

Abridgment

Implications of DOT Draft Section 504 Regulations for Rural and Small Urban Areas

Douglas B. Gurin, Office of Policy Development, Urban Mass Transportation Administration

This paper is a brief review of one, if not the most important and challenging, of the draft regulation of the U.S. Department of Transportation (DOT)—its Section 504 regulation that bars discrimination against handicapped persons. The handicapped must play a critical and urgent role in shaping the response of DOT to the Section 504 regulations as they relate to state agencies, rural and small-city residents, and small-scale operators.

The proposed regulation would implement Section 504 of the Rehabilitation Act of 1973, which provides that no otherwise qualified handicapped individual shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives federal financial assistance. The current emphasis in the regulations is on large urban bus and rail systems and metropolitan planning organizations, not on the institutions and conditions that the handicapped encounter or manage.

Concurrent with activity on the Section 504 regulations within the U. S. Department of Health, Education, and Welfare (HEW), the White House issued Executive Order 11914, which gives HEW the lead in developing accessibility guidelines for all other federal agencies that give out grants. This is intended to ensure consistency among the different agencies and to help monitor and implement the removal of barriers to the handicapped.

The process of developing HEW guidelines for DOT did not occur overnight. HEW published draft guidelines that were commented on by DOT and that went through the same kind of regulatory schedule that is outlined here for DOT.

In the context of large urban areas, DOT sought to have fixed rail systems exempted and tried to ensure that alternative paratransit or accessible bus systems might be substituted for accessible line-haul systems. However, it appears that no mode of transportation is exempt, and alternatives in the interim might be acceptable if they are comparable.

There has been much debate on how to provide accessibility—i.e., whether by fully accessible or specialized systems. Support for fully accessible systems has been voiced by some very articulate handicapped people. Although they are a small group, these people have been the driving force behind each of the HEW 500-series regulations, of which 504 is the latest. Many of their arguments are considered by DOT to be fundamental to the HEW Section 504 guidelines.

The first argument is the concept of mainstreaming—"separate but equal is not really equal"—which emphasizes mixing handicapped persons with nonhandicapped persons. A second idea expressed by some handicapped persons is that they have a civil right to the same transit service that everybody else has, regardless of the inadequacies of conventional transit service. Third, assuming that a reliable technology is eventually achieved, the accessibility approach would be relatively resistant to funding

cutbacks; that is, the handicapped would be disadvantaged by service cutbacks to the same extent as the able-bodied. If there were a separate service, there could potentially be greater cutbacks in service.

Some argue that ridership is low on currently accessible services and that the costs do not justify the investment. However, a low response rate now is not necessarily indicative of a low response rate in the future. Other services will have to be accessible to qualify for other federal and state programs and will cumulatively provide many more opportunities for handicapped persons.

Finally, many accessibility improvements—such as larger signs, loudspeakers, or ramps and elevators—will help the general public as well as the transportation handicapped.

Some key points in the DOT response to the Section 504 regulations are the following. All recipients of Urban Mass Transportation Administration (UMTA) grant programs—Section 3, Section 9, Section 16, and any nonurbanized program—will require some form of compliance with Section 504. The regulation covers all modes: bus, paratransit, and a catchall mode (which might deal with small buses, ferryboats, even hydroplanes, and other kinds of vehicles). It covers all services. It covers all employment practices (except that employers may still impose job-related skill requirements). It covers both existing and new facilities and vehicles as well as terminals, offices, pathways, public meeting rooms, or other property within the control or lease of the recipients. It covers not just the direct provision of service but also information aids, billing, and other aspects of transportation programs. In short, if a mode, service, or facility receives federal funding (e.g., under UMTA Sections 3, 9, and 16), it must meet Section 504 regulations.

DOT also realizes that accessibility is not just a matter of capital equipment and the operating practices of bus drivers but also of things like marketing, insurance, and training that are necessary conditions for the whole service to fit together and be truly accessible. There are also statements in the DOT response that discuss public input, especially input from organizations for the handicapped and existing providers of specialized service on behalf of the handicapped. One of the most critical features of the sophisticated rule making of HEW is a requirement that all of these compliance activities must occur within 3 years of the effective date of the regulation except for a few major structural changes. The regulation requires grantees to prepare a staged transition plan to reach program accessibility within specified deadlines. In nonurbanized areas, these transition plans are to be submitted with each application rather than on an annual basis as in large urban areas.

The most relevant sections of the regulation for rural systems are the bus and paratransit sections. In the 6 years after the final regulation is issued, conventional bus operations (those that operate fixed routes and schedules with the standard 35- to 40-passenger transit

bus) must make 50 percent of the service they provide accessible to the handicapped by means of either bus lifts or ramps. The emphasis is on speedy compliance: 3 years from issuance of the final regulation. In the interim, some type of accessible service is to be provided, most likely a form of paratransit.

Urban and rural paratransit operators who receive UMTA funding will be required to provide accessible services within 3 years. Accessibility is defined as the ability to satisfy the needs of the handicapped in a manner that is approximately equivalent to service for the nonhandicapped. It does not mean that every vehicle in the fleet must be accessible, but it does mean that the wait time, the area coverage, and the other service features provided by the organization must be equivalent for both handicapped and nonhandicapped persons. The accessibility provisions apply to facilities as well as to vehicles. Exceptions would only be allowed if another provider were willing and able to handle all reasonable needs.

Other considerations associated with complying with Section 504 regulations include (a) safety and emergency handling procedures; (b) sensitivity training for drivers and other personnel; (c) escorts; (d) travel aids for the handicapped; (e) coordination among different types of operators, modes, and agencies; (f) marketing; (g) administration; (h) regulatory reform; and (i) insurance and labor agreements. The draft regulation also requires identification of barriers to serving the handicapped within the various systems and action on these as soon as possible.

What happens next? Public input has been solicited by DOT. The formal deadline for comments to the docket was October 20, 1978. Understanding the expected impacts of Section 504 regulations on rural and small-city systems is very important in the preparation of the final regulation by DOT.

Costs of Rural Public Transportation Services

Jon E. Burkhardt, Ecosometrics, Inc., Bethesda, Maryland

Typical costs for rural transportation operations and the factors that influence such costs are examined. Until now, few hard data have been available for the purpose of describing rural transportation costs. The data used in this research are taken from applications for funding and actual operations performed under Section 147 of the Federal-Aid Highway Act of 1973, the Rural Highway Public Transportation Demonstration Program. The following aspects of rural transportation costs are investigated: (a) general cost ranges and what constitutes average and "good" costs, (b) factors that affect the cost of operations, and (c) the characteristics of the most economical and most expensive hypothetical system designs.

There are relatively few references in the growing literature on rural transportation that describe the costs of these services. This subject has lagged behind others because there has been no standardized data-collection effort that covered the costs of rural paratransit operations. With the advent of the evaluation methodology for the Rural Highway Public Transportation Demonstration Program established in Section 147 of the Federal-Aid Highway Act of 1973, the lack of data will no longer be a problem. By using preliminary Section 147 data, it is possible to describe average costs for the initial operations of these systems. The figures now available should be refined through subsequent reports to the Federal Highway Administration.

This paper looks at several aspects of rural transportation costs. First, what general cost ranges are known to exist and what are average costs and "good" costs? Second, what factors influence the costs of operations? Finally, if we were to design systems with the objective of spending either as little or as much money as possible, what would such systems look like?

TYPICAL COSTS

Need for Caution

Before delving deeply into costs, we should restate the obvious disclaimer that cost is only one of many evaluation measures that should be used to assess rural transit operations. An evaluation that focused on cost alone—or on any other factor alone—would be deficient. Without service considerations, one could design a nearly costless system, but it probably would not serve enough people to warrant the name "system."

Thus, costs should be considered in conjunction with other evaluation measures. A complete evaluation would include assessments of efficiency (how well a transportation system uses available labor and capital resources) and effectiveness (how well a transportation system meets the goals and objectives set for it) (1). Such an evaluation would include at least the following factors:

1. Cost per one-way passenger trip—Total system costs (all operating expenses plus administrative costs plus capital costs on a depreciation schedule) divided by the number of passenger trips (costs and trips must be recorded over the same period of time);
2. Cost per vehicle kilometer—Total system costs divided by the total distance traveled by all vehicles in the system [the desirability of using passenger-kilometer rather than vehicle-kilometer statistics has been noted by Kidder and others, who have also pointed out the difficulty in obtaining these data (2)];
3. Cost per vehicle hour—Total system costs divided by the sum of the number of hours that each vehicle is operated;
4. Load factor—The sum of the distances for each