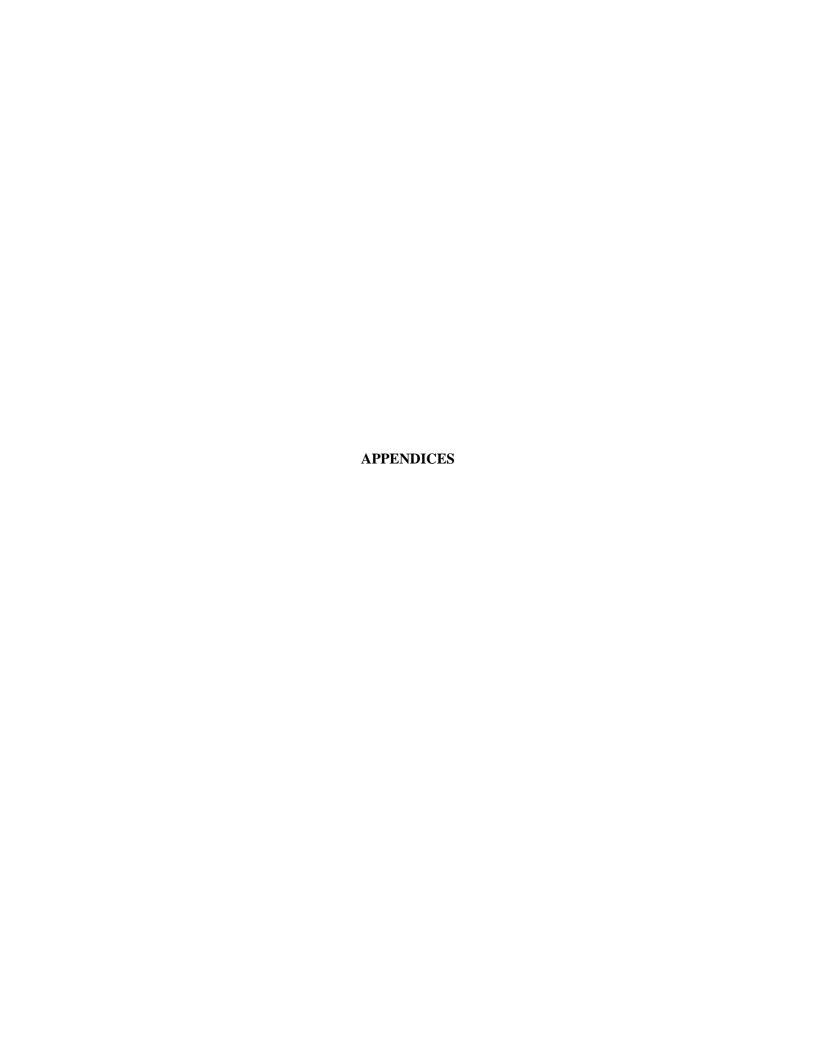
<u>Comment</u>: A teletypewriter (TTY) system is necessary for deaf persons to communicate with transit system information clerks by telephone.

Response: The transition plan recommends that Milwaukee County include an estimated \$1,000 (based on 1980 dollars) to improve consumer access to transit system information through the installation of a TTY service for use by hearing-impaired individuals.

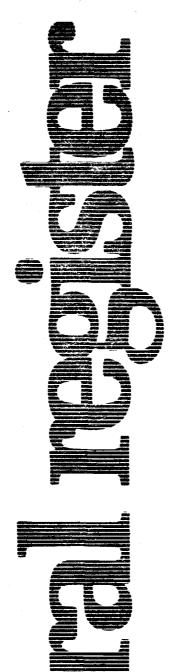
In addition to the above-listed comments, several of those who testified at the public hearing had favorable comments about the Milwaukee County User-Side Subsidy Program for handicapped persons and expressed a great deal of interest in, and support for, the continuation of the program.

Conclusion

Based upon the foregoing, the Steering Committee endorsed the transition plan as it was presented at the public hearing without change.



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Thursday May 31, 1979

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SEWARC

Part II

Department of Transportation

Office of the Secretary

Nondiscrimination on the Basis of Handicap in Federally-Assisted Programs and Activities Receiving or Benefiting From Federal Financial Assistance

DEPARTMENT OF TRANSPORTATION Office of the Secretary

49 CFR Part 27

Nondiscrimination on the Basis of Handicap in Federally-Assisted Programs and Activities Receiving or Benefitting From Federal Financial Assistance

AGENCY: Department of Transportation. **ACTION:** Final Rule.

SUMMARY: This final rule implements section 504 of the Rehabilitation Act of 1973, which provides that "no otherwise qualified handicapped individual * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance * * *." The rule requires recipients of financial assistance from the Department of Transportation to make their existing and future facilities and programs accessible to handicapped persons so that they can effectively use these facilities and programs. In addition, the rule prohibits employment discrimination by recipients against handicapped persons and requires recipients to make reasonable accommodations to the handicaps of otherwise qualified employees so that they may enjoy full access to employment opportunities in programs funded by the Department of Transportation.

EFFECTIVE DATE: July 2, 1979.

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SUPPLEMENTAL INFORMATION:

Synopsis

Introduction

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of handicap in any program receiving Federal assistance. Pursuant to Executive Order 11914, the Department of Health, Education and Welfare (HEW) issued Guidelines concerning the responsibilities of each Federal agency under section 504. In providing generally that the transportation systems which receive financial assistance from the Department of Transportation (DOT, the Department) must be accessible to the handicapped, this rule constitutes DOT's action in accordance with those Guidelines.

HEW Guidelines

In general terms, the Guidelines require that each program or activity receiving Federal financial assistance shall be operated so that, when viewed in its entirety, the program or activity is readily accessible to handicapped persons. If structural changes are necessary to achieve this accessibility, the Guidelines require such changes to be made as soon as practicable, but in no event later than three years after the effective date of this rule. If extraordinarily expensive structural changes to, or replacement of, existing facilities would be necessary to achieve program accessibility, and if other accessible modes of transportation are available, the Guidelines permit DOT to establish, by regulation, a deadline for compliance that is more than three years after the effective date of this rule.

The Guidelines also provide that new facilities and, to the maximum extent feasible, alterations to existing facilities, must be readily accessible to handicapped persons.

Finally, the Guidelines provide generally that no handicapped person shall be subjected to discrimination in employment under any program or activity receiving Federal financial assistance.

Highlights of the Rule

This rule is the result of extensive efforts on the part of DOT to design a workable program to meet the transportation needs of the handicapped population as well as the general public. It has been refined since the Notice of Proposed Rulemaking (NPRM) stage on the basis of public comment both from public hearings in five cities and in over 650 written submissions. The commenters included representatives of interested and affected organizations, including groups representing handicapped persons and state and local authorities.

The rule is designed to provide accessibility to all modes of public transportation, as required by the HEW Guidelines, as expeditiously as is feasible. The Department is convinced that the rule responds to the needs of handicapped persons in compliance with the law and in a prudent and financially responsible manner. The rule builds upon earlier Departmental efforts to enhance transportation accessibility.

Recipients are encouraged to undertake additional steps on their own initiative to provide accessibility to handicapped persons, and to seek financial assistance from DOT to carry out those steps in accordance with existing DOT funding procedures. Nothing in these regulations is included to prevent recipients from taking these actions.

Briefly, the new rule requires that: 1. Public transit buses, the most widely used means of public transit, for which solicitations are issued after the effective date of the rule, must be wheelchair accessible. While the rule contemplates that Transbus will utlimately become the core of the public transit bus system, it does require that new buses before Transbus be accessible. Within ten years, half the buses used in peak hour service must be wheelchair accessible, and these buses must be utilized before inaccessible buses during off-peak hours so as to maximize the number of accessible buses in service.

2. Under existing regulations all new rapid rail facilities must be accessible. This rule would also require that all existing rapid rail systems be made accessible to the handicapped over time, subject only to a limited waiver provision. The rule adopts a systemwide approach to rapid rail and mandates that key stations be made accessible in 30 years if station accessibility involves extraordinary costs, with less costly changes in three years. The rule establishes specific criteria for key stations but would permit a locality to make additional stations accessible. Accessible and inaccessible rail stations would have to be linked by accessible connector service. We expect that at least onethird of the key stations should be made accessible within 12 years, at which time an evaluation of the progress toward accessibility would be made. While it is impossible to calculate with certainty the precise number of stations that would meet the key station criteria for any given system, DOT estimates that as many as 60 percent of the stations in some cities would have to be made accessible, with a national average of about 40 percent.

The key stations include stations where passenger boardings exceed average station boardings by 15 percent, transfer points on a rail line or between rail lines, end stations (unless near another accessible station), stations serving major activity centers (e.g., employment centers, hospitals), stations that are special trip generators for sizeable numbers of handicapped persons, and stations that are major interchange points with other modes of transportation.

A provision of the rule permits the local transit authority, through its Metropolitan Planning Organization

(MPO), to apply for a waiver from the accessibility requirements if it has an alternative proposal which was developed through local consultation, specifically including close coordination with handicapped persons and their organizations. A public hearing is also required. If the alternative will provide service to handicapped persons that is substantially as good as or better than the service under the requirement sought to be waived, a waiver may be granted. The principal rapid rail recipient in the five major cities with older, inaccessible systems must spend, or ensure that other Urban Mass Transportation Administration (UMTA) recipients spend, at least the equivalent of five percent of its area's funds under section 5 of the Urban Mass Transportation Act on the alternative service, if that recipient is granted a waiver.

The rule generally requires that rapid rail vehicles purchased after the effective date of the regulation must be accessible. Further, on a system basis, one vehicle per train must be accessible within three years of the effective date of the rule, whether by purchase of new cars or retrofitting of older cars. However, up to five years would be allowed if extraordinary costs are involved.

3. Commuter rail systems must be made accessible, also subject to a limited waiver provision. On the basis of key station criteria similar to those applied to rapid rail, all key stations must be made accessible within three years, with an extension to 30 years if station accessibility involves extraordinary costs.

On a system basis, one vehicle per train must be accessible no later than three years after the effective date of the rule, whether by replacement or retrofit, but up to 10 years is allowed if extraordinary costs are involved.

New vehicles for which solicitations are issued on or after January 1, 1983, must be accessible.

4. Light rail (trolley and streetcar) systems must be made accessible, also subject to a limited waiver provision. Using similar key station criteria as apply to rapid rail, all key stations must be made accessible within 20 years, with less costly changes to be made in three years.

On a system basis, within three years after the effective date (up to 20 years may be allowed if extraordinary costs are involved), half the vehicles used in peak hour service must be wheelchair accessible, and these vehicles must be utilized before inaccessible vehicles during off-peak hours so as to maximize the number of accessible vehicles in

service. New vehicles for which solicitations are issued on or after January 1, 1983, must be accessible.

For Federally-assisted urban mass transportation systems that will not be accessible within three years after the effective date of this rule, interim accessible transportation must be provided, until those systems are accessible. Subject to specified spending criteria, this interim service must be available in the normal service area during normal service hours, and must be developed in cooperation with an advisory group of local representatives of handicapped persons. The service, to the extent feasible, must meet a number of criteria as to convenience and comparability to regular mainline service. The recipient must use its best efforts to coordinate special services in the locality to meet the service standards. The recipient must spend an amount equal to two percent of its UMTA section 5 funds on the provision of interim service unless the advisory group agrees with the recipient that lower expenditures will provide an adequate level of service.

6. New airport terminals must be accessible with respect to general passenger flow, ticketing areas, baggage check-in and retrieval, aircraft boarding and existing, telephones, vehicular loading and unloading, parking, waiting areas, and public services. Existing air carrier airport terminals must be made accessible within three years. Airports must provide assistance incident to boarding to handicapped passengers, and for air carrier airports, lifts, ramps or other suitable devices not normally used for freight must be provided to enable wheelchair users to board or exit from aircraft.

7. New rest area facilities along federally assisted highways must be made accessible. Existing rest area facilities on Interstate highways must be made accessible within three years of the effective date. Other rest areas will be made accessible when the rest area or the adjacent highway is altered or improved with the participation of Federal funds. All crosswalks constructed with Federal financial assistance must have curb cuts or ramps. With certain exceptions, new pedestrian overpasses, underpasses, and ramps constructed with Federal financial assistance can have no gradient in excess of 10 percent.

8. Every new railroad station constructed with Federal financial assistance must be accessible with respect to general passenger flow, ticketing areas, baggage check-in and retrieval, boarding platforms,

telephones, vehicular loading and unloading, parking, waiting areas and public services. Existing stations must be made accessible within five years for certain stations, and within 10 years for all stations. Railroad car accessibility requirements have been coordinated with the Interstate Commerce Commission (ICC), and require one car per train to be accessible within five years.

9. The rule prohibits employment discrimination against the handicapped in relation to programs that receive or benefit from Federal financial assistance from DOT. In addition, Federal fund recipients are required by the rule to make reasonable accommodations to known handicaps of otherwise qualified applicants for employment unless the accommodation would impose an undue hardship upon the operation of the program.

The Department of Transportation considers this rule to be a "significant" regulatory action under the Department's policies and procedures for "Improving Government Regulations," published in the Federal Register on February 26, 1979 (44 FR 11034). The rule is deemed significant because there is widespread public interest in its provisions, because the

rule will affect most transportation providers and users in the country, and because the rule has a significant cost impact.

Because of its economic impact, the Department has prepared a Regulatory Analysis of this regulation. The Regulatory Analysis examines the various alternatives that the Department considered in preparing this rule, considers the cost and program implications of the alternatives, and explains the Department's reasons for making the choices resulting in the final rule. A copy of the Regulatory Analysis has been placed in the docket for this rulemaking and is available for public inspection.

Background

This rule is based upon the Rehabilitation Act of 1973, Pub. L. 93— 112, 29 U.S.C. 790 et seq.* Section 504 of

^{*}On November 6, 1978, section 504 was amended by the Rehabilitation. Comprehensive Services, and Developmental Disabilities Amendments of 1978 to add coverage of any program or activity conducted by an Executive agency or the U.S. Postal Service. Since the amendment occurred after publication of the proposed rule, the specific provisions of that proposed rule were not drafted to apply to the Department's internal programs and activities. While the final rule expresses the Department's general policy concerning those programs and activities, the rule does not strictly apply to them. The Department intends to review its programs and activities to determine what actions to take to implement the amendment to section 504.

this statute states that "no otherwise qualified handicapped individual * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance * * *." It is the primary legal basis for the efforts by the Department to ensure that handicapped persons are able to use transportation facilities and programs which receive financial assistance from the Department.

Section 504 provides little guidance concerning the means by which the Department should carry out its mandate. The section's legislative history is very sparse, and does not indicate, even in general terms, what the substance of the requirements of the affected agencies should be. Consequently, following the enactment of section 504, Executive Order 11914 was issued (41 FR 17871, April 28, 1976) to direct the Secretary of Health, Education, and Welfare (HEW) to establish standards, guidelines, and procedures for Federal agency implementation of section 504. The Order also directed other Federal agencies, including DOT, to issue rules consistent with the HEW standards and procedures. HEW issued its standards. guidelines and procedures (the HEW Guidelines) on January 13, 1978 (43 FR 2132). On June 8, 1978, DOT issued an NPRM to implement section 504 (43 FR 25016). The NPRM invited public comment and provided for a 90-day comment period, which was later extended 44 more days until October 20, 1978. In addition to this opportunity for submission of written comments, the Department, realizing the public interest and the complexity of the issues in this rulemaking, held public hearings in New York, Chicago, Denver, San Francisco/ Oakland, and Washington, D.C.

About 650 persons and groups provided written comments to the docket, and 220 persons and groups made presentations at the public hearings. The commenters included representatives of groups of handicapped persons, transit operators, local and state governments, and many private individuals. The diversity and depth of these comments have emphasized the importance of this rulemaking for the future of this country's transportation systems and have been invaluable to the Department in making its decisions on the issues.

Analyzing the public response and revising the proposed regulation in light of the many comments has been a time-consuming task which has delayed the issuance of the rule. However, we are

convinced that this time has been well spent, and that the changes made to the rule as the result of the Department's analysis of the comments have significantly improved its provisions.

Section-by-Section Analysis

The following portion of the Supplemental Information discusses each section of the final rule. This analysis does not attempt to discuss completely each detailed provision of the regulation. Rather, the discussion pays particular attention to the differences between final rule and the NPRM and provides the Department's response to comments relevant to each section. When cost figures are used, they are expressed in 1978 dollars.

Subpart A-General

Section 27.1 Purpose. This section, about which no comments were received, is substantively unchanged from the NPRM. It simply restates the language of section 504.

Section 27.3 Applicability. This section, also unchanged from the NPRM, states that the rule applies to each recipient of DOT financial assistance and to programs and activities receiving assistance. The only comment on this section suggested that the reference to coverage of programs and activities was redundant. We do not believe that the reference is superfluous, and in any event no problems are created by its inclusion.

While DOT does not intend for this rule to apply retroactively, requirements which become effective on the effective date of this regulation, e.g., certain new contruction or the issuance of solicitations for certain new vehicles, will be subject to this rule even if the construction or vehicles were part of a project or contract approved before the effective date of this part.

Section 27.5 Definitions. Several definitions were changed from the NPRM. The first change results from a provision of the Comprehensive Rehabilitation Services Amendments of 1978, which deleted from the statutory definition of a handicapped person, as it applies to employment, alcoholics or drug abusers whose use of drugs or alcohol prevents them from performing the duties of a given job or makes them a threat to property or other persons. Consequently, the definition of 'qualified handicapped person" has been changed to exclude, for purposes of employment, persons subject to the 1978 amendment. This means that employers are not required to hire drug or alcohol abusers whose condition makes them unable to do the job or

makes them a threat to persons or property.

One comment pointed out that the definition of "passenger" included rail passengers but not passengers in other types of conveyances. This definition has been changed so that it includes passengers in modes other than rail.

In addition, several new terms have been added to the definitions section. In § 27.67(d) of the NPRM, the word "accessible" referred to the "ANSI standards" for purposes of the regulation. The ANSI standards which are published by ANSI, Inc., are detailed specifications for buildings and other fixed facilities designed to ensure that handicapped persons can enter and use the buildings. Because the ANSI standards do not apply to vehicles and other conveyances, a definition of "accessible" has been added to § 27.5. It provides that the term means conformity with the ANSI standards for new fixed facilities. For existing facilities, and for vehicles and other facilities to which the ANSI standards do not apply, the definition requires facilities to be able to be entered and used by handicapped persons. The ANSI standards will be a general guide to accessibility for existing facilities.

Definitions of light rail, commuter rail, and rapid rail systems have been added to the section, as have definitions of fixed route bus systems and public paratransit systems, air carrier airports, mass or public transportation, transportation improvement programs, and urbanized areas.

Because we decided (see discussion of Subpart F) to replace the designation of the Director of the Office of Environment and Safety with the general term "responsible Departmental official," the definition of "Director" has been deleted.

Numerous comments were received with respect to the definitions. One frequently made was that the definition of "handicapped person" did not spell out specifically what a "transportation handicapped person" was. Some of these comments suggested that separate definitions for "handicapped person" be developed for the transportation services and employment contexts. The Department of Transportation must generally use "handicapped person" (paragraph (1) of the definition in the rule), as that term is defined in section 504 and the HEW Guidelines. With respect to the transportation accessibility portions of the rule, the Department's interest centers on persons whose handicap results in a limited ability to use public means of transportation.

In particular, with respect to the mass transportation sections, the transportation handicapped are defined by statute. Section 12(c)(4) of the Urban Mass Transportation Act of 1964, as amended (UMT Act), defines "handicapped person" as "any individual who by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including any person who is wheelchair bound or has semiambulatory capabilities, is unable without special facilities or special planning or design to utilize public transportation facilities and services effectively." UMTA's regulations contain virtually an identical definition of those who are covered (49 CFR § 609.3). The Department will construe the provisions consistently with the definition in the UMT Act to the extent feasible. However, the entire definition, which derives from the HEW Guidelines, is needed to specify the class of persons whom the rule protects from employment discrimination. Under these circumstances, a change to the definition is not necessary.

Several persons were also concerned with the inclusion of drug and alcohol abusers in this definition. Including these persons is consistent with HEW policy, and most apprehensions about their inclusion are probably addressed by the 1978 amendments discussed above. This rule does not require that alcohol and drug abusers be included among the persons eligible for elderly and handicapped half-fare programs required by DOT as a condition of receiving assistance under section 5(m) of the Urban Mass Transportation Act of 1964, as amended.

Various comments suggested that the regulation should contain additional terms, such as "violation," "comparable service," and so forth. In our view, the definitions section should be limited to basic terms and should not attempt to deal with what, in effect, are substantive questions better left to other parts of a regulation. The existing list of definitions is sufficiently comprehensive to provide the basic "building blocks" for an understanding of the substance of the regulation.

§ 27.7 Discrimination Prohibited. This section sets forth in general terms the requirements imposed upon recipients to avoid discrimination against handicapped persons. The Department's interpretation of § 27.7 on matters of accessibility to programs is set forth in Subparts C, D and E. It is those subpart that, in general, should by looked to for guidance on this subject. Compliance with those subparts satisfies the

requirements of § 27.7 on matters of program accessibility.

This section has been changed from the NPRM in two respects in response to comments. Minor editorial changes were made to subparagraph (b)(1)(vi).

In response to several comments, a new paragraph (c) has been added, incorporating the language of § 85.51(e) of the HEW Guidelines. This language requires recipients to take appropriate steps to ensure that communications with their employees, applicants, and beneficiaries are available to persons with impaired vision or hearing. These steps are likely to be relatively low capital expenditure items which can significantly facilitate the use of public transportation services by hearing and vision impaired persons and improve the employment situation of these persons.

It should be pointed out that the antidiscrimination provisions of this section and § 27.63 not only apply to discrimination between handicapped and non-handicapped persons, but also to discrimination between different classes of handicapped persons. For example, the regulation frequently requires accessibility for wheelchair users. When this standard is used, we intend that the vehicle or facility also be made accessible to persons whose handicap is not severe enough to require the use of a wheelchair [e.g., persons who use crutches or walkers].

One comment questioned the basic statement of § 27.7(a) that no handicapped person, "solely" by reason of handicap, shall be discriminated against under a DOT-assisted program. The commenter pointed out that the parallel provision of the HEW Guidelines does not use the word, "solely," and suggested that the word could lead to abuse. The word "solely' is taken directly from the language of section 504 and is equally appropriate here. Its purpose is to suggest generally that the primary focus of this rule is only upon one type of discrimination; its purpose is clearly not to limit the applicability of this rule to situations in which the discrimination focused upon is the only type of discrimination present.

A few commenters expressed concern that subparagraph (b)(3) was not sufficiently detailed or explicit to prevent denials of regular, mainline service to handicapped persons in situations where special service for handicapped persons also exists. In our view, the existing language is sufficient, and does not need to be expanded.

§ 27.9 Assurances Required. The few comments that were received on this section, and the Department's own

reconsideration of the language of the NPRM, centered on paragraphs (b) and (c), which deal with the "flow-through" of the rule's requirements to transferees of property obtained by a recipient with Federal financial assistance. Paragraph (a) has not been changed.

The purpose of paragraphs (b) and (c) is to ensure that, when a recipient sells or transfers property obtained with Federal financial assistance to another party for the same or similar purposes, the transferee will be bound by the obligations of these rules. If such provisions did not exist, it would be theoretically possible for the purpose of the regulations to be thwarted by a property transaction. The NPRM language implementing this purpose was drawn largely from the HEW implementing rules, which in turn were drawn from agency regulations implementing Title VI of the Civil Rights Act of 1964. To clarify these paragraphs, we decided to rewrite them. With one exception noted below, the rewrite is not intended to affect the substance of NPRM language.

Each of the four subparagraphs of the new paragraph (b) covers one of the types or uses of DOT financial assistance. Respectively, they are the direct transfer of real property from DOT to a recipient (e.g., the Federal Aviation Administration (FAA) gives a small rural airport it owns in Alaska to the state government), the use of Federal aid to help a recipient purchase real property (e.g., the acquisition of highway right-of-way by a state highway department), the use of Federal aid to buy personal property (e.g., the purchase of buses by a local transit authority), and use of Federal aid not involving the acquisition of property by a recipient (e.g., operating assistance to a rapid rail system). Where real property is involved, subsequent transferees of the property, as well as the recipient, are bound by the requirements of the regulations as long as the property is used for the purpose of the original Federal assistance or a similar purpose. In the case of personal property, the recipient is bound by the requirements of the regulations as long as it owns or keeps possession of the property. In addition, we have added language to the provision binding the recipient to follow these regulations as long as a transferee of personal property uses the property for a purpose directly connected with the recipient's operations. For example, if a small airport buys a snowplow with Federal aid, it continues to be bound by these regulations if it sells the snowplow to the county government and the county government, using the same

snowplow, assumes the responsibility for clearing the airport's runways of snow. Finally, assistance not used to obtain property obligates the recipient under these regulations only for so long as the assistance continues to be provided.

As one commenter noted, the NPRM did not include a provision—common to the HEW Guidelines and most Federal agency Title VI regulations—allowing the Department to reclaim the property in the event a recipient or transferee violates its obligations in cases where DOT directly conveys property to a recipient. DOT gives land away only in rare instances, to meet a particular government purpose. Therefore, we decided to delete this provision. Other means better suited to enforce the obligations of recipients and transferees. such as conciliation, administrative fund cutoffs, and other means authorized by law (e.g., court action), are, of course, still available.

§ 27.11 Remedial Action, Voluntary Action, and Compliance Planning. Subparagraph (c)(2)(3) has been changed to require recipients only to "begin to modify," rather than to "modify" as provided by the NPRM. policies or practices that do not meet the requirements of the rule within the first 180 days of its effective date. This change is intended to make clear that the modifications do not have to be completed within 180 days. The modifications must be completed within one year of the effective date of the rule, however, and this provision has been amended to so state. In addition, in response to a comment, subparagraph (c)(2)(iv) has been clarified by substituting the word "previous" for the word "modified." This change should remove any doubt that the paragraph calls on recipients to eliminate the effects of policies or practices that existed before modifications made to comply with these regulations. Also subparagraph (c)(3) now requires the submission of certain records to the head of the operating administrations only upon request. This change is intended to lessen the administrative requirements of the rule, by eliminating the NPRM's requirement that copies of these records be sent automatically to the Department.

This section drew relatively few comments. One commenter wanted to change the language of subparagraphs (a) (2) and (3) from the responsible Departmental official "may" to the responsible Departmental official "shall" take certain action. Believing that the responsible Departmental official should have discretion in his or

her actions under this section, we decided against this change. Other commenters wanted the regulations explicitly to require recipients to consult with handicapped persons, organizations, advisory committees, or the Architectural and Transportation Barriers Compliance Board. The section (subparagraph (c)(2)) already requires consultation with handicapped persons and organizations representing the handicapped. An additional organizational layer such as an advisory committee, while a step that some recipients may want to take, is not something the Department believes is appropriate to demand of all recipients. Finally, the Architectural and Transportation Barriers Compliance Board is a separate Federal organization with a different statutory mandate from that of the Department of Transportation. It would unnecessarily complicate the planning processes of recipients if the Board has to be routinely consulted in every case. However, the Department does intend to consult with the Board, which is an important resource in this area, in matters affecting its accessibility

§ 27.13 Designation of Responsible Employee and Adoption of Grievance Procedure. This section is essentially unchanged from the NPRM. There were two comments of note. One asked that DOT require smaller recipients to have a grievance procedure, or at least retain the option to require such a procedure for them. The Department does not think that this step would be a good idea. Recipients with 14 or fewer employees are small enough to be able to handle most grievances informally. In keeping with the Federal policy of avoiding overregulation, we think it appropriate to avoid imposing this kind of administrative burden on small recipients. The second comment expressed concern that this section could be interpreted to require persons to exhaust the administrative grievance procedures established by recipients before making a complaint to the Department under § 27.123. The Department encourages the settlement of local grievances by agreement of the local parties involved, and believes that recipients' grievance procedures will be a useful tool in reaching such settlements. However, persons may make written complaints to the Department under these regulations at any time.

§ 27.15 Notice. This section is also unchanged from the NPRM. Few commenters discussed this section. One asked for broader distribution of notices

under the section. The Department believes the NPRM requirements are sufficient. Another asked for a specific requirement of distribution to vision and hearing impaired people and others whose handicaps may interfere with communications. This concern is handled by the addition of the new § 27.7(c) to the rule, as well as by the language of section 27.15(e) itself.

§ 27.17 Effect of State or Local Law. This section states that the obligation to comply with this part is not obviated or affected by State or local law. It is unchanged from paragraph (a) of the NPRM. The intent of this provision is to indicate that State or local laws which limit or prohibit the eligibility of certain handicapped persons for jobs or services are not an excuse for noncompliance with this rule. Paragraph (b) of the NPRM version of this section said that the obligation to comply with the rule is not affected by the fact that employment opportunities for handicapped persons in some occupations may be relatively limited. Subpart B of the regulation adequately handles the problem of the employment of handicapped employees. Therefore, paragraph (b) appears to be unnecessary and has been deleted.

Subpart B-Employment Practices

Many commenters on the employment provisions of the NPRM had an initial concern about its scope, arguing that the definition of a handicapped person in § 27.5 of Subpart A, as it applied to employment, was overbroad. The list of impairments conferring protected status on individuals under the regulation should be pared down, in these commenters' view, particularly to exclude drug addicts and alcoholics from the definition. The definition of handicapped persons used in the NPRM is taken directly from the HEW guidelines (45 ČFR 85.31). As noted in the discussion of § 27.5, this definition has been modified to take into account the 1978 amendments to the Rehabilitation Act of 1973, which should eliminate the concern of commenters about the employment of drug abusers or alcoholics. Drug abusers or alcoholics whose conditon make them a threat to persons or property or renders them unable to perform their job are not required to be hired. Otherwise, the definition remains as stated in the NPRM.

We emphasize that the prohibition of discrimination against handicapped persons does not mean that people who cannot perform the duties of a job or whose employment is inconsistent with valid safety requirements must be

employed. The Department does want to ensure that organizations to which it provides financial assistance look only at the job-related qualifications of applicants and employees, and do not deny job opportunities to persons because of assumptions or stereotypes about their physical or mental condition or because they are unwilling to make reasonable accommodations to meet the needs of handicapped workers.

Section 27.31 Discrimination
Prohibited. The first sentence of
subparagraph (a)(1) has been changed
by adding the words "for employment or
an employee" after the word.
"applicant." This is a clarification to
ensure that readers of the rule
understand that present employees, as
well as applicants, are covered by the
prohibition of discrimination, and to
distinguish these applicants from
applicants for financial assistance.

A number of commenters suggested that this section include language clearly stating that recipients were not precluded from voluntarily taking "affirmative action" to overcome impediments to the employment of handicapped persons. It is not a purpose of the rule to prohibit such voluntary efforts. Therefore, subparagraph (a)(2) has been amended to state that the regulations do not prohibit the consideration of handicap as a factor in employment decisons when the purpose and effect of this consideration are to overcome or remove impediments, or the present effects of past impediments, to the employment of handicapped people.

One commenter interpreted subparagraph (a)(3) to mean that recipients' contractors (e.g., suppliers, construction contractors) were covered by the employment requirements of the regulation. The intent of this provision is simply to require that when a recipient enters into a contractual or other arrangement with organizations (e.g. labor unions or employment agencies] which directly affects the selection of employees or their working conditions, employees are still not to be subjected to discrimination. The Department does not intend through this provision to impose employment practice requirements on contractors performing work or providing supplies to recipients.

One focus of considerable commenter concern was paragraph (c), which provides that a recipient's obligation to comply with the rule with respect to employment is not affected by any inconsistent term of a collective bargaining agreement. This section is straightforward. The rule establishes certain duties (e.g., to make reasonable accomodations for handicapped

workers) which recipients must perform as conditions to receiving Federal financial assistance. Any inconsistency between this requirement and a term of a labor-management agreement does not excuse the recipient from complying with the regulations. To say otherwise would permit recipients and their unions, by collective bargaining agreement, to abridge the rights guaranteed handicapped persons by statute and regulation. While we recognize that this provision may require some adjustments to be made in some labor-management relationships, we believe that the provision is necessary to ensure that the rights of the handicapped under law and regulation are fully respected in all situations.

§ 27.33 Reasonable Accommodation. Many commenters representing the handicapped, and transit authorities. asked for the inclusion of more detail and examples in this section. The comments, collectively, evinced uncertainty about what the Department wanted "reasonable accommodation" to be and sought more definitive guidance. We understand these concerns. There are, however, literally multitudes of different recipients, job requirements and kinds of handicaps. Deciding what may constitute a "reasonable accommodation" in a given situation requires consideration of a great many variables involving the recipient, the job and the handicapped employee. Lists of examples of "reasonable accommodations" cannot do justice to this multiplicity of situations, and are likely to be misperceived as representing the sum total of what the regulation requires. Therefore, we decided to leave the final rule language as it was in the NPRM. After experience with the problems of specific recipients and handicapped employees, the Department or the operating administrations may be able to draft advisory guidance containing the kind of detail which the commenters believe to be desirable.

Considerable concern was expressed about subparagraph (b)(3), which provides that reasonable accommodation includes assigning to an alternative job with comparable pay an employee who becomes handicapped after being hired and is unable to perform his or her original duties. Some commenters said that for safety. personnel, or labor-management reasons, this requirement was impractical. The key point is that placement in an alternative position is required only with respect to "qualified" employees; the rule does not require alternative placement of a handicapped

person in a job the employee cannot perform capably or safely. The same point applies to the question of "comparable pay." An employee who is unqualified for a job at the same pay level as his pre-handicap job could be given a new job, for which he or she was qualified, that paid less than the old job. The rule does not require compensation of employees at a level above that which is appropriate for the work they are qualified to do and are doing. Nor does it require the creation of a position which is surplus to the personnel requirements of a recipient, although job restructuring may be a valid response to the needs of handicapped employees in appropriate cases.

Some groups representing handicapped persons, on the other hand, requested that alternative placement be in a position equal to or better than the employee's former job in terms of pay and responsibility. The Department does not think this would be a reasonable requirement.

Some commenters, principally groups representing the handicapped persons. objected to paragraph (c), which sets out factors for the Department to use in determining whether "undue hardship" prevents some kind of reasonable accommodation. These comments viewed this paragraph as a "loophole" in the regulation. The point of this paragraph, which DOT believes to be very important, is that this regulation should not ask a recipient to do what is impossible or unreasonable in a given situation. The regulations forbid discrimination against handicapped employees and require employers to "go the extra mile" of reasonable accommodation to make employment opportunities available. However, the regulation should not forbid employers from taking safety, costs, or operational needs into account in this process.

§ 27.35 Employment criteria. This section, which deals with employment tests and other criteria for employment, contained an editorial error which several commenters mentioned. Paragraph (b) has been corrected to read that tests when administered to an applicant for employment "or an employee" with impaired sensory, manual or speaking skills must nontheless "accurately measure what they purport to measure," i.e., job related skills. Otherwise, this section has not been changed.

Several commenters, principally transit operators, felt that this section put them unfairly into a "guilty until proved innocent" position with respect to employment testing. The criticism is not valid. Under the section, a test or

employment criterion is not questioned so long as it does not adversely affect handicapped persons with respect to employment opportunities. If the test or criterion does have an adverse impact on handicapped persons then the employer must show that the test or criterion is job-related, i.e., actually measures or constitutes a qualification to perform the duties of the position. This process is modeled after the method by which the administrative agencies and courts determine whether an employment test or criterion which disproportionately exclude members of a minority group violates Title VII of the Civil Rights Act of 1964. In each case, the adverse impact on members of a protected group raises a rebuttable presumption of discriminatory treatment. The employer can rebut the presumption by showing that consideration of valid job-related job qualifications is responsible for the disparity in the effect of the test or criterion on the protected group and other people. Turning the presumption around-presuming that a test or criterion which has an adverse effect or excludes handicapped persons is jobrelated until the handicapped person or the Department shows to the contrarywould be inconsistent with this wellestablished and important part of equal employment opportunity law.

Two commenters raised a related issue, that of test "validation," asserting that there are no employment tests validated for use by handicapped persons. The concept of validation concerns the relationship of testing materials and job qualifications. A valid test measures an applicant's ability to perform certain duties. (See Uniform Guidelines on Employee Selection Procedures, 43 FR 38290, August 25, 1978). If a recipient's tests are valid and measure only job-related factors, and do not add measures of extraneous factors. then they are valid for blacks, whites, men, women, fully mobile people and persons confined to wheelcheirs.

§ 27.37 Preemployment Inquiries. This section, which is fashioned after the HEW Guidelines (45 CFR 85.55), has not been changed from the NPRM. Several objections to this section were based on fears that it could impede medical examinations and inquiries that are necessary for safety and, in some cases required by other DOT regulations (e.g., 49 CFR Part 391, subpart E, relating to physical examinations for drivers employed by motor carriers). In the case of motor carrier driver positions, all applicants are required by DOT regulations to take physical examinations, and are not considered

qualified to drive unless they meet the minimum, criteria specified by Part 391. If a person is not physically qualified to drive, then a recipient's failure to hire the person does not violate this part.

To clarify this point, language was added to the last sentence of paragraph (a) specifying that preemployment medical examinations required by Federal law or regulation are permitted. Other pre-hire inquiries into an applicant's ability to perform job-related functions are also permitted. In any event, an offer of employment may be conditioned on the results of a medical examination conducted before the hired employee reports for work, so long as all similarly situated employees must take such an examination.

Subpart C-Program Accessibility-General

§ 27.61 Applicability. Language has been added to this section to specify that the provisions of Subpart C should, where possible, be interpreted to be consistent with the provisions of Subparts D and E, which concern the specific modes of transportation receiving financial assistance from the Department. In cases of apparent conflict, however, the section provides that the standards of Subpart D and E shall prevail. This section is otherwise unchanged from the NPRM.

§ 27.63 Discrimination Prohibited. This section has not been changed from the NPRM.

§ 27.65 Existing Facilities. This section requires recipient's programs and activities to be accessible, discusses methods for achieving accessibility, sets a three-year deadline for making structural changes needed to ensure accessibility (different deadlines may be provided by subparts D or E), instructs recipients to prepare "transition plens" with respect to making structural changes, and requires recipients to make provision for informing handicapped persons of the availability of accessible facilities and services.

Several changes were made to paragraph (d) of this section. Along with a copy of their transition plans, recipients must now make available to the public a list of the persons and organizations consulted as part of the required public participation process. This addition is intended to permit the public to scrutinize the effectiveness of the recipient's efforts to involve the public, and handicapped persons and their organizations in particular, in the planning process. A new subparagraph (d)(1) adds to the required contents of the transition plan a listing of each facility required to be modified under

the regulation. Facilities must be listed even if the recipient contemplates requesting from the Department a waiver of the requirement to modify them. Other parts of the subparagraph require planning for the modification of all listed facilities in the transition plan. These requirements are intended to ensure that recipients plan to modify all facilities required to be modified by the regulations. This planning requirement ceases to apply only if a waiver is granted for a given facility.

Some commenters suggested the discussion of "program accessibility" in paragraph (a) should specify that so long as mobility through use of some of the components of an area's overall transportation system is available to handicapped persons, program accessibility has been achieved. The HEW guidelines require, and DOT's policy supports, making all modes of transportation accessible for all persons, regardless of handicap. Consequently, we did not adopt their suggestion. Another comment, asking that existing facilities not be required to be made accessible, was not adopted for the same reason.

Some comments suggested that the regulation in all instances specify that facilities and programs be "usable by" as well as "accessible to" the handicapped. This change is unnecessary. The rule's definition of "accessible" refers to the ANSI standards for new facilities and requires vehicles and existing facilities to be able to be entered and used by handicapped people. The definition of "accessible" includes the concept of "usability" and the absence of the word "usable" in some places in the regulation does not mean that a facility that handicapped persons can enter but cannot use will be in compliance.

Two commenters suggested that more examples be added to the methods of achieving program accessibility in paragraph (b). We think the existing language, particularly given the proviso calling for use of "any other methods" in appropriate situations, is broad enough. Given the applicability of the ANSI standards, specific inclusion of examples of nonstructural changes in this paragraph is unnecessary.

One commenter added that, consistent with § 84.22(d) of the HEW Guidelines, the regulations should require recipients to make nonstructural changes within 60 days. The § 84.22(d) which the commenter cites is part of HEW's own rules implementing section 504 for HEW-funded programs and is not binding on DOT. Nothing in the HEW Guidelines sets a separate

deadline for nonstructural changes. In addition, as a practical matter, we do not believe that such a short deadline is advisable.

Several comments contended that paragraph (d) should require transition plans to be submitted within 6 months, as HEW requires, rather than a year. The 8-month HEW requirement mentioned is part of HEW's Part 84 implementation rules for its own program. Its Part 85 guidelines for other agencies leave the schedule for transition plans to the discretion of each agency. In our view, a year is a reasonable time to allow most DOT recipients to plan for the often difficult and costly changes that will have to be made; for some recipients an 18-month period is allowed (see § 27.103, transition plans for rapid rail systems).

§ 27.67 New Facilities and Alterations. This section establishes general requirements for accessibility to facilities which are constructed or altered after the regulations go into effect, and applies the ANSI standards to this construction or alteration.

The Department has changed this section from the NPRM in a number of respects. As a clarification, paragraph (a) now states that facilities must be designed, constructed and "operated" in a manner so that they are accessible. This paragraph now also specifies that the accessibility requirement applies to vehicles ordered or leased after the effective date of the regulation, unless otherwise provided in Subpart D or E.

Some clarifications in paragraph (a) suggested by commenters—for example, that all components of a transportation program, train cars as well as station platform, be made accessible—are not needed because other portions of the regulation state the requirement. Objections to the proviso in paragraph (b) that alterations of facilities should be made accessible "to the maximum extent feasible" appear to be based on the assumption that this phrase dilutes the rule's mandate for accessibility. This assumption is incorrect. DOT is committed to the goal of accessibility, but wants to make clear that it is not demanding that recipients make changes which are simply not feasible (e.g., changes for which technology is not available or changes which would cause a dangerous weakening of a structure).

Paragraph (b) requires certain buildings to conform to the requirement of physical accessibility in paragraph (d). If an alteration is made to a portion of a building the accessibility of which could be improved by the manner in which the alteration is carried out, the alteration must be made in that manner.

Thus, if a doorway is being altered, the doorway must be made wide enough to accommodate wheelchairs. On the other hand, if the alteration involves ceilings, the provisions of this section do not apply because this alteration cannot be done in a way that affects the accessibility of the building.

Paragraph (b) is based on the belief that alterations present opportunities to design and construct the altered portion or item in an accessible fashion. It should be noted that paragraph (b) applies only to the altered portion or item of a fixed facility. Thus, a stair renovation to meet the ANSI standard does not impose a requirement for elevator installation since an elevator is not within the scope of the stair alteration project. Paragraph (b) does not create the obligation to install an elevator in an existing fixed facility which has no elevator. The basic requirement in paragraph (b) is simply to take the opportunities afforded by the alteration and, to the maximum extent feasible, use the alteration to make the facility accessible. Thus, normal maintenance may take place in practically all cases without generating an accessibility requirement.

In sharp contrast to paragraph (b), the sections on specific mass transportation systems (§§ 27.85–27.93) effectively do require the installation of elevators or other level change mechanisms in fixed facilities which have no elevators. However, because of the transition plan requirement applicable to those sections, all of a system's fixed facilities (for example, all stations in a rapid rail system) are examined at once and a rational phasing can occur.

A new paragraph (c), covering renovations of existing vehicles, has been added. This paragraph was \$ 27.97(b) of the NPRM, and was relocated from Subpart E to this section because it applies to modes other than those covered by Subpart E.

This paragraph provides that renovating efforts which prolong equipment useful life must include retrofit accessibility efforts. This paragraph recognizes that existing buses, rail cars, and other rolling stock are likely candidates for renovation and upgrading, and that such fleet maintenance investments might preclude the timely replacement of inaccessible equipment by accessible new equipment. Retrofit accessibility is not required for routine maintenance activities or for limited modifications to vehicles that are unrelated to the transportation of passengers (e.g. replacement of roofs, addition of new

Three commenters noted that some state standards (e.g., the Massachusetts Architectural Barriers regulations) may be more stringent than the ANSI standards applied by subparagraph (c). In order to comply with the rule, recipients must ensure that their facilities meet this regulation's accessibility requirements. Nothing in this regulation, however, would relieve recipients of their obligations to comply with state or local regulations which may be more stringent than the ANSI standards.

The statement "When used in this regulation, 'accessible' refers to these standards" in paragraph (d) has been deleted. Since this sentence states a definition of a term applicable throughout the regulation, it has been replaced by a substantially identical definition of "accessible" in § 27.5 in Subpart A.

The Department believes that it is probable that when the updated and revised ANSI standards are promulgated, the Department will use them as a reference to replace the current ANSI standards in this regulation. However, the Department decided to delete the statement that the new ANSI standards will be adopted from paragraph (d), because a statement of probable future action by the Department is not appropriate in the text of a rule. Also, the statement of the address from which copies of the ANSI standards are obtainable has been deleted from this paragraph; the information may be found in a footnote to the definition of "accessible" in § 27.5.

One commenter expressed concern that the portion of paragraph (d) which permitted departures from particular requirements of the ANSI standards, when equivalent access to the facility involved is provided by alternate means, might encourage recipients arbitrarily to ignore the ANSI standards. Given the wide variety of facilities and modification problems recipients will have to deal with under this regulation. we believe that it is reasonable to permit some flexibility in the choice of means to achieve accessibility. The language of paragraph (d) permits deviation from the ANSI standards only when it is "clearly evident" that equivalent access will be provided. This strong requirement, which will be backed by the Department's enforcement process, should be a sufficient safeguard against arbitrary decisions to deviate from the ANSI standards in situations in which those standards apply.

The Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151 et seq.), directs the General Services Administration (GSA) to prescribe accessibility standards for the design, construction, and alteration of "buildings," a term defined in the statute. GSA has promulgated a regulation (41 CFR Subpart 101–19.6) to carry out its responsibility under the statute. New fixed facilities (e.g. transit stations) and alterations to existing fixed facilities which are funded by a grant or a loan from this Department are generally covered by that regulation.

The Department's section 504 regulation does not supersede GSA's regulation. However, § 27.87 of the section 504 regulation expresses the basic requirement of GSA's regulation, and if a recipient complies with § 27.67, it generally will have satisfied the requirements of the GSA regulation. The Department intends to administer the two regulations as consistently as possible, for we believe that the two are basically consistent.

Subpart D—Program Accessibility Requirements in Specific Operating Administration Programs: Airports, Railroads, and Highways

This subpart applies section 504 to the transportation facilities and programs receiving financial assistance from the Federal Aviation Administration (FAA), Federal Railroad Administration (FRA) and Federal Highway Administration (FHWA). In the near future, the Department will issue a notice of preposed rulemaking concerning the application of section 504 to programs receiving financial assistance from the National Highway Traffic Safety Administration. Urban mass transit programs are addressed by Subpart E.

Section 27.71 Federal Aviation Administration—Airports. The Department has made a number of substantive and editorial changes in this section. The most significant concerns the use of the term "air carrier airports," which is defined in §27.5 to mean airports served by certificated air carriers, except those airports which are served solely by air carriers using aircraft with a passenger capacity of less than 56 persons or cargo service using solely aircraft with a payload capacity of less than 18,000 pounds. Any airport that receives Federal funds for terminal facilities is deemed to be an air carrier airport.

The portion of this section that requires boarding devices (such as lifts or ramps) that are not ordinarily used for other purposes (such as freight loading) to be reserved for the boarding

of handicapped passengers now applies only to air carrier airports. All airports receiving Federal funds must provide boarding assistance to handicapped passengers; airports that are not air carrier airports may do so with lifts, ramps and other devices that are used for other purposes, however.

These requirements replace provisions of the NPRM that limited any requirement for boarding assistance to airports enplaning more than 10,000 passengers a year. In response to comments from handicapped persons and their groups, the Department decided to require assistance incident to boarding at all airports. However, the Department also felt that at very small airports—those outside the "air carrier airport" category—it was reasonable to avoid requiring the purchase of equipment reserved for the use of handicapped persons. In the context of these very small airports, such a requirement would not be cost-effective. Therefore, subparagraphs (a)(2)(v) and (b)(2)(iv) and (v) have been amended to delete the 10,000 enplanement threshold and to insert the new requirements.

Paragraph (a) now provides that terminal facilities constructed "by or for the use of" a recipient of Federal airport aid funds must meet the enumerated accessibility standards. In the NPRM. this provision applied accessibility requirements to terminals constructed "with" Federal funds. The language of the final rule is broader. The Department believes that all terminals constructed by or for airports that receive Federal funds (e.g. for runway improvements), not only terminals actually constructed with Federal funds. should be accessible. Similar changes have also been made for other modes (e.g. intercity rail passenger service).

In paragraph (a)(2)(i), the final regulation adds the word "entrance" to ensure that handicapped persons can readily enter, as well as move around, airport terminals.

In addition to this substantive change, certain editorial changes were made throughout this section. The words "airport terminal" or "terminal" were used to replace the use of the word "station", which we felt to be confusing as applied to airports. The term "wheelchair-confined" was changed to "wheelchair users". This responded to comments that suggested that the term "wheelchair-confined" had unnecessarily negative connotations.

Three of the specific substantive requirements of the section have been changed from the NPRM. Subparagraph (a)(2)(vii), concerning the provision of teletypewriter (TTY) service, has been

rewritten. It now provides that each airport shall make available TTY service sufficient to ensure that hearingimpaired persons using TTY equipment are able to communicate readily with airline ticket agents and other personnel. The rewritten provision makes clear that it is the airport which is charged with ensuring that TTY equipment is available. If air carriers have TTY machines which are used, or shared, so as to permit TTY users to communicate readily with ticket agents and other personnel of all carriers. further action by the airport operator may be unnecessary. Where there is not now sufficient TTY capacity, the airport operator is responsible for providing this capacity, either by providing its own equipment or persuading its air carriers to do so. The FAA estimates that in order to provide the capacity required by the rule, 75 large and medium-sized airports will require an average of 4 TTYs; the 94 small airports an average of two; and the 451 smallest airports only one TTY each.

A few comments favored the provision of interpreters at airports instead of the provision of TTY equipment. The use of interpreters would not serve the principal purpose of the TTY provision, which is to provide hearing-impaired people with a substitute for the telephone in order to make reservations and ask for information. A few commenters also wanted greater detail in the provision for passenger assistance, such as requirement for special attendants to help handicapped people with baggage. In our view, the NPRM language is sufficiently explicit. Some commenters also wanted to add detail to the parking facilities provision of the section, such as a requirement of discounted fees for spaces reserved for handicapped persons. Such a requirement, in our view, is outside the scope of this rulemaking aimed at equalizing accessibility.

In response to a comment from a group representing handicapped persons, the last sentence of subparagraph (a)(2)(xi) has been rewritten to say that terminals shall have printed information in a tactile form. Airports may substitute a toll-free information telephone service for this tactile information service. Terminals must also provide information orally, in order to provide information to blind persons. Finally, the NPRM provided that guide dogs must be permitted on all certificated aircraft as well as in terminals. The requirement has been deleted with respect to aircraft for the reason that, as a requirement pertaining

to the accessibility of aircraft interiors, it was more appropriately dealt with by forthcoming rules of the Civil Aeronautics Board.

Many comments from handicapped individuals or groups representing them asked that the rule specifically require airlines to carry handicapped travelers, modify aircraft cabins for greater accessibility, and improve services to handicapped persons. The NPRM contained, and the final rule retains, requirements relating to boarding devices, ticket counters, baggage checkin and retrieval, and teletypewriters, all of which are owned and operated by the airlines at most airports. Following publication of the NPRM, representatives of the DOT, FAA, HEW, and the Civil Aeronautics Board (CAB) met to discuss the respective legal authority and responsibilities for improving the accessibility of air travel to handicapped persons. Following this meeting, the CAB determined that it had statutory authority to issue regulations governing air transportation of. handicapped persons, both under section 504 of the Rehabilitation Act and under sections 404 and 411 of the Federal Aviation Act.

Recently, the CAB advised the Department that a rulemaking project was underway to implement these sections. Action by the CAB which would ensure the uniform provision of services and equipment by the airlines, needed to accomplish accessibility to air travel for handicapped persons, could obviate the need for airport operators to provide the same services directly or indirectly, through their leasing arrangements with the airlines.

Accordingly, as CAB rules become final, the Department will review the requirements presently contained, in § 27.71 to determine whether these provisions are duplicative or unnecessary, and if appropriate, will amend the rule to modify or remove such requirements.

Two commenters objected because the NPRM did not change 14 CFR 121.586 and 135.81. These regulations implement section 1111 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1511). Section 1111 provides that subject to FAA regulations, air carriers may refuse transportation to passengers when, in a carrier's opinion, transporting the passenger would or might be inimical to the safety of flight. The CFR sections cited limit the discretion of carriers under this statute and provide that special safety briefings be given to persons who require assistance in entering or leaving aircraft. Section 504 of the Rehabilitation Act does not

purport to repeal or modify section 1111, which is exclusively a safety statute.

Comments were received on a number of other specific portions of the terminal standards. Most comments on the waiting area/public space security provision supported the NPRM language, and the language has not been changed. A comment pointed out that the provision on curb cuts erroneously referred to 8.33 "degrees" rather than an incline of 8.33 "percent." The reference has been corrected. Most commenters favored the provision requiring guide dogs to be permitted to accompany their owners in terminals. One commenter thought that the provision might violate state and local health codes. Guide dogs are exempted from virtually all state and local laws or regulations banning animals from public places on health or safety grounds. This provision has not been changed.

Some commenters, wanted volume controls attached to all telephones. The provision of the NPRM, which requires at least one volume controlled telephone in all public telephone centers (i.e., groups or clusters of phones) in terminals, should be sufficient to meet the needs of hearing-impaired persons. We have not adopted comments that volume controlled phones should be installed in special locations. Besides being contrary to the goal of integrated service for handicapped persons, carrying out this suggestion would cause the specially equipped phones to be available in fewer locations in the airport and therefore less convenient for hearing-impaired people. One comment suggested that the volume controlled phones be available to wheel chair users. Subparagraph (a)(2)(xii) has been amended to specify that telephones are among the public services that must be made accessible according to the ANSI standards.

The Department expects airports to ensure that these requirements for wheelchair-accessible phones and phones usable by hearing-impaired persons provide service for all handicapped people. Consequently, the wheel-chair-accessible phones should have the hearing assistance features, to serve wheelchair users who have hearing impairments.

Some comments asked whether the provisions of the rule apply to concessionaires and other tenants at airports. The requirements of the rule apply to those parts of airport facilities used by concessionaires and other tenants in the same way they apply to the parts of the airport directly under the airport operator's control. That is, terminal facilities designed or

constructed after the regulation becomes effective must be accessible, including the parts of the facility to be used by concessionaires and tenants. With respect to existing facilities, only those portions of the facilities used by tenants which are directly concerned with the provision of air transportation services (e.g. ticketing, baggage handling, or boarding areas) must be made accessible within the three-year period. However, if a terminal reconstruction results in significant renovation of space used or to be used by concessionaires (e.g. restaurants, stores), then this space must be made accessible.

§ 27.73 Federal Railroad
Administration—Railroads. This section applies to passenger railroad service receiving Federal financial assistance through the Federal Railroad Administration (principally the National Railroad Passenger Corporation's Amtrak service). Amtrak commented extensively on the section, and other comments were received from state departments of transportation and handicapped individuals and groups representing them.

Subparagraph (a)(1)—New fixed facilities. Relatively few changes have been made to the language of the NPRM in this subparagraph. Most of these changes are purely editorial (e.g., the deletion of the words "referenced in § 27.67(c)" following "ANSI standards" in (a)(1)(i)). There were a few minor substantive changes as well. In (a)(1)(ii)(A), the first sentence was deleted as unnecessary. The subparagraph now begins by saying that "station design and construction" must permit the efficient movement of handicapped persons through the station. In (a)(1)(ii)(B), the word "wheelchair" has been deleted, causing the provision to state that the international accessibility symbol must be displayed at "accessible" entrances. The word "wheelchair" is not needed in this context. The last sentence of (a)(1)(ii)(E) now provides that when level-entry boarding is not provided, lifts, ramps or other suitable devices must be provided to facilitate entry into trains by wheelchair users. This clarifies the meaning of the provision. The provision regarding teletypewriter (TTY) service [(a)(1)(ii)(G)] for the hearing impaired was rewritten to be consistent with the parallel provision in the standards for new airports. It now provides that recipients shall make available a toll-free reservation and information number with TTY capabilities to permit hearing impaired persons using TTY equipment to readily obtain information or make reservations

for any services provided by a recipient. The intent of this requirement is that a person with TTY equipment anywhere in the country should be able to call a reservation number to make reservations for or get information about any service provided by a recipient. The parking spaces required of (a)(1)(ii)(I) has been corrected to refer to an 8.33 "percent" rather than "degree" grade. In the same provision, the term "wheelchair confined" has been changed to the term "wheelchair users." The provisions regarding telephones, station information, and public services have been changed in the same ways, and for the same reasons, as the parallel provisions of the airports section of the subpart. In addition, the language of (a)(1)(ii)(E) has been clarified. The provision now requires lifts, ramps, or other suitable devices "where levelentry boarding is not provided."

This subparagraph was not controversial, and the only comment suggesting change recommended that the reference to giving handicapped people "confidence and security in using the facility" [[a](1)(ii)[]]] be deleted because it might lead to overprotectiveness of handicapped persons on the part of recipients. We think that this general requirement is not likely to produce any ill effects upon handicapped people, and have decided to retain it.

Subparagraph (a)(2)—Existing Facilities. This subparagraph was the most controversial part of the railroads section of the rule, and has been revised extensively in response to comments. The heart of the subparagraph, (a)[2](ii), structural changes, has been rewritten. In the NPRM, this provision required all existing stations to be made accessible within five years of the effective date of the section. However, a recipient could request an exemption for up to ten percent of its stations which have the lowest utilization rates.

Amtrak asked for a 10-year compliance period, requested that only one station be required to conform to the regulations within any large urban area, and said that stations outside of urban areas should not have to conform if there is another station appropriately modified within 50 miles. Amtrak also questioned the utility of the provision of the NPRM permitting recipients to ask for an exemption from the accessibility requirement of up to 10 percent of its least used stations, noting that because of route restructuring proposals it is likely that stations and communities served are likely to change. Two state transportation agencies also opposed the 10 percent exemption provision, one

of which suggested that it be modified to be based on specific criteria (e.g., low utilization, high costs for modification) rather than tied to a percentage.

The final rule incorporates many of these comments. Subparagraph (a)(2)(ii) now simply states that stations shall be modified to make them accessible. A new subparagraph (a)(2)(iii) sets forth a phased timetable for achieving accessibility. This timetable establishes a system analogous to the key station concept which is used for rapid rail stations, described in Subpart E of the rule. Within five years of the effective date of the section, a recipient must make accessible at least one station in each Standard Metropolitan Statistical Area (SMSA) it serves. An SMSA is an area defined by the Bureau of Census as including a city of 50,000 or more population and its surrounding county or counties. Where there is more than one station in an SMSA, a recipient shall select the most heavily used station, in terms of passenger volume, for this firstphase modification. Within 10 years of the effective date of this section, a recipient shall make the other stations in the SMSA accessible. This provision retains the concept that all stations be made accessible. However, it permits a recipient to spread the costs of modification out over a longer period of time, while also ensuring that the most important station in an urban area will become accessible within a five-year period.

The key station concept used in the final rule also applies to rural stations. Within five years, a recipient must make accessible all stations located outside SMSAs that are not located within 50 highway miles of an accessible station. If there are two or more stations located within 50 highway miles of one another. the recipient is directed to choose the station with the highest passenger volume for the first-stage modification. Remaining stations must be modified within 10 years from the effective date of the section. Again, the intent of the rule is to spread the cost to the recipient of modifying all stations over a longer period of time, while still ensuring that key stations in rural areas are available to handicapped persons within a moderate distance.

The 10 percent exemption provision has been dropped in favor of a new waiver provision ([a](2)(iv)). The waiver provision permits a recipient to petition for a waiver within six years from the effective date of the section from the requirement of making any "second-stage" station (i.e. one of those stations which does not have to be modified within five years) accessible. A six-year

period is allowed because it will permit recipients and consumers at least a year after first-stage modifications have been completed to gather information and views concerning the impact of waiving the requirement of modifying secondstage stations.

In order to get a waiver for a particular station, a recipient will have to submit a written justification to the Federal Railroad Administrator. The justification must include the record of a community consultative process, including a transcript of a public hearing and consultation with handicapped persons and their organizations in the affected area. Before granting a waiver for a particular station, the Administrator and the Interstate Commerce Commission will evaluate the potential for high utilization by handicapped persons, considering, among other factors, the cost of making necessary modifications, the availability of alternative accessible service to transport handicapped persons from the affected area to accessible stations, and other factors which may be pertinent. The record of the community consultative process will also be reviewed as part of the Department decision-making process. The final decision on the petition for waiver, as provided in the NPRM, will be made jointly by representatives of FRA and the Interstate Commerce Commission. If the two agencies do not agree, the waiver request will be denied.

Amtrak also requested that it not be required to modify shops, restaurants and other facilities in stations that are not directly connected with the provision of rail transportation. The rule's provisions for railroad station concessionaires are the same as for concessionaires at airports, which do not require most concession facilities to be made accessible in existing stations. Another Amtrak proposal called for the rule to allocate costs among recipients of federal funds in proportion to the passengers each recipient serves in a jointly used facility. For example, if Amtrak, a commuter rail operation, and a rapid rail system all use the same train station, Amtrak's proposal would prorate the cost of needed modifications among the three recipients of DOT funds based on how many passengers of each entity used the station. The problem of allocating costs and allocating modification responsibilities among recipients jointly using the same facility is a difficult one. The Department of Transportation has decided to defer resolution of this problem, since it was not explicitly raised by the NPRM. We

anticipate taking action in the near future to address this problem.

Paragraph (b)—Rail Vehicles. Amtrak requested that this provision require program accessibility for rail vehicles (i.e. one accessible car per train) to be accomplished in five years rather than in three years, as proposed by the NPRM. It argued that given vehicle orders already made to manufacturers for inaccessible equipment, the threeyear deadline would be very difficult and excessively costly to meet through acquisition of new vehicles, and would require the retrofitting of many old vehicles with lifts. We have accepted the five-year suggestion which is consistent with the rule's five-year deadline for key station accessibility. As a general matter, the Department believes it advisable to avoid the necessity for retrofitting old equipment wherever possible. Only two changes have been made in paragraph (b). A sentence in (b)(2)(iii), stating that if a recipient cannot meet the accessibility requirements of the provision it must either retrofit existing equipment or purchase new accessible equipment has been deleted because it is obvious. Subparagraph (b)(3) has been clarified to state that all new rail "passenger" vehicles purchased after the effective date of the section have to be accessible. There is no intention that the rule apply to non-passenger rail vehicles.

There were relatively few comments on this provision. Some commenters suggeted that it would be advisable to require, when a train has an accessible coach and an accessible food service car, that the two accessible cars be adjacent to one another. This arrangement of cars in a train is a sensible idea, which Amtrak should implement where possible.

We also want to emphasize that in making restrooms accessible, and in providing services to handicapped persons generally, recipients should ensure that the dignity and privacy of handicapped persons are respected.

Paragraph (c)—Rail passenger service. There are three substantive changes in this paragraph. One concerns the notice required before "on-call" assistance will be provided to handicapped passengers. Persons requiring the service of an attendant must give 24 hours advance notice in order to receive assistance, compared to the 12 hours required by the NPRM (subparagraphs (c)[3) and (c)[8][ii]). This change was requested by Amtrak and supported by some state transportation agencies. In our view, the longer period is more reasonable in terms of

scheduling personnel to assist handicapped persons. The necessity of notifying Amtrak an extra 12 hours in advance should not prove an unreasonable inconvenience for handicapped persons. Most people make intercity travel plans and reservations at least a day in advance in any event; requests for assistance could easily be made at the same time as reservations. For the same reasons, the advance notice for other handicapped persons requiring assistance has been lengthened from three to twelve hours ((c)(3)).

Subparagraph (c)(2), in the final sentence, provides that persons who need to travel with an attendant include those who cannot take care of "any one" of their fundamental personal needs (e.g. eating, elimination), rather than those who cannot take care of "most" of these needs, as the NPRM provided. The NPRM language might have led to uncertainty as to how many fundamental needs a person could not take care of before an attendant was required. While we agree with a commenter who pointed out that a person who needs an attendant is unlikely to travel without one, we believe this provision should be retained to clarify the obligations of recipients. Though another commenter asserted that the term "fundamental personal needs" is too ambiguous to remain in the regulation, we believe that the intent and meaning of this provision are clear enough to inform both recipients and potential passengers of their responsibilities.

The third change to this paragraph is in (c)(9), where the waiver of recipients' obligation to carry handicapped passengers has been limited to passengers using life support equipment that would depend upon the vehicle's power system. This change recognizes that failure of a vehicle power system, and the consequent failure of the life support system, could pose high risks of liability for the recipient. However, recipients should carry passengers with other kinds of life support equipment that can reasonably be carried onto and suitably placed within a passenger car.

In order to clarify the relationship between subparagraphs (c)(3) and (c)(8)(ii), the requirement of (c)(3) that recipients assist persons confined to bed or a stretcher has been deleted. Subparagraph (c)(8)(ii) is now the only provision governing the carriage of stretcher-bound or bedridden passengers.

Subparagraph (c)(13) of the NPRM, which concerned the effective date of the regulations, has been deleted. The

effective date of the intercity rail portion of the rule is now the same as for the rest of the regulation. A new (c)(13) has been added which requires recipients to provide information and training to their employees concerning the proper implementation of the regulation. This provision is designed to ensure that employees of recipients understand their obligations to handicapped passengers and meet these obligations in a well-informed and sensitive manner.

A number of other comments pertained to passenger service. Amtrak requested further elaboration of the "qualifications" of handicapped persons who could not be denied service. suggesting the addition of a criterion such as "able to travel without endangering their own and others' safety." We do not believe that such a criterion is desirable, because it would be difficult to enforce fairly and consistently. Amtrak also suggested that recipients identify in timetables where assistance is not available (e.g. flag stops, closed stations). We think this is a good idea, which Amtrak can implement without a regulatory requirement.

A state transportation agency suggested that the rule address such issues as potential liability to handicapped persons, job descriptions for persons who assist handicapped passengers, and union regulations that may affect assistance to the handicapped. We believe these issues are outside the scope of this rulemaking, and, properly speaking, are not regulatory issues at all. In addition, all these factors are likely to vary considerably among states and localities, and so are not easily susceptible to nationwide rule.

§ 27.75 Federal Highway Administration-Highways. The language of this section has been changed from that of the NPRM in three respects. The reference to § 27.67 in subparagraph (a)(1) and the final sentence of that subparagraph have been deleted, because the term "accessible" is now defined in § 27.5 for new facilities by reference to the ANSI standards. In subparagraph (a)(3)(ii), a minor substantive change has been made. The NPRM permitted exceptions to the requirement of making pedestrian overpasses, underpasses and ramps accessible where it is infeasible for mobility-limited persons to reach the facility because of "terrain" obstacles unrelated to the Federally assisted facility. To be consistent with the language of a January 23, 1979, agreement between the Federal Highway Administration (FHWA) and

the Architectural and Transportation Barriers Compliance Board (A&TBCB) on the subject of pedestrian overpasses, underpasses and ramps, we have substituted for the "terrain obstacles" the words "unusual topographical or architectural obstacles". This language points out that man-made as well as natural obstacles can preclude access to a facility and also emphasizes that, in order to except a facility from the accessibility requirement, the obstacle in question must be beyond the ordinary scope of highway engineering problems. Obstacles able to be overcome with ordinary engineering and construction effort by a state highway department should not form the basis for an exception.

Several state transportation agencies asked for clarification on whether all existing rest area facilities on Federalaid highways, regardless of the involvement of Federal funds, are required by subparagraph (b)(1) to be made accessible. All existing rest areas on Interstate highways, where the vast majority of rest areas already are accessible, must be made accessible to the handicapped. On other roads, where the patterns of rest area placement and funding are more irregular than on the Interstates, existing rest areas will be made accessible when they are improved using Federal funds, or when the road on which the rest area is located is improved with Federal funds in the area directly in front of the rest area or in the near vicinity (roughly within a mile) of it.

The question of overpasses, underpasses, and ramps for pedestrians was the subject of more comments than any other part of this section. Comments were fairly evenly divided among those who felt that the 10 percent maximum gradient proposed by the NPRM was too steep (principally handicapped persons and groups representing them) and those who felt that a higher gradient was more reasonable (principally transportation agencies). Both concerns are valid. For wheelchair users, particularly those whose arms and upper body are not strong, wheeling a chair up a 10 percent grade, while possible, may be a laborious task. On the other hand, the length of the ramp necessary for maintaining the 8.33 percent gradient set forth in the ANSI standards means that more land may have to be acquired for the facility and that persons other than wheelchair users, unwilling to take the time to use the extended ramps, may simply cross the highway at grade, diminishing the safety advantage for which the pedestrian facility was built. The length of the ramp, in itself, may

also constitute a barrier to wheelchair users. Faced with these conflicting interests, we decided to keep the 10 percent gradient proposed by the NPRM. We believe that this is a reasonable compromise which achieves some, though not all, of the legitimate goals expressed by both groups of commenters.

DOT and FHWA will encourage state highway departments to construct pedestrian facilities with an 8.33 percent gradient whenever it is feasible. For example, where there is sufficient space, barriers (e.g., fences around Interstate highway rights-of-way) to prevent pedestrians from crossing at grade, or where there are heavy concentrations of elderly people in an area, we believe that the 8.33 percent gradient is a good idea. This policy is one which we believe it best to implement through the normal highway project planning process, however, rather than through a mandatory, across-the-board regulation.

The regulation does not require existing pedestrian facilities to be made accessible. However, the FHWA-A&TBCB agreement referred to above provides that FHWA will establish a program urging the states to create an inventory of overpasses and underpasses constructed or altered with Federal-aid funds after September 2, 1969. The states will also be urged to pinpoint overpasses and underpasses in need of modification, under criteria to be developed by FHWA and the A&TBCB. FHWA will urge each state to establish a timetable for making needed modifications.

Several commenters raised the question of the meaning of the word "constructed", in subparagraph (a)(2), which requires that all pedestrian crosswalks "constructed" with Federal financial assistance to have curb cuts. This provision expressly relies on 23 U.S.C. 402(b)(1)(F), which requires curbs "constructed or replaced" on or after July 1, 1976 to be accessible to wheelchair users and other physically handicapped persons. In other words, if there is a physical alteration or repair to an existing curb, or a new curb is put in place as a result, for example, of a project to widen a street or remodel an intersection, curb cuts are a required part of the project at crosswalks. Projects not physically affecting the curb itself-such as painting crosswalk lines over the curb-may be carried out without adding curb cuts.

Several groups representing handicapped persons and various individual commenters asked that curb cuts be required in all existing curbs on Federal-aid highways, or at least in proximity to bus or rapid rail stops. As stated above, a specific statutory provision addresses the question of curb cuts. We believe that this provision is sufficient.

One commenter feared that the incorporation of the ANSI standards into this section might require highway departments to follow some highly unconventional engineering practices, such as having a sidewalk gradient of five percent adjoining a street with a gradient of 10 percent. We do not intend to require that sidewalk gradients differ from the gradients of the adjacent roadways.

Organizations representing the blind expressed concern over the impact upon blind people of "right turn on red" programs and what they perceive as the phasing out of audible traffic signals. These concerns were not addressed by the NPRM and are outside the scope of this rulemaking.

Subpart E—Program Accessibility Requirements in Specific Operating Administration Programs: Mass Transportation

§ 27.81 Purpose. The substance of this section is unchanged from the NPRM, and simply states that the subpart implements section 504 and other statutes applicable to this section. The substance of the NPRM's § 27.83, "Objective," has been merged into this Section. Section 27.85 of the NPRM, "Scope," has been deleted as unnecessary. Section 27.87 of the NPRM, "Definitions," has also been deleted. The definitions it stated have been shifted to § 27.5 in order to consolidate all definitions in one section.

There were very few comments about these introductory sections. Two comments asked for specific mention that the purpose of the regulation included consideration of the needs of the mentally ill. Mentally ill persons are covered by the general definition of handicapped, and further mention appears superfluous. Another commenter asked that the "objectives" section indicate clearly whether existing **Urban Mass Transportation** Administration (UMTA) regulations on the transportation of elderly and handicapped persons will be withdrawn. This rule supersedes the existing UMTA regulations (49 CFR Part 609, 49 CFR 613.204, and the appendix to 49 CFR Part 613, Subpart B, on 49 CFR 613.204), except that the requirements for Transbus remain separate from this rule (49 CFR 609, 15(a)). The appendix to 23 CFR Part 450, Subpart A, on planning for elderly and handicapped persons under the joint UMTA-Federal Highway

Administration planning regulations will be revised to reflect the requirements of this regulation. Although most of the advisory information in that appendix remains applicable, it will be revised to discuss the new section 504 regulation and the fact that some matters, such as wheelchair accessibility to fixed route bus systems, are no longer matters of local option.

§ 27.83 Fixed Facilities for the Public (Section 27.95 in the NPRM). The changes to this section, while considerable, are editorial in nature. Paragraphs (a), (c), (d), (e) and (f) have been deleted as repetitive of material contained in subparts A and C of the rule. The remaining provisions have been renumbered accordingly. The titles of the final rule's paragraphs (a) and (b) have been changed to reflect more accurately the contents of the paragraphs. The contents have not been changed from the NPRM, except that a reference to the ANSI standards in paragraph (b) has been changed to refer to § 27.67 rather than to the deleted paragraph (f) of the NPRM version of

Most comments on this portion of the NPRM concerned paragraph (a) of the NPRM, which has been deleted. The comments wanted more specificity in the statements of this paragraph's requirements in some cases, and other comments objected to the paragraph's provision for exceptions to accessibility requirements. The general material in this paragraph is clearly explained elsewhere in general sections of the rule; provisions as to exemptions are found in the program-specific portions of subpart E.

Comments on paragraphs (b) and (c) of the NPRM (paragraph (a) of the final rule) asked for greater specificity, particularly as to schedules for modification of facilities. Some commenters thought DOT should require a particular percentage of modification to be completed each year, for example. We believe that the sections are sufficiently specific as they stand. Given the diversity of modification tasks nationwide, greater specificity in this section of general application on scheduling modifications is not desirable. More specificity is provided in the sections on specific transportation

There were few other comments. One commenter asked for specific mention of curb cuts. We believe those provisions requiring attention to the needs of handicapped persons in loading, unloading, and parking areas are sufficient to cover this concern.

The NPRM's § 27.97, which generally set forth the rule's requirements for vehicles, is applicable generally, not just in subpart E. Therefore, it has been deleted from its place in the NPRM and moved to subpart C.

§ 27.85 Fixed Route Bus Systems (Section 27.101 in the NPRM). In most communities, bus systems provide the only fixed route means of public transportation. The accessibility of bus systems to the handicapped is crucial if handicapped people in these communities are not to be denied the benefits of Federal aid to urban mass transportation. Even in cities with other modes of mass transit, the bus systemwhich normally has a much more comprehensive route structure than rail and other means of transportation-is a key to ensuring that handicapped people have an equitable opportunity to use transportation services.

The Department has changed this section from the NPRM in a number of ways. The first of these changes is in subparagraph (a)(1)(ii), where the definition of the accessibility of bus systems has been rewritten. The language of the NPRM—"off-peak frequency service or half of the peak service, whichever is greater, during offpeak hours as well as peak hours"—was confusing. For example, it could be interpreted to require bus systems to increase the frequency of its off-peak runs, something that the Department never meant to require. Therefore, the paragraph now provides that at least one-half of buses in peak hour service must be accessible in order to achieve program accessibility. During off-peak hours, a recipient must deploy all of its available accessible buses before it may place inaccessible buses in service.

In order to limit the need to retrofit existing buses and to permit bus systems, particularly those with newer fleets, to spread the cost of acquiring accessible buses over a longer period of time, thereby easing the short-term expenditures these systems must make, subparagraph (a)(2) has been changed to extend the outer time limit for program accessibility from 6 to 10 years. In addition, a new subparagraph (a)(3) has been added to the section, providing that nothing in the section shall require any recipient to install a lift on any bus for which a solicitation was issued on or before February 15, 1977. Manufacturers have been required by UMTA regulations to offer a wheelchair accessibility option for all new. standard, full-sized urban transit buses for which a solicitation was issued after that date. Together with the 10-year period during which new accessible

buses can be purchased to make a fleet accessible by accretion, this provision will also help to limit the need to retrofit existing buses and to keep recipients' costs within reasonable bounds.

Those systems with older fleets will presumably be able to meet this standard in less than 10 years through normal bus replacement. All cities are likely to try to achieve program accessibility as quickly as possible. since § 27.97 requires the provision of interim accessible transportation during the period before program accessibility is reached. However, some systems with relatively new fleets may need the full 10 years in order to avoid large scale retrofitting of existing buses. The vast majority of commenters opposed retrofitting, raising significant questions about its cost-effectiveness and possible effects on the structural integrity of existing buses.

Given the extension to 10 years and the revised version of the program accessibility standard, the Department feels that the former provision about extending the six-year deadline "by one year for each 10 percent above the 50 percent of the buses that would have to be accessible" is unnecessary. Therefore, that provision has been deleted.

The final rule requires that all new buses for which solicitations are issued after the effective date of the part be accessible. In addition, to avoid the risk that a large number of procurement solicitations for inaccessible buses could be issued before the effective date of this regulation, UMTA intends to limit its consideration of bus grants to those that provide for accessible buses. This paragraph's requirement as they pertain to new, standard, full-size urban transit buses, will remain in effect until solicitations for those buses must use UMTA's "Transbus Procurement Requirements."

The requirement that all new buses be accessible will mean that eventually all buses will be accessible. The requirement in paragraph (a) of this section (program accessibility) that half of the peak hour bus service be accessible is a minimum level of accessibility that must be achieved within 10 years.

The bus system accessibility section of the NPRM received numerous comments. We have carefully considered these comments in writing the final rule. The comments, and our thinking in response to them, can be discussed most conveniently in terms of the following categories:

1. Accessibility in General. About 180 comments addressed the issue of

whether mainline bus service should be made accessible. About half these comments favored the concept of requiring accessibility. Handicapped individuals and their groups were strongly represented among the comments advocating the requirement; transit operators and state transportation agencies were heavily represented among the comments expressing the opposing view.

The comments favoring the requirement of accessibility cited the goal of incorporating handicapped people into the mainstream of society, providing independent mobility for them, permitting them to use the fruits of their tax dollars, and avoiding what they regarded as the pitfalls of "special service" paratransit (e.g. long lead times for reservations, waiting time, limitations on type and length of trips, unreliability). Opponents of the requirement asserted that the costs of accessibility are not justified by what they viewed as the small population that would probably take advantage of the services. Separate special service would do a better job for handicapped people at a lower cost, in their view, and they point to the difficulty which handicapped persons may have in getting to and from bus stops, particularly in bad weather.

The Department believes that major modes of public transportation should be made accessible. In addition, bus accessibility is a well-settled DOT policy, as evidenced by the Transbus mandate. In connection with his Transbus decision issued on May 19, 1977, Secretary of Transportation Brock Adams considered in depth the arguments for and against requiring buses to be accessible. The Secretary decided then, and in this rulemaking reaffirms, that accessibility of buses is an important part of the Department's urban mass transportation policy.

2. Costs. The costs of making bus systems accessible occasioned a great deal of comment. Many transit operators estimated that mainline accessibility would markedly increase their annual operating costs and cause them to incur heavy capital costs. For example, eight California transit systems said their annual operating costs would increase from one to 15 percent, while they would incur additional capital costs from around \$500,000 to \$16 million. Most figures that were provided simply added the costs of accessible mainline service to present costs. However, a number of comments compared the prospective costs of mainline accessible service to the prospective costs of special paratransit service. Some of these

commenters thought the costs of the two systems would be about the same, or that mainline service would cost less. The majority, however, felt that mainline service would be costlier. Summing up the views of these commenters, the American Public Transit Association (APTA) estimated that nationally, annual operating costs for mainline accessible systems would be \$300 million, versus \$159 million for "dial-a-ride" paratransit service. Some smaller transit authorities asserted that the costs inherent in the requirements of this regulation would cause them to curtail seriously or cease operations.

The Department of Transportation has looked carefully at the costs and has concluded that the costs of bus accessibility are likely to be lower than commenters suggested. Some of the difference may be explained by cost assumptions made by the commenters, who included significant sums for such matters as presumed slowing of service, increased cost for garages (based on presumed need for housing greater numbers of vehicles), increased insurance costs, need for additional personnel, additional training costs, bus stops and shelter modifications, and so forth. In the Department's view, some of these assumptions may not be well founded. The costs assigned to the items may be overstated, and it is likely that many of the costs would be incurred under alternatives other than program accessibility. With respect to cost comparisons between mainline and special services, valid comparisons are possible only if the special services involved are truly comparable (in terms of factors such as trip time, waiting time, trip purpose restrictions, hours of service, etc.) to mainline accessible service. From the comments, it was difficult to determine whether the services proposed as alternatives to mainline accessibility were truly comparable. Comments from handicapped persons about existing special services suggested that existing special services are not truly comparable.

While not denying the reality of increased costs for operators, the Department is not persuaded that the financial impact, in absolute or relative terms, is as high as some commenters assert. Nevertheless, the Department took important steps to mitigate the cost impact of the rule. The stretching out of the compliance period from six to 10 years is one example of a change that should help to mitigate costs. In addition, the provision that a bus for which a solicitation was issued on or before February 15, 1977, need not be

retrofitted with lifts will result in some capital savings for recipients. This provision, in conjunction with the longer compliance period, will probably result in very few buses having to be retrofitted with lifts in order to reach program accessibility.

The capital cost impact of this portion of the regulation will therefore consist principally of incremental costs of lift-equipped buses over the costs of inaccessible new buses. This cost appears to be within reasonable bounds. The marginal increase in operating costs is estimated to average about 1.3 percent.

3. Benefits. The principal benefit that this portion of the regulation attempts to confer is making it possible for wheelchair users to use mainline buses. A large majority of the comments relevant to this issue suggested that the provision of this benefit may not be meaningful, predicting little or no increase in the use of mainline buses by handicapped persons as the result of the rule. These commenters cited the difficulty of getting from home to the bus, given the presence of other barriers in the community, as the biggest reason for this predicted lack of ridership. Other problems mentioned were the problem of transferring to other routes when not all of the buses during peak hours were accessible, and concern by the handicapped about the safety of accessible equipment. The minority of commenters who believed that accessibility of mainline service would increase ridership alluded to such factors as likelihood of building up a handicapped ridership base when accessible service was actually provided, the probable diversion of handicapped from taxis to less expensive bus service when accessible service became available, and the assistance to bus ridership that could be provided by demand-responsive supplemental service.

Our starting point for estimating the probable benefits to be gained from accessible mainline service is the potential market to be served. The "National Survey of Transportation Handicapped Persons" (1978) performed for the Department indicated that there were about 1.5 million people who live within a half-mile of a bus stop and for whom bus steps are a barrier which would prevent them from using buses. Given the increase in the average age of the population, it is likely that the number and proportion of mobilityhandicapped people will increase. because as people age, the likelihood that they may become mobilityhandicapped increases. Not all these

people could get to a bus stop, given the existence of other barriers. The Department supports the removal generally of barriers to the mobility of handicapped people, but is only in a position to mandate the removal or barriers in those programs to which it provides financial assistance. However, actions are now being taken to eliminate these barriers, and these measures will enable more handicapped persons to use an accessible system.

We believe that the use of accessible bus service by handicapped people will increase over time. Given the history of almost total inaccessibility, most handicapped people probably do not think first of the city bus when they make transportation plans. It is necessary to create accessible service and educate the public about it before the significant potential market of handicapped users is likely to ride the buses in large numbers. The Department is persuaded that, under this rule, and with the cooperation of transit operators, mainline bus service can be safe, convenient, and attractive for handicapped persons.

4. The Use of Lifts. Pending the introduction of Transbus, the only technology for making buses accessible to handicapped people is the lift. After the effective date of the rule, recipients may issue solicitations only for accessible buses. This requirement will not be a major policy change for a number of the nation's largest bus systems, including those serving Los Angeles, Detroit, Washington, Seattle, Houston, and St. Louis, which have already decided to purchase at least some accessible new buses. Given the provisions of the final rule, it should be unnecessary in almost all cases to retrofit previously purchased buses with lifts, an expensive and technically difficult process opposed by the vast majority of commenters who discussed retrofit.

Commenters who opposed the requirement to purchase only accessible new buses focused on three main issues. They stated that the use of lifts would greatly slow bus service; that lifts are unsafe, and the presence of some handicapped persons aboard buses as the result of the use of lifts could pose a hazard in an emergency evacuation situation; and that lift technology is unreliable and lifts do not work properly. The case in point cited by exponents of this final point is the St. Louis bus system, which reports much trouble with its lift-equipped buses.

With respect to the argument that the use of lifts would greatly slow bus service, the Department is somewhat

skeptical. While there may be some slowing of service in some circumstances, this problem is not likely to be of the scope or magnitude suggested. Transit systems should, after a time, gain experience concerning the points on their routes where it is most likely that lifts will be used on a regular basis. Any regular delays of this kind can and should be worked into schedules in such a way that service disruptions or undue slowdowns of service will be minimal.

The concerns expressed about safety went first to the fit between the lift and wheelchairs—lifts might not be able to receive and "lock onto" all sizes of chairs, for example—and second to the evacuation of wheelchairs from the bus in an emergency. To the extent that the first problem exists, it can be remedied by the improvements to the design and construction of new lifts and remedial safety devices or warnings on existing lifts. With respect to emergency evaucation, recipients should develop, and train bus operators in, means of expeditiously evacuating wheelchair occupants from buses in emergencies as part of their accessibility programs and policies. We feel that seating in buses can be designed to minimize any obstruction by a wheelchair to the evacuation of other passengers. Obviously, it is desirable in any emergency evacuation situation that the evacuees be as mobile as possible, but this general statement is not a sufficient reason for keeping mobility-limited people off public conveyances.

We are aware that lifts in present use have experienced technical problems. Manufacturers of lifts commented that they were presently working to make needed improvements in lifts. In addition, we believe that a requirement for lifts will create a much stronger demand for lift equipment, which in turn will encourage companies with high engineering skills and production capacity to enter the market. The result should be the availability of good equipment at competitive prices. Moreover, the time lag before liftequipped buses begin to arrive on the streets in response to the rule's deadline for orders means that it will be about 18 months from the effective date of this rule before the buses are delivered. This allows some additional time for the production of improved lifts. It is the Department's conclusion that lifts are a feasible solution to the problem of making buses accessible.

5. Comments Regarding the Transbus. Many commenters saw the docket on the NPRM as a forum to re-open the Secretary of Transportation's May 1977 decision to mandate Transbus. Comments both in favor of the Transbus mandate and against it (or asking for delay in its implementation) were received. The Transbus decision was made well before the section 504 NPRM was published, and stands independently of any of the decisions made as part of the present rulemaking. The Transbus decision is referenced in the general requirement of accessibility made by this rule, and is not subject to modification as part of this rulemaking. Regardless of the timing of the availability of Transbuses, recipients are bound by this final rule to issue solicitations only for accessible buses after the effective date of this rule.

§ 27.87 Rapid and Commuter Rail Systems. The NPRM's section 27.103, entitled "Fixed guideway systems accessibility," dealt with light rail systems as well as with rapid and commuter rail systems. In the final rule, light rail systems are discussed in a separate section, § 27.89. The provisions of the rapid and commuter rail portion of the rule have been extensively revised.

The new paragraph (a) provides that program accessibility in rapid and commuter rail systems is achieved when a system, when viewed in its entirety, is accessible to handicapped persons, including wheelchair users. All stations must be accessible to handicapped persons who can use steps (e.g., fully mobile blind or hearing-impaired persons); key stations must also be accessible to wheelchair users.

The rule provides that recipients must treat as key stations those stations which meet any one of several criteria. A station must be made accessible if it is (1) a transfer point on a rail line or between rail lines (e.g., where two subway lines cross), (2) a major interchange point with other modes (e.g., a rapid rail station serving an airport; a subway station adjacent to a stop serving three bus lines; this criterion does not make every rail station adjacent to a bus stop a key station. however), (3) a station at the end of a line (unless the station is close to another accessible station), (4) a station serving major activity centers (employment or government centers, institutions of higher learning, or hospitals or health care facilities), (5) a station that is a special trip generator for sizable numbers of handicapped persons (e.g., a station serving a cluster of high-rise, high-density apartment buildings with a large handicapped population), or (6) in the case of rapid rail, a station where passenger

boardings exceed average station boardings by 15 percent.

The key station concept was suggested during the comment period as an alternative to 100 percent station accessibility. Representatives of the city of New York proposed that 10 percent of the New York City rapid rail stations would be an appropriate level of key stations. These discussions focused the Department's attention on the idea of a key station approach, but further reflection and analysis showed that the service quality from a very low level of key station accessibility as proposed by New York was not adequate. For this reason, the Department has adopted criteria for determining what are key stations to ensure that heavily used stations and those that are trip generators for the handicapped will become accessible. Using these criteria, effective rail transportation service can be provided at a significantly lower cost than would be the case if all stations were required to be accessible.

For commuter rail systems, which serve less densely populated areas and which have stations spread over a wider geographic area than rapid rail systems, application of these criteria alone might well result in the exemption of so many stations that the system, viewed in its entirety, would not be accessible. Therefore, an additional criterion based on distance from other accessible stations has been imposed for commuter rail systems. This criterion would identify any station which is distant from any other accessible station as a key station. "Distant" is not defined, but our intent is that making every third station accessible would generally satisfy this criterion.

The regulation does not specify a percentage of stations that must satisfy these criteria. However, a reasonable estimate is that application of these criteria will result in a nationwide average of about 40 percent of rapid rail stations being made accessible, although this figure may be as much as 80 percent in some cities.

With respect to rail vehicles, the regulation requires all vehicles to be accessible to handicapped persons who camuse steps and one vehicle per train to be accessible to wheelchair users. Paragraph (b) generally requires new rapid rail vehicles for which solicitations are issued after the effective date of the regulation to be accessible.

While 49 CFR Part 609, UMTA's regulation governing accessibility of handicapped persons to transportation, is superseded by this 504 regulation, the former §§ 609.15-609.19 should continue

to be used by recipients as guidance for determining accessibility features to be incorporated in new equipment until new guidance on what specific accessibility features are required, probably in the form of an UMTA circular, is issued. One accessibility feature in rapid rail systems—a device to close the gap between vehicle exits and station platforms in order to make entering and leaving the vehicles safe and convenient for handicapped people—is not required to be provided. if needed, until January 1, 1983. This delay is intended to permit a reasonable time for further development and testing of gap-closing devices. New commuter rail vehicles for which solicitations are issued on or after January 1, 1983, must be accessible to wheelchair users. This date was selected in order to permit a reasonable time for the development and testing of car-borne lifts which may be necessary to make cars accessible in some systems.

The regulation also requires connector service between accessible and inaccessible rapid rail stations. This service is intended to provide at least a partial substitute for the rapid rail service between stations that is unavailable because some stations are inaccessible. The connector service may be provided by regular bus routes, special bus routes, special service paratransit, or any other accessible means of transportation provided by a recipient that will transport a handicapped person from an inaccessible rapid rail station to the nearest accessible station in the person's direction of travel, or viceversa. The connector service, together with accessible rail stations, must provide to handicapped persons a level of service reasonably comparable to that provided by the rapid rail system for a non-handicapped person.

As an indication of this comparability, the service generally should avoid requiring a handicapped person to transfer more than one time more than a non-handicapped person would to get to their destination. This is not a firm, invariable requirement, however. If service of approximately equivalent speed can be provided, variation in the number of transfers permitted may be possible.

It should be pointed out that one way to provide adequate connector service with accessible mainline buses might be route restructing, rather than the addition of new service.

The timing of the connector service requirement parallels that of the rapid rail system program accessibility requirement. Complete connector

service must be in place within 30 years from the effective date of the regulation. Within this time period, there must be a steady build-up of connector service that is coordinated with the completion of key stations. No later than 12 years from the rule's effective date, connector service must provide effective and efficient use of key stations that have been made accessible at that time.

Subparagraph (a)(4) sets the time schedule for accomplishing program accessibility in rapid and commuter rail systems. Accessibility must be achieved as soon as practicable, but not later than 3 years after the effective date of the regulation, except that this time limit is extended to 30 years for extraordinarily expensive structural changes to, or replacement of, existing fixed facilities needed to achieve program accessibility. Changes to accommodate the needs of handicapped persons who can use steps-such as blind or hearingimpaired persons—are expected to be accomplished within three years, since these changes generally involve lowcapital expenditure projects and are not "extraordinarily expensive." The Department generally considers elevators and vehicle lifts to be "extraordinarily expensive" and has selected the extended deadlines to permit adequate time for such improvements to be made.

It is the policy of the Department that the most essential key stations (about one-third of all key stations) be made accessible within the first 12 years of the program. However, the Department has decided that a 30-year period for obtaining full program accessibility is justified. This decision was made principally on the basis of the difficulty and high cost of making needed structural changes (e.g., retrofitting existing subway stations in New York City or Philadelphia with elevators).

The Department believes that it is reasonable to spread out the work and cost of these changes over a relatively extended period. However, the Department intends to ensure, through its planning and grant process, that recipients proceed with needed modifications at a reasonable rate. The regulation requires that each recipient make steady progress over the entire 30year period, in compliance with a required transition plan. After 12 years, the Department intends to require an assessment at the national and local levels of the progress of accessibility work and its impact on ridership.

The time limit for vehicle accessibility is five years from the effective date of the regulation in rapid rail systems and 10 years for commuter rail systems for

extraordinarily expensive changes to, or replacement of, existing vehicles. Less expensive changes in rolling stock, to make the vehicles accessible to and usable by handicapped persons who can use steps, must still be made within three years.

The Department is aware, as many commenters have pointed out, that carrying out this section will be costly. The Department estimates that over the 30-year compliance period, achieving program accessibility in rapid rail systems will cost about \$1 billion. This estimate covers capital costs for fixed facilities and vehicles, incremental operating costs, and connector service which does not make any use of mainline accessible bus routes, and assumes that a national average of 40 percent of stations will be made accessible. The actual cost will be lower to the extent that cities are able to use mainline accessible bus lines for connector service, thereby saving some of the cost of a complete, separate connector service system. The 30-year compliance cost for commuter rail systems, also assuming that about 40 percent of stations are made accessible. will be about \$290 million. The 30-year compliance period will enable recipients to spread these costs over a long period, so as to make them easier to bear.

Many commenters who discussed accessibility for rapid rail systems favored accessibility. The majority of the comments from handicapped persons and their groups favored a shorter deadline for program accessibility-12 or 20 years-than the 30 year deadline chosen by the Department. The Department understands this view; handicapped people have already waited a long time for the removal of transportation barriers. The Department believes, however, that it must take care to mandate only what can be accomplished practically by recipients and by the Department. The key station concept received support in the comments both from transit operators and groups representing the handicapped.

With respect to rapid rail vehicles, two rapid rail system operators expressed concern about the vehicle/platform gap problem. This problem is addressed by the rule's provision for gap-closing devices in cars for which solicitations are issued on or after January 1, 1983. Other comments mentioned the need for some interior refitting of vehicles; the timing of this refitting will depend on its extensiveness and cost. As the rule provides, accessibility (including

interior refitting) that is not extraordinarily expensive must be accomplished within three years.

Most operators commenting on the NPRM supported a "local option" concept, in which each operator or local government would select the mix of transit services best suited to provide mobility for handicapped persons.

There is room for considerable local planning in carrying out this regulation, with respect to planning, connector service, and determination of some key stations. However, the concept of local option as expressed by many commenters is inconsistent with the assurance of providing program accessibility which section 504 and the HEW guidelines require.

As with bus systems, comments questioned the likelihood of significant use of accessible rail systems by handicapped riders. Present experience is scanty. Systems which are partly or wholly accessible, such as San Francisco's BART and Washington, D.C.'s Metro, report relatively small but growing numbers of handicapped users of their station elevators. It is reasonable to believe that these numbers will increase as more accessible buses begin to feed into the rail systems and as other barriers to the movement of handicapped people are eliminated. While it is clear that awareness of the existence of accessible transit must increase and other barriers must decrease before the full potential for handicapped ridership could be realized, it is also clear that there is a currently untapped market for transit service which accessible systems are capable of serving. It should also be pointed out that accessible systems may make the use of public transit more convenient, and consequently more attractive, for many people who are not handicapped.

The range of comments concerning commuter rail was quite similar to that concerning rapid rail. One difference concerned what most transit operators commenting regard as the unique nature of commuter rail, which runs on track also used by other rail traffic. This, the operators said, poses problems for them. Increasing the time a commuter train needs to stay at a station in order to pick up handicapped passengers may disrupt schedules for other trains. Moreover, in high-platform stations, there may be a considerably larger car/ platform gap than in rapid rail stations. Also, the fact that commuter rail systems operate in areas of lower population density means that relatively few handicapped riders are likely to use accessible service.

It is probable that the number of handicapped passengers, like the number of passengers in general, is likely to be lower for commuter rail than for rapid rail. However, there are fewer public transportation options for people living in areas served by commuter rail than for people in more densely populated areas. This makes making the accessibility of commuter rail even more important for those people.

The key station provisions of the rule should improve the ratio of costs to benefits for commuter rail operations. As with other modes of transportation, however, the Department's decisions in the commuter rail area cannot be exclusively tied to cost-benefit analysis. The human value of providing accessible transit services to all persons must weigh heavily in the decision. Sophisticated traffic management techniques should permit schedules of commuter trains and freight trains which share relatively few lines to be arranged so that the commuter trains can safely pick up handicapped passengers without unduly delaying other traffic.

Commuter rail systems differ. Some have high platform stations flush with car entry level. Others have entry from ground level. Others have combinations of both. What the rule requires is accessibility, not any particular technique for achieving accessibility. If a system has mostly high platform stations flush with car entry level, it might modify its other stations along the same lines, thus obviating any need to equip its rolling stock or stations with lifts. On the other hand, so long as train entry areas are accessible to handicapped persons, a system may provide access to its vehicles with lifts and avoid modifying most platforms. Platform/train gaps could be closed by automatic equipment extending from cars or by "gangplank" devices either carried on the train or stored in the station and operated by train or station personnel. Where it is most appropriate for commuter rail vehicles to become accessible through the use of lifts, the January 1, 1983, solicitation date plus the approximately two-year period between order and delivery gives recipients and manufacturers sufficient time to develop and deploy new technology.

Other comments on the commuter rail section of the rule paralleled the rapid rail comments concerning the key station concept, the merits of accessibility as a goal, and "local option." The Department's thinking on these issues is the same as in the rapid rail area, with the exception that one of the criteria used for determining which stations are key stations in rapid rail

systems—stations boarding 15 percent more passengers than the system average—is not applicable to commuter rail systems.

§ 27.89 Light Rail Systems. This section, which treats rail (trolley) systems separately from commuter rail and rapid rail systems, is new. The general accessibility requirement for light rail systems, like that for other modes, is that a system, when viewed in its entirety, must be accessible to handicapped persons, including wheelchair users.

The requirement for station accessibility is similar to that for rapid rail. All stations must be accessible to handicapped persons who can use steps, and key stations must be accessible to wheelchair users. Key stations are generally defined by many of the same criteria used for rapid and commuter rail key stations, and the rationale for the key station concept discussed in connection with rapid and commuter rail systems applies to light rail stations as well. Relatively low-capital changes to be made to stations or vehicles are expected to be made within three years. The three-year general time limit is extended to 20 years for extraordinarily expensive structural changes to, or replacement of, existing fixed facilities and vehicles necessary to achieve program accessibility.

It is important to note that light rail vehicles stop not only at fixed-facility station, but also at street stops. We intend the key station criteria to apply only to fixed-facility stations. Street stops need not be considered as key stations, because these stops will be accessible in many cases, when lift-equipped vehicles are deployed. Street stops do not need to be changed structurally under this section. However, once light rail vehicles are equipped with lifts, it is likely that wheelchair users will be able to enter and leave the vehicles at many street stops.

The vehicle accessibility requirement for light rail is similar to that for buses. All vehicles must be accessible to handicapped persons who can use steps. At least half of the vehicles in peak-hour service must be accessible to wheelchair users.

During off-peak hours, the accessible vehicles must be used before inaccessible vehicles can be used. The discussion of the rationale for the bus accessibility requirement applies to the light rail vehicle accessibility requirement of this section. New light rail vehicles for which solicitations are issued on or after January 1, 1983, must be accessible to handicapped persons, including wheelchair users.

The final requirement of the section is that after 12 years, light rail operators must submit to the Department a report on the progress, cost and benefits of the accessibility program. As with rapid and commuter rail systems, operators are expected to make steady and reasonable progress throughout the 20year program period toward the goal of program accessibility, with the most essential work being done first. However, until the Department's study of light and commuter rail accessibility, as mandated by section 321(b) of the Surface Transportation Assistance Act of 1978, is completed, we foresee no need for movement beyond the planning phase. Section 321(b) directs the Secretary to make an evaluation of the light and commuter rail modes to determine ways of making and the desirability of making such modes accessible to handicapped persons. The Secretary is directed to report to Congress the results of this evaluation by January 30, 1980, together with his recommendations for legislation necessary to clarify or change Federal laws or provisions pertaining to light and commuter rail accessibility.

The Department estimates that the capital cost of making light rail systems accessible would be about \$47.7 million if all stations were made accessible. If the key station criteria result instead in forty percent of stations being made accessible, the capital cost would be reduced to about \$25 million.

As a number of commenters pointed out, the biggest problem in making light rail systems accessible is the present unavailability of lifts for light rail vehicles. UMTA has initiated research to assist in developing a lift for light rail vehicles. Based on present development schedules, the Department expects a prototype lift for light rail vehicles to be developed by the end of 1980. It is probable that another year will be required before a safe and reliable lift can be marketed. It is with this development timetable in mind that the Department does not require recipients to order only new vehicles that are accessible until January 1, 1983. This schedule gives reasonable leeway for development and testing before transit systems must order trolleys with lifts or other accessibility features.

Comment from groups representing handicapped persons favored the accessibility mandate for light rail systems; transit operators, while pointing out problems associated with lift costs, in several cases did not appear to oppose accessibility. Only one comment, which favored the idea, dealt with the key station concept. Some

transportation agencies requested that accessibility be a matter of complete local option but, for the same reasons discussed in connection with buses and rapid and commuter rail systems, the Department did not adopt this suggestion.

It should be pointed out that in light rail cities which also have bus systems, it is likely that the bus systems, once they are accessible and given proper routing, should in most cases be able to meet interim accessible transportation requirements until the light rail system becomes accessible.

§ 27.91 Paratransit Systems. (Section 27.105 in the NPRM). This section requires that where paratransit systems exist, they shall be operated so as to be accessible, when viewed in their entirety. Where new vehicles must be purchased or structural changes made to attain program accessibility, the purchases or changes must be made within three years from the effective date of the regulation. Automobiles may be used by transit operators or other service providers as one form of paratransit vehicle. They are accessible to many handicapped persons, including many wheelchair users. However, automobiles are not accessible to some handicapped persons (for example, persons who use battery-powered wheelchairs that cannot be folded and carried in an automobile trunk or backseat). Thus, the section requires that each paratransit system operate enough accessible paratransit vehicles to provide approximately the same measure of service to handicapped persons who need such vehicles as is provided to other persons. A higher fare may not be charged just because the handicapped person needs a vehicle with a level-change mechanism.

In paragraph (b), the requirement concerning the purchase of new vehicles has been altered somewhat from the NPRM. New vehicles purchased after the effective date of the regulation must be accessible, unless the system will continue to meet the section's general program accessibility standard even though the new vehicle or vehicles purchased are not accessible. For example, if a paratransit system has enough accessible vehicles to meet all demands for service by handicapped persons, and the requirement of generally equal service to handicapped riders is met, all new vehicles purchased for the system need not be accessible.

No part of these regulations is intended to discourage door-to-door paratransit services or programs that help handicapped travelers directly through user subsidies or other methods.

Our intent is to increase overall travel opportunities of handicapped persons by fostering program accessibility in addition to any current or planned specialized services available from a variety of sources. Recipients are encouraged but not required to provide supplemental service to handicapped persons who cannot reach transit facilities, use accessible vehicles, or travel from transit stops to their destinations.

The Department received a great many comments dealing with paratransit as a supplement or alternative to mainline accessibility for handicapped persons. The NPRM, however, did not propose anything with respect to paratransit except that paratransit systems, where they exist must be accessible. This provision of the NPRM has been retained. Under this section of the final rule, no one is required to provide paratransit service. The cost of making the paratransit service that is provided fully accessible should not be overwhelming, given that much paratransit service is already aimed at serving handicapped persons.

Some commenters suggested the inclusion of specific varieties of paratransit service (e.g., taxis) in the definition of paratransit (which has been moved to the general definitions section, § 27.5). If, through arrangements with taxi operators, recipients are providing paratransit services by taxi, then taxis are included under this section, and the system must achieve program accessibility. Specific schemes for providing paratransit, such as transit agency subsidies of taxi fares, are not mandated by this regulation.

§ 27.93 Systems Not Covered by §§ 27.85–27.91 (Section 27.107 of the NPRM). The substance of this provision has been changed slightly from the NPRM. The Administrator's authority has been clarified to indicate that it relates to the program accessibility requirements of this section. In addition, some service quality criteria for alternative service under subparagraph (b) have been added to ensure that it will be useful to handicapped persons.

There were a variety of comments on this section. One commenter suggested that "trackless trolleys" (e.g., electric buses using overhead wire power sources) be considered as buses rather than dealt with under this section. It is unnecessary to include trackless trolleys explicitly under the bus section. Accessibility requirements for these vehicles, which share many of the characteristics of buses and some of the characteristics of light rail vehicles, are best able to be handled under this

section, which gives the UMTA
Administrator the flexibility to tailor the
timing of program accessibility to the
requirements of the vehicles. Trackless
trolleys are a relatively rare kind of
vehicle in this country; it is better to
deal with them through the
Administrator's discretion under this
section than to attempt to fit them into a
section covering another kind of vehicle.

Some commenters asked for more specific treatment of the requirements for ferry boat accessibility. Like trackless trolleys, ferries make up a rather small portion of recipients' transit programs. Under these circumstances, it was not thought advisable to prescribe specific requirements for ferries in this regulation. The general requirement of accessibility and the UMTA Administrator's discretion in applying timing requirement are suitable to the task.

§ 27.95 Program Policies and Practices. (Section 27.99 in the NPRM). The purpose of this section is to identify, for the use of recipients and other organizations involved in transportation planning, key areas of concern affecting the provision of services to handicapped persons. This section reflects the concept that public transportation services require more than facility and vehicle accessibility if they are to be predictably, conveniently, and safely used by handicapped travelers. This section is not intended to prescribe detailed requirements for the results of the planning process. It would be inadvisable for DOT to attempt to formulate uniform, national requirements in each of these program areas. The local planning process should have the flexibility to work out solutions that are consistent with local problems and conditions. At the same time, the identified program areas are important enough everywhere that the Department wants all recipients to deal with them in the planning process.

The activities required by this section are the responsibility of each recipient providing transportation service. Many related activities should be coordinated and conducted jointly by several recipients, MPO's, State, or other institutions. Recipients which have not already done so must start to modify their barrier-related policies and practices on the effective date of this rule. Most changes are expected to be completed while the transition plan is being prepared, as provided in § 27.11 of this part, but three years are provided because of the extent of the possible changes that recipients may identify.

Paragraph (a) has been rewritten to say that program policies and practices

that prevent systems from achieving program accessibility must be modified as soon as possible but no later than three years after the effective date of this part. This three-year period prevails over the one-year period of § 27.11(c)(2) with respect to mass transit systems.

Several policy and practice reforms merit illustration to make the meaning clear. Supplemental guidance will be issued later by UMTA, as needed.

Item 1. Safety and emergency policies and procedures should cover the routine transporting of persons with differing disabilities, so that the passengers' safety will be assured.

Item 4. Intermodal coordination should be effectively established among multiple services offered by a single recipient, between each recipient and other transit and paratransit providers, and between recipients and other transportation institutions and modes (e.g., Amtrak, highway departments).

Item 5. Coordination with agencies and institutions that provide or support transportation services on behalf of the disabled should assure effective integration of their facility locations, operations, and transportation services.

Item 6. Comprehensive marketing should be integrated with the required preparation and implementation of the transition plan. Marketing should at least provide public information about accessible transportation services.

Several specific marketing activities should be conducted and described in the transition plan, such as:

- (a) An assessment of each operating recipient's management organization and resources to assure effective marketing;
- (b) Examinations of the feasibility of concepts such as a local transit broker, or subsidies to users;
- (c) Periodic publication of reports (at the regional or State level) describing accessible facilities and services (e.g., housing, education, commerce) and existing and planned accessible transportation services; and
- (d) Establishment of mail or telephone systems that provide disabled persons with effectively the same or better information service, ticket purchase service, or other services available to the general public (e.g., TTY for hearing-impaired persons).

Item 7. New or renewed leases and rental agreements for facilities or vehicles should be restricted to vehicles and facilities the use of which is consistent with program accessibility.

Item 8. Recipients should provide for participation of existing private and public operators and public paratransit service providers to assure maximum

feasible opportunities to provide the desired services. Recipients, MPO's, and/or State or regional agencies should seek assistance in their planning from existing public and private operators. Recipients, MPO's, States, or regional agencies should maintain current inventories of existing transit or paratransit providers to assist them in their planning and to be considered in providing the services. The plan for implementing these objectives should be included in the transition plan.

Item 8. Reforms to permit and encourage accessible services should include, but not be limited to, actions which remove or modify unnecessary or inappropriate restrictions on types of taxicab service, insurance coverage, or entry-exit requirements on the providers of accessible transportation services.

The approximately 100 comments discussing this section generally favored its provisions. The bulk of these comments spoke to the 13 specific provisions of paragraph (b), suggesting that DOT mandate various specific requirements under the items. For example, some commenters asked DOT. under subparagraph (b)(2), to establish minimum standards for training of recipient personnel. DOT believes that these 13 areas are subjects of concern for the local planning process concerning which the Department's commitment to encouraging flexibility in local planning is best served by avoiding uniform nationwide standards.

Some commenters said that the section should specifically assign certain of the planning tasks to recipients, MPO's, and States, respectively, since many of the tasks seemed to fall into program areas traditionally handled by each of these entities. The Department, however, prefers to encourage flexibility in the planning process. We believe that, in each area, the various parties themselves should divide the labor as best they see fit. This approach is more satisfactory, in our view, than a uniform, national delegation of functions by DOT to different planning bodies.

Other commenters criticized the section for raising problems without suggesting how to solve them. As mentioned above, DOT believes that in order to deal with planning concerns in the context of the many and varied local conditions affecting the provision of services required by this rule, local and regional planning agencies are best served by having more discretion in the planning process.

§ 27.97. Interim Accessible Transportation (Section 27.109 in the NPRM). This section has been changed and expanded significantly from the NPRM. The key requirement of the section is that no later than three years after the effective date of the rule, each recipient whose system has not achieved program accessibility shall provide or ensure the provision of interim accessible transportation for handicapped persons who could otherwise use the system if it were accessible. This interim transportation must continue to be provided until program accessibility is achieved.

The standards for interim accessible transportation are to be developed by the recipient in cooperation with the advisory group of representatives of handicapped persons and must be set forth in the recipient's transition plan. The advisory group should be carefully selected to be representative of the local community of handicapped persons. Subject to the funding level available under this section, which was set up to enhance the funds available for permanent accessibility, the interim accessible transportation service must be available within the recipient's normal service area and during normal service hours. To the extent feasible, the service should also be unrestricted as to trip purpose and be comparable to the recipient's mainline service with respect to combined wait and travel time. transfer frequency, and fares. The service must, to the extent feasible, be available to all handicapped persons. including those who cannot transfer from a wheelchair and those who use powered wheelchairs; waiting lists that would consistently exclude handicapped persons who have qualified or registered for the service should not exist.

The standards for interim service derive generally from illustrations of interim accessible transportation contained in Appendix A of the NPRM. Within these general standards, the precise standards for service are required to be developed by the recipient in cooperation with the local advisory group composed of representatives of local handicapped persons and their groups.

In order to ensure an adequate level of financial support for this service, a recipient must spend each year an amount equal to two percent of the financial assistance it receives under section 5 of the Urban Mass
Transportation Act of 1964, as amended. If the recipient does not receive section 5 funds, then it must spend two percent of the mass transportation assistance it does receive from the Department. The Department will periodically assess the two percent requirement in light of

experience to see if it is adequate to meet the criteria for interim service. Additionally, a recipient may spend a lower amount during any year when UMTA finds that the local advisory committee of representatives of the handicapped established to work with the recipient on interim accessible transportation matters has agreed that the service provided at the lower expenditure is adequate. Expenditures to meet the two percent requirement are in addition to expenditures to make the recipient's fixed route bus system or rail system accessible.

Until these requirements are met, the annual element of the urbanized area's transportation improvement plan (TIP) must exhibit a reasonable level of effort in programming projects or project elements to benefit handicapped persons who cannot otherwise use the recipient's transportation system. Programming projects and project elements involving an expenditure equal to two percent of the urbanized area's section 5 funds (from either UMTA or other sources) will be considered a reasonable level of effort. Where it can be shown that other approaches are equally or more likely to lead to program accessibility and, where needed, to interim accessible transportation, these other approaches may also be acceptable.

In areas served by rail systems, the requirements of this section will be met if the bus system has achieved program accessibility and the bus system serves the inaccessible portions of the rail system.

The recipient, working with the MPO, is responsible for attempting to coordinate all available special services and programs in order to ensure the provision of service meeting the standards of this section. The regulation does not require the recipient to provide the required level of special services entirely on its own; the services-it provides, together with the services provided by other organizations and coordinated by the recipient and the MPO, should be used in reaching the standards of this section.

In deciding what types of resources should be devoted to interim service, recipients may want to consider whether the most cost-effective approach may be to achieve program accessibility in their fixed route bus system as soon as possible.

The comments from handicapped persons, their groups, and some transit industry commenters were generally favorable with respect to the standards for interim service proposed in the Appendix to the NPRM. Consequently,

these standards were incorporated into the regulation itself, though without the stipulation, opposed by most handicapped people who commented, that recipients could make "tradeoffs" among them. The concerns of transit operators, who generally favored the "tradeoff" idea, should be lessened by the provision of the final rule that many of the standards must be met "to the extent feasible."

Some commenters favored adding additional criteria, such as equivalent comfort and amenity, but the Department felt that its set of criteria, together with the local standard setting process, would ensure that all local priorities for service were fully considered.

Transit agencies generally favored a requirement that a certain percentage of UMTA funds be spent for interim service, often as a substitute for specific service standards. Groups representing the handicapped generally opposed this idea, at least as a substitute for service standards. The regulation takes a middle ground position, establishing general standards for interim service but providing that the recipient must spend the equivalent of two percent of its section 5 funds for interim services, unless service meeting the locally set standards is provided through coordination from other sources and the local advisory group agrees that such expenditure is unnecessary. In the case of a major rapid rail system recipient which obtains a waiver of its accessibility requirements for wheelchair users, this two percent requirement is in adddition to the five percent of section 5 funds it must agree to spend on alternative accessible transportation in order to obtain the waiver. In such cases, this interim service should be coordinated with the service contemplated under the waiver; a major rapid rail recipient providing an alternative system under the waiver provision where that also meets the standards set for interim service would presumably not need to spend an additional two percent of its section 5 funds on such service. The two percent requirement continues in effect until the recipient's "substantially as good as or better than" alternative service is in

One of the most complex issues concerning interim accessible transportation is the problem of phasing out the interim service once program accessibility is achieved. Generally speaking, transit operators feared that because of Departmental action, investment in equipment, labormanagement contracts, and local

political pressures (including pressure from groups representing the handicapped), interim services, once begun, could not be easily terminated, resulting in a continuing costly and duplicative transportation system. Handicapped individuals and their groups, on the other hand, tended to fear that the provision of interim service would tend to slow down the provision of accessible mainline service and that the provision of accessible mainline service would mean the end of necessary special services, particularly for persons who would have difficulty getting to accessible mainline buses or rail vehicles.

The regulations do not require that special services initiated in or continued through the interim period be maintained after program accessibility is achieved, although the Department requires recipients to continue their coordination efforts and encourages recipients to continue to commit funds toward this service. Nor do the regulations permit recipients to delay the achievement of program accessibility because interim service is provided. Consequently, the Department does not think it necessary to impose, as some commenters requested, a special deadline for the termination of interim services. The Department recognizes that there are likely to be problems for both transit providers and consumers at the time when program accessibility is achieved. Foresight, good planning, and cooperation between transit operators and handicapped persons will be necessary to ensure that the transition from interim to accessible mainline services is smooth.

These problems are likely to emerge some years in the future, and their solutions are likely to vary greatly from area to area. Consequently, the Department believes that this rule should not attempt to propose specific solutions. For the same reason, the Department has not attempted to set forth detailed examples of "acceptable" approaches to interim accessible transportation, believing that it would be a mistake to attempt to prescribe finely-tuned solutions to the wide variety of local problems and conditions.

The costs of interim service received several comments. Because of the wide variety of possible kinds of interim service, the Department has not been able to come up with any overall estimates of interim service costs. In order to construct cost estimates, a number of assumptions about the kind and duration of service provided—assumptions that almost certainly would

not hold true on a nationwide basis—would have to be built into the estimate. However, two percent of UMTA's available section 5 funds for the current fiscal year is about \$28 million. This figure provides at least a rough idea of the annual level of expenditure that might be required.

§ 27.99 Waiver for Existing Rapid, Light, and Commuter Rail Systems. In order to establish regulations which are reasonable, flexible and responsive to local conditions, the Department has created an alternative to the accessibility requirements of §§ 27.87 and 27.89 for wheelchair users. A recipient that, on the effective date of this regulation, operates an existing inaccessible light rail, rapid rail, or commuter rail system may petition the Secretary for a waiver of its obligations under § 27.87 or § 27.89 with respect to making the existing system accessible to wheelchair users. A waiver provision contained in the NPRM (§ 27.111) has been deleted, and this waiver provision applicable to rapid, commuter and light rail has been added.

The conditions for granting a waiver request are stringent. A request may be submitted only after the MPO and handicapped persons and organizations representing handicapped persons in the community, through a consultative process, have developed arrangements for alternative service substantially as good as or better than that which would have been provided in the absence of a waiver. A public hearing at the local level is required. The recipient must submit a record of the consultative process, including the hearing transcript, to the Secretary. The recipient must also submit a completed transition plan for an accessible system. Only if there is an acceptable transition plan for an accessible system, of course, can the Secretary determine whether or not the proposed alternative service would be substantially as good as or better than accessible service. The Secretary must make this determination in order for a waiver to be granted.

The Department will review the consultative process used by the MPO for a waiver to determine whether there has been adequate participation by handicapped persons and organizations representing handicapped persons in the community. In this regard, the recipient should consider methods of fostering a more open, balanced consultative process at which a variety of viewpoints that might otherwise be unrepresented are presented. Among the methods used by the MPO might be the preparation or financing of technical analyses suggested by handicapped persons, or

making available funds to reimburse costs for handicapped persons or their representatives to participate effectively in the consultative process.

Certain recipients with existing inaccessible rapid rail systems-New York City Transit Authority, Chicago Transit Authority, Massachusetts Bay Transportation Authority, Greater Cleveland Regional Transit Authority, and Southeastern Pennsylvania Transportation Authority—are subject to an additional requirement if they are granted a waiver. They must agree to spend each year (or ensure that other UMTA recipients in the urbanized area spend) an amount equal to at least five percent of the urbanized area's capital and operating funds under section 5 of the Urban Mass Transportation Act of 1964, as amended, on the alternative service.

This five percent requirement is designed to guarantee an adequate minimum level of funding for alternative service in those cities with the largest inaccessible existing rapid rail systems. The cost of making these five systems accessible would be higher than in other systems and the cost of providing an alternative service substantially as good as or better than that which would have been provided in the absence of a waiver will probably be higher as well. It should be pointed out that the five percent figure is a floor, not a ceiling. It may be necessary for a recipient to spend more than the equivalent of five percent of its area's section 5 funds to meet the "substantially as good as or better than" standard for alternative

On the other hand, this requirement need not apply to relatively small rapid rail systems. It would be impractical to ask a smaller system to spend or ensure the expenditure of five percent of a large urbanized area's section 5 funds because a waiver has been granted. If a smaller system obtains a waiver, it still must make arrangements for alternative service substantially as good as or better than that which would have been provided had the system been made accessible.

The stringent requirements of this section ensure that only meritorious requests for waiver will be granted. It should be noted that the section requires that alternative services "will be" as good as or better than those which would have been provided by the waiver requirement. Recipients do not have to show that the alternative services, at the time the petition is submitted, are equivalent to the services that would have been provided when program accessibility for the rail system

in question had been achieved. Rather, the recipient must demonstrate to the Secretary's satisfaction that within the period established for program accessibility, or a shorter time established by the Secretary in his or her reasonable discretion, the appropriate level of service will be established. The required alternative service may be provided by any mode or combination of modes, including accessible mainline buses and special service paratransit.

The Department will judge whether the alternative service is adequate by looking at how the service responds to certain criteria. With respect to the service area, the system must serve at least all stations of the rail system, and it must also be available during the same hours as the accessible system would be available. There must be no restrictions on trip purposes, and fares for the same station-to-station trip must be equivalent to those that would apply if the rail system waiver were not granted. Travel aids and companions of handicapped travelers must be accommodated. Combined wait and travel time, transfer frequency and availability of the service to all handicapped persons who would be served by an accessible system must be made equivalent to the maximum feasible extent, and any differences must be explained in writing in the transition plan. Recipients are strongly encouraged to provide service in a way that allows handicapped and nonhandicapped passengers to ride together.

Concerning who must be served by the alternative service, our intention is that the service be available to at least those handicapped persons who would have used the rail system if it had been made accessible but who now will not be able to use that system because of the waiver. Recipients must adopt reasonable and carefully considered methods of estimating the demand for alternative service.

Recipients should begin to provide this alternative service at the earliest possible date, but in any event no later than the date on which accessible service could reasonably have been provided at any two key stations that presented no technological or other significant barriers to completion. The alternative service should show steady improvement in quality over time to reflect the increasingly improved service that would have been offered by an accessible system.

In requesting a waiver, recipients must identify and provide satisfactory evidence from operators and from local sources of funding that will ensure that the alternative service will in fact be available.

§ 27.101 Period After Program Accessibility.

This new section treats the question of recipients' obligations after they have achieved program accessibility in their systems. In addition to complying with other sections of this regulation, mass transit recipients must continue to use their best efforts to coordinate special services.

§ 27.103 Transition Plan. (Section 27.89 in the NPRM). The mass transportation portion of this regulation requires the various modes of urban mass transit to be made accessible to handicapped persons over periods ranging from three to 30 years. In most respects, many systems are not now accessible. Careful planning will be required in order to "get from here to there" in an expeditious and orderly way. The purpose of this section is to provide a tool—the transition plan which will be useful to recipients. planning agencies, and the public as they decide how to achieve program accessibility.

Several important features of this section should be noted. Only one transition plan in each urbanized or nonurbanized area receiving financial assistance for mass transit must be submitted. This plan will cover all modes in areas having more than one kind of mass transit service. The plan is developed once, and covers the entire period of time leading to program accessibility. However, the plan must be refined and reappraised periodically to ensure that it continues to provide adequately for transportation facilities and services that can be used effectively by handicapped persons. In urbanized areas, the Metropolitan Planning Organization (MPO) is principally responsible for preparing the transition plan, in cooperation with State and local officials and operators of publicly owned mass transportation services. In other areas, local elected officials, in cooperation with transit operators and the State, have this responsibility.

The transition plan for areas which have existing, inaccessible rapid rail systems are due to be submitted to the Urban Mass Transportation Administration (UMTA) 18 months after the effective date of this regulation. All other transition plans are due one year from the effective date of the regulation. However, urbanized areas with inaccessible rail systems other than rapid rail may extend the one-year period to 18 months, upon an adequate

showing of need. Transition plans will be reviewed expeditiously by UMTA and approved or disapproved. The longer period allowed for the submission of transition plans in areas with existing, inaccessible rapid rail systems reflects the greater complexity of the planning process concerning such systems.

The detailed contents of the transition plan are spelled out in paragraph (c) of this section. Generally speaking, the plan must relate which facilities and equipment have to be modified to achieve program accessibility in each transportation mode, what these modifications will be in each case, what schedule will be followed to make the changes, who will be responsible for carrying out the changes, how existing services will be coordinated to improve service to handicapped persons, how much the changes will cost and where the money will come from, how the planners have involved the community in developing the planned changes, and what the planners have to say in response to substantive concerns which arose in public hearings on the plan.

Some commenters said that the content requirements and apparent purposes of the transition plan and the annual status report overlapped. The final rule distinguishes between the purpose of the transition plan as a program for achieving accessibility and the status report as principally a progress report on compliance with the schedule defined in the transition plan.

Commenters, particularly from small cities, indicated that the level of detail in the transition plan should be flexible to account for substantial variations in the magnitude and complexity of local accessibility issues. This comment is acknowledged and resolved with the addition of the concept of "appropriate level of detail" in \$ 27.103(b)(3). The Department clearly recognizes that the transition plan in a bus-only city of 75,000 will be much less complicated than the plan in a major metropolitan area with several modes of public transportation and numerous and complex route structures.

A number of commenters, particularly from MPOs and transit operators, questioned the respective roles of the MPO and transit operator in developing the transition plan. The respective roles of the MPO and transit operator should be determined locally through the cooperative process (though the MPO has overall "direction" of the planning effort). There is one important difference between the normal planning process and the requirements of this regulation. Section 27.103(b)[5) mandates greater

involvement of the recipients in the planning process than 23 CFR Part 450, UMTA's planning regulation.

In order to clarify the requirements of the transition plan, language had been added to § 27.103(c)(3) stating that the plan should document phasing criteria, indicate which projects or improvements are needed to meet the three-year requirements, and set appropriate benchmarks for longer-term efforts.

The largest number of commenters on the transition plan section of the NPRM addressed the deadline for submission of the plan (July 1, 1980, in the NPRM). Some commenters asked for shorter deadlines while others asked for more time. We believe that the one year or 18 month deadlines provide reasonable periods within which the local planning, decisionmaking and programming can be accomplished to produce an effective transition plan. We have also added the concept of periodic plan refinement (which is similar to that for the overall transportation planning process in 23 CFR Part 450) to allow for appropriate details to be added to the transition plan after the initial deadline (see § 27.103(d)(3)).

§ 27.105 Annual Status Report (Section 27.91 in the NPRM). This section requires the submission of information which will provide a basis for compliance determinations. Very few comments were received regarding this section. Most were supportive of the proposed section. Some, however, were concerned about the manner in which the status report would relate to the transition planning requirement of § 27.103, the compliance planning requirement of § 27.11(c)(2) and (3), and the annual element of the Transportation Improvement Program (TIP). The section has been revised to simplify and clarify the requirement for an annual status report. The principal requirement is to provide a summary of the recipient's accomplishments and activities for meeting the schedule of improvements in the area's approved transition plan.

The section also provides that the first annual transition plan shall include copies of the three compliance planning items listed in § 27.11(c)(3). Subsequent annual status reports must reflect any changes made as a result of the requirement of § 27.11(c)(2)(v) for reviewing and updating compliance planning periodically.

The compliance procedures described in Subpart F of this part provide the basic mechanism for ensuring compliance with the requirements of this part. Those procedures include on-site compliance reviews where appropriate.

UMTA will also review compliance with this part as a basis for performing planning certifications (described in 23 CFR 450.122) and program approvals (described in 23 CFR 450.320). Failure to prepare and implement transition plans and to meet accessibility requirements of this part may result in program disapproval or disapproval of applications for UMTA capital or operating assistance.

UMTA will make an annual determination of compliance with this part either in conjunction with the certification and program reviews or as status reports are transmitted to UMTA. For nonurbanized areas, a similar determination will be made as part of the application review process. A determination of compliance will be based upon a determination of satisfactory progress toward implementing the requirements of this part, including the schedules and benchmarks specified in the transition plan. This determination will provide a basis for UMTA to certify the planning process and approve projects contained in the annual element of the transportation improvement program.

§ 27.107 Community Participation. (Section 27.93 in the NPRM). This section of the NPRM has been changed in a few minor respects. Its effective implementation will depend upon the good faith actions of the parties concerned and the Department's monitoring activities. The section has been revised to include subheadings, to emphasize that the participation mechanisms shall ensure a continuing consultation process (as is emphasized in other sections of this part, e.g., compliance planning, § 27.11(c)), to indicate the need for adequate notice before a required hearing, and to emphasize that it specifically applies only to recipients whose systems are covered by Subpart E.

The intent of § 27.107 is to ensure significant involvement of those most concerned and knowledgeable about accessible transportation in the planning and implementation of such transportation. Efforts should include as many diverse interests as possible in order to assure obtaining all the information necessary to develop a viable, accessible system. The regulation lists the interests whose participation must be sought.

While as much use as possible should be made of the area's already established community participation procedures, the special nature of the accessibility programs requires a special, identifiable effort in community participation. Due to the mobility

problems of the transportation handicapped, special mechanisms may have to be developed to ensure the involvement of future consumers of the accessible services. Such mechanisms could include conference call meetings. providing special transportation to meetings, developing materials to be understood by the blind or the hard of hearing, or meetings and discussions via television with telephone responses. The section requires recipients to ensure participation by handicapped persons; this requirement, of course, can be met only when the recipient's public meetings, conferences and workshops are held in accessible buildings.

The U.S. Department of Transportation publication "Effective Citizen Participation in Transportation Planning" (1976) (DOT-FH-11-8514) and the booklet "Barrier Free Meetings: A Guide for Professional Associations" (American Association for the Advancement of Science, 1515 Massachusetts Avenue, N.W., Washington, D.C. 20005) are useful resources which agencies responsible for planning and implementation activities may wish to consult.

Many comments were received concerning this section. They were generally supportive of the section. The majority, however, suggested language to be added to assure effective participation of and consultation with handicapped persons and groups. Many commenters raised a concern regarding the term "adequate" in connection with citizen participation procedures, which was perceived as being vague and indefinite. In the context of the explanations to planners provided by this preamble, we believe this general term is sufficient and that it will not lead to abuse

Subpart F-Enforcement

This subpart sets forth the procedures by which the Department of Transportation will enforce the requirements of the other subparts of the regulation. The enforcement procedures are closely modeled on the Department's enforcement procedures for Title VI of the Civil Rights Act of 1964, as § 85.5 of the HEW guidelines requires. While some details of the enforcement procedures of the final rule differ from those of 49 CFR Part 21, the Department's Title VI regulation, the substance of the section 504 enforcement procedures is essentially the same as that of the Title VI rule.

One change has been made throughout the regulation. The NPRM vested compliance functions in the Director of the Office of Environment

and Safety. After further study, the Department has concluded that some of these functions, particularly concerning the handling of complaints, should be vested in the Director of the Office of Civil Rights. The Office of Civil Rights handles complaints under Title VI of the Civil Rights Act of 1964 and has considerable experience in investigating and responding to complaints. Delegation of the complaint function and other enforcement functions will be made by the Secretary in an internal directive. Reflecting this future change in the Department's assignment of enforcement functions, the rule now refers to "the responsible Departmental official" rather than to any specific official.

§ 27.121 Compliance Information. This section requires recipients to cooperate with and assist the responsible Departmental official in compliance matters, to keep records and submit compliance reports to the official, to permit the official access to information relevant to compliance, and make information about the Department's section 504 program available to the public. It is unchanged from the NPRM. Several commenters suggested that the recordkeeping and paperwork burdens of this section were excessive. Other commenters felt that not only information about the Department's section 504 program, but also the recipients' records, should be required to be made available to the public.

The recordkeeping and reporting requirements of this section are virtually identical to those imposed on recipients by Part 21. The experience of the Department and recipients under Title VI suggests that requirements of this nature are reasonable. With respect to the public availability of information, we do not believe it is necessary to require public access to recipients' records. The performance of recipients in carrying out the most important requirements of the rule—providing accessible buses or elevators in rail stations, for example—is fully open to view. Other provisions of the rule, such as those concerning transition plans and requests for waiver, include public hearing and consultation requirements. Potential complainants are not likely to need extensive additional documentary information before filing a complaint. All relevant documentary information will become part of the record in any complaint proceeding, ensuring that it will be properly considered.

§ 27.123 Conduct of Investigations.
With one exception, this section is unchanged from the NPRM. The change is the addition of language providing

that the responsible Departmental official will begin the enforcement process if he or she finds "reasonable cause to believe" that there is a failure to comply. This language was added to remove the possibility of confusion over the nature of the official's finding at this stage of the procedures. Experience in the Title VI program has shown that recipients frequently misunderstand letters stating that the Departmental Office of Civil Rights has determined that they are in noncompliance. incorrectly believing that a final determination has been made. This stage of the procedure is akin to a "probable cause" finding, and the additional language is intended to clarify this fact.

The statement in paragraph (d) that "the matter is resolved by informal means whenever possible" is particularly important. This regulation is compliance-oriented. When there is a failure to comply, the Department plans to work with the recipient to bring it into compliance. The conciliation process is the focus of this compliance effort. The Department fully supports the concept, expressed elsewhere in this subpart, that resort to administrative or other sanctions is warranted only when compliance cannot be secured by voluntary means.

Several commenters suggested that persons or groups outside the Department, such as local groups of handicapped persons, local governments, or the Architectural and Transportation Barriers Compliance Board, should have partial or total responsibility for conducting compliance reviews and complaint investigations. The Department believes that while all of these and other groups can play an important, informal role to ensure that recipients comply and to bring to the Department's attention any failures to comply, it is preferable to leave the official compliance review and complaint investigation functions in the Department.

One commenter asked for specific provision for pre-award reviews. The section 504 compliance status will be taken into consideration by operating elements of the Department when recipients apply for grants. In many of the Department's grant programs, recipients must satisfy the Department that they are in compliance before grants (e.g. UMTA grants for capital or operating expenses) are awarded. Under these circumstances, mandatory preaward reviews are unnecessary. Nothing in the regulation prohibits preaward reviews, however, and they may

be scheduled when the Department believes them to be useful.

One commenter suggested broadening this section's prohibition on retaliation and initimidation to cover retaliation for complaints filed under other laws concerning discrimination because of handicap. We believe that it is unwise to attempt to extend the jurisdiction of the Department's section 504 rules to cover violations of other authorities.

§ 27.125 Compliance Procedure. This section's administrative sanction procedure, as set forth in the NPRM, is changed in three ways. Subparagraph (b)(1)(ii) has been changed to specify that the express finding on the record of noncompliance is to be made by the Secretary. Subparagraph (b)(1)(iii), which required the Secretary to approve of fund cutoff actions, has been eliminated in view of the change to subparagraph (b)(1)(ii), which assigns to the Secretary the responsibility of taking these actions in the first place. The procedure is otherwise the same as in the NPRM.

Two commenters expressed the concern that a mechanism for ensuring speedy treatment of complaints, such as a deadline for resolving complaints or a provision for a private right of court action after a certain amount of time has passed, should be included in this section. Given the emphasis which the regulation and Department of Transportation policy places on resolving noncompliance informally, measures which have the effect of forcing the Department and recipients into a confrontation over the imposition of sanctions before the possibilities of a negotiated agreement have been exhausted appear inappropriate. For this reason, we did not adopt these comments.

Another commenter asked that this section be brought closer to Title VI procedures by involving the Secretary more directly in compliance decisions and by requiring a report to Congress similar to that provided for in Title VI matters by 49 CFR 21.13(c). The first of these comments has been adopted, and the Secretary is charged with the responsibility of making the on-therecord noncompliance finding necessary for the termination of Federal funds. The legislative report requirement, however, is present in the Title VI regulations because of a statutory requirement (42 U.S.C. 2000d-1) which has no equivalent in section 504. Therefore, it is not necessary to include this requirement in the section 504 regulation.

§ 27.127 Hearings. There were four changes to this section. The first change involves the complainant who, under the

NPRM, was made a party to the proceedings. This provision was inconsistent with Title VI procedures, in which only the Department and the applicant or recipient are parties to the informal resolution and hearing processes. In order to be consistent with Title VI procedures, and to avoid the possibility of unwieldly three-party negotiations and hearings, the complainant has been deleted as a party. The complainant will have the opportunity, as complainants presently have under Title VI, of presenting information and views to the responsible Departmental official.

The second change involved adding language to subparagraph (a)(2) to specify the procedure to be followed in cases in which an applicant or recipient has waived its right to a hearing. When the hearing is waived, the responsible Departmental official and the applicant or recipient may also place information and arguments into the record.

The other two changes were the substitution of "responsible Departmental official" for the word "Department" in paragraphs (c) and (d). This change is intended to clarify the roles of actors in the hearing process. The responsible Departmental official, as with the applicant or recipient, appears as a party in the hearing. The official's role should be distinguished from that of the "Department" which, through the decision of the Secretary, will take action on the basis of the record developed at the hearing.

Relatively few comments were made on this section. One commenter asked that the convenience of the complainant be considered in determining the location of hearings. This factor will be taken into consideration, although it need not be made part of the regulation. Another commenter suggested that the complainant and its witnesses be reimbursed for travel and expenses. Since the complainant will not be a party to the hearing, this suggestion was not adopted.

§ 27.129 Decisions and Notices. The Department has revised this section in the interests of clarity and better administrative procedure. There are two principal changes. First, administrative due process is best served where the enforcement and decision-making functions of an agency are clearly separated. Therefore, the responsible Departmental official's role is delineated as enforcement. The official initiates enforcement proceedings and participates as a party in the proceedings. The authority to decide whether to find noncompliance and impose administrative sanctions is

reserved to the Secretary. This reservation of authority prevents any confusion between the "prosecutor" and "judge" roles in this type of proceeding. Moreover, it is highly likely that any matters that are unable to be settled informally will be sufficiently important and controversial to merit direct decision by the Secretary.

Second, the NPRM permitted alternative administrative procedures to be employed. Once a hearing was convened and an administrative law judge selected, the judge could either make what is called an "initial" decision (which becomes final upon approval by the Secretary unless a party raises exceptions to it) or make what is called a "proposed" or "recommended" decision (which is a non-binding recommendation to the decisionmaker upon which the parties may comment). Each of these paths for decision contained differing procedural details. To simplify this structure, the final rule provides that the administrative law judge makes a recommended decision. upon which the responsible Departmental official and applicant or recipient may comment, and that the Secretary makes the final decision. We are considering including a similar simplification in the Department's Title VI procedures, which are currently being revised by the Department.

As a result of these alterations, paragraphs (a) and (c) have been shortened by omitting references to the "initial decision" procedure. Paragraphs (b), (d) and (e) have been rewritten to provide for decisions by the Secretary, rather than by the responsible Departmental official. Paragraph (e), which provided for approval by the Secretary of decisions by the official, is no longer needed and has been deleted.

The "subsequent proceedings" provision (paragraph (f) in the final rule) has been changed in response to several public comments. One comment recommended that the rule provide procedures to govern post-termination hearings; the rule now provides that the hearing procedures of §§ 27.127 and 27.129, with certain exceptions, apply to these hearings. Another comment noted that the NPRM, in contrast with the Title VI regulations, said that sanctions "may" rather than "shall" remain in effect while a post-termination proceeding is pending. The rule now says "shall". In addition, consistent with the clarification of the role of the Secretary, the necessity of the Secretary's approval of the restoration of funding is stated explicitly in subparagraphs (1) and (2).

In consideration of the foregoing, a new Part 27 of Title 49 is added to the Code of Federal Regulations, as set forth below.

Issued in Washington, D.C. on May 25, 1979.

Brock Adams.

Secretary of Transportation.

Appendix

Correspondence Supporting Compliance With Section 85.4(b) of the HEW Guidelines

In accordance with Section 85.4(b) of the Guidelines issued by the Department of Health, Education, and Welfare (HEW) for the implementation of Section 504 of the Rehabilitation Act of 1973, as amended, the Department of Transportation (DOT) submitted a proposed final rule with respect to Section 504 to HEW on April 2, 1979. On May 24, 1979, the Secretary of HEW advised the DOT that the DOT Section 504 final rule "complies with the HEW standards and guidelines." The April 2nd and May 24th letters are set forth below.

The Secretary of Transportation, Washington, D.C., April 2, 1979.

Hon. Joseph A. Califano, Jr., Secretary of Health, Education, and Welfare, Washington, D.C.

Dear Joe: I am forwarding to you the Department of Transportation's proposed final regulations to implement Section 504 of the Rehabilitation Act of 1973. Following your review under Section 85.4(b) of your Department's Guidelines, I will publish the final DOT regulations in the Federal Register.

As you know from our discussions, this document represents the culmination of an extensive public comment period and a thorough review by my staff and myself. I believe the program in these regulations will provide effective transportation service for handicapped persons in conformity with the HEW Guidelines. The program also gives local officials and citizens an important role in shaping the local response to the regulations, within the context of Federal standards that ensure that the handicapped will benefit from significantly improved service.

I firmly believe the program is a reasonable and cost-effective approach to the implementation of Section 504 for the nation's transportation systems.

Sincerely,

Brock Adams.

Enclosure

The Secretary of Health, Education, and Welfare.

Washington, D.C., May 24, 1979.

Hon. Brock Adams, Secretary of Transportation, Washington, D.C. Dear Brock: I have reviewed your proposed final regulation implementing section 504 of the Rehabilitation Act of 1973. You had submitted your regulations to me on April 3, 1979, pursuant to my responsibilities under Executive Order 11914.

For the past five weeks, representatives of our Departments have discussed the difficult and complex issues raised by your regulation. I appreciate the cooperation that your Department has shown in meeting with HEW officials. Based on these discussions, a number of changes in the regulation you sent on April 3, 1979, have been agreed upon. With these changes, I now find that your Section 504 regulation complies with the HEW standards and guidelines implementing the Executive Order. Your regulation effectively resolves the unique and complex problems involved in making transportation systems in this country accessible to handicapped persons.

Once again, I congratulate you and your staff for the development of an equitable and reasonable Section 504 regulation. I believe this regulation will ensure that handicapped people in the United States will be able to use the nation's public transportation systems.

Sincerely,

Joseph A. Califano, Jr.

PART 27—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITTING FROM FEDERAL FINANCIAL ASSISTANCE

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AUTHORITY: Sec. 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; section 16(a) of the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1612(a); section 165(b) of the Federal-Aid Highway Act of 1973, as amended, 23 U.S.C. 142 nt.

Subpart A—General

§ 27.1 Purpose.

The purpose of this part is to carry out the intent of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) as amended, to the end that no otherwise qualified handicapped individual in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 27.3 Applicability.

This part applies to each recipient of Federal financial assistance from the Department of Transportation and to each program or activity that receives or benefits from such assistance.

§ 27.5 Definitions.

As used in this part:

"Accessible" means (a) with respect to new facilities, (1) conforming to the minimum standards of the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," (ANSI A 117.1—1961 (R 1971) published by ANSI, Inc. ("ANSI Standards"),* with respect to buildings and other fixed facilities to which ANSI standards are applicable; and (2) with respect to vehicles, other moving conveyances, or fixed facilities to which the ANSI standards do not apply, able to be entered and used by a handicapped person; (b) with respect to existing facilities, able to be entered and used by a handicapped person.

"Act" means the Rehabilitation Act of 1973, Pub. L. 93-112, as amended.

"Air Carrier Airport" means an airport serviced by a certificated air carrier unless such airport is served solely by an air carrier which provides: (1) passenger service at that airport in aircraft having a maximum passenger capacity of less than 56 passengers, or (2) cargo service in air transportation at that airport solely with aircraft having a maximum payload capacity of less than 18,000 pounds; provided, however, that if at any such airport, Federal funds are made available for terminal facilities, it shall be deemed to be an air carrier airport.

"Applicant" means one who submits an application, request, or plan to be approved by a Departmental official or by a primary recipient as a condition to eligibility for Federal financial assistance, and "application" means such an application, request, or plan.

"Closed station" means a station at which no services are provided to passengers by station attendants and at which trains make regularly scheduled stops.

"Commuter rail" means that portion of mainline railroad transportation operations which encompasses urban passenger train service for local short-distance travel between a central city and adjacent suburbs and which is characterized by multi-trip tickets, specific station-to-station fares, railroad employment practices, and usually only one or two stations in the central business district.

"Department" means the Department of Transportation.

"Discrimination" means denying handicapped persons the opportunity to participate in or benefit from any program or activity receiving Federal financial assistance.

"Facility" means all or any portion of buildings, structures, vehicles, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

"Federal financial assistance" means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:

- (a) Funds;
- (b) Services of Federal personnel; or
- (c) Real or personal property or any interest in, or use of such property, including:
- (1) Transfers or leases of such property for less than fair market value or for reduced consideration; and
- (2) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

"Fixed route bus system" means a system of buses of any size which operate on a fixed route pattern on a fixed schedule.

"Flag stop" means any station which is not a regularly scheduled stop but at which trains will stop to entrain or detrain passengers only on signal or advance notice.

"Handicapped person" means (1) any person who (a) has a physical or mental impairment that substantially limits one or more major life activities, (b) has a record of such an impairment, or (c) is regarded as having such an impairment. (2) As used in this definition, the phrase:

- (a) "Physical or mental impairment" means (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; mental retardation; emotional illness; drug addiction; and alcoholism.
- (b) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- (c) "Has a record of such an impairment" means has a history of, or has been classified, or misclassified, as having a mental or physical impairment that substantially limits one or more major life activities.
- (d) "Is regarded as having an impairment" means;

- (1) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation;
- (2) Has a physical or mental impairment that substantially limits major life activity only as a result of the attitudes of others toward such an impairment; or
- (3) Has none of the impairments set forth in paragraph (1) of this definition, but is treated by a recipient as having such an impairment.

"Head of Operating Administration" means the head of an operating administration within the Department (United States Coast Guard, Federal Highway Administration, Federal Aviation Administration, Federal Railroad Administration, National Highway Traffic Safety Administration, Urban Mass Transportation Administration, and Research and Special Programs Administration) providing Federal financial assistance to the recipient.

"Light rail" means a streetcar-type transit vehicle railway operated on city streets, semi-private rights-of-way, or exclusive private rights-of-way.

"Mass transportation" or "public transportation" means transportation by bus, or rail, or other conveyance, either publicly or privately owned, which provides to the public general or special service (but not including school buses or charter or sightseeing service) on a regular and continuing basis.

"Open station" means a station at which passengers may make reservations and purchase tickets and where passenger assistance is available for entraining and detraining passengers on trains which make regularly scheduled stops.

"Passenger" means anyone, except a working crew member, who travels on a vehicle the service of which is governed by these regulations.

"Primary recipient" means any recipient that is authorized or required to extend Federal financial assistance from the Department to another recipient for the purpose of carrying out a program.

"Public paratransit system" means those forms of collective passenger transportation which provide shared-ride service to the general public or special categories of users on a regular and predictable basis and which do not necessarily operate on fixed schedules or over prescribed routes.

"Qualified handicapped person" means:

(1) With respect to employment, a handicapped person who, with

^{*}Copies available from ANSI, Inc., 1430 Broadway, New York, N.Y. 10018.

reasonable accommodation and within normal safety requirements, can perform the essential functions of the job in question, but the term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such person from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others; and

(2) With respect to other activities, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

"Rapid rail" means a subway-type transit vehicle railway operated on exclusive private rights-of-way with high-level platform stations.

"Recipient" means any State. territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, organization. or other entity, or any individual in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance from the Department is extended directly or through another recipient, for any Federal program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

"Secretary" means the Secretary of Transportation.

"Section 504" means section 504 of the Act.

"Transportation improvement program" means a staged multiyear program of transportation improvements including an annual element.

"Urbanized area" means an area so designated by the Bureau of Census, within boundaries which shall be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary, and which shall at a minimum, in case of any such area, encompass the entire urbanized area within a State as designated by the Bureau of Census.

§ 27.7 Discrimination prohibited.

(a) General. No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance administered by the Department of Transportation.

- (b) Discriminatory actions prohibited.
 (1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:
- (i) Deny a qualified handlcapped person the opportunity to participate in or benefit from the aid, benefit, or service:
- (ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not substantially equal to that afforded persons who are not handicapped;
- (iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as persons who are not handicapped;
- (iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits or services that are as effective as those provided to persons who are not handicapped;
- (v) Aid or perpetuate discrimination against a qualified handicapped person by providing financial or other assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program;
- (vi) Deny a qualified handicapped person the opportunity to participate in conferences, in planning or advising recipients, applicants or would-be applicants, or
- (vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.
- (2) For purposes of this part, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting that is reasonably achievable.
- (3) Even if separate or different programs or activities are available to handicapped persons, a recipient may not deny a qualified handicapped person the opportunity to participate in the programs or activities that are not separate or different.
- (4) A recipient may not, directly or through contractual or other

- arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially reducing the likelihood that handicapped persons can benefit by the objectives of the recipient's program, or (iii) that yield or perpetuate discrimination against another recipient if both recipients are subject to common administrative control or are agencies of the same State.
- (5) In determining the site or location of a facility, an applicant or a recipient may not make selections (i) that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance, or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.
- (6) As used in this section, the aid benefit, or service provided under a program or activity receiving or benefitting from Federal financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with Federal financial assistance.
- (c) Communications. Recipients shall take appropriate steps to ensure that communications with their applicants, employees, and beneficiaries are available to persons with impaired vision and hearing.
- (d) Programs limited by Federal law. In programs authorized by Fedeal statute or executive order that are designed especially for the handicapped, or for a particular class of handicapped perons, the exclusion of nonhandicapped or other classes of handicapped persons is not prohibited by this part.

27.9 Assurance required.

(a) General. Each application for Federal financial assistance to carry out a program to which this part applies, and each application to provide a facility, shall, as a condition to approval or extension of any Federal financial assistance pursuant to the application, contain, or be accompanied by, written assurance that the program will be conducted or the facility operated in compliance with all the requirements imposed by or pursuant to this part. An applicant may incorporate these

assurances by reference in subsequent applications to the Department.

- (b) Future Effect of Assurances.
 Recipients of Federal financial
 assistance, and transferees of property
 obtained by a recipient with the
 participation of Federal financial
 assistance, are bound by the recipient's
 assurance under the following
 circumstances:
- (1) When Federal financial assistance is provided in the form of a conveyance of real property or an interest in real property from the Department of Transportation to a recipient, the instrument of conveyance shall include a convenant running with the land binding the recipient and subsequent transferees to comply with the requirements of this part for so long as the property is used for the purpose for which the Federal financial assistance was provided or for a similar purpose.
- (2) When Federal financial assistance is used by a recipient to purchase or improve real property, the assurance provided by the recipient shall obligate the recipient to comply with the requirements of this part and require any subsequent transferee of the property, who is using the property for the purpose for which the Federal financial assistance was provided, to agree in writing to comply with the requirements of this part. The obligations of the recipient and transferees under this part shall continue in effect for as long as the property is used for the purpose for which Federal financial assistance was provided or for a similar purpose.
- (3) When Federal financial assistance is provided to the recipient in the form of, or is used by the recipient to obtain, personal property, the assurance provided by the recipient shall obligate the recipient to comply with the requirements of this part for the period it retains ownership or possession of the property or the property is used by a transferee for purposes directly related to the operations of the recipient.
- (4) When Federal financial assistance is used by a recipient for purposes other than to obtain property, the assurance provided shall obligate the recipient to comply with the requirements of this part for the period during which the Federal financial assistance is extended to the program.

§ 27.11 Remedial action, voluntary action and compilance planning.

(a) Remedial action. (1) If the responsible Departmental official finds that a qualified handicapped person has been excluded from participation in, denied the benefits of, or otherwise

- subjected to discrimination under, any program or activity in violation of this part, the recipient shall take such remedial action as the responsible Departmental official deems necessary to overcome the effects of the violation.
- (2) Where a recipient is found to have violated this part, and where another recipient exercises control over the recipient that has violated this part, the responsible Departmental official, where appropriate, may require either or both recipients to take remedial action.
- (3) The responsible Departmental official may, where necessary to overcome the effects of a violation of this part, require a recipient to take remedial action (i) with respect to handicapped persons who are no longer participants in the recipient's program but who were participants in the program when such discrimination occurred, and (ii) with respect to handicapped persons who would have been participants in the program had the discrimination not occurred.
- (b) Voluntary action. A recipient may take steps, in addition to any action that is required by this part, to assure the full participation in the recipient's program or activity by qualified handicapped persons.
- (c) Compliance planning. (1) A recipient shall, within 90 days from the effective date of this part, designate and forward to the head of any operating administration providing financial assistance, with a copy to the responsible Departmental official the names, addresses, and telephone numbers of the persons responsible for evaluating the recipient's compliance with this part.
- (2) A recipient shall, within 180 days from the effective date of this part, after consultation at each step in paragraphs (c)(2) (i)—(iii) of this section with interested persons, including handicapped persons and organizations representing the handicapped:
- (i) Evaluate its current policies and practices for implementing these regulations, and notify the head of the operating administration of the completion of this evaluation;
- (ii) Identify shortcomings in compliance and describe the methods used to remedy them;
- (iii) Begin to modify, with official approval of recipient's management, any policies or practices that do not meet the requirements of this part according to a schedule or sequence that includes milestones or measures of achievement. These modifications shall be completed within one year from the effective date of this part;

- (iv) Take appropriate remedial steps to eliminate the effects of any discrimination that resulted from previous policies and practices; and
- (v) Establish a system for periodically reviewing and updating the evaluation.
- (3) A recipient shall, for at least three years following completion of the evaluation required under paragraph (c)(2) of this section, maintain on file, make available for public inspection, and furnish upon request to the head of the operating administration:
- (i) A list of the interested persons consulted;
- (ii) A description of areas examined and any problems indentified; and
- (iii) A description of any modifications made and of any remedial steps taken.

§ 27.13 Designation of responsible employee and adoption of grievance procedures.

- (a) Designation of responsible employee. Each recipient that employs fifteen or more persons shall, within 90 days of the effective date of this regulation, forward to the head of the operating administration that provides financial assistance to the recipient, with a copy to the responsible Departmental official, the name, address, and telephone number of at least one person designated to coordinate its efforts to comply with this part. Each such recipient shall inform the head of the operating administration of any subsequent change.
- (b) Adoption of complaint procedures. A recipient that employs fifteen or more persons shall, within 180 days, adopt and file with the head of the operating administration procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part.

§ 27.15 Notice.

(a) A recipient shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants. and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of handicap. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs or activities. The notification shall also include an identification of the responsible employee designated pursuant to

- § 27.13(a). A recipient shall make the initial notification required by this section within 90 days of the effective date of this part. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publications and distribution of memoranda or other written communications.
- (b) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications. In either case, the addition or revision must be specially noted.

§ 27.17 Effect of State or local law.

The obligation to comply with this part is not obviated or affected by any State or local law.

§§ 27.19-29 [Reserved].

Subpart B—Employment Practices

§ 27.31 Discrimination prohibited.

- (a) General. (1) No qualified handicapped applicant for employment, or an employee shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity that receives or benefits from Federal financial assistance.
- (2) A recipient shall make all decisions concerning employment under any program or activity to which this part applies in a manner assuring that discrimination on the basis of handicap does not occur. A recipient may not limit, segregate, or classify applicants for employment or employees in any way that adversely affects their opportunities or status on the basis of handicap. This part does not prohibit the consideration of handicap in decisions affecting employment if the purpose and effect of the consideration is to remove or overcome impediments or the present effects of past impediments to the employment of handicapped persons.
- (3) A recipient may not enter a contractual or other relationship that subjects qualified handicapped applicants for employment or employees to discrimination prohibited by this subpart. The relationships referred to in this paragraph include relationships with employment and referral agencies, with labor unions, with organizations

- providing or administering fringe benefits to employees of the recipient, or with organizations providing training and apprenticeship programs.
- (b) Specific Activities. A recipient shall not discriminate on the basis of handicap in:
- (1) Recruiting, advertising, and processing of applications for employment;
- (2) Hiring, upgrading, promoting, awarding tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- (3) Rates of pay or any other form of compensation and changes in compensation;
- (4) Job assignments, job classifications, organizational structures; position descriptions, lines of progression, and seniority lists;
- (5) Leaves of absence, sick leave, or any other leave;
- (6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;
- (7) Selection and financial support for training, including apprenticeship, professional meetings conferences, and other related activities, and selection for leaves of absence to pursue training;
- (8) Employer-sponsored activities, including social or recreational programs; and
- (9) Any other term, condition, or privilege of employment.
- (c) A recipient's obligation to comply with this subpart is not affected by any inconsistent term of any collective bargaining agreement to which it is a party.

§ 27.33 Reasonable accommodiation.

- (a) A recipient shall make reasonable accommodation to the known handicaps of an otherwise qualified applicant for employment or employee unless the recipient can demonstrate to the responsible Departmental official that the accommodation would impose an undue hardship on the operations of its program.
- (b) Reasonable accommodation includes (but is not limited to):
- (1) Making facilities used by employees readily accessible to and usable by handicapped persons;
- (2) Job restructuring, part-time or modified work schedules, acquisition or modification of equipment, and similar actions; and
- (3) The assignment of an employee who becomes handicapped and unable to perform his/her original duties to an alternative position with comparable pay.
- (c) In determining, pursuant to paragraph (a) of this section, whether an

- accommodation would impose an undue hardship on the operation of a recipient's program, factors to be considered include:
- (1) The overall size of the recipient's program, including number of employees, number and type of facilities, and size of budget;
- (2) The type of the recipient's operation, including the composition and structure of the recipient's workforce:
- (3) The nature and cost of the accommodation needed; and
- (4) Its effect on program accomplishments, including safety.
- (d) A recipient shall not deny any employment opportunity to a qualified handicapped employee or applicant for employment if the basis for the denial is the need to make reasonable accommodations to the handicaps of the employee or applicant.

§ 27.35 Employment criteria.

- (a) A recipient shall not make use of an employment test or other selection criterion that has an adverse impact or tends to have an adverse impact on handicapped persons, unless:
- (1) The test score or other selection criterion, as used by the recipient, is shown to be job-related for the position in question; and
- (2) Alternative job-related tests or criteria that do not have an adverse impact or do not tend to have an adverse impact on handicapped persons are shown by the recipient to be unavailable.
- (b) A recipient shall select and administer tests that, when administered to an applicant for employment or an employee with impaired sensory, manual, or speaking skills, nonetheless accurately measure what they purport to measure.

§ 27.37 Preemployment inquiries.

- (a) Except as provided in paragraphs (b) and (c) of this section, a recipient shall not conduct a preemployment medical examination or inquiry as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. A recipient may, however, make preemployment medical examinations that are required by Federal law or regulation or inquiries into an applicant's ability to perform job-related functions.
- (b) When a recipient is taking remedial action pursuant to § 27.11 (a) or (c), or when a recipient is taking affirmative action pursuant to section 505 of the Act (which relates to government procurement), the recipient may invite applicants for employment to

indicate whether and to what extent they are handicapped, provided that:

- (1) The recipient makes clear that the information requested is intended for use solely in connection with the remedial action obligations or its voluntary or affirmative actions efforts; and
- (2) The recipient makes clear that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this part.
- (c) Nothing in this section prohibits a recipient from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, if:
- All entering employees in that category of job classification must take such an examination regardless of whether or not they are handicapped; and
- (2) The results of such an examination are used only in accordance with this part.
- (d) Information obtained in accordance with this section shall be collected and maintained on separate forms and treated confidentially, except that:
- (1) Supervisors and managers may be informed of restrictions on the work or duties of handicapped persons and necessary accommodations;
- (2) First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and
- (3) Government officials investigating compliance with the Act shall be provided relevant information upon request, consistent with the Privacy Act of 1974, 5 USC 552a.

§§ 27.39-59 [Reserved]

Subpart C—Program Accessibility— General

§ 27.61 Applicability.

This subpart applies to all programs of the Department of Transportation to which section 504 is applicable.

Additional provisions with respect to certain specific programs of the Department are set forth in subparts D and E. The provisions of this subpart should be interpreted in a manner that will make them consistent with the provisions of subparts D and E. In the case of apparent conflict, the provisions of subparts D and E shall prevail.

§ 27.63 Discrimination prohibited.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

§ 27.65 Existing facilities.

- (a) Program accessibility. A recipient shall operate each program or activity to which this part applies so that, when viewed in the entirety, it is accessible to handicapped persons. This paragraph does not necessarily require a recipient to make each of its existing facilities or every part of an existing facility accessible to and usable by handicapped persons.
- (b) Methods. A recipient may comply with the requirements of paragraph (a) of this section through such means as redesign of equipment, alteration of existing facilities and construction of new facilities in accordance with the requirements of § 27.67(d) or any other methods that result in making its program or activity accessible to handicapped persons. In choosing among available methods for meeting the requirements of paragraph (a) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.
- (c) Structural changes. Where structural changes are necessary to make programs or activities in existing facilities meet the requirements of paragraph (a) of this section, such changes shall be made as soon as practicable, but in no event later than three years after the effective date of this regulation unless otherwise provided in subpart D or E.
- (d) Transition plan. In the event that structural changes to facilities are necessary to meet the requirements of paragraph (a) of this section, a recipient shall develop, and submit in duplicate to the cognizant operating administration providing Federal financial assistance, within one year of the effective date of this part, a transition plan listing the facilities and setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. A copy of the transition plan and a list of the interested persons and organizations consulted shall be made available for public inspection. The plan shall, at a minimum:

- (1) Identify each facility required to be modified by this part. Facilities shall be listed even though the recipient contemplates requesting a waiver of the requirement to modify the facility;
- (2) Identify physical obstacles in the listed facilities that limit the accessibility of its program or activity to handicapped persons;
- (3) Describe the methods that will be used to make the listed facilities accessible:
- (4) Describe how and the extent to which the surrounding areas will be made accessible;
- (5) Specify the schedule for taking the steps necessary to achieve overall program accessibility and, if the time period of the transition plan is longer than three years, identify steps that will be taken during each year of the transition period; and
- (6) Indicate the person responsible for implementation of the plan.
- (e) Notice. The recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons.

27.67 New facilities and alterations.

- (a) Design and construction. Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed, constructed, and operated in a manner so that the facility or part of the facility is accessible to and usable by handicapped persons, if the construction was commenced after the effective date of this part; with respect to vehicles, unless otherwise provided in subpart D or E, this requirement is effective for vehicles for which solicitations are issued or which are leased after the effective date of this part.
- (b) Alteration. Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this part in a manner that affects or could affect the accessibility of the facility or part of the facility shall, to the maximum extent feasible, be altered in such a manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.
- (c) When an existing vehicle is renovated substantially to prolong its life, the vehicle shall, to the maximum extent feasible, meet the requirements for a comparable new vehicle. Lesser renovations shall incorporate accessibility features for a comparable

new vehicle when practicable and justified by the remaining life expectancy of the vehicle.

(d) ANSI standards. Design. construction or alteration of fixed facilities in paragraphs (a) and (b) of this section shall be in accordance with the minimum standards in the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by ANSI, Inc. [ANSI A117.1-1961 (R1971)), which is incorporated by reference in this part. Departures from particular requirements of these standards by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

§ 27.69 [Reserved]

Subpart D—Program Accessibility Requirements in Specific Operating Administration Programs; Airports, Railroads, and Highways

§ 27.71 Federal Aviation Administration—Airports.

- (a) Fixed facilities; New terminals-(1) Terminal facilities designed and constructed by or for the use of a recipient of Federal financial assistance on or after the effective date of this part, the intended use of which will require it to be accessible to the public or may result in the employment therein of physically handicapped persons, shall be designed or constructed in accordance with the ANSI standards. Where there is ambiguity or contradiction between the definitions and the standards used by ANSI and the definitions and standards used in paragraph (a)(2) of this section, the ANSI terms should be interpreted in a manner that will make them consistent with the standards in paragraph (a)(2) of this section. If this cannot be done, the standards in paragraph (a)(2) of this section prevail.
- (2) In addition to the ANSI standards, the following standards apply to new airport terminal facilities:
- (i) Airport terminal circulation and flow. The basic terminal design shall permit efficient entrance and movement of handicapped persons while at the same time giving consideration to their convenience, comfort, and safety. It is also essential that the design, especially concerning the location of elevators, escalators, and similar devices, minimize any extra distance that wheel chair users must travel compared to nonhandicapped persons, to reach ticket

counters, waiting areas, baggage handling areas, and boarding locations.

- (ii) International accessibility symbol. The international accessibility symbol shall be displayed at accessible entrances to buildings that meet the ANSI standards.
- (iii) Ticketing. The ticketing system shall be designed to provide handicapped persons with the opportunity to use the primary fare collection area to obtain ticket issuance and make fare payment.
- (iv) Baggage check-in and retrieval. Baggage areas shall be accessible to handicapped persons. The facility shall be designed to provide for efficient handling and retrieval of baggage by all persons.
- (v) Boarding. Each operator at an airport receiving any Federal financial assistance shall assure that adequate assistance is provided for enplaning and deplaning handicapped persons. Boarding by jetways and by passenger lounges are the preferred methods for movement of handicapped persons between terminal buildings and aircraft at air carrier airports; however, where this is not practicable, operators at air carrier airport terminals shall assure that there are lifts, ramps, or other suitable devices not normally used for movement of freight that are available for enplaning and deplaning wheelchair
- (vi) Telephones. Wherever there are public telephone centers in terminals, at least one clearly marked telephone shall be equipped with a volume control or sound booster device and with a device available to handicapped persons that makes telephone communication possible for persons wearing hearing aids.
- (vii) Teletypewriter. Each airport shall ensure that there is sufficient teletypewriter (TTY) service to permit hearing-impaired persons to communicate readily with airline ticket agents and other personnel.
- (viii) Vehicular loading and unloading areas. Several spaces adjacent to the terminal building entrance, separated from the main flow of traffic, and clearly marked, shall be made available for the loading and unloading of handicapped passengers from motor vehicles. The spaces shall allow individuals in wheelchairs or with braces or crutches to get in and out of automobiles onto a level surface suitable for wheeling and walking.
- (ix) Parking. In addition to the requirements in the ANSI standards the following requirements shall be met:
- (A) Curb cuts or ramps with grades not exceeding 8.33 percent shall be

- provided at crosswalks between park areas and the terminal;
- (B) Where multi-level parking is provided, ample and clearly marked space shall be reserved for ambulatory and semi-ambulatory handicapped persons on the level nearest the ticketing and boarding portion of the terminal facilities, and
- (C) In multi-level parking areas, elevators, ramps, or other devices that can accommodate wheelchair users shall be easily available.
- (x) Waiting area/public space. As the major public area of the airport terminal facility, the environment in the waiting area/public space should give the handicapped person confidence and security in using the facility. The space shall be designed to accommodate the handicapped providing clear direction about how to use all passenger facilities.
- (xi) Airport terminal information.
 Airport terminal information systems shall take into consideration the needs of handicapped persons. The primary information mode shall be visual words and letters, or symbols, using lighting and color coding. Airport terminals shall also have facilities providing information orally.
- (xii) Public services. Public service facilities such as public toilets, drinking fountains, telephones, travelers aid and first aid medical facilities shall be designed in accordance with ANSI standards.
- (b) Fixed facilities; existing terminals—(1) Structural changes. Where structural changes are necessary to make existing air carrier terminals which are owned and operated by recipients of Federal financial assistance accessible to and usable by handicapped persons, such changes shall be made in accordance with the ANSI standards as soon as practicable, but in no event later than three years after the effective date of this part.
- (2) Ongoing renovation. In terminals that are undergoing structural changes involving entrances, exits, interior doors, elevators, stairs, baggage areas, drinking fountains, toilets, telephones, eating places, curbs, and parking areas, recipients shall begin immediately to incorporate accessibility features.
- (3) Transition. Where extensive structural changes to existing facilities are necessary to meet accessibility requirements, recipients shall develop a transition plan in accordance with § 27.65(d) and submit it to the Federal Aviation Administration (FAA). Transition plans are reviewed and approved or disapproved by the FAA as expeditiously as possible after they are received.

- (4) Boarding. Each operator at an airport receiving any Federal financial assistance shall assure that adequate assistance is provided incident to enplaning and deplaning handicapped persons. Within three years from the effective date of this part, recipients operating terminals at air carrier airports that are not equipped with jetways or passenger lounges for boarding and unboarding shall assure that there are lifts, ramps, or other suitable devices, not normally used for movement of freight, are available for enplaning and deplaning wheelchair users.
- (5) Passenger services. Recipients operating terminals at air carrier airports shall assure that there are provisions for assisting handicapped passengers upon request in movement into, out of, and within the terminal, and in the use of terminal facilities, including baggage handling.
- (6) Guide dogs. Seeing eye and hearing guide dogs shall be permitted to accompany their owners and shall be accorded all the privileges of the passengers whom they accompany in regard to access to terminals and facilities.

§ 27.73 Federal Railroad Administration—Railroads.

- (a) Fixed facilities. (1) New facilities—(i) Every fixed facility or part of a facility-including every station, terminal, building, or other facilitydesigned or constructed by or for the use of a recipient of Federal financial assistance on or after the effective date of this part, the intended use of which will require it to be accessible to the public or may result in the employment therein of physically handicapped persons, shall be designed and constructed in accordance with the ANSI standards. Where there is ambiguity or contradiction between the definitions and the standards used by ANSI and the definitions and standards used in paragraph (a)(1)(ii) of this section, the ANSI terms should be interpreted in a manner that will make them consistent with the standards in paragraph (a)(1)(ii) of this section. If this cannot be done, the standards in paragraph (a)(1)(ii) of this section will prevail.
- (ii) In addition to the ANSI standards the following standards also apply to rail facilities;
- (A) Station circulation and flow. The basic station design shall permit efficient entrance and movement of handicapped persons while at the same time giving consideration to their convenience, comfort, and safety. The

- design, especially concerning the location of elevators, escalators, and similar devices, shall minimize any extra distance that wheelchair users must travel, compared to nonhandicapped persons, to such ticket counters, baggage handling areas and boarding locations.
- (B) International accessibility symbol. The international accessibility symbol shall be displayed at accessible entrances to buildings that meet ANSI standards.
- (C) Ticketing. The ticketing system shall be designed to provide handicapped persons with the opportunity to use the primary fare collection area to obtain ticket issuance and make fare payment.
- (D) Baggage check-in and retrieval. Baggage areas shall be accessible to handicapped persons. The facility shall be designed to provide for efficient handling and retrieval of baggage by all persons.
- (E) Boarding platforms. All boarding platforms that are located more than two feet above ground or present any other dangerous condition, shall be marked with a warning device consisting of a string of floor material differing in color and texture from the remaining floor surface. The design of boarding platforms shall be coordinated with the vehicle design where possible in order to minimize the gap between platform and vehicle doorway and to permit safe passage by wheelchair users and other handicapped persons. Where level entry boarding is not provided, lifts, ramps or other suitable devices shall be available to permit boarding by wheelchair users.
- (F) Telephones. At least one clearly marked telephone shall be equipped with a volume control or sound booster device and with a device available to handicapped persons that makes telephone communication possible for persons wearing hearing aids.
- (G) Teletypewriter. Recipients shall make available a toll-free reservation and information number with teletypewriter (TTY) capabilities, to permit hearing-impaired persons using TTY equipment to readily obtain information or make reservations for any services provided by a recipient.
- (H) Vehicular loading and unloading areas. Several spaces adjacent to the terminal entrance separated from the main flow of traffic and clearly marked shall be made available for the boarding and exiting of handicapped persons. The spaces shall allow individuals in. wheelchairs or with braces or crutches to get in and out of vehicles onto a level surface suitable for wheeling or walking.

- (I) Parking. Where parking facilities are provided, at least two spaces shall be set aside and identified for the exclusive use of handicapped persons. Curb cuts or ramps with grades not exceeding 8.33 percent shall be provided at crosswalks between parking areas and the terminal. Where multi-level parking is provided, ample space which is clearly marked shall be reserved for handicapped persons with limited mobility on the level which is most accessible to the ticketing and boarding portion of the terminal facilities; such level change shall be by elevator, ramp, or by other devices which can accommodate wheelchair users.
- (J) Waiting area/public space. As the major public area of the rail facility, the environment in the waiting area/public space should give the handicapped persons confidence and security in using the facility. The space shall be designed to accommodate the handicapped by providing clear directions about how to use all passenger facilities.
- (K) Station information. Station information systems shall take into consideration the needs of handicapped persons. The primary information mode shall be visual words and letters or symbols using lighting and color coding. Stations shall also have facilities for giving information orally. Scheduling information shall be available in a tactile format or through the use of a toll-free telephone number.
- (L) Public services. Public service facilities, such as public toilets, drinking fountains, telephones, travelers aid and first aid medical facilities, shall be designed in accordance with ANSI standards.
- (2) Existing facilities—(1) Ongoing renovation. All recipients shall begin immediately to incorporate accessibility features in stations and terminals that are already undergoing structural changes involving entrances and exits, interior doors, elevators, stairs, baggage areas, drinking fountains, toilets, telephones, eating places, boarding platforms, curbs, and parking garages.
- (ii) Structural changes. Existing stations shall be modified to ensure that the facilities, when viewed in their entirety, are readily accessible to and usable by handicapped persons.
- (iii) Scheduling of structural changes.

 (A) Within five years from the effective date of this section, recipients shall make accessible no less than one station in each Standard Metropolitan Statistical Area (SMSA) served by the recipient. Where there is more than one station in an SMSA, recipients shall select the station with the greatest

- annual passenger volume for modification within five years.
- (B) Within ten years of the effective date of this section, recipients shall make accessible all other stations in each SMSA.
- (C) Within five years of the effective date of this section, recipients shall make accessible stations located outside of an SMSA and not located within 50 highway miles of an accessible station. Where there are two or more stations within 50 highway miles of one another, a recipient shall select the station with the greatest annual passenger volume for modification within five years.
- (D) Within ten years of the effective date of this section, recipients shall make accessible all other stations located outside of an SMSA.
- (iv) Waiver procedure. (A) Recipients may petition the Federal Railroad Administrator for a waiver from the requirement to make a particular station accessible under § 27.73(a)(2)(iii) (B) and (D). Such petitions shall be submitted no later than six years after the effective date of this section.
- (B) A request for a waiver shall be supported by a written justification to the Federal Railroad Administrator. The justification shall include a record of a community consultative process in the area served by the station for which a waiver is sought. This request shall include a transcript of a public hearing. Handicapped persons and organizations in the area concerned shall be involved in the consultative process.
- (C) Factors that are applicable to the determination on a petition for waiver and the conditions that would apply to the waiver include, but are not limited to: (1) The utilization of the station; (2) the cost of making modifications to the station; (3) and the availability of alternative, accessible means of transportation for handicapped persons that meet the needs of those persons for efficient and timely service at a fare comparable to rail fare from the area served by the station to the nearest accessible station in each direction of travel.
- (D) Within 30 days of the date the waiver request is filed with the FRA, representatives of the FRA will meet with representatives of the Interstate Commerce Commission (ICC) to determine if the justification is adequate. The representatives will coordinate their efforts so that any changes requested by either FRA or ICC are consistent.
- (E) If no agreement can be reached by the FRA and ICC on the adequacy of the justification within 60 days from the

- date the representatives first meet, the waiver request shall be denied.
- (v) Transition plan. Where extensive changes to existing facilities are necessary to meet accessibility requirements, recipients shall develop a transition plan in accordance with § 27.65(d) and submit it, in duplicate, to the Federal Railroad Administration (FRA).
- (vi) Approval of transition plan. (A) Transition plans are reviewed and approved or disapproved as expeditiously as possible after they are received. Within 30 days from the date the plan is filed with the FRA, representatives of the FRA meet with representatives of the ICC to determine if the plan is adequate. The representatives coordinate their efforts so that any changes requested by either the FRA or the ICC are consistent.
- (B) If no agreement can be reached by the FRA and the ICC within 60 days from the date the representatives first meet, the transition plan shall be disapproved.
- (vii) Existing danger. Every existing facility and piece of equipment shall be free of conditions which pose a danger to the life or safety of handicapped persons. Upon discovery of such conditions, the danger shall be immediately eliminated and all necessary steps taken to protect the handicapped, or a particular category of handicapped persons, from harm during the period that the facility or equipment is being made safe.
- (b) Rail vehicles. (1) Within five years from the effective date of this part, on each passenger train:
- (i) At least one coach car shall be accessible;
- (ii) Where sleeping cars are provided, at least one sleeping car shall be accessible; and
- (iii) At least one car in which food service is available shall be accessible to handicapped persons, or they shall be provided food service where they are seated.
- In cases where the only accessible car is first class, first class seating for handicapped persons shall be provided at coach fare.
- (2) In order for a passenger car to be accessible to handicapped persons, the following shall be available:
- (i) Space to park and secure one or more wheelchairs to accommodate persons who wish to remain in their wheelchairs, and space to fold and store one or more wheelchairs to accommodate individuals who wish to sit in coach seats.

- (ii) Accessible restrooms with wide doorways, bars to assist the individual in moving from wheelchair to toilet, low sinks, and other appropriate modifications. These restrooms should be large enough to accommodate wheelchairs.
- (3) All new rail passenger vehicles for which solicitations are issued after the effective date of this part by recipients of Federal financial assistance shall be designed so as to be accessible to handicapped persons and shall display the international accessibility symbol at each entrance.
- (c) Rail passenger service. (1) No recipient shall deny transportation to any person who meets the requirements of this regulation because that person cannot board a train without assistance, or use on-train facilities without assistance, except as provided in this regulation.
- (2) Handicapped persons who require the assistance of an attendant shall not be denied transportation so long as they are accompanied by an attendant. Handicapped persons who require the service of an attendant, but who are unaccompanied, are not required under this part to be transported by the recipient. Handicapped persons requiring the assistance of an attendant shall include those who cannot take care of any one of their fundamental personal needs.
- (3) All recipients at stations, except flag stops and closed stations, shall, on advance notice of 12 hours or more. provide assistance to handicapped persons, except that those handicapped persons who require the services of an attendant shall give advance notice of at least 24 hours. Such assistance shall include, but is not limited to, advance boarding and assisting handicapped persons in moving from station platform onto the train and to a seat. The recipient shall provide the same assistance to handicapped persons as they leave the train or board another train in the process of changing trains. Recipients shall provide assistance upon request to handicapped persons in the use of station facilities and in the handling of baggage.
- (4) In all open stations, there shall be prominently displayed a notice stating the location of the recipient's representative or agent who is responsible for providing assistance to handicapped persons. Recipients shall publish in their schedules a notice of those closed stations and flag stops at which assistance cannot be provided to handicapped persons.

- (5) Assistance to handicapped persons in the use of on-train facilities shall be provided as follows:
- (i) General assistance. Recipients shall provide assistance to handicapped persons in moving to and from accommodations, including assistance in moving to and from wheelchairs.
- (ii) Restroom facilities. All recipients shall, upon request, provide assistance to handicapped persons needing assistance in gaining access to rest and washroom facilities.
- (iii) Sleeping car service. All recipients on all trains where sleeping car service is provided shall, upon request, provide assistance in gaining access to the facilities on various accommodations, such as roomette, bedroom, or compartment.
- (iv) Dining and lounge car service.

 Where dining cars, food service cars, or lounge cars are inaccessible to handicapped persons, all recipients shall, upon request, provide meal, beverage, and snack service to handicapped persons needing such service in their accommodations.
- (6) Assistance with wheelchairs, crutches, walkers, and canes. All recipients shall provide coach or sleeping car space to store, and shall assist in storing, such orthopedic aids as wheelchairs, walkers, crutches, and canes. These orthopedic aids shall be stored on the same coach or sleeping car in which the handicapped person travels.
- (7) Notice of assistance available provided in the use of on-board facilities. All recipients shall, on all coaches, sleeping cars, dining cars, food service cars, and lounge cars, permanently display a notice stating where and from whom assistance in the use of facilities of various cars may be obtained.
- (8) Bedridden and stretcher-bound passengers. (i) Where equipment is designed or modified to accept bedridden or stretcher-bound passengers without unreasonable delay, the recipient shall provide assistance in the boarding of bedridden or stretcher-bound persons into sleeping quarters. Accessibility to coaches for these persons is not required.
- (ii) Advance notification of 24 hours or more is mandatory in order to ensure provision of assistance to bedridden or stretcher-bound passengers. For the purpose of this section, assistance need not necessarily include placing the bedridden or stretcher-bound person into the compartment.
- (9) Passengers requiring life support equipment. Recipients shall not be required to transport persons who are

- dependent upon life support equipment needing power from the vehicle.
- (10) Guide dogs. Seeing eye dogs and hearing guide dogs shall be permitted to accompany their owners on all passenger trains, and shall be permitted in coach, sleeping, and dining cars.
- (11) Services to deaf and blind passengers. Recipients shall provide assistance to deaf and/or blind passengers, on request, by advising them of station stops.
- (12) Recipients shall notify the public that they provide services that facilitate travel by handicapped persons.
- (13) Recipients shall provide training to their employees sufficient to enable them to carry out the recipients' responsibilities under this section.

§ 27.75 Federal Highway Administration— Highways.

- (a) New Facilities—(1) Highway rest area facilities. All such facilities that will be constructed with Federal financial assistance shall be designed and constructed in accordance with the ANSI standards.
- (2) Curb cuts. All pedestrian crosswalks constructed with Federal financial assistance shall have curb cuts or ramps to accommodate persons in wheelchairs, pursuant to section 228 of the Federal-Aid Highway Act of 1973 (23 U.S.C. 402(b)(1)(F)).
- (3) Pedestrian over-passes, underpasses and ramps. Pedestrian overpasses, under-passes and ramps, constructed with Federal financial assistance, shall be accessible to handicapped persons, including having gradients no steeper than 10 percent, unless:
- (i) Alternate safe means are provided to enable mobility-limited persons to cross the roadway at that location; or
- (ii) It would be infeasible for mobilitylimited persons to reach the over-passes, under-passes or ramps because of unusual topographical or architectural obstacles unrelated to the federally assisted facility.
- (b) Existing Facilities. Rest area facilities. Rest area facilities on Interstate highways shall be made accessible to handicapped persons, including wheelchair users, within a three-year period after the effective date of this part. Other rest area facilities shall be made accessible when Federal financial assistance is used to improve the rest area, or when the roadway adjacent to or in the near vicinity of the rest area is constructed, reconstructed or otherwise altered with Federal financial assistance.

§§ 27.77-79 [Reserved]

Subpart E—Program Accessibility, Requirements in Specific Operating Administration Programs: Mass Transportation

§ 27.81 Purpose.

The purpose of this subpart is, in addition to implementing section 504 of the Rehabilitation Act of 1973, also to implement section 16(a) of the Urban Mass Transportation Act of 1964, as amended, and section 165(b) of the Federal-Aid Highway Act of 1973, as amended. These latter statutes are designed to increase the availability to elderly and handicapped persons of mass transportation that they can effectively utilize. Section 165(b) also requires access for elderly and handicapped persons to public mass transportation facilities, equipment, and services. This subpart consolidates and revises existing Urban Mass Transportation Administration (UMTA) regulations, policies, and administrative practices implementing the above statutes.

§ 27.83 Fixed facilities for the public.

- (a) Existing fixed facilities. Fixed facility accessibility shall be achieved by a staged sequence of fixed facility modifications, replacements, and new construction that reflects reasonable and steady progress. Changes not involving extraordinarily expensive structural changes to, or replacement of, existing facilities shall be implemented as soon as practicable but not later than three years after the effective date of this regulation. Other fixed facility accessibility changes shall be made as soon as practicable but no later than the deadlines specified in §§ 27.85–27.95.
- (b) New fixed facilities and alterations. In addition to the requirements of § 27.67, new transit fixed facilities for the public shall incorporate such other features as are necessary to make the fixed facilities accessible to handicapped persons. Existing fixed facilities shall incorporate these same features to the extent provided by §§ 27.85-27.95. In particular among these features, the design of boarding platforms for level-entry vehicles shall be coordinated with the vehicle design in order to minimize the gap between the platform and vehicle doorway and to permit safe passage by wheelchair users and other handicapped persons. Special attention shall be given to the needs of handicapped persons in the areas of fare vending and collection systems, visual and aural information systems, telephones (wheelchair users

and persons with reduced hearing ability require certain accommodations), teletype machines to handle calls from deaf persons, vehicular loading and unloading areas, and parking areas at park-and-ride facilities.

§ 27.85 Fixed route bus systems.

- (a) Program accessibility. (1) Program accessibility for a fixed route bus system is achieved when:
- (i) The system is accessible to handicapped persons who can use steps; and
- (ii) The system, when viewed in its entirety, is accessible to wheelchair users. With respect to vehicles, this requirement means that at least one-half of the peak-hour bus service must be accessible and accessible buses must be used before inaccessible buses during off-peak service.
- (2) Fixed route bus systems shall achieve program accessibility as soon as practicable but no later than three years after the effective date of this regulation; provided, however, that the time limit is extended to 10 years for the extraordinarily expensive structural changes to, or replacement of, existing facilities, including vehicles, necessary to achieve program accessibility.
- (3) Nothing in this section shall require any recipient to install a lift on any bus for which a solicitation was issued on or before February 15, 1977.
- (b) New vehicles. New fixed route buses of any size for which solicitations are issued after the effective date of this part shall be accessible to handicapped persons, including wheelchair users. With respect to new, standard, full-size urban transit buses, this requirement remains in effect until such time as solicitations for those buses must use UMTA's bid package entitled "Transbus Procurement Requirements."

§ 27.87 Rapid and commuter rall systems.

- (a) Program accessibility. Program accessibility for a rapid or a commuter rail system is achieved when the system, when viewed in its entirety, is accessible to handicapped persons, including wheelchair users. This general requirement means that:
- (1) Stations. All stations must be accessible to handicapped persons who can use steps, and key stations must be accessible to wheelchair users.
- (i) For rapid rail systems, key stations are those that are:
- (A) Stations where passenger boardings exceed average station boardings by at least 15 percent;
- (B) Transfer points on a rail line or between rail lines;

- (C) Major interchange points with other transportation modes;
- (D) End stations, unless an end station is close to another accessible station;
- (E) Stations serving major activity centers of the following types: employment and government centers, institutions of higher learning, and hospitals or other health care facilities; or
- (F) Stations that are special trip generators for sizeable numbers of handicapped persons.
- (ii) For commuter rail systems, key stations are those that are:
- (A) Transfer points on a rail line or between rail lines;
- (B) Major interchange points with other transportation modes;
- (C) End stations, unless an end station is close to another accessible station;
- (D) Stations serving major activity centers of the following types: employment and government centers, institutions of higher learning, and hospitals or other health care facilities;
- (E) Stations that are special trip generators for sizeable numbers of handicapped persons; or
- (F) Stations that are distant from other accessible stations.
- (2) Vehicles. All vehicles must be accessible to handicapped persons who can use steps, and one vehicle per train must be accessible to wheelchair users.
- (3) Connector service. With respect to rapid rail systems, accessible connector service is provided between accessible and inaccessible stations. The connector service may be provided by regular bus service, special bus service, special service paratransit, or any other accessible means of transportation that will transport a handicapped person from the vicinity of an inaccessible rapid rail station to the vicinity of the nearest accessible station in the person's direction of travel, or viceversa. Provision of connector service is an integral part of rapid rail program accessibility. The connector service, when combined with the key stations, must provide a level of service reasonably comparable to that provided for a nonhandicapped person.
- (4) Timing. Rapid and commuter rail systems shall achieve program accessibility as soon as practicable but no later than three years after the effective date of this part; provided, however, that the time limit is extended to 30 years for extraordinarily expensive structural changes to, or replacement of, existing fixed facilities necessary to achieve program accessibility. Steady progress is required over that 30-year period. The time limit is extended to five years with respect to rapid rail vehicles

- and 10 years with respect to commuter rail vehicles for extraordinarily expensive structural changes to, or replacement of, existing rail vehicles. Complete connector service for rapid rail systems shall be provided no later than 30 years after the effective date of this part. Over this time period, there shall be a steady build-up of the connector service that is coordinated with the completion of key stations; however, no later than 12 years from the effective date of this part, the connector service shall provide effective and efficient utilization of those key stations that have been made accessible.
- (5) Assessment. Twelve years after the effective date of this part, rapid and commuter rail operators shall prepare a full report for the Department on what accessibility improvements have been made, what the costs have been, and what the ridership attributable to the accessibility improvements has been.
- (b) New vehicles. New rapid rail vehicles for which solicitations are issued after the effective date of this part shall be accessible, except that gap closing devices, if determined to be necessary for accessible operation of stations or cars, are not required for vehicles for which solicitations are issued before January 1, 1983. New commuter rail vehicles for which solicitations are issued on or after January 1, 1983, shall be accessible to wheelchair users: however, new commuter rail vehicles for which solicitations are issued after the effective date of this part shall be accessible to handicapped persons who can use steps.

§ 27.89 Light rail systems.

- (a) Program accessibility. Program accessibility for a light rail system is achieved when the system, when viewed in its entirety, is accessible to handicapped persons, including wheelchair users. This general requirement means that:
- (1) Stations. All stations must be accessible to handicapped persons who can use steps, and key stations must be accessible to wheelchair users. Key stations are those that are:
- (i) Transfer points on a rail line or between rail lines;
- (ii) Major interchange points with other transportation modes;
- (iii) End stations, unless an end station is close to another accessible station;
- (iv) Stations serving major activity centers of the following types: employment and government centers, institutions of higher learning and

hospitals or other health care facilities;

- (v) Stations that are special trip generators for sizeable numbers of handicapped persons.
- (2) Vehicles. Each light rail vehicle must be accessible to handicapped persons who can use steps; at least one-half of the peak-hour light rail service must be accessible to wheelchair users and accessible light rail vehicles must be used before inaccessible vehicles during off-peak service.
- (3) Timing. Light rail systems shall achieve program accessibility as soon as practicable but no later than three years after the effective date of this part; provided, however, that the time limit is extended to 20 years for extraordinarily expensive structural changes to, or replacement of, existing fixed facilities and vehicles necessary to achieve program accessibility.
- (4) Assessment. Twelve years after the effective date of this part, light rail operators shall prepare a full report for the Department on what accessibility improvements have been made, what the costs have been, and what the ridership attributable to the accessibility improvements has been.
- (b) New vehicles. New light rail vehicles for which solicitations are issued on or after January 1, 1983, shall be accessible to wheelchair users; however, new light rail vehicles for which solicitations are issued after the effective date of this part shall be accessible to handicapped persons who can use steps.

§ 27.91 Paratransit systems.

- (a) General. Each paratransit system shall be operated so that the system, when viewed in its entirety, is accessible to handicapped persons. including wheelchair users. This means that the system must operate a number of vehicles sufficient to provide generally equal service to handicapped persons who need such vehicles as is provided to other persons. Where new vehicles must be purchased or structural changes must be made to meet this requirement, the purchase or changes shall be made as soon as practicable but no later than three years after the effective date of this regulation.
- (b) New vehicles. New paratransit vehicles for which solicitations are issued after the effective date of this part shall be accessible to handicapped persons, unless the paratransit system is and will remain in compliance with paragraph (a) of this section without the new vehicles being accessible.

§ 27.93 Systems not covered by §§ 27.85-27.91.

- (a) Scope. This section applies to forms of mass transportation not covered by §§ 27.85–27.91 (e.g., ferry boat).
- (b) General. (1) Program accessibility for a subject system is achieved when the system, when viewed in its entirety, is accessible to handicapped persons, including wheelchair users.
- (2) Subject systems shall achieve program accessibility as soon as practicable but in no event later than three years after the effective date of this regulation, provided, however, that this period may be extended upon appeal to the Urban Mass Transportation Administrator if program accessibility can be achieved only through extraordinarily expensive structural changes to or replacement of, existing facilities, including vehicles, and if other accessible modes of transportation are available that meet the needs of handicapped persons for efficient and timely service at a fare comparable to that of the subject system in the service area of that system.

§ 27.95 Program policies and practices.

- (a) Program policies and practices that prevent a system subject to this subpart from achieving program accessibility shall be modified as soon as reasonably possible but in no event later than three years after the effective date of this part. This three-year period shall prevail over the one-year period of § 27.11(c)(2).
- (b) The following program policies and practices which influence the achievement of program accessibility shall, along with any other appropriate practice, be addressed in the planning process:
- (1) Safety and emergency policies and procedures.
- (2) Periodic sensitivity and safety training for personnel.
- (3) Accommodations for companions or aides of handicapped travelers.
- (4) Intermodal coordination of transportation providers.
- (5) Coordination with social service agencies that provide or support transportation for handicapped persons.
- (6) Comprehensive marketing considerate of handicapped persons' travel needs.
- (7) Leasing, rental, procurement, and other related administrative practices.
- (8) Involvement of existing private and public operators of transit and public paratransit in planning and competing to provide other accessible modes and appropriate services.
- (9) Regulatory reforms to permit and encourage accessible services.

- (10) Management supervision of accessible facilities and vehicles.
- (11) Maintenance and security of accessibility features.
 - (12) Labor agreements and work rules.
 - (13) Appropriate insurance coverage.

§ 27.97 Interim accessible transportation.

- (a) Period prior to interim accessible transportation. Until the requirement of paragraph (b) of this section is met, the annual element of each urbanized area's transportation improvement program submitted to UMTA after the effective date of this part shall exhibit a reasonable level of effort in programming projects or project elements designed to benefit handicapped persons who cannot otherwise use the recipient's transportation system until it is made accessible in accordance with the requirements of this part. Reasonable progress in implementing previously programmed projects, including those programmed before the effective date of this part, shall be demonstrated by recipients. Recipients, working through the Metropolitan Planning Organization (MPO), shall use their best efforts to comply with this paragraph in a way that will support the achievement of program accessibility and make the transition to interim accessible transportation efficient and costeffective. Recipients, working through the MPO, shall also use their best efforts to coordinate and use effectively all available special services and programs in the community. Recipients in nonurbanized areas are generally subject to the requirements of this paragraph concerning special efforts in programming and implementation.
- (b) Interim accessible transportation-(1) General. No later than three years after the effective date of this part, each recipient whose system has not achieved program accessibility shall provide or assure the provision of interim accessible transportation for handicapped persons who could otherwise use the system if it had been made accessible. Such transportation shall be provided until program accessibility has been achieved. An area's fixed route bus system will satisfy this requirement for a rail system if the bus system has achieved program accessibility and if the bus system serves the inaccessible portions of that rail system.
- (2) Standards and expenditures. (i) The standards for interim accessible transportation shall be developed in cooperation with an advisory group of representatives of local handicapped persons and groups and be set forth in

the transition plan. During the period for interim accessible transportation, the recipient shall be obligated to spend annually an amount equal to two percent of the financial assistance it receives under section 5 of the Urban Mass Transportation Act of 1964, as amended, on such transportation, provided that a lower amount may be spent during any year when UMTA finds that the local advisory group had agreed with the recipient that expenditures at a lower level will provide an adequate level of service. If a recipient does not receive financial assistance under section 5, its obligation shall be an amount equal to two percent of the annual financial assistance it receives for mass transportation from the Department, with the same provision concerning lower expenditures. The recipient is not obligated to spend more on interim accessible transportation than the amount specified in this paragraph.

(ii) Subject to the expenditure limitation of paragraph (b)(2)(i) of this section, interim accessible transportation shall be available within the recipient's normal service area and during normal service hours and, to the extent feasible, meet the following requirements: there shall be no restrictions on trip purpose; combined wait and travel time, transfer frequency, and fares shall be comparable to that of the regular fixed-route system; service shall be available to all handicapped persons who could otherwise use the system if it had been made accessible, including wheelchair users who cannot transfer from a wheelchair and those who use powered wheelchairs; and there shall be no waiting list such that handicapped persons who have qualified or registered for the service are consistently excluded from that service by virtue of low capacity.

(3) Coordination of existing services. The recipient, working through the MPO, shall use its best efforts to coordinate and use effectively all available special services and programs in the community in order to ensure the provision of service that meets the standards of paragraph (b)(2)(ii) of this section. Such services and programs may reduce the recipient's expenditure obligation under paragraph (b)(2)(i) of this section if, in accordance with that paragraph, the handicapped advisory committee agrees that the full level of expenditure is not necessary.

§ 27.99 Waiver for existing rapid, commuter, and light rail systems.

A recipient that operates a rapid rail, commuter rail, or light rail system in

existence on the effective date of this part may, through the MPO for the area or areas concerned, petition the Secretary for a waiver of any of its obligations under § 27.87 or § 27.89 with respect to accessibility for handicapped persons. Waiver requests may only be submitted after the MPO and handicapped persons and organizations representing handicapped persons in the community, through a consultative process, have developed arrangements for alternative service substantially as good as or better than that which would have been provided absent a waiver. Petitions shall be supported by a record of the community consultative process. including a transcript of a public hearing with notice and consultation with handicapped persons and organizations representing handicapped persons, and a complete transition plan for an accessible system. The Secretary may grant such a petition in his or her discretion, provided that the Secretary determines that local alternative service to handicapped persons will be substantially as good as or better than that which would have been provided by the waived requirement of this subpart. If the petition is for the major rapid rail system in New York, Chicago. Philadelphia, Boston or Cleveland (those systems currently operated by the New York City Transit Authority, the Chicago Transit Authority, the Southeastern Pennsylvania Transportation Authority, the Massachusetts Bay Transportation Authority, and the Greater Cleveland Regional Transit Authority) and the waiver is granted, the petitioner shall spend, or shall ensure that other UMTA recipients in the urbanized area spend, on an annual basis, at least an amount equal to five percent of the urbanized area's funds under section 5 of the Urban Mass Transportation Act of 1964, as amended, on this alternative service. For the purposes of the five percent measurement, "urbanized area" refers to the portion of an urbanized area located in one state.

§ 27.101 Period after program accessibility.

Following the achievement of program accessibility, all rectpients whose systems are covered by this subpart shall continue to work with the MPO concerned to coordinate special services for handicapped persons.

§ 27.103 Transition plan.

(a) General. A transition plan shall be prepared for each urbanized and non-urbanized area receiving financial assistance from the Department for mass transportation. The transition plan

- is a document which describes the results of planning for program accessibility and defines a staged, multiyear program. The purpose of the plan is to identify the transportation improvements and policies needed to achieve program accessibility and to provide interim accessible transportation prior to the achievement of program accessibility in compliance with this part. The requirements of § 27.65(d) apply to transition plans prepared under this section unless they conflict with the requirements of this section, in which case the requirements of this section shall prevail.
- (b) Planning process. (1) The urban transportation planning process of each urbanized and non-urbanized area receiving financial assistance from the Department for mass transportation shall include the development and periodic reappraisal and refinement of a transition plan which is an outgrowth of ongoing activities to plan public mass transportation facilities and services that can effectively be utilized by elderly and handicapped persons pursuant to 23 CFR 450.120(a)(5).
- (2) The transition plan shall cover the entire period required to achieve program accessibility.
- (3) The level of detail in the transition plan shall be appropriate for the size of the urban area, the complexity of its mass transportation system and the scheduling of its accessibility improvements.
- (4) The development and periodic reappraisal and refinement of the transition plan shall:
- (i) In urbanized areas, be done under the direction of the Metropolitan Planning Organization (MPO) in cooperation with State and local officials and operators of publicly owned mass transportation services in conformance with 23 CFR 450.306(a) and (b):
- (ii) In non-urbanized areas, be done under the direction of local elected officials in cooperation with transit operators and the State; and
- (iii) Be performed with community participation required by § 27.107.
- (5) The transition plan shall be endorsed by the MPO in urbanized areas pursuant to 23 CFR 450.112(b) and shall be endorsed by the recipients responsible for implementing improvements and policies specified in the transition plan, with the recipient endorsement required only for the portions of the plan which affect each such recipient.
- (c) Plan content. The transition plan shall include:

- Identification of public transportation vehicles, fixed facilities, services, policies, and procedures that do not meet the program accessibility requirements of this part;
- (2) Identification by system and recipient of the improvements and policies required for bringing them into conformance with this part, including any required interim accessible transportation; the plan should indicate how interim accessible transportation service levels and fares were determined;
- (3) Establishment of priorities among the improvements, reasonable implementation schedules, and system accessibility benchmarks (the plan should document phasing criteria, identify which projects are necessary to meet three-year requirements, and set appropriate benchmarks for longer-term efforts);
- (4) Assignment of responsibility among public transportation service providers for the implementation of improvements and policies;
- (5) Identification of coordination activities to improve the efficiency and effectiveness of existing services;
- (6) Estimation of total costs and identification of sources of funding for implementing the improvements in the plan;
- (7) Description of community participation in the development of the transition plan; and
- (8) Identification of responses to substantive concerns raised during public hearings on the plan.
- (d) Timing. [1] Transition plans shall be transmitted, in duplicate, for approval to UMTA as soon as practicable but not later than one year from the effective date of this part, except that for urbanized areas with inaccessible rapid rail systems, the plan shall be transmitted not later than 18 months after the effective date of this part. Upon request and an adequate showing of need, the one-year period may be extended to 18 months for urbanized areas with inaccessible rail systems other than rapid rail.
- (2) Transition plans will be reviewed and approved or disapproved by UMTA as expeditiously as possible after they are received.
- (3) The transition plan shall periodically be reappraised and refined, particularly to add details of accessibility improvements as their scheduled implementation dates are approached. Amendments to the plan resulting from reappraisals or refinements shall be submitted in the same manner as the original plan, with

- community participation and UMTA approval.
- (e) Transportation improvement program. Annual elements of transportation improvement programs submitted for UMTA approval shall be consistent with the requirements of this part and with the local transition plan, once that plan has been approved by UMTA.

§ 27.195 Annual status report.

- (a) In order to provide a basis upon which a determination of compliance can be made, each recipient of UMTA assistance (or MPO on its behalf), beginning in the year following submission of the transition plan, shall provide an annual status report on its compliance with this part. The report shall provide a summary of the recipient's accomplishments and activities for meeting the schedule of improvements in the area's approved transition plan.
- (b) The first annual status report shall include a copy of the three compliance planning items listed in § 27.11(c)(3). Subsequent annual status reports shall reflect any changes made as a result of the requirement of § 27.11(c)(2)(v) for periodically reviewing and updating the compliance planning.

§ 27.107 Community participation.

- (a) General. This section applies to recipients whose systems are covered by subpart E. Community involvement, particularly by handicapped persons or organizations representing handicapped persons, during the development of the transition plan and at least annually during its implementation, during significant changes in the transition plan, and at the time of any request for waiver is required.
- (b) Participation. Agencies performing the planning, programming, and implementation activities required by this subpart shall use adequate citizen participation mechanisms or procedures during those activities. The mechanisms shall ensure continuing consultation. from initial planning through implementation, with handicapped persons, advocacy organizations of handicapped persons (where available), public and private social service agencies, public and private operators of existing transportation for handicapped persons, public and private transportation operators, and other interested and concerned persons.
- (c) Hearing. A public hearing, with adequate notice, shall be held on the proposed transition plan and on significant changes to the plan, and a written response shall be provided for

substantive concerns raised during the hearing. This response shall indicate whether the plan has been or will be changed to accommodate the concerns and the rationale for changing or not changing the plan.

§§ 27.109-119 [Reserved]

Subpart F—Enforcement

§ 27.121 Compliance information.

- (a) Cooperation and assistance. The responsible Departmental official, to the fullest extent practicable, seeks the cooperation of recipients in securing compliance with this part and provides assistance and guidance to recipients to help them comply with this part.
- (b) Compliance reports. Each recipient shall keep on file for one year all complaints of noncompliance received. A record of all such complaints, which may be in summary form, shall be kept for five years. Each recipient shall keep such other records and submit to the responsible Departmental official or his/ her designee timely, complete, and accurate compliance reports at such times, and in such form, and containing such information as the responsible Department official may prescribe. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, the other recipient shall also submit compliance reports to the primary recipient so as to enable the primary recipient to prepare its report.
- (c) Access to sources of information. Each recipient shall permit access by the responsible Departmental official or his/her designee during normal business hours to books, records, accounts, and other sources of information, and to facilities that are pertinent to compliance with this part. Where required information is in the exclusive possession of another agency or person who fails or refuses to furnish the information, the recipient shall so certify in its report and describe the efforts made to obtain the information. Considerations of privacy or confidentiality do not bar the Department from evaluating or seeking to enforce compliance with this part. Information of a confidential nature obtained in connection with compliance evaluation or enforcement is not disclosed by the Department, except in formal enforcement proceedings, where necessary, or where otherwise required by law.
- (d) Information to beneficiaries and participants. Each recipient shall make available to participants, beneficiaries, and other interested persons such

information regarding the provisions of this regulation and its application to the program for which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Departmental official finds necessary to apprise them of the protections against discrimination provided by the Act and this part.

§ 27.123 Conduct of investigations.

- (a) Periodic compliance reviews. The responsible Departmental official or his/her designee, from time to time, reviews the practices of recipients to determine whether they are complying with this part.
- (b) Complaints. Any person who believes himself/herself or any specific class of individuals to be harmed by failure to comply with this part may, personally or through a representative, file a written complaint with the responsible Departmental official. A Complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Departmental official or his/her designee.
- (c) Investigations. The responsible Departmental official or his/her designee makes a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation includes, where appropriate, a review of the pertinent practices and policies of the recipient, and the circumstances under which the possible noncompliance with this part occurred.
- (d) Resolution of matters. (1) If, after an investigation pursuant to paragraph (c) of this section, the responsible Departmental official finds reasonable cause to believe that there is a failure to comply with this part, the responsible Departmental official will inform the recipient. The matter is resolved by informal means whenever possible. If the responsible Departmental official determines that the matter cannot be resolved by informal means, action is taken as provided in § 27.125.
- (2) If an investigation does not warrant action pursuant to paragraph (d)(1) of this section, the responsible Departmental official or his/her designee so informs the recipient and the complainant, if any, in writing.
- (e) Intimidating and retaliatory acts prohibited. No employee or contractor of a recipient shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by

section 504 of the Act or this part, or because the individual has made a complaint, testified, assisted, or participated in any manner in an investigation, hearing, or proceeding, under this part. The identity of complainants is kept confidential at their election during the conduct of any investigation, hearing or proceeding under this part. However, when such confidentiality is likely to hinder the investigation, the complainant will be advised for the purpose of waiving the privilege.

§ 27.125 Compliance procedure.

- (a) General. If there is reasonable cause for the responsible Departmental official to believe that there is a failure to comply with any provision of this part that cannot be corrected by informal means, the responsible Departmental official may recommend suspension or termination of, or refusal to grant or to continue Federal financial assistance, or take any other steps authorized by law. Such other steps may include, but are not limited to:
- (1) A referral to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractural undertaking; and
- (2) Any applicable proceeding under State or local law.
- (b) Refusal of Federal financial assistance. (1) No order suspending, terminating, or refusing to grant or continue Federal financial assistance becomes effective until:
- (i) The responsible Departmental official has advised the applicant or recipient of its failure to comply and has determined that compliance cannot be secured by voluntary means; and
- (ii) There has been an express finding by the Secretary on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part.
- (2) Any action to suspend, terminate, or refuse to grant or to continue Federal financial assistance is limited to the particular recipient who has failed to comply, and is limited in its effect to the particular program, or part thereof, in which noncompliance has been found.
- (c) Other means authorized by law. No other action is taken until:
- (1) The responsible Departmental official has determined that compliance cannot be secured by voluntary means;
- (2) The recipient or other person has been notified by the responsible

- Departmental official of its failure to comply and of the proposed action;
- (3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period, additional efforts are made to persuade the recipient or other person to comply with the regulations and to take such corrective action as may be appropriate.

§ 27.127 Hearings.

- (a) Opportunity for hearing.

 Whenever an opportunity for a hearing is required by § 27.125(b), reasonable notice is given by the responsible

 Departmental official by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice advises the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action is to be taken, and the matters of fact or law asserted as the basis for this action, and either:
- (1) Fixes a date not less than 20 days after the date of such notice within which the applicant or recipient may request a hearing; or
- (2) Advises the applicant or recipient that the matter in question has been set for hearing at a stated place and time.

The time and place shall be reasonable and subject to change for cause. The complainant, if any, also is advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing constitutes a waiver of the right to a hearing under section 504 of the Act and § 27.125(b), and consent to the making of a decision on the basis of such information as may be part of the record.

- (b) If the applicant or recipient waives its opportunity for a hearing, the responsible Departmental official shall notify the applicant or recipient that it has the opportunity to submit written information and argument for the record. The responsible Departmental official may also place written information and argument into the record.
- (c) Time and place of hearing.

 Hearings are held at the office of the Department in Washington, D.C., at a time fixed by the responsible Departmental official unless he/she determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings are held before an Administrative Law Judge designated in accordance with 5 U.S.C. 3105 and 3344

(section 11 of the Administrative Procedure Act).

- (d) Right to counsel. In all proceedings under this section, the applicant or recipient and the responsible Departmental official have the right to be represented by counsel.
- (e) Procedures, evidence and record. (1) The hearing, decision, and any administrative review thereof are conducted in conformity with sections 554 through 557 of Title 5 of the United States Code, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving notice subsequent to those provided for in paragraph (a) of this section, taking testimony, exhibits, arguments and briefs, requests for findings, and other related matters. The responsible Departmental official and the applicant or recipient are entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing. Any person (other than a government employee considered to be on official business) who, having been invited or requested to appear and testify as a witness on the government's behalf, attends at a time and place scheduled for a hearing provided for by this part may be reimbursed for his/her travel and actual expenses in an amount not to exceed the amount payable under the standardized travel regulations applicable to a government employee traveling on official business.
- (2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to cross examination are applied where reasonably necessary by the Administrative Law Judge conducting the hearing. The Administrative Law Judge may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record are open to examination by the parties and opportunity is given to refute facts and arguments advanced by either side. A transcript is made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions are based on the hearing record and written findings shall
- (e) Consolidation or joint hearings. In cases in which the same or related facts are asserted to constitute noncompliance with this regulation with respect to two or more programs to which this part applies, or

noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under section 504 of the Act, the responsible Departmental official may, in agreement with such other departments or agencies, where applicable, provide for consolidated or joint hearings. Final decisions in such cases, insofar as this regulation is concerned, are made in accordance with § 27.129.

§ 27.129 Decisions and notices.

- (a) Decisions by Administrative Law Judge. After the hearing, the Administrative Law Judge certifies the entire record including his recommended findings and proposed decision to the Secretary for a final decision. A copy of the certification is mailed to the applicant or recipient and to the complainant, if any. The responsible Departmental official and the applicant or recipient may submit written arguments to the Secretary concerning the Administrative Law Judge's recommended findings and proposed decision.
- (b) Final decision by the Secretary. When the record is certified to the Secretary by the Administrative Law Judge, the Secretary reviews the record and accepts, rejects, or modifies the Administrative Law Judge's recommended findings and proposed decision, stating the reasons therefor.
- (c) Decisions if hearing is waived. Whenever a hearing pursuant to § 27.125(b) is waived, the Secretary makes his/her final decision on the record, stating the reasons therefor.
- (d) Rulings required. Each decision of the Administrative Law Judge or the Secretary contains a ruling on each finding or conclusion presented and specifies any failures to comply with this part.
- (e) Content of orders. The final decision may provide for suspension or termination, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved. The decision may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended unless and until the recipient corrects its noncompliance and satisfies the Secretary that it will fully comply with this part.
- (f) Subsequent proceedings. (1) An applicant or recipient adversely affected by an order issued under paragraph (e) of this section is restored to full eligibility to receive Federal financial

- assistance if it satisfies the terms and conditions of that order or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.
- (2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (e) of this section may, at any time, request the responsible Departmental official to restore its eligibility, to receive Federal financial assistance. Any request must be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the responsible Departmental official determines that those requirements have been satisfied, he/she may restore such eligibility, subject to the approval of the Secretary.
- (3) If the responsible Departmental official denies any such request, the applicant or recipient may submit a request, in writing, for a hearing specifying why it believes the responsible Departmental official should restore it to full eligibility. It is thereupon given a prompt hearing, with a decision on the record. The applicant or recipient is restored to eligibility if it demonstrates to the satisfaction of the Secretary at the hearing that it satisfied the requirements of paragraph (f)(1) of this section.
- (4) The hearing procedures of § 27.127(b)–(c) and paragraphs (a)–(d) of this section apply to hearings held under subparagraph (3) of this paragraph.
- (5) While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (e) of this section shall remain in effect.

[FR Doc. 79-16659 Filed 5-30-79; 8:45 am] BILLING CODE 4910-62-M

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APPENDIX B

504 COMPLIANCE ASSESSMENT FOR 1979 RECIPIENTS AND 1980 POTENTIAL RECIPIENTS OF UMTA 16(b)(2) FUNDS IN THE MILWAUKEE URBANIZED AREA

INTRODUCTION

Section 16(b)(2) of the Urban Mass Transportation Act of 1964, as amended. authorizes the Secretary of the U. S. Department of Transportation (DOT) to make grants to private nonprofit corporations and associations for the specific purpose of assisting them providing transportation services to elderly and handicapped persons. suant to this Section, a 16(b)(2) grant and/or loan program currently exists which is administered by the Urban Mass Transportation Administration (UMTA) -- an agency of the U. S. Department of Transportation. Through this program, private nonprofit corporations can receive federal funds equivalent to 80 percent of the cost of purchasing capital equipment such as vans, buses, and radios to be used to provide transportation services for elderly and handicapped persons. Since Section 16(b)(2) is a federally funded program, any agency which has received 16(b)(2) funds in 1979 or which is a potential applicant for 16(b)(2) funds in 1980 must be in compliance with the provisions and intent of U. S. DOT Final Rule 49 CFR Part 27 entitled, Nondiscrimination on the Basis of Handicap in Federally Assisted Programs and Activities Receiving or Benefitting from Federal Financial which effective Assistance, became July 2, 1979.

To make a finding of compliance, an assessment must be made under the direction of the metropolitan planning organization to determine: 1) that the transportation-related services, policies, or practices of an agency receiving or seeking to receive UMTA Section 16(b)(2) funds do not discriminate against persons on the basis of handicap, and 2) that the facilities, vehicles, and equipment used in the conduct of a

federally assisted elderly and handicapped transportation service are accesincluding sible the handicapped, to those persons who are nonambulatory wheelchair-bound and those persons with vision and hearing impairments. Agencies which are found to not be in compliance with the handicapped nondiscrimination provisions of U. S. DOT Final Rule 49 CFR Part 27 and which wish to be eligible to receive UMTA Section 16(b)(2) funds must develop a transition plan which sets forth the projects to be implemented and the actions to be taken to eliminate handicapped discrimination and program accessibility barriers as soon as possible but no later than July 2. 1982. The exception to this provision is that where extraordinary expenditures are required, a recipient of UMTA Section 16(b)(2) funds may have until July 2, 1989, to achieve complete program accessibility if an interim accessible transportation service is provided after July 2. 1982. and continued such time as program accessibility is achieved.

1979 RECIPIENTS AND 1980 POTENTIAL RECIPIENTS OF UMTA 16(b)(2) FUNDS

Within the Milwaukee urbanized there was one private nonprofit agency recipient of UMTA Section 16(b)(2) funds in 1979. Goodwill Industries of Milwaukee Area., Inc., received Section 16(b)(2) funds in 1979 from 1978 federal fiscal funds to purchase three 24-passenger wheelchair lift-equipped buses with one wheel chair tie-down locaton each and four 40-passenger lift-equipped buses with wheelchair wheelchair tie-down locations three The total cost of this bus pureach. chase project was \$168,468. Of this amount \$100,501, or 60 percent of the total purchase price, was funded with federal monies available under

Section 16(b)(2), and \$67,967, or 40 percent, was funded with monies available under a State of Wisconsin elderly and handicapped transportation assistance program for private nonprofit agencies provided under Section 85.08(6) of the Wisconsin Statutes.

In 1980 there are four potential private nonprofit agency applicants for UMTA Section 16(b)(2) funds in the Milwaukee urbanized area. Three are located in Milwaukee County: 1) Goodwill Industries of Milwaukee Area, Inc.; 2) Curative Rehabilitation Center; and 3) Elder Care Line, Inc. One, Portal Programs of Grafton, is located in Ozaukee County. These agencies have submitted notifications of intent to apply for 1979 federal fiscal year funds. present time, however, none of these agencies has completed or submitted a 16(b)(2) application for funds. Therefore, it is not known if any of these agencies will apply for UMTA Section 16(b)(2) funds or what type of facilities, vehicles, or equipment they will be requesting in their application. existing and/or potential recipients of UMTA Section 16(b)(2) funds, each of these agencies must be assessed to determine that it is in compliance with the provision and intent of U.S.DOT Final Rule 49 CFR Part 27.

AGENCY ASSESSMENT OF NONDISCRIMINATION AND HANDICAPPED ACCESSIBILITY

Each of the agencies identified above has been contacted by mail by the Wisconsin Department of Transportation, the agency responsible for administering the UMTA Section 16(b)(2) program in the The purpose for making this contact was to inform each agency of the provisions and intent of U. S. DOT Final Rule 49 CFR Part 27 and obtain information which could be used to determine that each agency was in compliance with the Rule. Through this contact, each agency was asked to respond to the following program policy-related questions, two facility-related questions. three vehicle-related questions. and

Program Policy-Related Questions

- 1. Do your safety and emergency procedures take into account the special needs of handicapped persons?
- 2. Do your personnel receive sensitivity training to better understand the needs of the handicapped?
- 3. Do you have a policy for accommodating companions (or aides) of handicapped passengers?
- 4. Are your marketing efforts considerate of the needs of the handicapped?
- 5. Is your organization committed to a maintenance program which keeps lifts and other equipment in good operating condition?
- 6. Do you make special efforts to see that handicapped passengers feel safe?
- 7. Do your work rules or labor agreements allow for variation to accommodate handicapped employees?
- 8. Does your agency maintain full liability coverage?

Program Facility-Related Questions

- 1. Does each program you operate allow for participation by the handicapped?
- 2. Are your administrative offices accessible to the handicapped?

Program Vehicle-Related Questions

- 1. Do you currently operate a number of vehicles sufficient to provide service to handicapped persons (who need accessible vehicles) equal to that provided to other persons?
- 2. If this application is funded, will you operate a number of

vehicles sufficient to provide service to handicapped persons (who need accessible vehicles) equal to that provided to other persons?

3. Are your services to persons with handicaps such as blindness or deafness equivalent to or better than your services to others?

In addition to providing responses to the above list of questions, each agency was requested to provide an inventory of their existing vehicle fleet—specifically identifying the number of vehicles in their fleets which are wheelchair lift—equipped. This information was requested to ensure that each agency had sufficient accessible vehicular capacity to provide the same level of transportation service to elderly and handicapped persons including those who are non-

ambulatory wheelchair-bound. Table B-1 presents a summary of each agency's responses to the information requested by the Wisconsin Department of Transportation.

Accessibility
Assessment Finding

The SEWRPC has reviewed the information provided by Goodwill Industries of Milwaukee Area, Inc., Curative Rehabilitation Center of Milwaukee, Elder Care Line of Milwaukee, and Portal Programs of Grafton and has found that each of these agencies is in substantial compliance with the provisions and intent of U. S. Department of Transportation Final Rule 49 CFR Part 27 and, therefore, should be eligible to receive federal funds under the UMTA Section 16(b)(2) program to support the continuation of their respective transfor elderly portation programs handicapped persons.

SUMMARY OF FINDINGS OF SECTION 504 COMPLIANCE FOR RECIPIENTS OR POTENTIAL RECIPIENTS OF

Table B-I

RECIPIENTS OR POTENTIAL RECIPIENTS UMTA SECTION 16(b)(2) FUNDS

	Agencies Located in Milwaukee County			Agency Located in Ozaukee County
Areas of Section 504 Assessment	Curative Rehabilitation Center	Elder Care Line, Inc.	Goodwill Industries, Inc.	Portal Programs, Inc.
POLICIES				
I. Do your safety and emergency procedures take into account the special needs of handicapped persons?	YES	YES	YES	YES
2. Do your personnel receive sensitivity training to better understand the needs of the handicapped?	YES	YES	иф	YES
 Do you have a policy for accommodating companions (or aides) of handicapped passengers? 	YES	YES	YES	NO ^C
4. Are your marketing efforts considerate of the needs of the handicapped?	YES	YES	YES	YES
 Is your organization committed to a maintenance program which keeps lifts and other equipment in good operating condition? 	YES	YES	YES	YES
6. Do you make special efforts to see that handicapped passengers feel safe?	YES	YES	YES	YES
7. Do your work rules or labor agreements allow for variation to accommodate handicapped employees?	YES	YES	YES	YES
8. Does your agency maintain full liability coverage?	YES	YES	YES	YES

Table B-1 (continued)

	in Milwaukee County			Agency Located in Ozaukee County
Areas of Section 504 Assessment	Curative Rehabilitation Center	Elder Care Line, Inc.	Goodwill Industries, Inc.	Portal Programs, Inc.
FACILITIES				
Does each program you operate allow for participation by the handicapped?	YES	NO ^a	YES	YES
2. Are your administrative offices accessible to the handicapped?.	YES	NO ^a	YES	YES
VEHICLES				
 Do you currently operate a number of vehicles sufficient to provide generally equal service to handicapped per- sons (who need accessible vehicles) as is provided to other persons? 				
Nonambulatory receive better service than ambulatory				
Nonambulatory receive same service as ambulatory	x		x x	x
Nonambulatory receive worse service than ambulatory		×		·
2. If this application is funded, will you operate a number of vehicles sufficient to provide generally equal service to handicapped persons (who need accessible vehicles) as provided to other persons?				
Nonambulatory will receive better service than ambulatory				
Nonambulatory will receive same service as ambulatory	x	X	X	x
Nonambulatory will receive worse service than ambulatory		* .		

rt				
	Agencies Located in Milwaukee County			Agency Located in Ozaukee County
	Curative		Coodwill	-
	Rehabilitation	Elder Care	Industries,	Portal
Areas of Section 504 Assessment	Center	Line, Inc.	Inc.	Programs, Inc.
VEHICLES (continued)				
3. Are your services to persons				
with handicaps, such as blind-				
ness or deafness, equivalent				
to or better than your services				
to others?	YËS	YES	YES	YES
Current Fleet Size			1	
Number of nonaccessible				
vehicles	17	19	12	2
Number of accessible vehicles	<u>I 5</u>	1_	11	<u>.1</u> .
Total	32	20	23	3
Anticipated Vehicle Request				
Fleet replacement	0	7	7	2
Fleet Expansion	<u> </u>	ĺ	<u>0</u>	Ī
	_			-
Total	4	8	7	3
Number of vehicles being requested				
with lifts	4	4	7	1.

^a<u>Elder Care Lines comment</u>: Elder Care Line is a transportation-only agency and, therefore, serves persons at their own places of residence. When placing an order for transportation, persons call Elder Care via telephone with their ride request. Personal appearances at the Elder Care offices by persons requesting rides rarely, if ever, occur.

Elder Care currently maintains two facilities—1202 W. Highland (operations building) and 1214 N. 13th Street (administrative offices). The W. Highland operations building itself is already wheelchair accessible, but has no wheelchair-accessible bathroom. Elder Care Line intends to apply to the Community Development Agency for 1981 funds to rehabilitate this building. Included in this proposed rehabilitation plan will be monies allocated for making the bathroom wheelchair-accessible. This construction is expected to take place during 1981.

Rehabilitation of the Elder Care administrative offices did occur in calendar year 1979 through utilization of Federal Housing and Urban Development funds funnelled through the Community Development Agency. During this project, a wheelchair-accessible bathroom was added on the first floor of the building. Construction of a ramp for wheelchair entry into the building (which will make the facility fully accessible) is expected to be completed before the end of 1980.

Currently, Elder Care has only one wheelchair-accessible vehicle. This small percentage has been sufficient for the needs of this agency since a large number of private, for-profit chair car carriers exist within Milwaukee County and welcome referrals by Elder Care for persons to utilize their services.

Table B-1 (continued)

^aElder Care Lines comment (continued): Elder Care Line now realizes that a much greater need exists in specific types of transportation for handicapped persons and is applying for four wheelchair lift-equipped vehicles.

Also supplementing the four lift-equipped vehicles are two station wagons, which are already an integral part of Elder Care's existing fleet. These wagons are used to transport handicapped persons who do not require a wheelchair lift (persons with walkers, crutches, leg casts, and/or braces, and those who are able to transfer from their wheelchair into a car seat).

Elder Care expects to continue its policy of referral of wheelchair medical rides (whenever possible) to the proprietary sector. Elder Care will then concentrate its efforts on providing other types of handicap transportation (shopping, nutritional, social/recreational, etc.) and this number of vehicles should be sufficient to accommodate the demand for this type of service.

b Coodwill Industries comment: While sensitivity training is not required, a full range of courses, available to all employees, are offered as inservice training, including the characteristics and needs of particular disability groups, human relations, and the like.

^CPortal Programs, Inc. comment: No written policy for aides. However, sole responsibility for boarding and unloading of wheelchair clients is vested with the driver. Prior to, and subsequent to, boarding and unloading would be the responsibility of an aide.

Source: Wisconsin Department of Transportation and SEWRPC.

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Appendix C

TRANSCRIPT OF THE PUBLIC HEARING ON THE TRANSIT OPERATOR TRANSITION PLAN FOR MILWAUKEE COUNTY AND RELATED MATERIALS

1	MILWAUKEE COUNTY DEPARTMENT OF PUBLIC WORKS
2	TRANSPORTATION DIVISION
3	
4	PUBLIC HEARING IN THE MATTER OF
5	THE MILWAUKEE COUNTY PLAN TO) IMPROVE THE COUNTY TRANSIT SYSTEM)
6	FOR USE BY PERSONS WITH) DISABILITIES OR HANDICAPS)
7)
8	
9	Public Hearing in the above entitled matter,
10	in the Milwaukee County Courthouse Annex Assembly Room,
11	Milwaukee, Wisconsin, at 7:00 p.m. on Thursday, May 15,
12	1980.
13 14	MEMBERS OF THE STEERING COMMITTEE OF THE MILWAUKEE COUNTY EXECUTIVE'S ELDERLY AND HANDICAPPED TRANSPORTATION TASK FORCE PRESENT:
15 16	GERALD SCHWERM, Chairman of the Steering Committee.
17	ADRIAN DeBLAEY
18	EUGENE PAYKEL
19	ALBERT KALLAS
20	TERRY KOCOUREK
21	JEAN LOGAN
22	GALEN LARSON
23	ELLEN DALY
24	RICHARD POMO
25	SAM GRODNICK
	GEORGE SEARING

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7	ESTHER WACHOWIAK		16
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14	RICK SMITH		28
15	BILL WILLIAMS		28
16	ARNOLD WHITAKER		29
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COURT REPORTERS

GEORGE SEARING

JOHN CLARK

ing.

THEREUPON, the following proceedings were held, commencing in the Milwaukee County Courthouse Annex Assembly Room, Milwaukee, Wisconsin, on Thursday, May 15, 1980, at 7:00 p.m.

CHAIRMAN SCHWERM: Ladies and gentlemen, I would like to call this public hearing to order. I want to thank you all for coming and welcome you to the meet-

This is a meeting of the Steering Committee of the Milwaukee County Executive's Elderly and Handicapped Transportation Task Force. I'd like to introduce the members of the Steering Committee that are present. I will call them off not necessarily in any order, but just because I recognize them this way. Adrian DeBlaey? Eugene Paykel? Albert Kallas? Terry Kocourek? Jean Logan? Galen Larson? Ellen Daly? Richard Pomo? Sam Grodnick? George Searing? John Clark? Did I miss anyone?

The public hearing tonight is on Milwaukee County's Transition Plan. The Transition Plan deals with how Milwaukee County might make its mass transit

facilities more accessible to the handicapped.

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This plan is required by Federal Law. It was prepared by the Southeastern Wisconsin Regional Planning Commission in conjunction with the Steering Committee that I just introduced, and it is this group that is holding the hearing this evening. The plan concerns changes to be made to the transit system to make it more usable by persons with handicaps and disabilities.

The purpose of the hearing is to take testimony on the plan and on how the transit system can be improved for use by the handicapped. The hearing tonight is for the purpose of taking public comment, and not for the purpose of debating the issues. We are interested in suggestions and comments on the plan that's been prepared and will have an explanation of that later.

We are interested in your comments and views as to how the transit system might be made more accessible for the handicapped and those with disabilities. If you wish to testify, you will be given an opportunity. There are people around with microphones that will be roving that you will be able to use. We have also asked that you sign in if you want to be heard. That is, if you want to speak on this issue. We have people with cards, and you can sign in by getting one of the cards

and handing it out to the people that are in the audience that will be roaming, that have those cards available for you.

If you have written testimony, or written comment to give, we ask that you furnish a copy of that to the reporter so that it might be made a permanent part of the record.

When you speak we hope-- we ask that you identify yourself. That is, give your name, and if you represent an organization, indicate which organization it is that you represent. We need to have this for the public record. This is a requirement of Federal law.

If you have written testimony and furnish the copies to us and need the copies back, we will be pleased and happy to return them after we have a chance to make a photocopy of that written testimony.

Hearing notices of this meeting tonight were sent to a variety of people. Hearing notice was published in the Sentinel and the Milwaukee Journal, and several minority newspapers. The hearing notice in Spanish was posted in the office of the Spanish community service organizations.

Public service announcements of the hearing were requested of local radio and television stations. A cover letter to these stations emphasized the

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importance of their media in communicating with the hearing impaired. A total of 800 public hearing notices were mailed. Categories receiving notices were: Representatives and officials; elderly and handicapped organizations; convalescent and nursing homes; public and private social organizations; transportation providers; civic, cultural and social organizations; minority organizations; radio, television and news media; individuals having indicated an interest in elderly and handicapped matters.

Copies of the complete transition plan were available for public inspection at all local municipalities, plus the offices of Milwaukee Transport Services and the Southeastern Wisconsin Regional Planning Commission.

Copies of the summary report were available for public distribution at all local municipalities, plus the offices of M.T.S. Incorporated, and the Southeastern Wisconsin Regional Planning Commission.

A tape recording of the summary report is available at the Milwaukee County Offices. These public contact efforts are detailed in Exhibits One through Nine, and will be entered into the public hearing record if there are no objections.

Do I hear any objections?

Do I hear any objections?

If not, they will be entered into the public record. Hearing no objections, they will so be entered.

I have received some correspondence, three letters, one addressed to Thomas Knight by Sharon Bosman Schaffner, S-c-h-a-f-f-n-e-r. Another letter addressed to myself from Marion Krueck, K-r-u-e-c-k. And another letter addressed to whom it may concern, from Francis X. Dempsey, D-e-m-p-s-e-y. If there are no objections, those will be entered into the record.

Hearing no objections, they will be so entered.

I want to call your attention to two documents, and I will stand up, one is blue, and one is green. If you don't have a copy, there should be copies available for you. Raise your hand and someone will find you and give you a copy of the blue, or the blue and the green.

I want to emphasize someone will furnish those copies for you. They are coming in from the back side of the room. Just hold your hand up. Okay.

I want to emphasize tonight that what has happened is that this Steering Committee has prepared, in conjunction with the Southeastern Wisconsin Regional Planning Commission, a transition plan. This is a

requirement of Federal law.

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The transition plan is a plan concerning how Milwaukee County might make its transit facilities more accessible to the handicapped and the disabled. nothing in the transition plan that purports, or that supports in any way a diminishment of the User Side Subsidy Program. The User Side Subsidy Program is the program that many of you know of, that permits you to call in and get a taxi cab or a van ride to wherever it is that you wish to go. That program is not proposed for discontinuance. It is, in terms of the plan, considered as being an ongoing effort. There is no proposal to not have that service any longer. So, if you are concerned about that, the transition plan does not propose to eliminate the User Side Subsidy Program, or your ability to get around in a way that you have by virtue of calling and getting a cab ride or a van ride to wherever you want to go.

I want to also introduce County Supervisor

Paul Mathews who is at the front table here. Supervisor

Mathews, and did I see Supervisor Podell in the room?

Supervisor Podell, she is in the back of the room. One

of your County Board Members. Any other Supervisors

that I did not see come in? Okay. Supervisor Podell,

would you like to join us here at the table, so you can

hear better? You are welcome.

Now, before I open this up for a brief report from Mr. Marsho-- that is the next item of business-- I would like to ask the staff in the room if there is anything else that we need to do preliminary to that report. Any staff have any comment on where we have gotten up to this point? Okay.

What I would like to do is introduce Mr.

James Marsho, who is a representative of the Southeastern Wisconsin Regional Planning Commission. Mr. Marsho is here to explain the transition plan to you, and here he is. Jim?

MR. JAMES MARSHO made the following statement for the record:

MR. MARSHO: Under the provisions of a U.S.

Department of Transportation Rule entitled Nondiscrimination on the Basis of Handicap in Federally-Assisted

Programs and Activities Receiving or Benefitting From

Federal Financial Assistance, which was issued on May 31,

1979, all recipients of U.S. Department of Transportation

funds must make their Federally-assisted programs accessible to handicapped persons. Including those persons who are non-ambulatory wheelchair bound and those

persons with vision and hearing impairments.

For recipients of U.S. Department of

Transportation funds being used for public transportation programs, in particular, the provisions of the Rule require that any existing services, policies or practices of these programs which discriminate against handicapped persons must be changed or eliminated. And that projects must be planned, prgrammed and implemented to make facilities used in the public transportation program, such as buildings, passenger waiting shelters, park ride lots and buses accessible to the handicapped by removing physical barriers which make it difficult or impossible for handicapped persons to use these facilities or vehicles.

The Rule further provides that any recipient of Federal funds whose program is not currently accessible to the handicapped or who can not achieve program accessibility by July 2, 1980, must prepare a plan identifying the projects which will be undertaken each year until the program is accessible.

The Rule provides for no alternative but to make the program accessible as soon as practicable. That is, there is no alternative program or service that can be considered for implementation as a substitute, except on an interim basis until program accessibility is achieved.

Within the Milwaukee urbanized area there

are six recipients of Federal funds affected by this These include four private non-profit agencies who have received funds in 1979 under a Federally funded program entitled 16B2, which funds can be used to purchase vehicles to provide elderly and handicapped transportation services, or who are potential applicants for such funds in 1980. These agencies are: Goodwill Industries, Elder Care Line, Curative Rehabilitation Center, all located in Milwaukee County and Portal Programs of Grafton, located in Ozaukee County. The other two recipients affected by the Rule are the Milwaukee County Transit System, which receives capital and operating assistance funds from the Federal Government, and the Southeastern Wisconsin Regional Planning Commission which receives planning assistance funds from the Federal Government.

In accessibility assessment of the four private non-profit agencies affected by this Rule, undertaken cooperatively by the Southeastern Wisconsin Regional Planning Commission, the Wisconsin Department of Transportation and each agency, has produced a finding, and I will call your attention to Appendix E, that each of these agencies are in substantial compliance with the provisions and intent of the U.S. Department of Transportation Rule, and therefore should be considered

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A similar accessibility assessment of the Milwaukee County Transit System and the Southeastern Wisconsin Regional Planning Commission has determined that, in particular concerning the Milwaukee County Transit System, there are a need for modifications in the way the Milwaukee County Transit System public transportation program is operated to make it accessible to the handicapped.

The study that was undertaken to determine what kinds of changes are needed was the result of this planning document, entitled <u>Transit Operator Transition</u>

Plan for the <u>Milwaukee Urbanized Area</u>. In the back of this document and the green handout that you should have received, is Chapter Six, entitled A Summary.

Chapter Six summarizes the entire plan. I don't intend to go through all of the recommendations contained in this summary chapter. There are some eleven pages set forth in Table 6-1. What I would like to highlight is the fact that there is a rather broad range of relatively minor, but the handicapped persons significant, changes recommended in existing transit system policies and practices. And the institution of new policies and practices, all intended to make it possible for handicapped persons to effectively utilize the

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Milwaukee County Transit System as it becomes accessible.

elimination between now and 1984 of building accessibility barriers at all facilities involved in the planning and operation of the Milwaukee County Transit System.

Including, bus operators garages, the transit system general offices on Highland Boulevard, Ready Fare outlets, bus passenger waiting shelters, park ride lots, the Milwaukee County Courthouse and the Offices of the Southeastern Wisconsin Regional Planning Commission.

Finally, the plan recommends that Milwaukee County purchase purchase accessible wheelchair lift equipped buses until the transit system has a sufficient number of such buses to insure that 50% of the buses operating during the peak periods of transit ridership are accessible.

Under the programs set forth in the plan, if Milwaukee continues its currently scheduled bus fleet replacement and expansion program, the transit system will have a total fleet of 784 buses, of which 481, or 61.4% will be accessible by July of 1982. This should be a sufficient number of buses to guarantee that 50% of the buses operating during the peak period will be accessible to the handicapped people.

That's it.

1	CHAIRMAN SCHWERM: Thank you, Mr. Marsho.
2	If you have that in writing, could you furnish a copy to
3	the reporter, please? All right. We will now open the
4	meeting for public testimony, and what I'd like to do, is
5	call on people by category, and what we have identified
6	first, is officials from federal or state agencies. Are
7	there any federal or state officials that wish to testify
8	at this public hearing?
9	Federal or state officials?
10	Are there any state, or rather are there
11	any county or local officials, county or village or city
12	officials that wish to testify?
13	Any county, city, or village officials?
14	All right. We will move on then. Are there
15	any community or civic organizations represented that wo
16	would like to testify?
17	Community or civic organizations?
18	Okay. We will go into any special groups.
19	Are there any Spanish, deaf, anyone representing a
20	specific group that would like to testify?
21	MR, PATRICK: This lady would like to speak
22	through the interpreter, Mr. Chairman.
23	CHAIRMAN SCHWERM: All right. Could you
24	give your name, identify yourself, please?
25	MRS. ABARAVICH: My name is Margaret Abaravich

1	THE INTERPRETER: Can you understand her?
2	CHAIRMAN SCHWERM: Yes.
3	MRS, ABARAVICH: I am a member of the Milwauke
4	County Commission on the Handicapped. I myself am totally
5	deaf. I would like to point out the need of a TTY phone
6	in other public buildings so that the deaf people can
7	use the telephone. We have nothing right now. And I
8	would appreciate having this group study that need.
9	Thank you.
10	CHAIRMAN SCHWERM: Could you spell her name
11	for the reporter?
12	THE INTERPRETER: Margaret, first name,
13	M-a-r-g-a-r-e-t. And your last name is A-b-a-r-a-v-i-c-h.
14	CHAIRMAN SCHWERM: Thank you, I have only
15	one card, have we got the roving microphone set up?
16	All right. I have a J. W. Marshall. J. W. Marshall?
17	4715 North 4712 North 51st Street.
18	MR. MARSHALL: 21st Street.
19	CHAIRMAN SCHWERM: 21st Street. Sacred Heart
20	Rehabilitation Center.
21	MR. MARSHALL: Yes.
22	CHAIRMAN SCHWERM: Okay.
23	MR, J. W. MARSHALL made the following
24	statement for the record;
25	MR. MARSHALL: My name is J. W. Marshall.

I am an Administrative Resident at Sacred Heart
Rehabilitation Center. I want to read a letter from the
Administrator, and then I would like to give you my
experience with the Milwaukee Transit Service.

Ladies and Gentlemen: The Governing Board,
Management and Staff of Sacred Heart Rehabilitation
Hospital strongly endorses and supports the proposed
expansion of the Milwaukee Transit Service.

Because we work closely with persons of the disabled and elderly community, we are very much aware of their transportation needs. Sacred Heart is committed to the development of programs that will help meet these needs.

We are willing to participate in whatever manner we can to improve the present, less than adequate, services that are available to them.

Sacred Heart Rehabilitation Hospital, Mr. Fred Leyva, Administrator.

I am also a student at the University of Milwaukee and I am on the Board of Marketing at the University, and at the time, I decided that I would take a ride with the transit to see what the information that I was getting from the students was appropriate.

Going from the University to Capitol and Green Bay, usually for an able-bodied person, would take

approximately 20 to 30 minutes. Taking me two hours, due to the fact that the driver was inappropriately prepared to handle the job. They do now know how to work the lifts. Supervisor came out, he kicked and swore at the lift. Literally. He had to follow the lift for the whole ride to get me down. He had to handle it manually.

Thank you for your time.

CHAIRMAN SCHWERM: Thank you very much. I want to indicate that we have received another communication from S. D. Schlonsky, S-c-h-l-o-n-s-k-y, and will make this a part of the record as well.

The next speaker is Esther Wachowiak. Esther Wachowiak, W-a-c-h-o-w-i-a-k, 1108A East Russell Avenue, Wisconsin Arthritis Foundation.

MRS. ESTHER WACHOWIAK made the following statement for the record:

MRS, WACHOWIAK: My name is Esther Wachowiak. Thank you Mr. Chairman for having given me time to speak. We from the Arthritis Foundation have no help at all. We have handicapped people, too, in our program. I happen to be a handicapped person, myself. You wouldn't think so looking at me, but I am very short, and I have trouble getting onto the bus. The steps are too high. These new buses, anyhow. They weren't so bad before. And if driver is far away from the curb, it is even

to go on one foot at a time, you know, to get up this way. So, it takes me quite a while, and someone made a sarcastic remark one day, "What's that old bag doing taking all her time, keeping other people standing and waiting." Well, there isn't any need for anything like that.

I think we should be given the same privileges, the handicapped of the Arthritis Foundation, as the other disabilities. Like the taxi cab service which I had for my husband, because he was an amputee, plus he was not totally blind, but blind in one eye and partially blind on the other eye. I never took advantage of it, because I had generous neighbors, and my children always took him to the doctor. So, I never had to use that, but in the near future I would like to see something like that done for the Wisconsin Arthritis Foundation.

If there is some way that we, the people from the Foundation on the Board, could get together with your Committee, and discuss this situation, we'd be so happy to have a meeting with you. If there is any possible chance I will have our secretary write you, and would you respond?

CHAIRMAN SCHWERM: Certainly.

MRS. WACHOWIAK: Thank you very much.

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CHAIRMAN SCHWERM: Thank you. The next speaker is Alice Kernan, K-e-r-n-a-n. 419 North 50th It says representing myself.

ALICE KERNAN made the following statement for the record:

MS. KERNAN: Myself, yeah. I didn't know what to put. My name is Alice Kernan, and I am representing myself, and I am also I should have said before, I am representing the visually impaired community, too. I think that these buses could be improved in a lot of ways, because they should -- like a lot of times when I have gone places on them they don't call out -- like if you say if you want to go let's say, for instance, I want to go to M.A.T.C. and they-- you say call out 6th and State, and they don't -- and half the time they don't do it. And they look at you like -- well, they say I am sorry we don't -- we can't do that, or they just forget about it or they just don't do it.

And they could also have something at these corners where you can press the -- where you can go across the street and you can tell when the cars are coming. When you can, you know, when the lights change and that. And these buses, a lot of these drivers just aren't very courteous to you and you have to expect, you know, you don't know whether you are hurting, you don't know

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what's going on, hurting their feelings and this and that And like a lot of times my girlfriends can't come to visit me, they are in wheelchairs, because the buses don't-they only have five or six buses, or eight buses, whatever, and they don't have enough to go. They should have more of them. They should have more to go around, so that they can get out, or even I can go. Like I can't get to their houses, either because -- I mean other than the vans, but with these buses -- these buses are impossible, because they don't, you know, you can't get to the destinations that you want to, and also they don't have the proper signs on them. I can't read the signs to tell you which one to go on, and I get on the wrong That's what I am mainly scared of right now.

So, there is a lot of, you know, it's just a It's a shame, and the keys don't work. A friend of mine is a bus driver, and he even said that the keys don't work. You can't get the lifts to work. So, there could be a lot of improving made. So, I guess that's all I have to say.

> CHAIRMAN SCHWERM: Thank you.

> You are welcome. MS. KERNAN:

The next speaker is CHAIRMAN SCHWERM: Claudia Smith, S-m-i-t-h. Claudia Smith, 1720 South 29th Street, Number 204. Wisconsin Disabilities Coalition.

MS. SMITH: Thank you Mr. Chairman, members of the Board. I guess I'd like to stress that I am for also buses, and I believe you spent quite a bit of money on a system that really has to work. Ten per cent of the population that we now have are presently in wheelchairs. The other disabilities I think can be trained to use the system, which I feel is a big necessity. The handicapped population has a lot of learning to do. If I knew where to go, and the streets and what to connect, I would really try it. I have tried, unsuccessfully. One time successfully, very courteous bus drivers at that time. did not know how to operate the lift, but between both of us we figured it out, and he was willing to take the time to learn. So, that was cool. It went from 27th Street to Southgate and with no transfer.

The second time, however, with the new buses
I felt before coming to this meeting-- well, the second
time I tried, it was a total disaster, and walked away
before I argued with the bus driver.

And the third time was just the other day when I felt that I had to try it again before coming here and speaking. They were very apologetic, but he said there were no keys to operate the lifts at the

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working, and they did not have permission to use the bus lifts. And when I had approached him and asked him when the next bus would be coming along he goes, "Sometime today." Well, that did not help my situation at all.

So, he just kind of closed the door and left. He wasn't too cool.

I went back to my office and I called the transportation company and I talked to the PR man there, and I suggested to him that if the buses are not able to be utilized right now that I think a public awareness should be made of that. And until the time that they can be used— maybe public announcements on TV, too, on educating the public that this is going to take place. And that people really who are experienced with their wheelchairs can try to use the system.

The kneeling factor that's going to be going into effect I agree with, for the elderly and for some of the people with ambulatory disabilities. What can I say? There is just a lot of factors that I think we have to learn, and you have to learn also. Thank you.

CHAIRMAN SCHWERM: Thank you. Mark Hillisch? Mark Hillisch? H-i-1-1-i-s-c-h, 4056 North 40th Street.

M.D. Organizational People.

MR. MARK HILLISCH made the following

statement for the record:

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MR. HILLISCH: Yeah. I am representing myself and also Muscular Dystrophy people who have Muscular Dystrophy. About this bus problem, really the problem is when people in wheelchairs -- is the winter I mean, how in the heck are you going to get on a bus lift when there is big high snowbanks and people don't want to shovel out. Especially the winter when we had a severe one we had three years ago. It would be impossible to use the buses for people who had wheelchairs to use the bus system. Plus people of my illness have problems of going out in bad weather, because we get respiratory ailments very easy. I know a lot of people from Muscular Dystrophy die from them. And if we have to go out we use it in the summer months. The problem is in the winter months. I don't know how the heck we could use the buses in the winter months.

And there is a lot of other disabled people in wheelchairs that would have a problem getting to the bus stop in the winter time. And in summer time, too, because they can't move, they are too helpless, and they don't have electric wheelchairs to get there, and a lot of them can't get pushers. So, I don't know how in the heck this bus system would really work. Many of the lifts on the city buses don't work anyway. I know a lot

of people on wheelchairs that tried to use the bus system, and the lifts just don't work. I think the best system to have, if the people are able to use the buses, that would be fine, but a lot of people in wheelchairs aren't. I think the best thing to do would be make the User Side Subside Program permanent, and forget about these wheelchair lifts.

Anyway, I have got an article in here about the Federal government is thinking of changing the rules on wheelchairs that instead of trying to make the buses accessible for wheelchairs, that they should have a User Side Subsidy Program for vans and taxi cabs, instead. Because a lot of people in wheelchairs just can't get on the buses, because of the weather conditions, and things like that. And I would like to give this to the Chairman of the Committee. Thank you.

CHAIRMAN SCHWERM: Thank you. The next speaker is Dr. Greg Thomsen, T-h-o-m-s-e-n, 722 North 13th Street, Marquette University.

DR. GREG THOMSEN made the following statement for the record:

DR. THOMSEN: I would first of all like to commend Milwaukee County on the things that have been on so far on transportation for the handicapped. I think we have come a long ways, I think we are far ahead of a

lot of the cities I have been in, and we have still got some problems.

Some of the problems that I have experienced have already been addressed by the others that have been wheelchair confined. On occasions that I have tried to use the buses I have found that they have been either mechanically inoperable, or a lot of the drivers have not been familiar with the techniques that are needed to operate the lifts.

On the times that I have been able to use the buses, a number of places I have been dropped off at, the curbs have been—on the occasions the bus stops there have been inaccessible. The need for more curb cuts and more spots that the handicapped persons can get access to the buses.

I think another need is one for education of of hanidcapped persons in using the buses. I feel uncomfortable with the buses, because I am not really sure how to use them. How the lock downs are operated, and how people are going to receive me on the bus, if the operators are going to know how to operate the lifts.

So, I really feel uncomfortable in using the buses.

CHAIRMAN SCHWERM: Thank you. The next speaker is Debra Schaus, S-c-h-a-u-s. Debra Schaus, 6021 North Shoreland Avenue, Sacred Heart Rehabilitation

Hospital.

MS. DEBRA SCHAUS made the following statement for the record:

MS. SCHAUS: Thank you. I am a recreation therapist at Sacred Heart, and represent the staff at Sacred Heart and also the clients. We have just begun to use the transit system to provide for the clients an independent outing into the community before they go home. Before we started the program I went out into the community in a wheelchair as a disabled person. And my experience was that I found the bus drivers to not be educated on the lifts, and had problems.

It took an hour and 15 minutes to get from Lapham Street on 27th Street to National. And they needed three supervisors. Also a problem was communication with the bus driver when I took out one of the clients, that when we press the buzzer to get off it was a busy time, it was around 4:30 and other people got off and they did not give us a chance to get off the bus. So, consequently I had to run up and say that this person needed to get off.

So, just a suggestion as far as training the bus drivers more communication -- better communication.

Thank you.

CHAIRMAN SCHWERM: Thank you. The next

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speaker is Orville P. Radke, R-a-d-k-e, Mr. Radke?

6925 North Port Washington Road, representing himself.

MR. ORVILLE P. RADKE made the following statement for the record:

MR. RADKE: Thank you Chairman and gentlemen. The message that I want to relate to the people tonight, especially those that are physically afflicted, are from a dear friend of mine who is on the staff of the Veterans' Administration Hospital. And that is simply this, that anyone who is interested in working and so on without a doubt in getting position that is physically afflicted, just call Larry Wells in Social Services at the V.A. Hospital, and he is willing to arrange transportation for anywheres from six weeks to three months for that individual. And then to see if they like the work that they are involved in and would like to continue and then he will assist them in any means and so on to secure the transportation necessary for continuing their work and so on at this place of where they can supply, of course, the work for them and the money that is so necessary for them.

Secondly, I might just say and so on that as far as the buses are concerned because of the physical problem that I have had during the past year I have not used the buses. But, from what I have heard and

air lift on it. So, that really didn't work out, so I am very disappointed in the transit system that it's not working, and I use Care Cabs or any other cab company.

That won't come to the house, and pick us up and take us where we want to go, and bring us back, and there is no trouble and in the winter time, if by I live on a hill I would have to travel up the hill a block away to catch the bus, and then I would maybe run into a problem of getting on the bus. Or, if it would be raining or something, I would have all kinds of trouble. I thank you.

CHAIRMAN SCHWERM: Thank you. Next speaker Arnold Whitaker, W-h-i-t-a-k-e-r, 8760 North Rangeline Road.

MR. ARNOLD WHITAKER made the following statement for the record:

MR. WHITAKER: Arnold Whitaker. Thank you.

I would up in a wheelchair just about two years ago.

And I am very fortunate in that I was able to drive myself here this evening. I can get my wheelchair in and out of the car, but I spent the better part of the last two years as a patient and an out-patient at Saint Luke's and visited with literally hundreds of handicapped people of various types. And I came this evening just to express my feelings in this regard.

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It seems to me that we have started out with a people problem which has shifted to an equipment Problem and we have seemed to maybe have lost sight some of the people problem. I recognize the Federal government has implemented some legislation, and there is a lot of money involved, and yet the problem is: I may have a bus, and I may have a lift, but now, does that person who is handicapped have somebody to help them get from their home down the street to the bus, off of the bus to where they are going? Do they have that people to people support?

Once I have got adequate transportation at the bus depot, what good does that do me when the curbs don't even permit me to get down Wisconsin Avenue, never mind the rest of the city. But you can not travel in a wheelchair from one end of Wisconsin Avenue to another, and that's the main street in the town.

I feel that -- I don't know how many disabled people there are in Milwaukee County. I assume that there is several thousand, but the thing that occurs to me is that the people that are here this evening are very courageous people. They have taken their time and their efforts to come out into the public and try to do their thing as best they can. But for every one of them, there is hundreds more sitting inside

some where, afraid to come out and try to be part of the real world.

The cab system, from what I can see, I am not sure whether we can't get— is there any possibility of getting outside the nine dots, and re-address the question on the basis of maybe there ought to be 500 cabs with individually trained drivers that can go in the house and take a 78-year old lady and help her by the arm and take her over to get her hair done, or whatever she wants to do, and bring her back. And help several thousand people who want to get around their community, do it within the realm of their ability to function, rather than have them out in that mass, and frankly, slowing down 98% of the people who are on the go.

I guess that's my comment. Thank you very much.

CHAIRMAN SCHWERM: We appreciate that. Than you. Next speaker is Inez Rutzen, R-u-t-z-e-n, Rutzen?

7752 North 80th Street.

MS. INEZ RUTZEN made the following statement for the record:

MS. RUTZEN: I believe, and I don't ride the bus myself, but I think as Mark thinks that it's hard to get out there and in the snow and all that. I don't know how anybody could do that that's in a wheelchair.

1	So, I think that that's all I have to say.
2	Thank you.
3	CHAIRMAN SCHWERM: Thank you. Next speaker
4	Wayne Smith. Wayne Smith, Mount Carmel Nursing Home.
5	MR. WAYNE SMITH made the following statement
6	for the record:
7	MR. SMITH: I am Wayne Smith, and I just want
8	to say about the transportation plan that I do not use
9	the bus.
10	CHAIRMAN SCHWERM: Thank you very much.
11	Next speaker is Juanita Beitzel, B-e-i-t-z-e-l. Could
12	you give your address, please?
13	MS. BEITZEL: Mount Carmel Nursing Home.
14	CHAIRMAN SCHWERM: Thank you,
15	MS. JUANITA BEITZEL made the following
16	statement for the record:
17	MS. BEITZEL: One reason why I don't like the
18	bus, is because there is no bus that comes out to the
19	nursing home with the lifts, and there is nine of us
20	in the nursing home that go to work in the morning, and
21	we could not use the bus at all. We have to be at work
22	at a certain time, and back home at a certain time. And
23	there is quite a few people that work with me that can't
24	see too good, and they can't hear. And I don't think
25	it's fair. It should be fixed so that we can all if

we are going to use it, it should be fixed so that we can all use it. But this way we can not. We have to use our other means. So, if we are meant to use our subsidy cards, and take our subsidy cards away to get the buses going we would have to quit work, because we can't get to work on time. There is nine of us that go to work in the morning, right now, every day of the week, Monday through Friday. We have to be there by 8:30 or else we get docked a week.

CHAIRMAN SCHWERM: Thank you very much.

Bill Kincaid, K-i-n-c-a-i-d. Up front here. 1300 East
Cane Place.

MR. BILL KINCAID made the following statement for the record:

MR. KINCAID: Yes. I am a student at M.A.T.C.

I just want to tell you the experience I had on the bus about a year ago. I have never been on the new one that came out now, but have you ever seen the ones before? I tried to get on the bus, and you have to go in backwards, and back around, and the door does not give you enough room to turn the wheelchair around when you are backed in.

The driver had to pick up my wheelchair and move it around, I had a big mess. And from that time on I did not use the buses. I don't know about these new

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buses where you go in from the back. Do you go in frontwards or backwards? How much room do you have?

A motorized wheelchair is different from a manual wheelchair.

A manual wheelchair you can pick up and move easier, but you can not pick up a motorized wheelchair and move it around. And there is not enough room for you to turn a wheelchair in through the front door, and back in to the seat where you are supposed to go.

your comments. I don't think we are going to be able to answer your questions here tonight, but hopefully we will be able to at some future time. And we have got your name and perhaps we could have someone get in touch with you on those questions.

The next speaker is Herman Pete, P-e-t-e.
2107 South 84th Street.

MR. HERMAN PETE made the following statement for the record:

MR. PETE: On these new buses, I think it's a little difficult to get in through the front door.

The step is down at the bottom, all right, but when you want to get up to the top there should be another step put by that where it would be easier to get on.

And also, like some of the people mentioned

here today, some of these bus drivers are not courteous.

When I went on one of these new buses with my friend, he said, "There is another one of those." And I don't think that is very kind to bring that up to people in a condition like I am.

So far, since I have been in Milwaukee I have become crippled with arthritis. I have been operated nine times with that. And I am finally getting around to walk at all, but I am not too good yet. And I also take the cab, you know, with that substitute pass. have been hearing rumors, but I don't believe it, they were going to cut that out. At this time I don't see why they should cut those. The taxi cabs are very good They helped me get out in the cab where I can't open up the door very good, because a year ago in December, when I was down at southwest campus, I got knocked down. They broke two bones in my shoulder, and also ruined this hand for me. These fingers are broken, and also the ligaments are torn away from it, so, there is no way for me to get this program up, because I have been hearing in the future they would like to do that. And I think this is the wrong thing to do to a person that is in a situation like I am.

And I think the way the taxis are going, they are very good to me, and they are kind. I have not got

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no problems with that. But these buses, there could be another step in between, because it is so high to step up. There is one on the bottom, and the other one is quite high. I can't get up there quick enough, and they don't like that idea. I think they should put one more step in between there, it would make it much easier for me to get on. My friends are helping me with this, but it is very difficult to get on these buses like I should. And these drivers are not courteous, and I don't think they have a right to say, "There is another one of them." I think that is 100% wrong, and why are they that way? I think they should have people on these buses that are more courteous than what these are now.

Every other Sunday I go over to my friend's, and I get out on the bus, but they help me. If I didn't have that I wouldn't be able to use these buses at all. And that's why I am giving credit to the cab company for helping me out with this. And I am very well pleased to that cab company for helping me the way they are doing, but the problem with that is they have not got enough cabs to go around with this for all the people like they should. Sometimes they are on time, and sometimes they are not on time. And in the winter time you have a lot of snow. But now, a lot of the time I get to work late. And like this one girl I met, if you do that

too many times they will dock you from work for about a 1 week or more. And I don't think this is fair to the 2 Thank you community whatsoever. I think that is wrong. 3 very much. 4 CHAIRMAN SCHWERM: Thank you, Sally Ogan, 5 0-g-a-n. 6 MS. SALLY OGAN made the following statement 7 for the record: 8 MS. OGAN: I am from Mount Carmel, too, and 9 it seems to be that we are all having the same kind of 10 troubles. And we have a lot of mentally retarded people 11 by us. My myself, I am the only person that has that 12 M.S., and has nobody really helping me with M.S. Now, 13 we are looking forward to go to our apartments, and if 14 that goes down the drain, the buses go someplace, I'd 15 rather keep the cabs going, because these younger 16 people, they can't read numbers or anything, some of 17 them. And it would be very difficult, and there is 18 enough problems already. Why don't we help some of these 19 kids out that are trying, back them up a little. 20 you. 21 CHAIRMAN SCHWERM: Thank you. 22 Brandell? 23 FROM THE FLOOR: She had to leave. 24 CHAIRMAN SCHWERM: All right. Steve J. Amich? 25

A-m-i-c-h. 7001 West National.

MR. STEVE J. AMICH made the following statement for the record:

MR. AMI

MR. AMICH: Mr. Chairman, my name is Steve Amich, I am the president of Medical Transports, and I am going over this plan. I would just like to point out, if everything in the plan is done, if all the buses that are supposed to have lifts have lifts, and if all the personnel who will be operating these buses are trained, and know how to do it, and all the curb cuts are put in, there still will be a large number of people that will not be able to use these buses. Thank you.

much. I have three more cards left. Mr. Patrick, I guess you wish to know ahead of time. I have three more cards, then we will ask if there is anyone else who would like to be heard. But the next speaker is—I am not sure I am going to pronounce this right, Judy Powaneliu, P-o-w-a-n-e-l-i-u. 5702 North 77th. Is Judy here?

Okay. Delmar Schindhelm, S-c-h-i-n-d-h-e-l-m.

MR. DELMAR SCHINDHELM made the following statement for the record:

MR. SCHINDHEIM: All right, I can't use those buses, because there is hardly any room for wheelchairs on those city buses. And there is only room

for one wheelchair. And I would sooner use the User Side Subsidy Card for cabs.

I wish they would get more wheelchair buses, or more places for wheelchairs, so that the wheelchairs can go shopping and to any other activities that they wanted to. Because I don't think it's fair for half of these guys, half of the young people not to use the buses because they are not equipped.

And the curbs, how in the heck-- I mean, how are we going to get down the curbs without the cut-ins?

So, I would like to keep the card to use the Care Cab, because that's the only means of transportation that we get to use. And I work five days a week, and believe me, that card helps me a lot to go to meetings and that.

So, thank you.

CHAIRMAN SCHWERM: Thank you. The next speaker is Gary Okruick, O-k-r-u-i-c-k? 601 West Glencoe Place.

MR. GARY OKRUICK made the following statement for the record:

MR. OKRUICK: Gary Okruick. I represent five people I have been acquainted with recently: John Lupinski, Tim Volkman, Larry Wing and Bess Dilacki and Reginald Brown. Bess has M.S. and epilepsy Tim and the rest cerebral palsy. They can not get on these buses.

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I was fortunate myself as a member of the Lions, life member of the V.F.W. and the American Legion. And I think that there is a lot of togetherness needed, because the Lord must have loved the wheelchair, he sure made enough of them. And I think a little kindness, no matter how small, is ever wasted, because I heard a definition of what a nursing home was, and it shakes the hell out of you, Crushed cherries and cracked nuts.

Now. I think that those people that are handicapped -- there are several of them here -- they call them turkeys and what not. And I was downtown to the regional office myself last week, and I am going down Monday to spend a day. And I walked around town and I saw two buses within two hours had wheelchair emblems The rest, nothing. I was fortunate to help on them. at shopping centers when I saw the handicapped spots were not available. H is for Hondas, motorcycles, that's what I was told.

So, security will give a tag and help these people, but this wheelchair bunch, you have got to have compassion, or it's nothing. We have helped the visually handicapped, and I think these pages are fine, but I think a little bigger printing would help the visually handicapped. Or, if necessary, there is a John -- I forget the last name -- at the library with a radio

that's going on tonight would be very helpful for those that are trying to help. And I know you people that are not in wheelchairs, try riding one. Thank you.

CHAIRMAN SCHWERM: Thank you. Now, I have no more cards with names on them. Is there anyone else in the audience who would like to be heard? Just raise your hand. Now, would you identify yourself and give us your address, please? Your name and address.

MR. ROBERT HALPHIDE made the following statement for the record:

MR. HALPHIDE: Bob Halphide, H-a-l-p-h-i-d-e. 2121 North Cambridge. And my only two comments would be what about the people such as myself that have a little problem-- difficulty in driving the electric chair? And what about getting on and off the bus? You see, many people here probably don't have pushers, or someone to help them on and off the bus. And I am thinking, the only reports I heard about it were many people are actually afraid to use the lift, because of the difficulty in getting on and off.

Like, my personal handicap affects my coordination and dexterity, and in other words, I am not the best driver in the world. And, so, anyway, I am thinking about that problem, and I actually think the

User Side Subsidy Card is the answer. But, I do feel definitely that it should be limited. In other words, to people in wheelchairs that need van transportation. They should be about the only ones that use the vans. For ambulatory people I believe they should have User Subsidy Cards, but they should only be able to use them in a regular taxi, like Veterans or some regular taxi cabs.

I think the wheelchair vans is just as the name says, wheelchair vans, period. I don't think ambulatory people should use them vans at all. Well, that's about all I have to say. Thank you.

CHAIRMAN SCHWERM: Thank you. Is there anyone else who wishes to be heard? There is a hand in back here, Give your name and address, please?

MS. VIRGINIA LEACH made the following statement for the record:

MS. LEACH: I am Virginia Leach, L-e-a-c-h,
5645 West Valley Forge. And I am the chairman of the
transportation committee for the Badger Association
of the Blind in Milwaukee. Some of the problems which
the visually handicapped people have in using the public
transportation system here in Milwaukee have been mentioned
tonight, and at several other meetings that I have
attended.

However, I do think that one of the problems

which recurs all the time is the problem of letting a visually impaired person know where he is. That is, the driver is not even calling transfer corners which they are supposed to do. It is our feeling that perhaps if a P.A. system were installed in the bus that could be used, the driver would not have to yell at the top of his or her voice to be heard. And this might encourage him to call more corners, and perhaps signs could be put up in the bus saying that the driver was supposed to do this, and if the driver didn't do it the people could call a certain number at the transport company. And if the transport company received fifty or 100 calls they would see that their drivers called the stops more often.

We also feel that the signs that identify the buses are very hard for partially sighted people to read, and that the tinted glass in the newer buses makes it very hard for those people who can see some street signs to look out the windows and see them, especially during the evening hours and when light is not very good. Thank you very much.

CHAIRMAN SCHWERM: Thank you. Is there anyone else who would like to be heard?

MS, LEONA SWENSON made the following statement for the record:

MS. SWENSON: I am Leona Senson from the

Marian Catholic Home, and if it was not for the cabs, I would be limited to staying the rest of my life in Marian Catholic Home. And I happen to be a person that likes to be active. And I could not take the bus, because I would have no way of getting to the bus stop, and when I get off, of having someone take me to another place.

Because I only have the use of one hand I can not use the wheelchair myself at all. Thank you.

CHAIRMAN SCHWERM: Thank you. Is there anyone else who would like to be heard? Is there anyone else who wishes to be heard?

MS. SMITH: Can you say something twice? Because I would like to add something.

CHAIRMAN SCHWERM: Let's see if we can get those that want to be heard the first time.

MS. REGINA BROWN made the following statement for the record:

MS. BROWN: My name is Regina Frown, and I live at 4419 North 36th Street. And I would just like to say that I could never take the city bus because of the fact that I have C.P., and my coordination is off. I can not read or write, so therefore, how can I take a city bus when-- if I get to my stop-- I won't know when I get to my stop, because I can't read the sign. And I can't push myself, although I do have an electric

wheelchair, but who can get an electric wheelchair up on a ramp by themselves? Even if it is in working condition, because I am spastic, and I have a lot of problems. My body jerks when I try to move my electric wheelchair, so I would have to have help getting on and off the city buses, because my parents can't be with me all the time. And that's all I would like to say. Thank you.

CHAIRMAN SCHWERM: Thank you very much. Is there anyone else who would like to be heard? Anyone else who hasn't spoken before who would like to be heard?

MS. DOROTHY MILLER made the following statement for the record:

MRS. MILLER: My name is Dorothy Miller from 4618 North 18th. My husband is handicapped, but works. I am home alone all day. I have a ramp which is too steep for me to manipulate by myself. The only way I can get out is by using Medical Transport, which is just great as far as I am concerned. I have no way of pushing myself two blocks to Green Bay Avenue, crossing busy Green Bay Avenue, going up the curbing and getting on the bus. So, when I would come home it would be the same trip back, and not able to get up the ramp or into the house. Thank you.

CHAIRMAN SCHWERM: Thank you. Anyone else who wishes to be heard? Anyone else who wishes to be

heard that hasn't been? Is there anyone else? 1 who wishes to say anything at all? Up front here, did 2 you wish to comment again? 3 MS. SMITH: Yes, I did. 4 MR. OKRUICK: I just wish to thank Care Cabs 5 and Medical Assistance and that for the help that they 6 have been doing, because without that they would not 7 get around. And they are active people that would be 8 dormant, sitting around. Thank you. 9 CHAIRMAN SCHWERM: We have someone up front 10 here that would like to say something. 11 MS. SMITH: You know my name already. 12 CHAIRMAN SCHWERM: Would you repeat it for 13 the--14 MS. SMITH: Claudia Smith for the Wisconsin 15 Disabilities Coalition. I think one of the things that 16 has not been mentioned is safety, which is the word I 17 have been getting from a couple people here. 18 One of the things the drivers are not aware 19 of in the bus system is people who have a very limited 20 amount of balance. And they are capable of getting up 21 the stairs, and to the proper seating, but a lot of times 22 they get in the bus and there is no room left to sit 23 down. Some of the people do not have assertiveness 24 enough, or enough guts, to ask someone to please move 25

your seat, could you let me sit down.

Another thing too, is that the bus drivers should know not to take off before everone is seated. You know, there could really be a bad accident and a suit to the county which would really be unreal.

Another thing too, is safety belt, or locking wheelchairs in. I know that within your green document you do have a recommendation that a new type of lock system would be installed, but I think that really has to be stressed. That a person in a wheelchair should be the one— in several different types of wheelchairs—should be the one to decide whether or not they are accessible and whether or not they can work. Not just electric chairs, and not just manuals, but the different types of wheel systems that you have. I know you have representatives on your Committee with various disabilities, but I think you should get some consumer output, too.

CHAIRMAN SCHWERM: Thank you. Is there anyone else who wishes to be heard at this time?

MR. HILLISCH: I wish to add something. I think I forgot to say something.

CHAIRMAN SCHWERM: Would you state your name, please?

MR. HILLISCH: Mark Hillisch, 4056 North 40th Street. I just wanted to say that another problem of

1	waiting for a person in a wheelchair, or a person with
2	a disability going to a bus stop and waiting, is the
3	crime rate. The crime rate is getting so bad on the
4	northwest side on 40th and Capitol, you are afraid to
5	go outside in the daytime. While you are waiting for
6	the bus somebody might clunk you over the head and steal
7	your wallet or something.
8	So, I think this bus talk just won't work,
9	for bus lifts and all that. I think we should make the
10	User Side Subsidy Program permanent. That's all.
11	CHAIRMAN SCHWERM: Thank you. Anyone else
12	who wishes to be heard?
13	FROM THE FLOOR: I would just like to tell
14	the people that there is a car a wheelchair wash at
15	Citgo service on June 7 from 11:00 to 4:00. Refreshments
16	will be served.
17	CHAIRMAN SCHWERM: Anyone else who would
18	like to be heard?
19	MR. SANFELIPPO made the following statement
20	for the record:
21	MR. SANFELIPPO: My name is Joe Sanfelippo
22	from the City Veteran Taxi Cab Company. I personally
23	would like to thank the County on the wonderful job they
24	are doing to provide transportation for these people. I
25	think it's probably the best public assistance program

CHAIRMAN SCHWERM: Okay. Why don't you do that. This is Mr. Galen Larson, manager of operations for Milwaukee Transport Services, Incorporated.

MR. GALEN LARSON made the following statement for the record:

MR. LARSON: I just want to thank all of you for coming out tonight. I think it's very courageous of you to do that. I have been listening very carefully to the things that you have said. I have taken notes for almost everything that you have said, and I assure you that we will be trying to take into account many of the things that you have told us. I think that it might be helpful to you if I tried to respond to some of the things you said with regard to the way the bus system works at the present time.

As you have indicated here, and I confirm, the lifts on the buses that are presently on the streets are very troublesome, and they do not work much of the time. Those lifts are cycled by our maintenance forces every day. They are lubricated and cleaned as needed, and those lifts that are on the six wheelchair lift routes are guaranteed to work when they leave the garage. But, unfortunately the first time somebody wants to use them they may not work. We have had no end of trouble.

With regard to the drivers that do not

you that every driver on the system has been trained, and should know how. Part of the problem is that the use is so infrequent that the driver forgets which buttons he is supposed to push. Now, it's really not that difficult. Each driver has a card which tells him exactly what sequence to use, and he should be able to do it, but many of them don't. I agree with you.

With regard to the new buses that have the lifts in the rear doors, we are not using those at all. There are not keys available, they have been removed, because we do not want the drivers to even try to use them. The principal reason being that in order to get that bus up to the curb so that the wheelchair lift will extend out and reach the curb, we have to get the bus up close enough to the curb to do that. And we need longer bus loading zones, and we do not have those approved by the municipalities within the county at the present time. And it's just impossible for us to even try to use those.

With regard to the comments that the steps are too high, I agree with you. We were shocked when we found those first wheelchair buses had 11" risers on the steps which were higher than the buses we had bought 12 years ago. And that's the kind of improvement that

we have gotten out of the engineers. When we were trying to write up the specifications for these 150 RTS II
buses that we now have we asked General Motors to give us
8" risers. They said, 'Sure, we can do that." We put it
into the specifications and then they said, "Hey, if you
want 8" risers, you are going to have to go someplace
else, we can't do it for you." So, we agree with you,
the risers should be shorter, we have tried to get them,
they are not being made.

With respect to the drivers who are discourteous to you, all I can do for you is apologize, that should not be. It is not company policy. I shall tomorrow morning go back to my training staff and emphasize to them again that they should be telling the drivers to be courteous to all of our passengers. There is absolutely no reason for some of the comments that you have given to me tonight, and I am very ashamed of the drivers who said that, and I apologize to you for that.

With regard to not calling the streets, again the drivers are instructed to call transfer corners. I know most of them are not doing it. Some of them are, and more power to them and I thank them. For those who are not doing it, again we will try to re-emphasize that, particularly pointing out to them the problem that it

presents to those of you, particularly with the sight problems.

With respect to why you must back on to the lift with your wheelchair, I think as one or two of you pointed out, there is very little room inside the bus to maneuver your chair. And in order to try and save you the trouble of maneuvering, it was determined that it would be better if you would back on and then you could back down the aisle and into the wheelchair locking mechanism.

With regard to the RTS buses, if and when we can ever use those, the rear door is much wider. The platform area inside is much more spacious, but even so, it will probably be best to back onto that lift.

With regard to the tinted windows on the new buses which makes it difficult for some of you to see out of, the reason for that is that the windows do not open.

And the windows do not open because the bus is air conditioned. And in order to try and keep as much of the sun heat out of the coach, the windows were made with tinted glass.

That kind of is a rundown of the complaints as I took them down. I am sorry if I haven't covered them all, but those seem to be the principal ones that you were saying. Thank you again.

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MS. LOCAN: What is the mechanism for them to complain if they run into a driver who specifically is discourteous, or not calling stops?

MR. LARSON: If you have a situation where a driver is discourteous to you, or does not do his job in a proper fashion, you can call the company by telephone and ask for our customer service department, or just tell the switchboard operator that you have a complaint to make and she will give you the customer service department, and you tell that person on the phone what the problem is.

Now, in order for us to be able to do anything about it we have to be able to locate that particular driver. So, if you can be very explicit as to where the problem occurred, what line you were on, what direction you were going, what time of the day, or even better, a bus number. Something like that so that we can pin it down, then we will call the driver in and get his version of what transpired, and try and make a judgment as to what the facts are, and if the driver has, in fact, not done his job properly he will be disciplined accordingly.

Or, you can write us a letter with the same facts and the same process will be followed.

CHAIRMAN SCHWERM: Thank you, Mr. Larson.

Does any other member of the Steering Committee wish to
be heard? Supervisor Mathews, would you like to make a

comment at this time? Supervisor Podell?

MS, PODELL: Whether or not it would be in order, yes, I do want to make a comment. I think on e of the most frustrating things of this hearing, and I am sure the task force involvement, is the fact that these are Federal Regulations. These regulations are not the preference of Milwaukee Transit Services, or Milwaukee County Board, and we have to work with the regulations.

I guess I'd like to know how they could be changed. And how User Side Subsidy could take a preference in federal funding. And again that might not be the point of the hearing, but it must have been considered during the task force research.

We really have a dual system of transportation for the handicapped, and it seems clear that there is a preference for the User Side Subsidy. And I think this is important for the Steering Committee to know, and to deal with in the future.

We heard from the public, those people here. We have heard from some people on the Steering Committee, and all that has been said, all the testimony tonight will become a part of the public hearing record. Written materials received will also become a part of the hearing record.

1	All testimony will be reviewed by the
2	Steering Committee, who will make recommendations for
3	inclusion in the final report. Subsequent reviews and
4	actions include an action by the Milwaukee County Board,
5	Southeastern Wisconsin Regional Planning Commission, and
6	the Federal Urban Mass Transportation Administration.
7	I thank you all for coming, the meeting was
8	very informative, and I hope that it satisfied your
9	needs. With that, this public hearing is closed.
10	(Whereupon the proceedings were adjourned
11	at 9:00 p.m.)
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STATE OF WISCONSIN 2 MILWAUKEE COUNTY 3 I, EDWARD H. JOHNSON, a Law Reporter with offices located at 309 Brumder Building, 135 West Wells 4 5 Street, Milwaukee, Wisconsin, certify that I took in 6 shorthand the foregoing proceedings before the Milwaukee County Department of Public Works, Transportation Division, 7 on May 15, 1980 in the Milwaukee County Courthouse Annex 8 9 Assembly Room, Milwaukee, Wisconsin, and that the attached transcript is a true and correct copy of my original 10 stenograph notes taken at said time and of the whole 11 thereof. 12 Dated this Aday of May, 1980 13 Edward Hickory 14 15 16 17 18 19 20 21 22 23 ,24

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DOROTHY M. WAGNER & ASSOCIATES
COURT REPORTERS
MILWAUKEE

LEGAL NOTICE OF PUBLIC HEARING

This legal notice was published in the following newspapers on the said dates prior to the public hearing.

PUBLIC HEARING



PERSONS WITH DISABILITIES OR HANDICAPS!



YOU ARE INVITED, BY THE STEERING COMMITTEE OF THE MILWAUKEE COUNTY EXECUTIVE'S ELDERLY AND HANDICAPPED TRANSPORTATION TASK FORCE, TO ATTEND A PUBLIC HEARING ON THE MILWAUKEE COUNTY PLAN TO IMPROVE THE COUNTY TRANSIT SYSTEM FOR USE BY PERSONS WITH DISABILITIES OR HANDICAPS.

THE DATE AND TIME: MAY 15, 1980 — 7:00 P.M. THE PLACE: THE ASSEMBLY ROOM OF THE COURTHOUSE ANNEX, THIRD FLOOR, 907 N. 10TH ST. MILWAUKEE, WIS.

The hearing will be held by the Steering Committee of the Milwaukee County Executive's Elderly and Handicapped Transportation Task Force. The Courthouse Annex is located on 10th Street between Wells and State Streets. Lift equipped buses operate on Highland Ave, State Street, Wells Street, and Wisconsin Ave. Free parking will be available on the "E" level of the Courthouse Annex structure. The Annex is accessible to persons with handicaps.

Interested persons may attend and present concise written or oral statements about the plan. A Spanish language interpreter will be available plus interpreters for persons with auditory handicaps.

The plan is called the "Transit Operators Transition Plan for Milwaukee County". The plan identifies transit related projects which need to be undertaken to eliminate any existing discrimination towards persons with handicaps or disabilities and to improve accessibility to the programs, services, buildings, and equipment of the Milwaukee County Transit System.

Highlights of the plan are:

- The purchase of additional wheelchair lift-equipped buses to guarantee that 50 percent or more of the buses operating during peak travel periods are accessible to persons with handicaps.
- The reconstruction, replacement, or modification of transit system buildings for access by persons with handicaps.
- 3. The improvement of citizen participation in the transit planning process.
- 4. Other efforts to eliminate any existing discrimination against persons with handicaps.

Copies of the draft plan will be available for public inspection and copying during business hours beginning May 5, 1980 at the following locations:

1. The Milwaukee County Courthouse Annex

Transportation Division Public Information Center, Room 309, 907 North 10th St., Milwaukee, Wisconsin

2. Milwaukee County Transit System.

4212 W. Highland Avenue Milwaukee, Wisconsin (Route 30 bus stops at 4212 W. Highland Ave.)

3. The City or Village Hall

of each municipality in Milwaukee County.

4. The Southeastern Wisconsin Regional Planning Commission

Room 305, 916 North East Avenue Waukesha, Wisconsin

In addition, limited copies of a summary report may be obtained at each of the above locations.

A tape recorded copy of the summary report is available at the Milwaukee County Department of Public Works Information Center. This office is open 8-12 AM and 1-5 PM Mondays thru Friday.

Written comments about the plan will be included as part of the hearing record if postmarked by May 20, 1980. Mail to:

Gerald Schwerm — Chairman Steering Committee of the Milwaukee County Executives Elderly & Handicapped Transportation Task Force Courthouse Annex, Room 305 907 North 10th Street, Milwaukee, Wis. 53233

This plan is a requirement of the U.S. Department of Transportation, under Final Rule 49CFR, Part 27, commonly known as the "504 Regulations". The plan was prepared by the Southeastern Wisconsin Regional Planning Commission working with the Steering Committee of the Milwaukee County Executives' Elderly and Handicapped Transportation Task Force. The plan is subject to the further review and approval of Milwaukee County, the Southeastern Wisconsin Regional Planning Commission, and the Urban Mass Transportation Administration.

Steering Committee of the Milwaukee County Executive's Elderly and Handicapped Transportation Task Force By Gerald Schwerm, Chairman

The Milwaukee Journal

Sunday, May 4, 1980 Wednesday, May 7, 1980

The Milwaukee Sentinel

Monday, May 5, 1980 Monday, May 12, 1980

The Milwaukee Courier

Wednesday, May 7, 1980

The Milwaukee Star

Tuesday, May 6, 1980

The Milwaukee Community Journal

Wednesday, May 7, 1980

Exhibit 2

LEGAL NOTICE OF PUBLIC HEARING IN SPANISH AUDIENCIA PUBLICA

PARA PERSONAS DESHABILITADAS O INCAPACITADAS

EL COMITE DE TRANSPORTACION DEL GRUPO INVESTIGATIVO NOMBRADO POR EL EJECUTIVO DEL CONDADO DE MILWAUKEE PARA ESTUDIAR LOS ASUNTOS QUE AFECTAN A PERSONAS ANCIANAS E INCAPACITADAS LE INVITA A Ud. A UNA AUDIENCIA PUBLICA SOBRE EL PLAN QUE TIENE MILWAUKEE PARA MEJORAR EL SISTEMA DE AUTOBUSES AL GRADO DE QUE LAS PERSONAS INCAPACITADAS LOS PUEDAN APROVECHAR.

FECHA Y HORA: 15 de mayo de 1980 7:00 p.m.

LUGAR: Salón Grande del Anexo de la Corte

Tercer Piso, 907 N. 10th Street

Milwaukee, Wisconsin

El comité de transportación pública para los ancianos e incapacitados tendrá una audiencia pública en el Anexo de la Corte, localizado en la calle 10 entre las calles Wells y State. Los autobuses provistos de ascensores para sillas de rueda corren por las avenidas Highland y Wisconsin, y por las calles State y Wells. Habrá estacionamiento gratis en el nivel "E" del Anexo de la Corte. El anexo es accesible a personas incapacitadas.

Toda persona interesada puede asistir y puede presentar un discurso corto o una declaración escrita tocante al plan. Un intérprete de habla española estará presente, y también un intérprete para las personas que padecen del oído.

Este plan se llama "Plan Temporero para los Operadores de Tránsito en el Condado de Milwaukee". El plan identifica proyectos relacionados con la transpotación que necesitan realizarse para eliminiar cualquiera discriminación que existe contra las personas incapacitadas, y para aumentar el acceso a los programas, servicios, edificios, y equipaje del Sistema de Tránsito del Condado de Milwaukee.

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Comentarios escritos sobre el plan estarán incluidos como parte de los procedimientos si se envían por correo antes del 20 de mayo de 1980. Envíalos a:

Gerald Schwerm - Chairman Steering Committee of the Milwaukee County Executives Elderly & Handicapped Transportation Task Force Courthouse Annex, Room 305 907 North 10th Street, Milwaukee, Wis. 53233

Este plan es un requisito del Depto. de Transportación de los Estados Unidos, bajo la Regla Final 49CFR, Fracción 27, conocido por "504 Regulations". El Plan fue preparado por la Comisión de Planificación de la Región Sureste de Wisconsin junto con El Comité de Transportación del Grupo Encargado de Ancianos e Incapacitados del Ejecutivo del Condado de Milwaukee. El plan está sujeto a revisiones y la aprobación del Condado de Milwaukee, la Comisión de Planificación de la Región Sureste de Wisconsin, y la Administración de Transportación Pública Urbana.

COMITE PROMOVEDOR DEL GRUPO INVESTIGATIVO ENCARGADO DE LA TRANSPORTACION DE ANCIANOS E INCAPACITADOS DEL CONDADO DE MILWAUKEE POR GERALD SCHWERM, ENCARGADO.

LOCATIONS WHERE PUBLIC HEARING NOTICE OF MAY 15, 1980, IN SPANISH, WAS POSTED

Spanish Center 614 West National Avenue

Council for Spanish Speaking 614 West National Avenue

Latin American Chamber of Commerce 614 West National Avenue

La Guadalupana, Inc. 800 South 5 Street

Latin American Union for Civil Rights 815 South 5 Street

Esperanza Unida 1334 South 11 Street

Inner City Development Project - South 1725 South 12 Street

Catholic Social Services 546 West Mitchell Street

SER - (Jobs for Progress) 906 West Mitchell Street

Project Involve
1311 West Lincoln Avenue

Exhibit 3

COPY OF LETTER HAND-DELIVERED TO CITY AND VILLAGE CLERKS
IN MILWAUKEE COUNTY WITH A COPY OF TRANSIT OPERATOR TRANSITION PLAN FOR MILWAUKEE COUNTY

TO ALL CITY AND VILLAGE CLERKS IN MILWAUKEE COUNTY

YOUR COOPERATION AND ASSISTANCE IS REQUESTED ON THE FOLLOWING MATTER.

ATTACHED IS ONE COMPLETE COPY OF A SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION REPORT #39 - VOLUME 2 AND A NUMBER OF SUMMARY COPIES OF THE SAME REPORT.

WE ASK THAT THE COMPLETE COPY BE MADE AVAILABLE FOR PUBLIC INSPEC-TION AND COPYING. THE SUMMARY COPIES MAY BE GIVEN TO THE PUBLIC IF ANYONE REQUESTS A COPY.

A PUBLIC HEARING NOTICE WILL APPEAR IN THE PAPERS CONCERNING THESE REPORTS. THE HEARING CONCERNS THE MILWAUKEE COUNTY PLAN TO IMPROVE THE COUNTY TRANSIT SYSTEM FOR USE BY PERSONS WITH DISABILITIES OR HANDICAPS. THE HEARING NOTICE STATES THAT COPIES OF THE SUMMARY AND ONE COPY OF THE COMPLETE REPORT ARE AVAILABLE AT THE CITY OR VILLAGE HALL OF EACH MUNICIPALITY IN MILWAUKEE COUNTY.

YOUR COOPERATION IN MAKING THE MATERIAL AVAILABLE TO THE PUBLIC IS APPRECIATED.

THANK YOU

STEERING COMMITTEE OF THE MILWAUKEE COUNTY EXECUTIVE'S ELDERLY AND HANDI-CAPPED TRANSPORTATION TASK FORCE BY GERALD SCHWERM, CHAIRMAN

PUBLIC HEARING NOTICE AND LIST OF INDIVIDUALS AND ORGANIZATIONS TO WHICH NOTICE WAS SENT



PUBLIC HEARING



PERSONS WITH DISABILITIES OR HANDICAPS

You are invited, by the Steering Committee of the Milwaukee County Executive's Elderly and Handicapped Transportation Task Force, to attend a public hearing on the Milwaukee County plan to improve the county transit system for use by persons with disabilities or handicaps.

THE DATE AND TIME: May 15, 1980 - 7:00 p.m.

THE PLACE: The Assembly Room of the Courthouse Annex, Third Floor, 907 N. 10th Street, Milwaukee, Wisconsin

The hearing will be held by the Steering Committee of the Milwaukee County Executive's Elderly and Handicapped Transportation Task Force. The Courthouse Annex is located on 10th Street between Wells and State Streets. Lift-equipped buses operate on Highland Avenue, State Street, Wells Street, and Wisconsin Avenue. Free parking will be available on the "E" level of the Courthouse Annex structure. The Annex is accessible to persons with handicaps.

Interested persons may attend and present concise written or oral statements about the plan. A Spanish language interpreter will be available plus interpreters for persons with auditory handicaps.

The plan is called the "Transit Operators Transition Plan for Milwaukee County." The plan identifies transit related projects which need to be undertaken to eliminate any existing discrimination towards persons with handicaps or disabilities and to improve accessibility to the programs, services, buildings, and equipment of the Milwaukee County Transit System.

Highlights of the plan are:

- 1. The purchase of additional wheelchair lift-equipped buses to guarantee that 50 percent or more of the buses operating during peak travel periods are accessible to persons with handicaps.
- 2. The reconstruction, replacement, or modification of transit system buildings for access by persons with handicaps.
- 3. The improvement of citizen participation in the transit planning process.
- 4. Other efforts to eliminate any existing discrimination against persons with handicaps.

Copies of the draft plan will be available for public inspection and copying during business hours beginning May 5, 1980 at the following locations:

- 1. The Milwaukee County Courthouse Annex, Transportation Division Public Information Center, Room 309, 907 North 10th Street, Milwaukee, Wisconsin.
- 2. Milwaukee County Transit System, 4212 W. Highland Avenue, Milwaukee, Wisconsin (Route 30 bus stops at 4212 W. Highland Avenue).
- 3. The City or Village Hall of each municipality in Milwaukee County.
- 4. The Southeastern Wisconsin Regional Planning Commission, Room 305, 916 North East Avenue, Waukesha, Wisconsin.

In addition, limited copies of a summary report may be obtained at each of the above locations.

A tape recorded copy of the summary report is available at the Milwaukee County Department of Public Works Information Center. This office is open 8-12 a.m. and 1-5 p.m. Monday through Friday.

Written comments about the plan will be included as part of the hearing record if postmarked by May 20, 1980. Mail to:

Gerald Schwerm, Chairman
Steering Committee of the Milwaukee County Executive's
Elderly and Handicapped Transportation Task Force
Courthouse Annex, Room 305
907 North 10th Street, Milwaukee, Wisconsin 53233

This plan is a requirement of the U. S. Department of Transportation, under Final Rule 49CFR, Part 27, commonly known as the "504 Regulations." The plan was prepared by the staff of the Southeastern Wisconsin Regional Planning Commission working with the Steering Committee of the Milwaukee County Executive's Elderly and Handicapped Transportation Task Force. The plan is subject to the further review and approval of Milwaukee County, the Southeastern Wisconsin Regional Planning Commission, and the Federal Urban Mess Transportation Administration.

Steering Committee of the Milwaukee County Executive's Elderly and Handicapped Transportation Task Force

By Gerald Schwerm, Chairman

Industries for the Blind 3220 W. Vliet Street Milwaukee, Wisconsin 53208

Information Service for the Aging Washington Park Senior Center 4420 West Vliet Street Milwaukee, Wisconsin 53208

Inner City Development Project Central Office 161 W. Wisconsin Avenue Milwaukee, Wisconsin 53203

Inter-Group Council
of Milwaukee
c/o Mary Michaels
2515 N. Oakland Avenue
Milwaukee, Wisconsin 53211

Inter-Organization Council
 of Bay View, Inc.
2710 S. Shore Drive
Milwaukee, Wisconsin 53207

Interfaith Housing
Foundation of Wisconsin
212 W. Wisconsin Avenue
Room #800
Milwaukee, Wisconsin 53203

Milwaukee County District Council 48-AFSCMS, AFL 3427 W. St. Paul Avenue Milwaukee, Wisconsin 53208

Milwaukee County Office on Aging 1442 N. Farwell Avenue Milwaukee, Wisconsin 53202

Milwaukee Development Group 735 N. Water Street Milwaukee, Wisconsin 53202

Milwaukee Jaycees 5215 North Hopkins Milwaukee, Wisconsin 53209 La Guadalupana, Inc. 800 S. 5th Street Milwaukee, Wisconsin 53204

Latin American Chamber of Commerce 614 W. National Avenue Milwaukee, Wisconsin 53204

Latin American Union for Civil Rights 805 S. 5th Street Milwaukee, Wisconsin 53204

League of Women Voters of Greater Milwaukee 2733 W. Wisconsin Avenue Room-#202 Milwaukee, Wisconsin 53208

League of Women Voters of the North Shore c/o Mrs. Gilbert Goodman 8934 N. Lake Drive Milwaukee, Wisconsin 53217

Links, Inc., Milwaukee Chapter 7320 N. Pheasant Lane Milwaukee, Wisconsin 53217

Mitchell Center Development 806 W. Mitchell Street Milwaukee, Wisconsin 53204

NAACP 3655 N. Teutonia Avenue Milwaukee, Wisconsin 53206

National Paraplegia Foundation 3575 N. Oakland Avenue Milwaukee, Wisconsin 53211

National Railway Historical Society - Wisconsin 2129 S. 33rd Street Milwaukee, Wisconsin 53215 Mayfair Associates, Inc. 2500 N. Mayfair Road Milwaukee, Wisconsin 53226

Metropolitan Milwaukee Association/Commission Ms. Lou McGavock, Research 828 N. Broadway Street Milwaukee, Wisconsin 53202

Metropolitan Milwaukee Fair Housing Council 1138 W. Center Street Milwaukee, Wisconsin 53206

Midtown Neighborhood
Association
c/o Ms. Arlene Hoppie
1230 N. 26th Street
Milwaukee, Wisconsin 53205

Milwaukee Association in Urban Development 953 N. 27th Street Milwaukee, Wisconsin 53208

Milwaukee Citizens Coalition 2032 W. Fond du Lac Avenue Milwaukee, Wisconsin 53205

North Side Community
Design Center
2140 N. 3rd Street
Milwaukee, Wisconsin 53212

North Side Neighborhoods Together 4468 South 26th Street Milwaukee, Wisconsin 53207

North-West Businessmen's Association 5600 W. Center Street Milwaukee, Wisconsin 53218

Northwest Action Council 2032 West Fond du Lac Avenue Milwaukee, Wisconsin 53205 Dr. Delores Taylor
United Way of Greater
Milwaukee
606 E. Wisconsin Avenue
Milwaukee, Wisconsin 53202

Mr. Todd Honeyager Elder Care Line, Inc. 1214 N. 13th Street Milwaukee, Wisconsin 53205

Mr. Edward Taylor ICDP - North 2803 N. Teutonia Milwaukee, Wisconsin 53206

Mr. Paul Kenney,
Rehabilitation Council of
Greater Milwaukee
9001 Watertown Plank Road
Milwaukee, Wisconsin 53226

Mr. John Cupertino 6629 N. 58th Street Milwaukee, Wisconsin 53223

Ms. Jean Logan Curative Workshop of Milwaukee 9001 Watertown Plank Road Milwaukee, Wisconsin 53226

Mr. Eugene Paykel
Department of Social
Services
1220 W. Vliet Street
Milwaukee, Wisconsin 53205

Mr. Neil Wienser
Wisconsin Department of
Transportation
819 N. Sixth Street
Milwaukee, Wisconsin 53203

Mr. George Searing Office on Aging 1442 N. Farwell Milwaukee, Wisconsin 53202

Ms. Georgia Caviale Wisconsin Department of Health and Social Services 819 N. Sixth Street Milwaukee, Wisconsin 53203

Ms. Gail Lashock 4885 W. Schroeder Drive Apt. #332 (48 hours notice) Milwaukee, Wisconsin 53209 Ms. Lisa Blatt 3400 N. Maryland Avenue Milwaukee, Wisconsin 53211

Mr. William Bertram 4672 N. 71st Street Milwaukee, Wisconsin 53218 Mr. H. Joseph Brown 2343 N. 68th Street Wauwatosa, Wisconsin 53213

Mr. Donald Muhowski 2725 W. Highland Boulevard Apt. #209 Milwaukee, Wisconsin 53208

Miss Betty Rudolph 2942 S. 60th Street Milwaukee, Wisconsin 53219

Miss Edna Schmidt 912 N. Hawley Road Milwaukee, Wisconsin 53213 Mr. Louis Seidita 2108 E. Olive Street Milwaukee, Wisconsin 53211

Miss Virginia Leach 5645 W. Valley Forge Drive Milwaukee, Wisconsin 53213

Mr. H. Joseph Brown 2343 N. 68th Street Wauwatosa, Wisconsin 53213 Mrs. Rosemary Goodrich 6431 W. Girard Avenue Milwaukee, Wisconsin 53210

Mr. Galen C. Larson
Milwaukee Transport
 Service, Inc.
4212 W. Highland Boulevard

Milwaukee County Commission for Handicapped and Disabled Persons 1442 N. Farwell Avenue Apt. #206 Milwaukee, Wisconsin 53202 Mr. John F. Clark
Administrator, Commission
for Disabled Persons
1442 N. Farwell - Room 206
Milwaukee, Wisconsin 53202

Mr. Sam Grodnick 222 N. 23rd Street Milwaukee, Wisconsin 53208

Ms. Jean S. Logan c/o Curative 9001 Watertown Plank Road Wauwatosa, Wisconsin 53226 Mr. Adrian DeBlaey
President & Business
Manager
Badger Association of
the Blind
912 N. Howley Road
Milwaukee, Wisconsin 53213

Henry M. Mayer, President Milwaukee Transport Services 4212 W. Highland Boulevard Milwaukee, Wisconsin 53208

Mr. Thomas Knight, Special Services Coordinator Milwaukee Transport Services 4212 W. Highland Boulevard Milwaukee, Wisconsin 53208

Eisenhower Memorial Cerebral Palsy 1339 N. Milwaukee Street Milwaukee, Wisconsin 53202

Social Development Commission 161 W. Wisconsin Avenue Milwaukee, Wisconsin 53203

Jewish Family and Childrens Service 1360 N. Prospect Avenue Milwaukee, Wisconsin 53202

La Farge Hearing Institute 1501 S. Layton Boulevard Milwaukee, Wisconsin 53215

Crime Prevention Center 4900 W. Fond du Lac Avenue Milwaukee, Wisconsin 53216

The Honorable Henry W.
Maier, Mayor of Milwaukee
200 E. Wells Street
Milwaukee, Wisconsin 53202

The Honorable Norbert J.
Hynek, Mayor of
Glendale - City Hall
5909 N. Milwaukee River
Parkway
Glendale, Wisconsin 53209

Milwaukee Area American Indian Manpower Council 3701 W. Lisbon Avenue Milwaukee, Wisconsin 53208

Milwaukee County Hospital School of Nursing 8900 W. Wisconsin Avenue Wauwatosa, Wisconsin 53226

Marietta House 3270 N. Marietta Avenue Milwaukee, Wisconsin 53201

Work Exchange 2201 N. 35th Street Milwaukee, Wisconsin 53208

Sacred Heart School of Nursing 830 N. Jackson Street Milwaukee, Wisconsin 53202

Family Hospital 2801 W. Wisconsin Avenue Milwaukee, Wisconsin 53208

Visiting Nurse Association 1540 N. Jefferson Street Milwaukee, Wisconsin 53202

The Honorable Lawrence P. Kelly, Mayor of Cudahy Municipal Building 5050 S. Lake Drive Cudahy, Wisconsin 53110

The Honorable Donald W.
Hermann, Mayor of
Oak Creek
8640 S. Howell Avenue
Oak Creek, Wisconsin 53154

Elder Care Lines, Inc. 1214 N. 13th Street Milwaukee, Wisconsin 53205

Milwaukee Jewish Federation, Inc. 1360 N. Prospect Avenue Milwaukee, Wisconsin 53202

Bethesda Community Center 2601 W. North Avenue Milwaukee, Wisconsin 53205

Martin Luther King Center 1531 W. Vliet Street Milwaukee, Wisconsin 53205

Programs on Aging
Marietta House - Room 168
University of WisconsinMilwaukee
Milwaukee, Wisconsin 53201

Village Church Adult Day Services 1108 N. Jackson Street Milwaukee, Wisconsin 53202

Health Systems Agency 735 N. 5th Street Milwaukee, Wisconsin 53203

The Honorable Theodore J. Fadrow, Mayor of Franklin - City Hall 9229 W. Loomis Road Franklin, Wisconsin 53132

The Honorable Milton
Veteran, Mayor of St.
Francis - City Hall
4235 S. Nicholson Avenue
St. Francis, Wisconsin 53207

The Honorable Chester
Grobschmidt, Mayor of
South Milwaukee - City Hall
2005 - 10th Avenue
South Milwaukee, Wisconsin 53172

Mr. J. William Little, Administrator - City of Wauwatosa, Civic Center 7725 W. North Avenue Wauwatosa, Wisconsin 53213

Mr. Earl W. McGovern, President Village of Brown Deer Village Hall 4800 W. Green Brook Drive Brown Deer, Wisconsin 53223

Mr. J. M. Fredrickson, Manager Village of River Hills Village Hall 7650 N. Pheasant Lane River Hills, Wisconsin 53217

Mr. Henry F. Mixter, President Village of Whitefish Bay Village Hall 5300 N. Marlborough Drive Whitefish Bay, Wisconsin 53217

The Honorable Gerald D. Kleczka State Senator 3268 S. 9th Street Milwaukee, Wisconsin 53215

The Honorable Monroe Swan State Senator 2430 W. Auer Avenue Milwaukee, Wisconsin 53206

The Honorable Warren D. Braun State Senator 4904 W. Woodlawn Court Milwaukee, Wisconsin 53208 Mr. Norbert S. Theine,
 Administrator
City of South Milwaukee
City Hall
2005 - 10th Avenue
South Milwaukee, Wisconsin 53172

The Honorable Jack Barlich, Mayor of West Allis City Hall 7525 W. Greenfield Avenue West Allis, Wisconsin 53214

Mr. John M. Reinhart,
 President, Village of
 Fox Point - Village Hall
7200 N. Santa Monica Blvd.
Fox Point, Wisconsin 53217

Mr. Shirl C. Abbey, Manager Village of Shorewood Village Hall 3930 N. Murray Avenue Shorewood, Wisconsin 53211

Mr. John M. Katzban, Manager Village of Whitefish Bay Village Hall 5300 N. Marlborough Drive Whitefish Bay, Wisconsin 53217

The Honorable F. James
Sensenbrenner, Jr.
State Senator
1601 E. Lake Bluff Boulevard
Shorewood, Wisconsin 53211

The Honorable Kurt A. Frank State Senator 933 E. Ohio Avenue Milwaukee, Wisconsin 53207

The Honorable Lynn S. Adelman State Senator 2064 S. Moorland Road New Berlin, Wisconsin 53151 The Honorable James A.
Benz, Mayor of
Wauwatosa - Civic Center
7725 W. North Avenue
Wauwatosa, Wisconsin 53213

Mr. Marshall Loewi,
President
Village of Bayside
Village Hall
9075 N. Regent Road
Bayside, Wisconsin 53217

Mr. G. Russell Van Brunt, President, Village of River Hills - Village Hall 7650 N. Pheasant Lane River Hills, Wisconsin 5321

Mr. William G. Testdorf,
President
Village of West Milwaukee
Village Hall
4755 W. Beloit Road
West Milwaukee, Wisc. 53214

Mr. David Cole, Manager Village of Brown Deer 4800 W. Green Brook Drive Brown Deer, Wisconsin 53223

The Honorable David G.
Berger, State Senator
4443 N. 82nd Street
Milwaukee, Wisconsin 53218

The Honorable James T.
Flynn, State Senator
1432 S. 86th Street
West Allis, Wisconsin 53214

The Honorable Kevin Soucie State Representative 3435 S. 63rd Street Milwaukee, Wisconsin 53220 Mr. E. Vogel Traffic & Transit Engineer Room 314A - Courthouse Annex 901 N. 9th Street Milwaukee, Wisconsin 53233

Mr. Robert Brannan
Department Director of
 Public Works
Room 305 - Courthouse Annex
901 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. John J. Mann, President Village of Shorewood Village Hall 3930 N. Murray Avenue Shorewood, Wisconsin 53211

The Honorable James P. Moody State Senator Twenty-fifth District 2723 N. Farwell Avenue Milwaukee, Wisconsin 53211

Mr. Harout O. Sanasarian
Milwaukee County Board
 of Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. Gerald D. Engel
Milwaukee County Board of
 Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. John J. Valenti
Milwaukee County Board of
 Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. Richard D. Nyklewicz, Jr.
Milwaukee County Board of
 Supervisor
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. Keith Plasterer State of Wisconsin P. O. Box 7914 Madison, Wisconsin 53707

Ms. Penny E. Podell
Milwaukee Board of
 Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Amputee Counciling Center 7001 W. National Avenue West Allis, Wisconsin 53214

Mr. William E. Meaux
Milwaukee Board of
 Supervisors
Courthouse - Room 201
901 N. Ninth Street
Milwaukee, Wisconsin 53233

Mr. Robert L. Jackson, Jr.
Milwaukee County Board of
 Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. James A. Krivitz
Milwaukee County Board of
Supervisors
Courthouse, Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Ms. Bernadette Skibinski Milwaukee County Board of Supervisors Courthouse, Room 201 901 N. 9th Street Milwaukee, Wisconsin 53233

Mr. James Koconis
Milwaukee County Board of
 Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. Todd Mitchell, President Lakeside Community Council 2631 N. Downer Avenue Milwaukee, Wisconsin 53211

Mr. Harvey Shebesta District Director Wis.DOT 310 South West Avenue Waukesha, Wisconsin 53187

Ms. Bernice K. Rose
Milwaukee Board of
 Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. R. Michael Mett
Milwaukee Board of
 Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. Terrance L. Pitts
Milwaukee County Board of
Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. Paul A. Henningsen
Milwaukee County Board of
 Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Ms. Dorothy Dean
Milwaukee County Board of
 Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. F. Thomas Ament
Milwaukee County Board of
 Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. Daniel Cupertino, Jr.
Milwaukee County Board of
 Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. Richard H. Bussler
Milwaukee County Board of
 Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. Thomas P. Kujawa
Milwaukee County Board of
Supervisors
901 N. 9th Street
Milwaukee, Wisconsin 53233

Bethesda Senior Citizens Center 2845 W. Fond du Lac Avenue Milwaukee, Wisconsin 53210

Mr. Thomas Higgins Care Cabs, Inc. 5538 W. National Avenue Milwaukee, Wisconsin 53214

Mr. Andy Holman Interfaith Program 1442 N. Farwell Avenue Milwaukee, Wisconsin 53202

Senior Resident Organization 1225 N. 17th Street Milwaukee, Wisconsin 53205

Ms. Joyce Reiss
Washington Park Senior
Center
Information Service
4420 W. Vliet Street
Milwaukee, Wisconsin

Mr. John Simaras
Department of City
 Development
734 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. Fred N. Tabak
Milwaukee County Board of
 Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

Mr. James J. Lynn
Milwaukee County Board of
 Supervisors
Courthouse - Room 201
901 N. 9th Street
Milwaukee, Wisconsin 53233

The Honorable Stephen R. Leopold, State Representative 541 N. 32nd Street Milwaukee, Wisconsin 53208

Mr. Edward jj Olson Community Relations-Social Development Commission 161 W. Wisconsin Avenue Milwaukee, Wisconsin 53203

Rev. Ernest M. Bland 2040 N. Hubbard Street Milwaukee, Wisconsin 53212

Mrs. Hazel Mitchell 2710 N. 80th Street Milwaukee, Wisconsin 53222

Mr. Herbert Ganser 5429 W. Lincoln Avenue West Allis, Wisconsin 53219

Mrs. Lorraine Lemanski 2846 S. 13th Street Milwaukee, Wisconsin 53215

Dr. Constantine Panagis City of Milwaukee Health Department 841 N. Broadway - Apt. #112 Milwaukee, Wisconsin 53202 Mr. John D. St. John
Milwaukee County Board of
 Supervisors
Courthouse, Room 201
901 N. Ninth Street
Milwaukee, Wisconsin 53233

Mr. Joseph M. Hutsteiner Milwaukee County Board of Supervisors Courthouse - Room 201 901 North 9th Street Milwaukee, Wisconsin 53233

Mr. William J. O'Donnell County Executive Courthouse - Room 306 901 N. 9th Street Milwaukee, Wisconsin 53233

Ms. Marianne Oberbrunner
Wisconsin Information
Service
161 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

Ms. Lupe King
La Guadalupana
800 S. 5th Street
Milwaukee, Wisconsin 53204

Mrs. George Ettenheim 1260 N. Prospect Avenue Milwaukee, Wisconsin 53203

Ms. Louvenia Johnson Project Focal Point 811 W. Burleigh Street Milwaukee, Wisconsin 53206

Ms. Winona Ponder Jewish Vocational Service 1339 N. Milwaukee Street Milwaukee, Wisconsin 53202

D.O.L.L.S.
Ms. Josephine Henderson
2412 N. 10th Street
Milwaukee, Wisconsin 53204

Mr. Robert Goldstein United Cerebral Palsy 152 W. Wisconsin Avenue Milwaukee, Wisconsin 53203

Mrs. Ellen Daly National Paraplegia Association Foundation 3575 N. Oakland Avenue Milwaukee, Wisconsin 53211

Mr. John Simonson River Hills - South 730 W. Ramsey Avenue Milwaukee, Wisconsin 53221

Ms. Jackie J. Reichgeld 141 Green Bay Road Thiensville, Wisconsin 53092

Mr. Michael Kelly
2861 N. 76th Street - #4
Milwaukee, Wisconsin 53222

Mr. Ernest Dorow 2459 S. 77th Street West Allis, Wisconsin 53227

Mr. Frank Sprader 1913 W. Kimberly Avenue Milwaukee, Wisconsin

Mrs. Elaine Keller 4262 N. 83rd Street Milwaukee, Wisconsin 53222

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Avancement Association 6300 W. Blue Mound Road Milwaukee, Wisconsin 53213

Brady Street Merchants Association 1216 E. Brady Street Milwaukee, Wisconsin 53202

Ms. Fannie Kesselman 5685 N. Shore Drive Milwaukee, Wisconsin 53217

Mr. Clifton Momon Social Development Commission 161 W. Wisconsin Avenue Milwaukee, Wisconsin 53203

Ms. Valerie Monk Mental Health Planning Commission 8855 Watertown Plank Road Milwaukee, Wisconsin 53226

Senior Action Coalition 135 West Wells Street Room 805 Milwaukee, Wisconsin 53203

Central North Community Council, Inc. 2600 N. 2nd Street Milwaukee, Wisconsin 53212

Citizen Advocacy Program 611 E. Wells Street Milwaukee, Wisconsin 53202

Citizens for a Better Environment 536 W. Wisconsin Avenue Milwaukee, Wisconsin 53203

Citizens Governmental Research Bureau 125 E. Wells - Room 616 Milwaukee, Wisconsin 53202

Citizens Coalition 2032 W. Fond du Lac Avenue Milwaukee, Wisconsin 53205

Citizen's Regional Environmental Coalition 2117 W. Juneau Avenue Milwaukee, Wisconsin 53233 American Auto Association P. O. Box 18600 Milwaukee, Wisconsin 53218

American Jewish Committee Milwaukee Chapter 759 N. Milwaukee St. Milwaukee, Wisconsin 53202

American Red Cross 2600 W. Wisconsin Avenue Milwaukee, Wisconsin 53208

Appleton Avenue North West Advancement Association 7355 W. Appleton Avenue Milwaukee, Wisconsin 53218

Associate Dean of Students Brooks Memorial Union Marquette University Milwaukee, Wisconsin 53233

Council for the Spanish Speaking, Inc. 614 W. National Avenue Milwaukee, Wisconsin 53204

Council of South Side Advancement Associations 3610 S. 14th Street Milwaukee, Wisconsin 53221

Council of Urban and Rural Life 1442 N. Farwell Avenue Milwaukee, Wisconsin 53202

Curative Rehabilitation Center 9001 Watertown Plank Road Wauwatosa, Wisconsin 53226

Curative Rehabilitation Center 5071 S. Lake Drive Cudahy, Wisconsin 53110

Curative Rehabilitation Center 302 W. Garfield Avenue Milwaukee, Wisconsin 53212

Brown Deer Women's Club 8168 N. 37th Street Milwaukee, Wisconsin 53209

C.H.U.R.C.H., Inc. P. O. Box 06437 Milwaukee, Wisconsin 53209

Calvary Housing
Development Ltd.
2959 N. Teutonia Avenue
Milwaukee, Wisconsin 53206

Casa Maria Hospitality House 1131 N. 21st Street Milwaukee, Wisconsin 53233

Central City Churches 4315 North 50th Street Milwaukee, Wisconsin 53216

East Side Community Council 3271 N. Newhall Street Milwaukee, Wisconsin 53211

East Side Housing Action Commission 531 E. Burleigh Avenue Milwaukee, Wisconsin 53212

East Town Committee c/o Downtown Association 828 N. Broadway Street Milwaukee, Wisconsin 53202

Easter Seal Society for Crippled Children & Adults-Milwaukee County 5225 W. Burleigh Avenue Milwaukee, Wisconsin 53210

Easter Seal Society of Greater Milwaukee 5225 W. Burleigh Avenue Milwaukee, Wisconsin 53210

Equality & Quality of Life 5708 North 56th Street Milwaukee, Wisconsin 53218

Co-op West Side Association 1418 N. 27th Street Milwaukee, Wisconsin 53208

Common Cause 3900 N. 3rd Street Milwaukee, Wisconsin 53212

Community Advocates 3517 W. Burleigh Avenue Milwaukee, Wisconsin 53210

Concerned Consumers League 1619 N. 49th Street Milwaukee, Wisconsin 53208

Congregations United for Community Action 3200 W. Highland Avenue Milwaukee, Wisconsin 53208

Gay Peoples Union 1568 N. Farwell Avenue Milwaukee, Wisconsin 53202

Glendale Women's Club 7139 N. Port Washington Road Milwaukee, Wisconsin 53217

Golden Age
Milwaukee Department of
Recreation
1667 S. 24th Street
Milwaukee, Wisconsin 53204

Goodwill Horizon Club 6055 N. 91st Street Milwaukee, Wisconsin 53225

Greater Milwaukee Committee Marine Bank Milwaukee, Wisconsin 53202

Greater Milwaukee Conference on Religion and Urban Affairs 1442 N. Farwell Avenue Apt. #208 Milwaukee, Wisconsin 53202 Democratic Party of Milwaukee 229 E. Wisconsin Avenue Milwaukee, Wisconsin 53202

ESHAC, Inc. 531 E. Burleigh Street Milwaukee, Wisconsin 53212 Greater Milwaukee Consumers League 1619 N. 49th Street Milwaukee, Wisconsin 53208

DePaul Rehabilitation Hospital Esperanza Unida 4143 S. 13th Street Milwaukee, Wisconsin 53204

1334 S. 11th Street Milwaukee, Wisconsin 53215 Greendale Junior Women's Club 6089 Thornapple Drive Greendale, Wisconsin 53129

Disabled American Veterans 342 N. Water Street Milwaukee, Wisconsin 53202

Franklin Women's Club c/o Ms. Joann Huebschen 8902 S. 77th Street Franklin, Wisconsin 53132

Greendale Women's Club 10305 W. St. Francis Avenue Milwaukee, Wisconsin 53228

Disabled American Veterans-Milwaukee 4843 W. Calumet Road Milwaukee, Wisconsin 53223

Friendship House 1029 N. Marshall Street Milwaukee, Wisconsin 53211 Greenfield Park Women's Club 13400 W. Forest Drive New Berlin, Wisconsin 53151

Downtown West Allis Association 12133 W. Euclid Avenue West Allis, Wisconsin 53214

Friendship, Inc. 418 E. Lloyd Street Milwaukee, Wisconsin 53206 Hales Corners Women's Club 5635 S. New Berlin Road Hales Corners, Wisconsin 53130

Harambee Ombudsperson 929 N. 6th Street Milwaukee, Wisconsin 53203

Interfaith Program for the Elderly 1442 N. Farwell Avenue Milwaukee, Wisconsin 53202 League of Women Voters of Wauwatosa 11326 Underwood Court Wauwatosa, Wisconsin 53226

High Wind Association 2602 East Newberry Blvd. Milwaukee, Wisconsin 53211

Jewish Vocational Services of Milwaukee 1339 N. Milwaukee Street Milwaukee, Wisconsin 53202

Library (Education & Vocational Guide) Jewish Vocational Service 1360 N. Prospect Avenue Milwaukee, Wisconsin 53202

Historic Walker's Point 734 S. 5th Street Milwaukee, Wisconsin 53204

Junior League of Milwaukee 316 E. Silver Spring Drive Milwaukee, Wisconsin 53217

Limelighters c/o Recreation Center 1667 S. 24th Street Milwaukee, Wisconsin 53204

Independent Business Association of Wisconsin 7635 W. Blue Mound Road Milwaukee, Wisconsin 53213

Justice & Peace Center 3900 N. 3rd Street Milwaukee, Wisconsin 53212 Lutheran Social Action Conference Cross Luthern Church 1821 North 16th Street Milwaukee, Wisconsin 53205

Indian Urban Affairs Council 1410 N. 27th Street Milwaukee, Wisconsin 53208

LaFarge Lifelong Learning Institute 1501 S. Layton Boulevard Milwaukee, Wisconsin 53215 Glen Court Apartment--Manager 6101 N. Green Bay Road Glendale, Wisconsin 53209 Milwaukee Junior Women's Club 3717 S. 71st Street Milwaukee, Wisconsin 53220

Milwaukee Retired Teachers 1349 S. 85th Street West Allis, Wisconsin 53214

Milwaukee Tenants Union 1725 S. 12th Street Milwaukee, Wisconsin 53204

Milwaukee Urban League 936 W. Center Street Milwaukee, Wisconsin 53206

Milwaukee Wheelmen, Inc. 2607 N. Downer Avenue Milwaukee, Wisconsin 53211

Milwaukee Woman's Club 3413 N. Summit Avenue Milwaukee, Wisconsin 53211

Milwaukee Youth Association for Retarded Citizens 611 E. Wells Street Milwaukee, Wisconsin 53202

Port of Milwaukee Maritime Council 828 N. Broadway Street Milwaukee, Wisconsin 53202

Project Involve Cudahy, St. Francis South Milwaukee 5656 S. Packard Avenue Cudahy, Wisconsin 53110

Project Involve
East Side Center
931 E. Odgen Avenue
Milwaukee, Wisconsin 53202

Neighborhood House 941 N. 28th Street Milwaukee, Wisconsin 53208

Neighborhood Participation Association 2471 N. Pierce Street Milwaukee, Wisconsin 53212

Next Door Foundation 3046 W. Wisconsin Avenue Milwaukee, Wisconsin 53208

North Central Service Club 8834 W. Potomac Avenue Milwaukee, Wisconsin 53225

Northcott Neighborhood House 128 West Garfield Avenue Milwaukee, Wisconsin 53212

North Meadow Apartments 8847-G North 91st Street Milwaukee, Wisconsin 53224

North Shore Junior
Woman's Club, Inc.
4815 N. Marlborough Drive
Milwaukee, Wisconsin 53217

Retired Men's Club of Wauwatosa 1511 Church Street Wauwatosa, Wisconsin 53213

Ridgedale Apartments Manager 7720 W. Grange Avenue Greendale, Wisconsin 53129

Schlaraffio Milwaukee Inc. 6414 W. Wells Street Milwaukee, Wisconsin 53213

Oak Creek Women's Club 8304 S. 27th Street Oak Creek, Wisconsin 53154

Oak Creek Courts 195 W. Puetz Road Oak Creek, Wisconsin 53154

Organization of Organizations 1204 W. Walnut Street Milwaukee, Wisconsin 53205

Park Freeway West Redevelopment Task Force 2824 W. North Avenue Milwaukee, Wisconsin 53208

Packard Plaza Advancement Association Packard Plaza Cudahy, Wisconsin 53110

People United for Integration & Quality
Education
P. O. Box 92271
Milwaukee, Wisconsin 53202

Picadilly Apartments 10137 W. Cold Spring Road Greenfield, Wisconsin 53228

Socialist Workers Party 3901 N. 27th Street Milwaukee, Wisconsin 53210

Society of Retired Catholic Persons 1100 W. Wells Street Milwaukee, Wisconsin 53233

South Division Civic Association 1562 W. Orchard Street Milwaukee, Wisconsin 53204 Project Involve Northwest Side Center 2816 N. Teutonia Avenue Milwaukee, Wisconsin 53209

Project Involve Protective Services 230 W. Wells Street Milwaukee, Wisconsin 53233

Project Involve
Services for Senior
Citizens
5928 W. Burnham Street
West Allis, Wisconsin 53214

Project Involve South Side Center 1311 W. Lincoln Avenue Milwaukee, Wisconsin 53215

Project Respect 2636 N. 3rd Street Milwaukee, Wisconsin 53212

Public Enterprise Commission of Milwaukee County 2854 N. Cramer Street Milwaukee, Wisconsin 53211

Republican Party of Wisconsin Suite 915 229 East Wisconsin Avenue Milwaukee, Wisconsin

St. Charles Boys' Home 151 S. 84th Street Milwaukee, Wisconsin 53214

State Street Advancement 2314 W. State Street Milwaukee, Wisconsin 53233

Transportation Club of
Milwaukee
P. O. Box 1435
Milwaukee, Wisconsin 53201

Senior Action Coalition 135 W. Wells Street Milwaukee, Wisconsin 53203

Sherman Park Community
Association
3824 W. Burleigh Street
Milwaukee, Wisconsin 53210

Shorewood Women's Club 825 E. Henry Clay Street Milwaukee, Wisconsin 53217

Shorewood Planning
Department
Village Hall
3930 N. Murray Avenue
Shorewood, Wisconsin 53211

Sierra Club-John Muir Chapter Southeast Group S-156 N-10728 Pilgrim Road Germantown, Wisconsin 53022

Silver Spring Neighborhood Center 5460 N. 64th Street Milwaukee, Wisconsin 53218

Socialist Labor Party 3464 N. Dousman Street Milwaukee, Wisconsin 53212

University of Wisconsin-Extension 929 N. 6th Street Milwaukee, Wisconsin 53203

Upper Center Street
Business Association
4737 W. Center Street
Milwaukee, Wisconsin 53210

Washington Park Information Service 4420 W. Vliet Street Milwaukee, Wisconsin 53208 South Milwaukee Jaycees P. O. Box 1
South Milwaukee 53172

South Milwaukee Woman's Club 600 Lake Drive South Milwaukee, Wisconsin 53172

South Side Business Men's Club of Milwaukee, Inc. 2525 South Shore Drive Milwaukee, Wisconsin 53207

South Side Women's Club 3219 S. New York Avenue Milwaukee, Wisconsin 53207

Southeastern Wisconsin Coalition for Clean Air 1701 W. Wisconsin 53233

Southgate Merchants
Association
3333 S. 27th Street
Milwaukee, Wisconsin 53215

Spanish Center 614 W. National Avenue Milwaukee, Wisconsin

Wisconsin Information Service 161 W. Wisconsin Avenue Milwaukee, Wisconsin 53203

Wisconsin Workshop for the Blind 5316 W. State Street Milwaukee, Wisconsin 53208

YMCA 610 N. Jackson Street Milwaukee, Wisconsin 53202 Triple O 1204 W. Walnut Street Milwaukee, Wisconsin 53205

United Association for Retarded Citizens 611 East Wells Street Milwaukee, Wisconsin 53202

West Allis Chamber of Commerce 7139 W. Greenfield Avenue West Allis, Wisconsin 53214

United Community Center 1028 S. 9th Street Milwaukee, Wisconsin 53204

West Side Community Center 2925 W. Clybourn Avenue Milwaukee, Wisconsin 53208

United Lutheran Program for the Aging 4542 N. 92nd Street Milwaukee, Wisconsin 53225

Mr. Walter G. E. Heiden 6901 W. Fiebrantz Milwaukee, Wisconsin 53216

Ms. Pepi Dolberg Jewish Vocational Service 263 N. Jackson Street Milwaukee, Wisconsin 53202

Ms. Jane Schmidt Upjohn Health Care 7635 W. Bluemound Apt. #218 Milwaukee, Wisconsin 53213

Mr. Robert L. Murray West Allis Health Department 7220 W. National Avenue West Allis, Wisconsin 53214 Wauwatosa Chamber of Commerce 7603 W. State Street Wauwatosa, Wisconsin 53213

We Four Program, Inc. 46 ll N. Oakland Avenue Milwaukee, Wisconsin 532ll

United Cerebral Palsy, Association of Southeast Wisconsin P. O. Box 7046
Milwaukee, Wisconsin 53213

West North Avenue Advancement Association 3807 W. North Avenue Milwaukee, Wisconsin 53208

United Migrant Opportunity Services, Inc. 809 W. Greenfield Avenue Milwaukee, Wisconsin 53204

West Side Home Buyers Clinic 921 N. 27th Street Milwaukee, Wisconsin 53208

Ms. Margaret Abaravich 3051 S. 50th Street Milwaukee, Wisconsin 53219

Jeanette and Cecil Alford 5774 N. 77th Street Milwaukee, Wisconsin 53218

Goodwill Industries of Milwaukee 6055 N. 91st Street Milwaukee, Wisconsin 53225

Mrs. Evelyn Brandell 7431 N. Lake Drive Milwaukee, Wisconsin 53217

Irving Orthopedic School 10230 W. Grant Street West Allis, Wisconsin 53227 Youth and Elderly Together 1011 N. Third Street Milwaukee, Wisconsin 53212

United Black Community Co. 2636 N. 3rd Street Milwaukee, Wisconsin 53212

West Allis Traffic Engineering Department 7525 W. Greenfield Avenue West Allis, Wisconsin 53214

United Indians of Milwaukee 1554 W. Bruce Street Milwaukee, Wisconsin 53204

West Side Community Center Ms. Kathy Lew, Executive Director 2925 W. Clybourn Street Milwaukee, Wisconsin 53208

Ms. Irene Berger Channels 10/36 1015 N. 6th Street Milwaukee, Wisconsin 53203

Cudahy/ St. Francis Interfaith 5865 S. Lake Drive Milwaukee, Wisconsin NEWSPAPER ARTICLE PERTAINING TO PUBLIC HEARING

Cost of bus-lift service for disabled stirs concern

By Lawrence Sussman

Journal Transportation Reporter

Milwaukee County should either drop its doorto-door taxi service for the handicapped or stop equipping its buses with wheelchair lifts, according to Supervisor Thomas Kujawa, chairman of the County Board's Finance Committee.

"Those [handicapped] folks will have to make up their minds and decide if they want accessibility [to buses with lifts] or mobility," Kujawa said. "There's no way that Milwaukee County can afford both programs in the future."

Last year, the county spent \$943,800 to buy lifts for 100 of its new buses and \$300,000 to service them.

But from April 1979 through the end of the year, the lifts were used successfully only 269 times — a little more than once a day — according to figures from the Milwaukee County Transit System.

Ridership has trailed off even more this year. A total of 32 lift-aided rides have been taken — about one trip every four days — through this April.

High price for service

Meanwhile, the door-to-door service — while increasingly successful — is becoming so at a hefty price. The service carried 67,869 riders last year at a cost of \$462,500.

Under the service, the county pays private taxi and van companies to carry persons confined to wheelchairs, walkers and crutches or who are considered legally blind. Those eligible are responsible for calling for their own service and must pay a small portion of the fare.

Kujawa's remarks came after a recent hearing

on a transition plan for making the Transit System more available to handicapped persons. Officials promised the 100 people present that the plan would not diminish the door-to-door taxi service.

However, Kujawa, who is the former chairman of the Mass Transit Committee, said he preferred eliminating the lifts. He also said he would seek adoption of a resolution later this year asking the federal government to exempt the county from having lifts on 50% of its buses running during peak hours.

The county is scheduled to have 481 of its 784 buses equipped with lifts by July 1982. About 250 buses now have lifts.

Called wasteful

The county has been attempting for the last 1½ years to make the lifts work but has failed, Kujawa said.

Galen Larson, the Transit System's operations manager, said that an average of 62 of the 100 buses with lifts at the front door actually had lifts that worked on a given day.

The door-to-door program began in mid-1978, and at first had trouble spending all its available money. It cost \$103,400 in 1978, and this year it is expected to cost \$932,000, said Thomas Knight, Transit System special services coordinator.

The state is expected to pay for about half of the service in 1980, with Milwaukee County picking up the remainder.

Kujawa said he expected to propose to the County Board that the county contract with one company to provide the door-to-door service. He said this would be cheaper and easier than paying many taxi and van companies to transport handicapped persons.

THE MILWAUKEE JOURNAL May 20, 1980

Exhibit 6

CORRESPONDENCE PERTAINING TO PUBLIC HEARING

Hi! My name is Estee Schlonsky and I am an Usger Side Subsidy person and the Usger Side Subsidy program help me out alot since it began. Now I'm getting out more and doing more with my friends with me instead of my Mom that make me feel more like a real person. (NOT ONLY BE WITH MY PARENTS) If I didn't have the card, I would still be home outside my BUSY schedule with no fun because I wouldn't be get there with my electric wheelchair with and it give me more independent. M Beside for the social purposes, I take a class which I really learn alot and Usger Side help me save abot.

Beside the program has help me out, I know that it help alot of people in more ways than one. I know why you are thinking about taking away the Uszer Side Subsidy program because of the city buses with the lifts. But, I heard that hhe lifts isn't working at all and the drivers complains because it take to long for the chair to get on, and besides its' too dangerous because "we" the Wheelchair bound are more a target for getting mug, rape, beat up, and is stuff like that,. And you are looking for more safe ways, and this is NOT safe because I wouldn't walk alone at night inawheelchair because of Crimes that happening all over now. Beside the crimes, people do get sick ink the winter alot and oh! yeah, the snow is a real bummer tring to get through it. So when you really stop and think about all these factors that I brought up too all of you, You will see my way for this program is so important for "us". I know what I'm talking because about because some of this though happen to me because I am in a wheelchair and I want things to be better make for me and everybody else. So consider it really carefully for EVERYBODY concern. Thanks for your time to listen to me.

May 13, 1980

TO WHOM IT MAY CONCERN:

I am concerned about THE HANDICAB TRANSPORTATION problem is would recommend MORE HANDICABS be purchased.

My reasons are:-

7	T mide the business every day, and have never so		REHM
1.	I ride the buses every day, and have never se	·11	SPRANG
	a person in a wheelchair ride the buses.	4	FILE

- 2. I have talked to bus drivers, and they tell me, the lifts on the buses which they have now do not work.
- 3. Most bus drivers with whom I have talked say that they never saw a HANDICAPPED PERSON use the lifts.
- 4. In fact, my sister, would not be able to get out of the NURSING HOME, if it were not for the HANDICAB. She has to sit in the wheelchair with her legs extended in front of her, because of her arthritis. In fact she would not be able to go the Doctor and Dentist without the help of the HANDICAB.

Thank you for your consideration. Sincerely,

trancis & Dempher

SCHWERM
BERTHOLF
BRANNAN
FOLEY

GAWRONSKI

HENDRICKSON JACOBSON

KLOPOTIC

MORRIS NIEHOFF

KUCHARSKI

Mrs. Walter C. Schmitt 5491 West Pairy Chasm Road Brown Deer, Wisconsin 53223

May 13, 1980

Alar Mr. Schwerm:

I'm mailing this to your home inasmuch as A don't know your title at the lity. Hall. I read an at that indicates you are meeting with "wheelchair people" regarding transportation for Jam sending your excerpts from magazine with that should be of interest to you.

Mr. Schmitt is a wheelchair user since 1968 due to an automobile accident. You or forme one in your family) could find yourself in the same circumstances. There are hundreds of thousands of yearle whose legs won't move, but who are vital, intelligent people wanting to work on at least be involved in community and social activities.

Mr. Schmitt does not need the buses - we live where it would be impractical for him to rely on them But there are many more

2

people who would like to use
them + should be given the
apportunity. Jourgue that only
a few people hade made use
of the liketing ones is to lose
sight of the fact that all streets
are not yet ramped at the
curbs-all buildings are notyet
a ccessible - + only a few bils
lines have the specially equipped
fuses.

There is no going back to

There is no going back to the flow death once imposed on the disabled - the death that comes from social astressing & lack of stimulation and purpose for being. Mr. Mayer is fighting the inevitable with his stilbbarn insistence that such lifts don't work & are too expensive. Thoney is spent for a last of more impractical things than lifte. User subsidy rides are great. fut they are castly & should ruly he an adjunct to viable transportation until such time as ake buses have lifte, all streets are ramped, all buildings accessible + wheel chair people Can plan to live near helslines if they Choose. Sincerely,

Gelew Schmitt

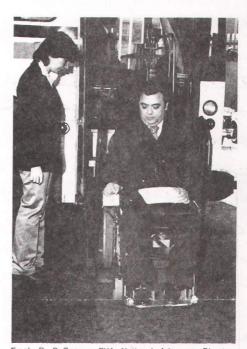
breaking down barriers

Transportation - Seattle Experience

In March, PVA and I received an invitation from Mr. Fred Orth, President of the Lift U Inc. not to endorse but to see, first hand, the lift equipped Fixed Route Bus Services of Seattle, Washington. Seattle is on its way to becoming the first city to provide total mass transportation accessibility - proving it can be done. And Why? Because and again PVA has a strong Advocate in the local community in Mr. Jack Michaels, President, Northwest PVA who is responsible for actively pursuing, obtaining a committment and seeing through the transportation program in Seattle. While we also commend Jack for his efforts and the Metro Systems people in Seattle, there undoubtedly are others who assisted Jack through his leadership whom we thank also.

We were also able to ride the AM-TRAK into Portland from Seattle for a guided tour of the Lift U Inc. manufacturing plant. Mr. Orth has also proven to me to be a responsible businessman committed to not only providing equipment to better serve the community but also with considerate and safety minded for the members of the community who will use his product. As the Lift U has a dual Backup system guarding against failure of performance; in addition it has a mechanical back-up system to the dual system. This may be the only wheelchair bus lift so equipped. The experience of witnessing the results of a joint effort in the local community proves once again that our efforts are not in vain.

As a side light, while in Seattle I had the opportunity to also meet a proud couple, Mr. and Mrs. John A. Akerly, husband and wife bus driver team who have both requested to drive only the buses that are lift equipped. To me, this was very unique, again demonstrating people do care!!



Frank R. DeGeorge, PVA National Advocacy Director, demonstrates the ease of boarding a bus on Seattle's Metro bus line. Mr. John Akerly, Metro driver, and Ms. Gretchen Roosevelt, Metro Representative, observe the maneuver.

RECEIVED MILWAUKEE COUNTY MAY 20 1980

Accessible Buses Arrive

On March 31, 1980 the City of Albuquerque put into service 24 new wheelchair lift-equipped buses. After five years of struggling with bureaucracy, attitudes toward disabled, and cost efficiency, the city now has a transit system which will serve a larger number of people at a lesser cost.

In November, 1978 the city began a "Sun Van" service, contracted through Thunderhead Enterprises, which provides demand response, door-to-door service to mobility impaired Albuquerque residents. Because the van does not provide equal trip decision time, equal travel time, and equivalent fares, some disabled people were not satisfied with the van service.



PVA Southern Advocacy Director Tom Deniston and Zia Chapter President Ralph Markward demonstrate the lock down devises under the supervision of Sun-Tran Bus Director Larry Garilck.



Ralph Markward tries the Gruman Flexible bus wheelchair lift as Tom Deniston observes.

The Paralyzed Veterans of America and other disabled groups in Albuquerque took their plan for wheelchair lift - equipped transit buses to the city government and won the right to ride the bus.

Since there has been no great marketing of the lift-equipped feature of these new buses, there will probably be no deluge of wheelchair passengers on the routes for sometime. However, those wheelchair passengers availing themselves of the bus should help cut down the number of rides provided each

day by Sun Van. Since the van ride is five to six times more expensive than the bus ride, disabled people who ride the bus will be saving the City of Albuquerque considerable transportation dollars.

In July of 1979 the U.S. Department of Transportation decreed that every city receiving federal funds for transportation must make at least one-half of their bus fleet accessible to the disabled. Although the city does not yet have fifty per cent accessible, these 24 buses are a step in the right direction.

Mosy 14, 1980
Herald Schwerm, Chairman
Steering Committee of the
Milwaiker County Executive is
Elderly and Hundicapped Transportat
Jack Frence
Courthouse annex, Room 305
407 North 10th Street
Milwauker, Wisconsin 53:233

REF/		REC'D
1	SCHWERM	At
	BERTHOLF	
	BRANNAN	
	FOLEY	
	GAWRONSKI	
	HENDRICKSON	
	JACOBSON	
ı	KLOPOTIC	
Orc	KUCHARSKI	
	MORRIS	
	NIEHOFF	
	REHM	
	SPRANG	
	FILE	

Dear Sira:

I am writing this letter because I am unable to attend the Public Hearing on the plan to improve the county transit systems for use by persons with disabilities or handicaps to be held on may 15. Inphysically disabled and am in a wheelchair. I use the specially designed wome with the ramps and lifts to attend recreation programs and any other places I go. I feel that if the User Side Subsidy Program were discontinued and I had to valy on the busses, I would not be able to attend as many programs and got out as much as I do now. In order to

RECEIVED

MAY 15 1980

Milwaukee County Dept. of Public Works

even the busines I would have to have someone with me because I would be unable to hook my chair up myself. I have Spinal muscular atrophy and have very little strength in my arms. When I do go places I usually go with friends who are also in wheelchairs. This would mean we would have to take two separate busses since there is only one wheelchoir hookup on each bees. In the winter I would have to cutout all my recreation programs and other activities because I would be unable to get to the bus stop to get on the buspeither because of the snow or the cold. I feel instead of the county transit system spending the money on supposedly accessible husbers, they put this money into the User Side Subsidy Program.

Ancerely
mary ann Krueck
1831 Joneses Blod #107
Som Milweukee, Wice 53172



EXECUTIVE DEPT.

2409 South Williams Apt. 4 Milwaukee, Wisconsin 53207 May 15, 1980

Mr. Thomas Knight
Special Services Coordinator
Milwaukee County Transit System
4212 West Highland Boulevard
Milwaukee, Wisconsin 53208

Dear Mr. Knight:

As a health professional in a home health care agency I have utilized the User-Side Subsidy Program for the transportation needs of many of my clients. I am in strong support of the recommendations up for approval by the County Board dealing with the improvement of services for the handicapped individuals of Milwaukee County.

This letter is in support of the plan because I am unable to attend the hearing this Thursday evening, May 15, 1980.

Sincerely,

Sharon Bosman-Schaffner R.N.

Home Care Coordinator

Visiting Nurse Assn.-Milwaukee

Britter Testimony

To: Transportation Jack Force Drom: Janet Mohelnitzky 500 W. Bradley Rd. C106 5/15/80

DON Paint, Si. 53217

Subject: Itritter Statement on:

Milwanter County Life - Enipped Buses

I have had experience in riding the lift - equipped because in Milwanter Country & found the bus circur unaperience with the lift, seats and General procedure needed.

I have ridden in take cabo several times and have experienced reluctant drivers when They were not informed that I had a wheelchair. At one time I had to pull the wheelekar in and out of the while mipely.

I have used the van services and found Them very accommodating - perhaps too much. Shad scheduled a man for my arrival at The Milwaukee airport and the place was delayer approx. 45 minutes. The driver had not called and waited, which could have been availed and saved time + Mitoning.

Trom my experiences I have these suggestions:

1. Thair his drivers and disabled people on operation of his-lift.

I have then or refuse to pick then up.

3. Give an example form to disabled people of the receipt so they know if it is filled out properly (some people get Charged the \$3.00 and some do not).

4. Aigune disabled gesple to be ready when the USS van a cab arrived or charge the pirson estra - not USS.

5. Frain Cat drivered on how to fall a wheelchair & to leave the trunk or back of a station wagon empty for the wheelchair.

6 Again disabled people to sign the voucler to avail Cat drivers, van drivers etc.

Theriodically check with disabled people if they really took a trip.

Independent Typing is on the horizon. Disabled people will require more mobility in the future and buses are our answer. Honge is low but disabled people reed time to adjust to the availability of using a bus, moving to a bus route, etc.

Continue full bus accessibility - it will improve!

Wilwanker County Transit System 4212 Stest Highland Blad. Wilwanker, Historia, 53208

bear Mr. Anight,

I would like to relate my experiences with the cab

reviced to you.

On January 28, 1980, a Yellow Cab was called to the Shell Service Station informing them of a wheelchair rider. I when the driver arrived, he told me he was not informed of the wheelchair and because the back of the station was filled with junk, he did not have room. I had to tell him that the wheelchair folded and would fit in the back seat with me.

Ore cot drivers trained regarding the folding of a wheelchair, where to put it are to keep space free of clutter?

On January 29, 1980, I called a Yellow Cat to go to work. Breause the driver had not hern told the previous day about the superlehair, I did not tell of the wheelchair. Ithen the driver arrived, he called disposen to say he had not been informed of a wheelchair and couldn't take me. I assumed his trunk must be full ginh also on that he was unwilling to help me with the wheelchair so I pulled the chair in the car while he sat and watched. The driver called dispotch again to inform them he got the case. Ot my destination the driver asked y I could get out. I

Told him to fill out the USS information and I would get the chair out. I did this because if he wasn't willing on able to help me in, he wouldn't be of any help getting out. They parting words to the driver of cat #107 were-Kemember that Not everyone how the strength or ability to pull their own whelehair in and out of the car and I realize he just got a \$13.00 payment for doing absolutely nothing. So the next time he had a passenger in a wheelchair he should lend them some assistance.

are dispatchers required to specify a whetchair? Are dispatchers required to inform drivers of whetchair? Are passengers required to specify USS to dispatcher?

A previous experience brought me a becture. I know ided not deserve: A cab driver told me how oadly drivers were ripping off 2155 and as a result be had to file out numerous, lengthy forms. If there was an error, he dedn't yet paid and luen if he ded, it took months before he was the money and it wasn't really world, him time to pick up 455 charges.

accuracy of a trip vancher?

In closing, I would have been without a ride of A had not been able to manage my own which chair or if the car had been a smaller model. My consern is for others who do not have the ability to load / unload their wheelchair and may require some assistance.

I would love to have \$3.00 for everytime & pulled a wheelchair in and out of a can - not to mention \$3.00 for sitting and watching.

13.00 for setting and watching.
Please teep this letter for your records of
user disatisfaction and I look forward to your
response.

Sincerely,

Janet E. Modelnitzky.

Respond to:

Janet Mchelnitzky 500 W. Bradley Rd. C106 Milwau Kee, Wi. 53217 Janet Mohelnitzky 2580 North Oakland Avenue Milwaukee, WI 53211

June 22, 1979

Mr. Tom Knight
Milwaukee Co. Transit System
4212 West Highland Blvd.
Milwaukee, WI 53208

Subject: Wheelchair Lift Bus.

Dear Mr. Knight,

On June 6, 1979 James Schendel and Janet Mohelnitzky rode the No. 23 (Fond du Lac Avenue) lift-equipped bus from 36th Street and Hampton Avenue. Previous to the trip, a call was made to 344-6711, to determine how often the No. 23 bus ran between 11:00 a.m. and 1:00 p.m. This information was important because two wheelchairs cannot ride on one bus. No questions were asked as to how far north we were planning to ride and there was no mention that some No. 23 buses traveled alternate routes other than on Fond du Lac Avenue.

Janet boarded a No. 23 bus at 11:50 a.m. which took a total time of five (5) minutes (the driver called in 3½ minutes). The driver showed a basic lack of knowledge of the lift equipment, folding seats, and safety lock device. It was noted that the lift stuck several times before it worked. Arrived at Hampton and Fond du Lac Avenues at 12:10 p.m. and no problems were encountered while getting off the bus which took approximately one (1) minute.

Jim boarded the next No. 23 bus which took a total time of five (5) minutes. Please note that the driver was interrupted during this procedure to stop a small child who had climbed onto the drivers seat. Again the driver showed a basic lack of knowledge regarding the lift-equipment, folding seats, and safety lock device. Jim got off the bus at 84th Street and Hampton Avenue at 12:31 p.m. Because of the grass terrain at this stop, the lift was not able to be set down on a flat surface and caused a gap between the ground and the lift. It is difficult, even with good arm strength, to back a wheelchair onto a bus lift, because the person tilts forward until the front wheels are on the lift. It becomes very difficult, if not impossible, when the lift is set down on dirt or grass.

Both passengers got off the bus on Hampton Avenue, but, because all No. 23 buses do not travel the same route, we ended up 20 blocks apart. The driver was not questioned about how to rectify this problem, as it was assumed, that the first rider would have encountered the same problem, and would be at the same stop.

Mr. Tom Knight Page 2 June 22, 1979

After waiting an hour at Hampton and Fond du Lac Avenue, a phone call was made to 344-6711 to locate the second rider. It was then stated that the bus ran on Fond du Lac and Hampton only every 45 minutes and that Jim would have to be on Fond du Lac Avenue because other routes were not lift-equiped. The second rider rectified the situation by hitchhiking the 20 blocks.

It was our experience that the loud, beeping warning signal drew the attention of people passing by, and they crowded around to watch. We do understand that the signal is necessary, and that it is hard to educate the public that nobody likes being stared at, but some disabled people have lived very sheltered lives and should be warned that this could be their experience also.

The general public should be advised not to assist unless specifically asked. A passenger tried to assist Janet and because he didn't know what to do, he only got in the way.

Some of the disabled population have had no previous experience on the buses and because of the problems we experienced, we feel that the information forms must be more specific. The form states that there are five (5) routes with lift buses but it fails to mention that some of these routes have alternate routes. For example, insert a statement "routes vary at some points and very specific information must be asked when calling 344-6711". In conclusion, we believe a stronger effort should be made to better inform the disabled passengers, the general public and the bus drivers, as to the procedures and operation of lift-equipped buses.

Sincerely,

Janet E. Mohelnitžky

James Schendel

CLS

2 Enlosures

cc: James Schendel

May 17, 1980 To: Visconsin Disability County Ex. Brand Hear Sir: Eles, I favor keeping the Handical Transportation Service. appreciated the service after my three (3) week stay at St. Joseph's Hospital, after my broken hip repair." Sincerely. (79 yrs.) - (Margaretta Drummond 1946 No. 86 - 84. Vaccostosa, Vis 53226 Thought > If driver for pick up "service had - perhaps an identification cap to wear-they could be spotted easier, when one is waiting in a Poctor or Lat "labby.

To Whom it might concern.

The a widowed marker it is a would be most unjection ate for this satisfactly can persie to discontinued.

Janet's vision is tax pass for her to wack pine lang blocks to a hus.

Deinelely hope your will cantenue this service.

A mast concerned passed

Virginia Pfief

Who bought these buses that are something else.

These 3000 series nearly drive me up a wall with the engine viabration that affects something in the lumbar section of the spine and I have to use these buses when I go to county general. Bowling Alleys affect me too

These 3100 ride like an old wood wheel wagon as every little bump hit you hit bottom. Madison has buses like these and they ride half ways decent. Our old buses with the hard chairs ride much better than these new buses.

What is the reason for this? I don't really know but if you will look at the efforts to get the Towne Hotel down is a bit of the answer that can apply to these new buses. That Hotel was built to stay up but a hot of our new buildings are just slapped together so it is with these buses.

When I took appititude tests at a Milwaukee Institute of learning the counselor was bound determined to have me an engineer. When I said I can't do that heavy lifting the answer was "You don't have to lift to be an engineer or draftsman. I said Vh huh. This is the reason stuff is so junky. Put it on the board, no follow through, and let someone else fight the conditions created.

hounts on the 3000 hours In about motor victuation

3100 huses ned better spurge and shocks

Rompe on busic must be understood to know for to eliminate tugs.

> Janes E. Pine 2424 W. Kiltrun 53233

Rules on wheelchairs challenged in Congress

Washington Post Service

Washington, D.C. - The House Public Works Committee Wednesday raised the first official congressional challenge to regulations requiring subways and buses to be accessible to wheelchairs.

The challenge was to a bill that authorizes \$27.7 billion in federal aid for the next five years to public transit systems. As sent to the House, the bill permits local transit systems to set up special service for handicapped persons instead of requiring the systems to buy all-accessible new vehicles or refit old equipment, as they must now do under Transportation Department regulations.

Representatives of several organizations for the handicapped said Wednesday they feared the action was the first of many that would chip away at what they regarded as hard-won civil rights.

Expensive to implement

The transit regulations are among the most expensive to implement of all the handicapped rules, which have resulted in wider doors in public buildings, the elimination of curbs and the placement of elevators in low-rise schools.

Transportation Department regulations require that all new buses and subways be accessible to wheelchairs, as must all commuter rail cars bought after Jan. 1, 1983. Existing subway systems also must be made accessible over a period of years, although some waivers are possible.

The department claimed that those changes would cost \$6 billion to \$8

billion. The American Public Transit Association claimed that the minimum cost would be about \$20 billion.

80% federal aid

The transportation regulations stemmed from Section 504 of the 1973 Rehabilitation Act, which provides, in part: "No otherwise qualified handicapped individual shall, solely by reason of his handicap, be denied the benefits of any program or activity receiving federal financial assistance."

New buses and new subway systems are built with 80% federal aid.

The committee amendment would permit localities to set up alternative transit service for handicapped residents.

Such alternatives — probably a fleet of special vans — would save the cost of refitting old subway sy tems and equipping new buses with wheelchair lifts. Such lifts have proved highly unreliable, in addition to costing about \$20,000 each.

Officials for the Milwaukee County Transit System have opposed the mandatory lifts, arguing that handicapped persons have a difficult time getting to buses during the winter and are better served by the Transit System's door-to-door taxi service.

The 150 new buses the Transit System recently received were equipped with lifts at the rear doors at a cost of about \$8,500 a lift. From April, 1979, through this April, Henry Mayer, Transit System managing director, estimated that there were 300 wheelchair loadings, involving about 15 riders.]

Exhibit 7

REPLIES TO CORRESPONDENCE IN EXHIBIT 6 FROM
THE CHAIRMAN OF THE ELDERLY AND HANDICAPPED TRANSPORTATION TASK FORCE

June 13, 1980

Ms. Estee Schlonsky 3753 N. 56th Street Milwaukee, Wisconsin 53216

Re: Your letter for the Elderly & Handicapped Task Force Public Hearing on May 15, 1980

We have received your letter supporting a continuation of the special type van or cab service for handicapped persons.

The plan discussed at the public hearing recognized the need for such a service. The continuation of that service was recommended until at least 1982 and will have to be approved by the Milwaukee County Board of Supervisors.

Your letter has been included as part of the public hearing record. Thank you for taking the time to express your views on Transportation needs of the handicapped.

Very truly yours,

Gerald Schwerm

Director of Transportation and Chairman of the Elderly & Handicapped

Transportation Task Force

GS: RNP:ms

June 13, 1980

Ms. Francis Dompsey 6910 W. Center Street Milwaukee, Wisconsin 53210

Re: Your letter for the Elderly & Handicapped Task Force Public Hearing on May 15, 1980

We have received your letter supporting a continuation of the special type wan or cab service for handicapped persons.

The plan discussed at the public hearing recognized the need for such a service. The continuation of that service was recommended until at least 1982 and will have to be approved by the Milwaukee County Board of Supervisors.

Your letter has been included as part of the public hearing record. Thank you for taking the time to express your views on Transportation needs of the handicapped.

Very truly yours,

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Gerald Schwerm

Director of Transportation and Chairman of the Elderly & Handicapped

Transportation Task Force

GS: RNP:ms

June 16, 1980

Hrs. Welter C. Schmitt 5491 Car Pairy Chan Road Brown Heer, Wisconsin 53223

Re: Your letter for the Elderly & Handicapped Wask Force Public Hearing of May 15, 1980.

We have received your letter in support of the bus lifts and other improvements for transportation needs of handicapped persons.

The bus lift program with continue and we too hope that eventually handicapped persons will be able to travel about the Milwaukee Ares in a more convenient manner. A summary of the improvements discussed at the Nay 15th hearing is attached for your information.

The entire program of transportation services, for handicapped persons, will have to be approved by the Milwaukee County Board of Supervisors.

Your letter and newspaper clippings have been included as part of the public hearing record. Thank you for taking the time to express your views on the Transportation needs of handicapped persons.

Yours very truly,

shall defirm

Gerald Schwerm

Director of Transportation and Chairman of the Elderly &

Rendicesped Tesk Force

GS:RNP:men

Attachment

June 13, 1980

Ms. Mary Ann Krueck 1834 Brexel Blvc. #107 South Milwaukee, Wisconsin 53172

Re: Your letter for the Elderly & Handicapped Task Force Public Hearing on May 15, 1980

We have received your letter supporting a continuation of the special type van or cal service for handicapped persons.

The plan discussed at the public hearing recognized the need for such a service. The continuation of that service was recommended until at least 1982 and willhave to be approved by the Milwaukee County Board of Supervisors.

Your letter has been included as part of the public hearing record. Thank you for taking the time to express your views on Transportation needs of the handicapped.

Very truly yours,

Gerald Schwerm

Director of Transportation and Chairman of the Elderly & Handicapped

Transportation Task Force

GS:RNP:ms

Ms. Sharon Bossan-Schaffner, R.M. 2409 South Williams, Apt. 4 Milwaukse, Wisconsin 53207

RE: Your Letter for the alderly and Handicapped Task Porce Public Hearing of May 15, 1980

We have received your letter supporting a continuation of the User Side Subsidy program and other improvements in services for handicapped persons. A summary of the improvements discussed at the May 15th hearing is attached for your information.

The entire program of transportation services, for handicapped persons, will have to be approved by the Milwaukes County Board of Supervisors.

Your letter has been included as part of the public hearing record. Thank you for taking the time to express your views on the transportation needs of handicapped persons.

Very truly yours,

Seal delwim

Gerald Schwerm

Director of Transportation and Chairman of the Elderly and Hendicapped Transportation Task Force

GS:RMP:46 Engle. June 17, 1980

Ms. Janet Mohelnitzky 500 W. Bradley Road Fox Point, Wisconsin 53217

Re: Your letter for the Elderly and Handicapped Task Force Public Learing of May 15, 1980

We have received your letter supporting the bus lift program along with the many excellent suggestions for improving bus and cab service.

Several of your suggestions, such as additional driver and passenger training, were part of the plan presented at the hearing. A summary of that plan is attached for your information. This entire program of transportation services, for handicapped persons, will have to be approved by the Milwaukee County Board of Supervisors.

Your letter and enclosures have been included as part of the public hearing record. Thank you for taking the time to express your views on the transportation needs of handicapped persons.

Very truly yours,

It will deliver

Gerald Schwerm

Director of Transportation and Chairman of the Elderly and Handicapped Transportation Task Force

GS: RNP:ms

June 13, 1980

Ms. Margaretta Drummond 1946 N. 86th Street Wauwatosa, Wisconsin 53226

Re: Your letter for the Elderly & Handicapped Task Force Public Hearing on May 15, 1980

We have received your letter supporting a continuation of the special type wan or cab service for handicapped persons.

The plan discussed at the public hearing recognized the need for such a service. The continuation of the service was recommended until at least 1982 and will have to be approved by the Milwaukee County Board of Supervisors.

Your letter has been included as part of the public hearing record. Thank you for taking the time to express your views on Transportation needs of the handicapped.

Very truly yours,

Stall deliane

Gerald Schwerm

Director of Transportation and Chairman of the Elderly & Handicapped Transportation Task Force

GS: RNP:ms

June 13, 1980

Ms. Virginia Pfief 1531 S. 55th Street Milwaukee, Wisconsin 53214

Re: Your letter for the Elderly & Handicapped Task Force Public Hearing on May 15, 1980

We have received your letter supporting a continuation of the special type van or cab service for handicapped persons.

The plan discussed at the public hearing recognized the need for such a service. the continuation of that service was recommended until at least 1982 and will have to be approved by the Milwaukee County Board of Supervisors.

Your letter has been included as part of the public hearing record. Thank you for taking the time to express your views on transportation needs of the handicapped.

Very truly yours,

Sell Okloring

Gerald Schwerm

Director of Transportation and Chairman of the Elderly & Handicapped Transportation Task Force

GS:RNP:ms

June 16, 1950

Mr. James E. Price 2424 West Kilbourn Milwaukee, Wisconster 53233

Re: Your letter for the Elderly & Handicepped
Task Force Public Hearing of May 15, 1980.

We have received your letter listing the problems you have experienced with the various model buses, perticularly the new ones. When the new buses were advertised for bids, there were only two companies in the United States that could have bid on the contract. Only one chose to bid on our contract. So the forces of competition do not always enter the market place. Many of the faults you mention may be due to Milwaukee County being able to purchase from only one manufacturer. We hope that many of these faults can be corrected.

For your information, I am enclosing a summary of the plan that was discussed at the public hearing. The plan will have to be approved by the Milwaukee County Board of Supervisors.

Your letter and enclosurer have been included as part of the public hearing record. Thank you for taking the time to express your views on the transportation needs of handicapped persons.

Very truly yours,

Sgall deluran

Gerald Schwerm

Director of Transportation and Chairman of the Elderly & Handicapped

Transportation Task Force

GS : RMP : wen

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Appendix D

MILWAUKEE COUNTY EXECUTIVE'S TASK FORCE ON TRANSPORTATION FOR THE ELDERLY AND HANDICAPPED

Gerald Schwerm, Chairman	Director of Transportation, Milwaukee
Anthony S. Bareta	County Department of Public Works Planning Director, Milwaukee County
Georgia M. Caviale	Department of Administration Area Administrator, Milwaukee Regional Office, Division of Community Services, Wisconsin Department of Health and
John F. Clark	Social Services Administrator, Milwaukee County Commission for Handicapped and
John J. Cupertino	Disabled Persons Representing Local Taxicab
John V. Doherty	Owners/Operators Staff Consultant, Milwaukee County Commission for Handicapped and
Durwood L. Egan	Disabled Persons Deputy Program Director, Milwaukee County Combined Community Services Board
Samuel Grodnick	Chairman, Transportation Committee, Milwaukee County Commission on Aging
Todd M. Honeyager	Executive Director, Elder Care Line, Inc.
Albert Kallas	President, Greater Milwaukee Stroke Club
Paul T. Kenny	Commissioner, Milwaukee County Commission for Handicapped and Disabled Persons; Executive
Thomas M. Knight	Director, Rehabilitation Council of Greater Milwaukee Special Services Coordinator, Milwaukee Transport Services, Inc.
Terry D. Kocourek	Research Analyst, Milwaukee
Jean S. Logan	County Board of Supervisors Member, Southeastern Wisconsin Coalition of Citizens with
James E. Mackey	Handicaps and Disabilities Transit Project Engineer, Milwaukee County Department of Public Works,
James A. Marsho	Transportation Division Senior Engineer, Southeastern Wisconsin
Eugene J. Payke!	Regional Planning Commission Supervisor of Adult Services, Milwaukee County Department of Social Services
George E. Searing	Transportation and Senior Center Coordinator, Milwaukee County
Delores A. Taylor	Office on Aging Vice-President of Planning and Budgeting, United Way of
Edward E. Taylor, Sr	Greater Milwaukee Community Advocate District Urban Planning Supervisor, Wisconsin Department of Transportation

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Appendix E

NEEDS ASSESSMENT SUBCOMMITTEE OF THE MILWAUKEE COUNTY EXECUTIVE'S TASK FORCE ON TRANSPORTATION FOR THE ELDERLY AND HANDICAPPED

George E. Searing, Chairman	Transportation and Senior Center Coordinator, Milwaukee County Office on Aging
Joseph S. Golden	
Samuel Grodnick	Chairman, Transportation Committee, Milwaukee County Commission on Aging
Thomas M. Knight	Special Services Coordinator, Milwaukee Transport Services, Inc.
James E. Mackey	Transit Project Engineer, Milwaukee County Department of Public Works, Transportation Division
Edward E. Taylor, Sr	Community Advocate

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Appendix F

PARATRANSIT COORDINATION SUBCOMMITTEE OF THE MILWAUKEE COUNTY EXECUTIVE'S TASK FORCE ON TRANSPORTATION FOR THE ELDERLY AND HANDICAPPED

George E. Searing, Chairman	Transportation and Senior Center Coordinator, Milwaukee County Office on Aging
Anthony S. Bareta	Planning Director, Milwaukee County Department of Administration
John V. Doherty	Commission for Handicapped and
	Disabled Persons
Richard L. Drollinger	
	Care Line, Inc.
Thomas M. Knight	Special Services Coordinator,
	Milwaukee Transport Services, Inc.
Terry D. Kocourek	Research Analyst, Milwaukee County
	Board of Supervisors
James A. Marsho	Senior Engineer, Southeastern Wisconsin
	Regional Planning Commission
Robert N. Patrick	
	Department of Public Works,
•	Transportation Division
Neil R. Wienser	
Heli IV. Michiger	
	Wisconsin Department of Transportation

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Appendix G

STEERING COMMITTEE OF THE MILWAUKEE COUNTY EXECUTIVE'S TASK FORCE ON TRANSPORTATION FOR THE ELDERLY AND HANDICAPPED

Voting Members

	Gerald Schwerm, Chairman	Director of Transportation, Milwaukee
	John F. Clark	County Department of Public Works Administrator, Milwaukee County Commission for Handicapped and Disabled Persons
	Ellen D. Daly	Resource Coordinator, National Spinal Cord Injury Foundation
	Adrian J. DeBlaey	President and Business Manager, Badger Association of the Blind
	Durwood L. Egan	Deputy Program Director, Milwaukee County Combined Community Services Board
	Janet K. Fitch	Director of Services, Community Care Organization; and Commissioner, Milwaukee County Commission for Handi- capped and Disabled Persons
	Samuel Grodnick	Chairman, Transportation Committee, Milwaukee County Commission on Aging
	Albert Kallas	President, Greater Milwaukee Stroke Club; Commissioner, Milwaukee County Commission for Handicapped and Disabled Persons
	Terry D. Kocourek	Research Analyst, Milwaukee County Board of Supervisors
	Galen C. Larson	Vice-President and Manager of Operations Milwaukee Transport Services, Inc.
	Jean S. Logan Eugene J. Paykel	Member, Southeastern Wisconsin Coalition of Citizens with Handicaps and Disabilities Supervisor of Adult Services,
		Milwaukee County Department of Social Services
	Vicki Plevin	Program Coordinator, United Cerebral Palsy of Southeastern Wisconsin, Inc.
	Richard Pomo	Wisconsin Disabilities Coalition, Southeast Region
	George E. Searing	Transportation and Senior Center Coordinator, Milwaukee County Office on Aging
Ad	visory Members	
	Georgia M. Caviale	Area Administrator, Milwaukee Regional Office, Division of Community Services, Wisconsin Department of Health and Social Services
	James A. Marsho	Senior Engineer, Southeastern Wisconsin Regional Planning Commission
	Neil R. Wienser	District Urban Planning Supervisor, Wisconsin Department of Transportation

Steering Committee Staff

John V. Doherty	Staff Consultant, Milwaukee County
	Commission for Handicapped and Disabled
	Persons
Robin Bieger Mayrl	Staff Consultant, Milwaukee County
	Executive's Task Force on Transportation
	for the Elderly and Handicapped
Robert N. Patrick	Civil Engineer, Milwaukee County
	Department of Public Works, Transportation
	Division