

**RESOLUTION NO. R-2011-2**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, APPROVING ADOPTION OF A REVISED AMERICANS WITH DISABILITIES ACT PARATRANSIT PLAN FOR COMPLEMENTARY PARATRANSIT SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council to promote the general welfare of the citizens of Tyler; and

**WHEREAS**, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution, and other statutory authority; and

**WHEREAS**, the Americans with Disabilities Act of 1990 (ADA), as amended, prohibits discrimination and ensures equal opportunity and access for persons with disabilities; and

**WHEREAS**, the City of Tyler, through Tyler Transit, currently operates a fixed route transportation system to serve the citizens of Tyler; and

**WHEREAS**, the Americans with Disabilities Act regulations require Tyler Transit, as a public entity that operates a fixed route system, to provide complementary paratransit services to individuals with disabilities; and

**WHEREAS**, the City of Tyler has been operating under a Paratransit Plan adopted in the 1990's; and

**WHEREAS**, it is important to revise and adopt an updated Paratransit Plan; and

**WHEREAS**, it is important to establish rules for ADA eligibility for complementary paratransit services, and to specify an appeals process for denial of ADA eligibility; and

**WHEREAS**, it is important to specify the standards associated with the Plan, including fares, response time, hours and days of service, riding policies, visitor policies, and other services; and

**WHEREAS**, the federal regulations mandate extensive input and participation by the disabled community when creating the Plan; and

**WHEREAS**, the federal regulations mandate participation by transportation providers when creating the Plan; and

**WHEREAS**, Tyler City Code Section 1-92.f. states that one of the functions of the Tyler Disability Issues Review Board is to address paratransit issues in conjunction with the City's paratransit plan; and

**WHEREAS**, on 5/6/10, 7/1/10, 11/4/10 and 12/9/10, the Disability Issues Review Board conducted public hearings on the Plan; and

**WHEREAS**, the City of Tyler has obtained input on the plan from persons with disabilities and transportation providers through surveys and public hearings; and

**WHEREAS**, on 12/9/10, the Disability Issues Review Board voted unanimously to recommend adoption of the Plan to the City Council; and

**WHEREAS**, the City of Tyler's Metropolitan Planning Organization has certified that it has reviewed the ADA Paratransit Plan prepared by the City of Tyler as required under 49 CFR Part 37, 139(h) and has found it to be in conformance with the transportation plan developed under 49 CFR Part 613 and 23 CFR Part 450 (the FTA/FHWA) joint planning regulation); and

**WHEREAS**, it is considered to be in the public interest to adopt the attached ADA Paratransit Plan for Complementary Paratransit Services;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:**

**PART 1:** Consistent with the Americans with Disabilities Act, it is the intent of the Tyler City Council to ensure non-discriminatory, equitable, accessible and safe public transportation that enhances the social and economic quality of life for persons with disabilities; and

**PART 2:** That the City Council hereby finds that the City has received extensive input from, and participation by, the disabled community and transportation providers when creating the Plan.

**PART 3:** That the City Council is in receipt of the specific recommendations of the Disability Issues Review Board and Metropolitan Planning Organization.

**PART 4:** That the City Council hereby approves and adopts the ADA Paratransit Plan for Complementary Paratransit Services attached hereto as Exhibit "A", which is hereby incorporated herein.

**PART 5:** That the City Council hereby finds that adoption of the attached ADA Paratransit Plan for Complementary Paratransit Services is in the public interest.

**PART 6:** That this resolution shall become effective immediately from and after its passage and approval by the City Council.

PASSED AND APPROVED this 12th day of January, A.D., 2011.



BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

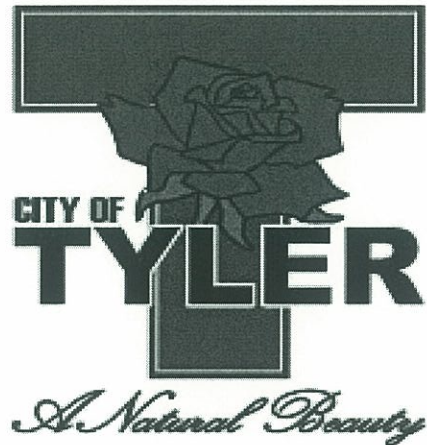
ATTEST:

APPROVED:

  
CASSANDRA BRAGER, CITY CLERK



  
GARY C. LANDERS, CITY ATTORNEY



**ADA Paratransit Plan**  
**For**  
**Complementary Paratransit Services**  
**City of Tyler - Tyler Transit**  
Revised December, 2010

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**Definition of Complementary Paratransit Service**

**The Americans with Disabilities Act regulations require Tyler Transit, as a public entity that operates a fixed route system, to provide complementary paratransit services to individuals with disabilities (that is, service that is comparable to the level of service provided to individuals without disabilities who use the fixed route system). See 49 CFR Sec. 37.131 (a).**

**Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments Act of 2008**

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity and access for persons with disabilities. It provides the general framework and approach for ending discrimination for persons with disabilities. The stated national goals of the ADA are to guarantee that persons with disabilities have equality of opportunity, a chance to fully participate in society, ability to live independently and be economically self-sufficient.

Section 223 of the Americans with Disabilities Act of 1990 requires that public entities that operate non-commuter fixed-route transportation service also provide complementary paratransit service for individuals unable to use the fixed-route system. The regulations define minimum service characteristics that must be met for this service to be considered equivalent to the fixed-route service it is intended to complement. ADA complementary paratransit standards are provided for in 49 CFR §37.123 of the Code of Federal Regulations.

In general, the law prohibits public transit systems from denying individuals with disabilities the opportunity to use public transportation services, if the individuals are capable of using the system. It also prohibits public entities from providing services that discriminate against persons with disabilities. The ADA is an opportunity to develop programs that will ensure the integration of all persons into not just the transportation system of America, but all of the opportunities transportation makes possible. The goal is to ensure non-discriminatory, equitable, accessible and safe public transportation, enhancing the social and economic quality of life for people with disabilities. Specific actions must be taken by public transit agencies to avoid discrimination. For example, the law requires that:

1. All newly purchased or leased vehicles used in fixed-route service must be accessible to persons with disabilities.
2. Public agencies which provide fixed-route public transportation service also must offer similar complementary paratransit services to individuals with disabilities who are unable to use the fixed-route system.
3. New facilities must be accessible.
4. Alterations to facilities must include features to make them accessible.

Tyler Transit complies with all requirements of the Americans with Disabilities Act.