
Study of Transportation Services for Persons with Disabilities

A Report to the
Governor
and the
Legislature of
the State of
Hawai'i

Report No. 92-7
February 1992



THE AUDITOR
STATE OF HAWAII

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OVERVIEW

THE AUDITOR
STATE OF HAWAII

Study of Transportation Services for Persons With Disabilities

Summary

Transportation for persons with disabilities has become a policy issue in Hawaii. Senate Concurrent Resolution No. 37, Senate Draft 1 of 1991 asked the State Auditor to (1) examine transportation policies relating to services to employment, medical care, and day care and (2) recommend policy changes to improve services and ensure compliance with federal law.

The federal, state, and county governments all play a role in providing these services. Two important federal laws—the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA)—prohibit discrimination against persons with disabilities and require transportation vehicles and facilities to be accessible to them. The State provides some services directly, but it serves mainly as a source of financial support for private and public agencies through purchase of service agreements, grants-in-aid, and contracts. The counties are the primary providers of transportation services for persons with disabilities, either directly or through private providers.

We found that there is no unified state policy on transportation services for persons with disabilities. Policies are scattered among many documents and sources, both legal and administrative. Created at different times and in response to different circumstances, these policies lack cohesion. There is no single statement clearly delineating the State's overall responsibility in this area. Similarly, county policies in this area are not unified or cohesive.

Final rules implementing the ADA were only recently issued by the U.S. Department of Transportation. The ADA mandates are quite detailed in requiring state and local governments to provide paratransit or other special services to persons with disabilities. We found that the State and the counties have not yet developed policies on transportation services to address the act. Thus we could not assess the extent to which state and county policies comply with the federal law. County plans for complying with the ADA would be an important first step in strengthening existing transportation policies and procedures.

Recommendations and Response

We recommend that the Legislature clarify the role of the State regarding its responsibility for supporting transportation services for persons with disabilities. This policy should be consistent with the Americans with Disabilities Act. We also recommend that the Legislature appropriate resources to the counties to augment and strengthen existing transportation services and help the counties meet the requirements of the ADA, while leaving operations with county and private providers. Several options were presented in the report on how the State and the counties could carry out their respective responsibilities.

The Department of Transportation, the City and County of Honolulu, the County of Kauai, the Commission on Persons with Disabilities, and the State Planning Council on Developmental Disabilities share our view that the state should finance and the counties should implement transportation services for persons with disabilities. Some agree with options set forth in our report--for example having the commission review and monitor county transportation plans--and some suggest other options such as grassroots development of a county plan with links to the Department of Transportation, or establishing a special transportation commission attached to the commission.

The Department of Health and the County of Maui did not submit responses to the draft of this report.

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Submitted by

THE AUDITOR
STATE OF HAWAII

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Foreword

This report was prepared in response to Senate Concurrent Resolution No. 37, Senate Draft 1 of 1991. The resolution requested the State Auditor to examine current transportation policies relating to services for persons with disabilities and to recommend policy changes to improve services and ensure compliance with federal law.

We wish to acknowledge the cooperation and assistance extended to us by the Department of Transportation; Department of Health; Department of Human Services; Commission on Persons with Disabilities; State Planning Council on Developmental Disabilities; City and County of Honolulu; County of Maui; County of Kauai; County of Hawaii; and others whom we contacted during the course of the study.

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Acting Auditor
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Chapter 1

Introduction

Transportation for persons with disabilities has become a policy issue in Hawaii. A plan of the Commission on Persons with Disabilities calls for modes of transportation that are more adequate and accessible, enabling people with disabilities to work, use community resources, and participate in social activities.¹ The State Planning Council on Developmental Disabilities summarized the issue in this way: "Without adequate transportation, these persons cannot attend school, become employed, and generally enjoy life within this state."² Better access to transportation is also among the requirements of the Americans with Disabilities Act, a new law enacted by the federal government.

To address these concerns, Senate Concurrent Resolution No. 37, S.D. 1 (1991) asked the Auditor to conduct a study that would (1) examine current transportation policies relating to services to employment, medical care, and day activities for persons with disabilities, and (2) recommend policy changes to improve services and ensure compliance with the federal law. The purpose of the resolution was to develop a coordinated statewide program of transportation services. Legislative committee reports said that providing these services is primarily the State's responsibility and acknowledged the pressing need for better services in the rural areas.

Objectives of the Study

1. Identify the transportation services available for persons with disabilities in Hawaii.
2. Analyze current policies relating to the provision of these services.
3. Assess whether these policies are designed to ensure the State's compliance with the transportation requirements of the Americans with Disabilities Act.
4. Develop appropriate recommendations to clarify and strengthen transportation policies for persons with disabilities in Hawaii.

Scope and Methodology

Our focus was on ground transportation services because these were a primary concern for the supporters of Senate Concurrent Resolution No. 37. We did not study public school transportation because the

resolution was limited to transportation for employment, medical care, and day activities, and because the Americans with Disabilities Act—a primary concern of the resolution—specifically excludes public school transportation from its jurisdiction.

For the first objective, we obtained descriptive information on special ground transportation services supported or furnished by the State, the counties, and private agencies.

For the second objective, we identified and examined relevant policies in the Hawaii State Constitution, the Hawaii Revised Statutes, legislative reports, state plans, county ordinances, county plans, and other policy statements. We did not study the operations of specific transportation services such as Handi-Van or other similar operations.

To meet the third objective, we examined the ground transportation policies and services requirements in the Americans with Disabilities Act and the extent to which state and county policies comply with these requirements.

For the fourth objective, we looked at the roles and responsibilities of the State and the counties and what would be needed to clarify and strengthen the policies.

Our research encompassed a review of the literature, interviews with agency personnel and other knowledgeable people, and an examination of policy documents. We interviewed appropriate public officials from all the counties and from the state departments of transportation, health, human services, and accounting and general services. We included in our interviews the Commission on Persons with Disabilities, the State Planning Council on Developmental Disabilities, and the Executive Office on Aging. We also contacted advocacy agencies for the disabled, providers of special transportation services, and persons who use the services. Additional information was obtained from other states and from national organizations.

Our work was conducted from June to December 1991.

Chapter 2

Background

In this chapter, we review the roles of the federal, state, and county governments in providing transportation services for persons with disabilities, and we identify some of the services available in Hawaii.

Federal Role

Two important federal laws—the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA)—prohibit discrimination against persons with “transportation handicaps” and require transportation facilities to be accessible. Transportation handicaps can range from having to use a wheelchair to having difficulty in climbing stairs, reading signs, hearing announcements, or understanding transit information. Section 504 of the Rehabilitation Act prohibits the federal government and federally assisted programs from discriminating against the handicapped.

Moreover, federal laws set national transportation policy for specific groups. For example, the Urban Mass Transportation Act (UMTA) declares that it is “national policy” for elderly and handicapped persons to have the same right to mass transportation facilities as other people. Special efforts must be made to plan and design accessible facilities.

The enactment of the Americans with Disabilities Act on July 26, 1990, was hailed as an historic landmark for people with disabilities. According to Congress, approximately 43 million Americans have one or more physical or mental disabilities. Discrimination against these individuals in such areas as employment, housing, public accommodations, education, and transportation, continues to be a serious and pervasive social problem. Congress also acknowledged that unlike those who have experienced discrimination on the basis of race, color, sex, national origin, religion, or age, individuals with disabilities often have no legal recourse for redress.

The Americans with Disabilities Act defines *disability* as (1) a physical or mental impairment that substantially limits one or more of the major life activities of that person, (2) a record of such an impairment, or (3) being regarded as having such an impairment. The purposes of the act are as follows:

- To provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;

- to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;
- to ensure that the federal government plays a central role in enforcing the standards established in the act on behalf of individuals with disabilities; and
- to invoke the sweep of congressional authority, including the power to enforce the Fourteenth Amendment and to regulate commerce, in order to address the major areas of discrimination faced by people with disabilities.

The act focuses on four major areas. Title I deals with employment. It prohibits, for example, employers with 15 or more employees from discriminating against qualified individuals with disabilities. Title II deals with public services. State and local governments may not discriminate against qualified individuals with disabilities; newly constructed state and local government buildings must be accessible; and alterations to existing state and local government buildings must be done in an accessible manner. New transportation requirements are also listed under this title.

Title III deals with public accommodations. Restaurants, hotels, theaters, shopping centers and malls, retail stores, museums, libraries, parks, private schools, day care centers, and other similar places may not discriminate on the basis of disability. Title IV covers telecommunications. Telephone companies, for example, must provide telecommunications relay services for hearing-impaired and speech-impaired individuals 24 hours per day.

Enumerated here are some of the major transportation requirements. The next chapter will discuss ramifications for the State.

- New bus and train stations must be accessible.
- When alterations can affect the accessibility of primary areas of a transit facility, an accessible path of travel must be provided to the altered areas. Restrooms, drinking fountains, and telephones serving the altered areas must also be accessible.
- New buses and rail cars ordered after August 26, 1990, must be accessible.
- Existing rail systems must have one accessible car per train by July 26, 1995.

- Key stations in rapid, light, and commuter rail systems must be made accessible by July 26, 1993, with extensions up to 20 years for commuter rail and 30 years for rapid and light rail.
 - Unless an undue financial burden would result, transit authorities must provide comparable paratransit or other special transportation services to individuals with disabilities who cannot use fixed-route bus systems.
-

State Role

The right of the State to care for persons with disabilities is well-established in Hawaii law. The Hawaii State Constitution gives the State power to provide for the treatment and rehabilitation of handicapped persons. Several state statutes also are relevant: for example, Section 333F-21, HRS, authorizes the director of health, under certain circumstances, to provide transportation services to developmentally disabled persons residing in community-based homes.

The State funds some special transportation services through state-operated programs or through purchases of service. For example, the Community Services for the Developmentally Disabled Branch of the Department of Health provides some transportation for developmentally disabled or mentally retarded persons. Purchase of service and grant-in-aid funds amounted to approximately \$1.7 million in FY1991-92 and \$1.3 million in FY1992-93. These funds went to county agencies for economic opportunity and elderly affairs. Several nonprofit organizations that provide special transportation services also received funding.

County Role

The counties are the primary providers of transportation services for persons with disabilities, either directly or through private providers.

City and County of Honolulu

The City and County of Honolulu furnishes transportation for persons with disabilities through a fixed-route public transit system known as TheBus, and through TheHandi-Van system, which provides service on demand to persons who are unable to use TheBus.

TheBus

The primary means of public transportation on Oahu, TheBus serves the entire island and provides urban, rural, and express bus services. The system consists of about 475 buses, two operating garages, 65 bus

routes, and approximately 1,200 workers. TheBus is one of the nation's most highly utilized fixed-route systems.

Elderly and handicapped persons have the option of paying \$15 for a four-year bus pass or \$6 for an identification card good for four years of half-priced bus rides.

TheHandi-Van

TheHandi-Van system provides curb-to-curb service subsidized by the City and County of Honolulu and contracted out to a private company. When first established in 1977, TheHandi-Van operated only within urban Honolulu on weekdays between 6:00 a.m. to 6:00 p.m. Now it runs island-wide seven days a week. Weekend and holiday service was added in 1986, and evening service began in 1989.

Private agencies

Several private, nonprofit agencies on Oahu provide transportation services for clients who are often persons with disabilities. Catholic Charities, for example, provides transportation to persons aged 60 or older, enabling them to participate in nutritional programs, obtain medical care, and engage in recreational and social activities. The Hawaii Association for Retarded Citizens owns and operates several vans to support the agency's residential home program and other activities. Examples of other nonprofit agencies on Oahu providing similar kinds of transportation include the Easter Seal Society, the Hawaii Centers for Independent Living, the Lanakila Rehabilitation Center, and the Rehabilitation Hospital of the Pacific.

Generally, the transportation services are somewhat limited. Most organizations own few vehicles and usually restrict transportation to program clients.

County of Maui

Maui County has no public transportation system, but several private nonprofit organizations provide transportation for persons with disabilities. Maui Economic Opportunity, Inc. (MEO), a private nonprofit community action agency serving low-income, elderly, and disabled persons in Maui County, is probably the largest service provider. It operates a fleet of about 28 vehicles, some equipped with wheelchair lifts, to transport elderly persons and persons with disabilities to medical and educational facilities, social and recreational programs, and county dining sites. MEO also provides limited transportation on the islands of Molokai and Lanai.

Examples of other nonprofit agencies providing transportation include the Maui Center for Independent Living and the Maui Association for Retarded Citizens.

County of Kauai

The County of Kauai Transportation Office and Office of Elderly Affairs together operate a fixed-route bus service, The Kaua'i Bus, as a demonstration project serving selected areas of the island. Starting in April 1991, the Transportation Office began issuing passes to persons with disabilities, allowing them to ride The Kaua'i Bus at the reduced fare of 50 cents per ride. Elderly riders are also entitled to reduced fares and are issued special senior identification cards.

Also through the Office of Elderly Affairs, the county provides a door-to-door van service on demand for elderly persons and persons with disabilities. Clients are transported to work, medical facilities, and social/recreational programs. Other private nonprofit agencies providing similar transportation services include, for example, the Kauai Center for Independent Living, the Association for Retarded Citizens of Kauai, and the Easter Seals.

County of Hawaii

The Hawaii County Mass Transportation Agency administers the island's "Hele-On" public bus system, a fixed-route, scheduled bus service with seven routes. Two private contractors operate the service, using ten 42-passenger buses. The Hawaii County Economic Opportunity Council operates the Kau to Hilo route; Express Employment operates the remaining routes. The contractors provide drivers and the county administers the contracts, provides vehicles, maintenance, fuel, and liability insurance, and sets schedules and fares.

Hawaii County also provides transportation on demand for elderly persons and persons with disabilities. The Elderly Activities Division of the Hawaii County Parks and Recreation Department operates the curb-to-curb service, which runs from 7:00 a.m. to 4:30 p.m. Monday through Friday (no service on public holidays). Reservations must be made at least one day in advance. This service is available only in the Hilo and Kona areas.

A number of private nonprofit agencies on the Big Island also provide transportation. One is the Hawaii County Economic Opportunity Council, which provides low-income, elderly, and disabled individuals a variety of services including transportation. Other agencies providing transportation, usually limited to their own clientele, include, for example, the Big Island Center for Independent Living, the Brantley Center, the Hilo Association for Retarded Citizens, the Hilo Day Activity Center, and Kona Krafts.

Chapter 3

Assessment of Transportation Policies

In our assessment, we give particular attention to the different, but shared, roles of the State and the counties in providing transportation to persons with disabilities and the impact of the federal Americans with Disabilities Act on these roles.

Summary of Findings

1. State policies on transportation services for persons with disabilities are scattered among many sources. We found no basic policy statement delineating the State's responsibility in this area.
2. The state and counties have yet to develop policies to address the transportation requirements of the Americans with Disabilities Act.

State Policies

There is no unified state policy in the area of transportation services for persons with disabilities. Policies with some bearing on this issue are scattered among many documents and sources, both legal and administrative. They appear in the Hawaii State Constitution, in over a dozen references throughout the Hawaii Revised Statutes, and in the Hawaii Administrative Rules. State functional plans contain them, as do state contract agreements, agency reports, and plans. Created at different times and in response to different circumstances, these policies lack cohesion. There is no single statement delineating the State's many responsibilities in the transportation area.

State law

The State Constitution, Article IX, Section 2, contains a broad statement empowering the State to provide for the treatment and rehabilitation of handicapped persons. The statement does not specify transportation services as an entitlement.

The statutes touch on various aspects of the issue, though not in a unified manner. Sections 368-1 and 368-1.5, for example, are general statements prohibiting discrimination based on race, color, religion, age, sex, marital status, national origin, ancestry, and handicapped status. Section 51-1 says the counties are responsible for constructing, maintaining, and operating mass transit systems. Sections 348-1 and 348-2 say that the Department of Human Services is the agency to provide the "vocational rehabilitation service" of transportation.

Section 333F-1, on the other hand, authorizes the Department of Health to provide transportation to persons who are developmentally disabled or mentally retarded. (See the appendix of this report for a summary of these and other statutes.)

Administrative rules

The Hawaii Administrative Rules also contain a few provisions. The Department of Health has rules regarding community services for the developmentally disabled, but no transportation requirements. The Department of Transportation has rules dealing with parking for disabled persons. The Department of Human Services has rules providing for the payment of transportation costs for clients of its medical assistance program and rules permitting the department to provide transportation, including travel costs, for clients of its vocational rehabilitation programs.

Functional plans

According to the State Transportation Functional Plan, persons with disabilities must have access to transportation without being subject to unnecessary delays, health or safety hazards, or undue attention. The plan recognizes the need to modernize and improve the existing system and to design and construct new systems in accordance with existing master plans and with laws protecting people with disabilities. The plan also acknowledges, in a general manner, the requirements of the Americans with Disabilities Act.

The Human Services Functional Plan covers elderly clients who may be at risk for institutionalization. To avoid unnecessary institutionalization, the plan acknowledges the need for an array of services, including transportation. Transportation is important, according to the plan, because it links clients to virtually all other services. Such linkage is important in rural areas where resources are limited and public transportation is often lacking. The plan proposes the grouping of facilities as one means of addressing the transportation problem. On Molokai, for example, there is a plan to consolidate state facilities in a new civic center.

State contracts

Various contracts between the State and private nonprofit providers of transportation contain policy-related language, directed usually at specific groups. For example, under the agreement between the Department of Human Services and the Hawaii County Economic Opportunity Council, the council provides transportation to various programs and facilities for mentally and physically handicapped individuals. Another example is a state contract under which Maui Economic Opportunity, Inc., provides transportation services for the Hale Hauoli Day Activity Center on Maui.

State agencies

Some state agencies have developed policy-like statements and objectives on transportation for persons with disabilities. The State Planning Council on Developmental Disabilities is required by state and federal law to plan, evaluate, monitor, coordinate, and advocate for services for developmentally disabled persons in Hawaii. In its 1990 report, *Visions*, the council included transportation among seven major issues. It said that high priority should be given to developing an adequate and accessible mixed transportation system for the counties of Maui, Kauai, and Hawaii. The existing paratransit system on Oahu (Handi-Van) should be strengthened, and parking and transit system regulations need to be enforced.

The Commission on Persons with Disabilities works to integrate persons with disabilities into society. In 1990, the commission developed a *Plan of Action: 1990-1995* which formalized the commission's policy statements and established steps to implement commission goals and objectives. According to the plan, persons with disabilities must have accessible and adequate modes of transportation in order to secure and maintain their employment, use community resources, and participate in social activities.

Transportation objectives of the commission are as follows:

- Improve the understanding and responsiveness of transportation service providers to better serve persons with disabilities;
- Advocate for transportation to be included as part of planning and implementing programs and services for persons with disabilities;
- Promote transportation systems that are properly equipped and readily available for use by persons with disabilities; and
- Seek more parking stalls designated for persons with disabilities and strengthen the enforcement of policies relating to their proper use.

County Policies

A handful of formal transportation policies for persons with disabilities are found in county ordinances, within county general plans, and in contract agreements with private nonprofit transportation providers. Like the state policies, these are not unified and lack cohesion.

County ordinances

City and County of Honolulu Ordinance 77-43 establishes a special transit system, TheHandi-Van, for handicapped persons unable to use TheBus. The ordinance authorizes the director of the Department of Transportation Services, subject to review and approval by the city council, to establish the special transit service. Access is restricted to those who are certified by the department to be “mobility-handicapped.” Related ordinances deal with operations, fare setting, and eligibility requirements.

Other policy statements appear in Honolulu’s *General Plan*. One objective is to “create a transportation system which will enable people and goods to move safely, efficiently, and at a reasonable cost; serve all people, including the poor, the elderly, and the physically handicapped; and offer a variety of attractive and convenient modes of travel.”¹

County contracts

One example of a contract incorporating policies is that between the City and County of Honolulu and the Catholic Charities of the Diocese of Honolulu. Catholic Charities is responsible for providing transportation to those unable to use the existing transportation system. These are mainly elderly persons, including those who are confined to wheelchairs or who have other disabilities.

Another example is a contract by the County of Maui with Maui Economic Opportunity, Inc., for transportation for Head Start children, for persons who are mentally retarded or who have other disabilities, and elderly persons participating in various programs and services.

Creating an Appropriate State Role

We found no policy statement delineating the State’s responsibility in providing transportation services to persons with disabilities. The Legislature, we believe, is in the best position to resolve the question. We believe that the State’s role is to establish an overarching policy on transportation services to the disabled and to provide financial support for such services to the counties. The role of the counties is to plan and implement these transportation services.

As noted earlier, most publicly funded transportation services for persons with disabilities are provided by the counties, both directly and through contracts with private providers. Although the State does provide some services directly, it serves mainly as funding source for private and public agencies through purchase of service agreements, grants-in-aid, and contracts.

The broad statement of the Constitution and the specific provisions of the statutes already provide the legal foundation for the state's involvement.

The Legislature has also indicated this intent. In supporting Senate Concurrent Resolution No. 37, S.D. 1 (1991), which authorizes this study, the Senate Committees on Transportation and Intergovernmental Relations and Health and Human Services both affirmed the State's responsibility in this area:

Your Committees find that the provision of transportation services for persons with disabilities is primarily the responsibility of the State. In the absence of adequate transportation services the State cannot ensure that all persons with disabilities have the opportunity to be socially and economically functional and independent.²

The House Committee on Legislative Management similarly stated as follows:

Your Committee finds that provision of transportation services for persons with disabilities is primarily the responsibility of the State, and that there is a particularly severe need for such services in the rural areas of the state.³

Supporting the county role

The State, we believe, could increase its financial commitment while leaving operations with the counties and private providers. The counties' appropriate role is to continue to deliver transportation services. They have had many years' experience in that capacity. They have a better understanding of what is needed at the local level. They know firsthand the difficulties involved and the improvements needed.

For years the counties have struggled to operate and maintain their limited transportation systems. Although the State has provided some funding, it is not enough. If the counties are to improve their services and meet the new ADA requirements, they will need the resources only the State can provide.

State resources could augment and strengthen transportation services on all the islands. According to some users and providers, existing transportation systems are often inadequate, even nonexistent, especially in rural areas. Among the most pressing problems, they cite the insufficient number of vehicles, inadequate and outdated equipment, too few drivers—many of them undertrained—long waits for pickups, unreasonably long rides, and the difficulty of obtaining reservations.

Even TheHandi-Van, largest of the county's special systems, may need more support. Testimony at a November 1991 meeting of the Committee on Transportation and Government Operations of the Honolulu City Council catalogued persistent problems and called for stronger financial support to cover, for example, purchasing additional vehicles and raising drivers' pay.

On the neighbor islands, the State Planning Council on Developmental Disabilities reports that the major issues include a lack of financial support for the counties, an absence of clear plans for providing these services, and a lack of quality services. In a letter to the director of the state Department of Transportation, the council stated:

In the federally mandated assessment of services . . . the Council found a serious lack of transportation services on all islands. The Neighbor Island problem was so severe that one of our recommendations was that "the development of a mixed transportation system for persons with developmental disabilities for the Counties of Hawaii, Maui, and Kauai should be a state priority."⁴

There is little question that additional resources are needed. The specialized transportation systems in each of the counties can probably be improved with legislative assistance.

Mechanism for increased funding to counties

As a condition for providing additional support, the Legislature might consider requiring each county to develop a plan for special transportation services. These plans would address such issues as geographical area to be covered, size and characteristics of target population, needs assessment, strategies for service delivery, specific procedures or plans to meet ADA requirements, available resources, and additional resources needed.

We believe the counties and the Legislature would both benefit from this approach. The counties would continue to have the flexibility and independence to develop, operate, and maintain special transportation systems uniquely fitted to the needs of the particular county. At the same time, the Legislature would have better oversight of these systems. The legislative requirement for transportation plans as a condition of funding would also encourage the counties to develop better organized programs and more adequate services.

Options for implementation

We suggest three alternatives to the Legislature. One option would be for the Legislature to review these county plans and fund the counties directly.

Another option would be to create by statute a new state policymaking and coordinating body. Following a Florida model that may be appropriate here, a special transportation commission would be administratively attached to the Department of Transportation. Membership would consist of representatives from executive departments, persons with disabilities, advocacy groups, and providers. The commission would compile information regarding transportation services for persons with disabilities; establish statewide objectives, policies, and procedures; develop specific rules to implement relevant state statutes; identify problems and barriers; prepare a statewide five-year special transportation plan; and coordinate all specialized transportation programs.

A third alternative would be to use the available experience and technical expertise of an already existing state agency, for example, the State Commission on Persons with Disabilities. The commission could assist the Legislature by reviewing the county transportation plans, making appropriate funding recommendations, and monitoring and assisting the efforts of the counties.

Americans With Disabilities Act (ADA)

State and county policies on transportation services for persons with disabilities have not yet been developed to address the requirements of the Americans with Disabilities Act (ADA). We were therefore unable to assess the extent to which policies comply with the federal law.

The U.S. Department of Transportation issued final rules implementing the transportation provisions of the ADA in September 1991. The rules cover the acquisition of accessible vehicles by public and private entities, the requirements for complementary paratransit service by public entities operating fixed route systems, and the provision of accessible transportation services.

Since the law and the rules are so new, it is not surprising that neither the State nor the counties have developed formal policies and procedures to address them.

We note that ADA requirements regarding paratransit systems should be of special interest to the State and the counties. Under the new law, state or local governments operating fixed-route systems must provide paratransit or other special services to persons with disabilities who are unable to use the regular fixed-route transit system. Paratransit services must be comparable to the level of service provided persons without disabilities using the fixed-route system.

Public entities responsible for providing complementary paratransit services are required to develop a paratransit plan by January 26, 1992. The plan must provide for full compliance by no later than January 26, 1997, unless the entity receives a waiver based on undue financial burden. In developing the paratransit plan, certain guidelines must be followed. These include the following:

- **Survey of existing services.** A survey of the geographical area to be covered by the plan must identify public or private groups that are providing special transportation.
- **Public participation.** Public participation in developing the paratransit plan must be ensured.
- **Outreach.** Participation by the widest range of persons expected to use paratransit must be encouraged.
- **Consultation with persons with disabilities.** Consultation must begin at an early stage in the development of the plan and persons with disabilities should participate throughout.
- **Opportunity for public comment.** The paratransit plan must be available for public review and comment before it is finalized.
- **Public hearing.** At the minimum, one public hearing must be sponsored to allow the public an opportunity to comment upon the plan.
- **Ongoing requirement.** An ongoing mechanism must be created to ensure the continued participation of persons with disabilities in the development and assessment of paratransit services.

The ADA requires that each paratransit plan contain the following:

- Description of the current fixed route system (service area, route structure, days/hours of service, fare structure, population served, total number of vehicles, percentage of accessible vehicles).
- Inventory of existing paratransit services (including services provided by the public entity submitting the plan or other agencies or organizations).
- Description of the plan to provide comparable paratransit.

- Description of the process used to certify individuals with disabilities as eligible for paratransit.
- Description of the public participation process.

Officials we interviewed on Oahu, Hawaii, and Kauai in August and September 1991 were aware of the ADA requirements and indicated they were in the preliminary stages of developing their plans. These plans, we believe, will be a necessary first step in augmenting and strengthening existing transportation policies and procedures.

Recommendations

1. The Legislature should clarify the role of the State regarding its responsibility for supporting transportation services for persons with disabilities. The policy should be consistent with those in the Americans with Disabilities Act.
2. In concert with making clear the State's role, the Legislature should appropriate resources to the counties to improve transportation services to persons with disabilities. These resources would augment and strengthen existing transportation services and help the counties meet the requirements of the Americans with Disabilities Act.

Notes

Chapter 1

1. Hawaii, Commission on Persons with Disabilities, *Plan of Action: 1990-1995*, July 1990, p. 7.
2. Hawaii, State Planning Council on Developmental Disabilities, *Report to the Governor on Persons with Developmental Disabilities*, January 1991, p. 4.

Chapter 3

1. City and County of Honolulu, Department of General Planning, *General Plan: Objectives and Policies*, 1988, p. 27.
2. Senate Standing Committee Report No. 1430 on Senate Concurrent Resolution No. 37, Regular Session of 1991.
3. House Standing Committee Report No. 1677 on Senate Concurrent Resolution No. 37, S.D. 1, Regular Session of 1991.
4. Letter to Edward Hirata, Director, Department of Transportation, from David Woll, Chair, State Planning Council on Developmental Disabilities, December 6, 1990.

APPENDIX

LISTING OF RELEVANT TRANSPORTATION POLICIES INCLUDED IN THE HAWAII REVISED STATUTES

- Section 51-1, HRS, grants authority to the counties to construct, maintain, and operate mass transit systems. Mass transit and mass transportation are defined as transportation by bus, or rail, or other conveyance, either publicly or privately owned, which provides to the public general or special service on a regular and continuing basis.
- Section 51D-3, HRS, establishes a transit capital development fund to assist the counties with the capital costs involved in developing a mass transportation system.
- Sections 291-52 and 291-55, HRS, permit the counties to issue parking placards to authorized or certificated persons with disabilities. The placards allow them to park in metered or unmetered parking spaces specially designated for this purpose.
- Section 333F-1, HRS, includes transportation as a service that is authorized and can be provided, either directly or indirectly, by the Department of Health for persons with developmental disabilities or mental retardation. This service is contingent upon the availability of state or federal resources.
- Section 333F-21, HRS, authorizes the director of health to provide services needed to support care giving in community based homes for persons with developmental disabilities. These services may include transportation services not available through existing community resources.
- Section 347-13, HRS, entitles persons who are blind, visually handicapped, or otherwise physically disabled to full and equal accommodations, advantages, facilities, and privileges on all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, or any other public conveyances or modes of transportation.
- Section 347-15, HRS, permits public or private carriers to transport blind persons and their guides and not charge fares.
- Section 347-20, HRS, declares that persons who are blind, visually handicapped, or otherwise physically disabled have the same right as able-bodied persons to the full and free use of streets, highways, sidewalks, walkways, and other public facilities and places.
- Sections 348-1 and 348-2, HRS, identify transportation as a vocational rehabilitation service to be provided by the Department of Human Services to eligible handicapped individuals within the limits of available federal, state, and private funds.
- Sections 368-1 and 368-1.5, HRS, declare discrimination because of race, color, religion, age, sex, marital status, national origin, ancestry, or handicapped status is against public policy. These statutes also prohibit state agencies or programs receiving state financial assistance from discriminating against handicapped persons.

- Sections 489-2 and 489-3, HRS, prohibit unfair discriminatory practices on the basis of race, sex, color, religion, ancestry, or handicapped status in places of public accommodation. These places include facilities providing services relating to travel or transportation.

Responses of the Affected Agencies

Comments on Agency Responses

We transmitted a draft of this study to the Department of Transportation, the Department of Health, the Commission on Persons with Disabilities, the State Planning Council on Developmental Disabilities, the City and County of Honolulu, and the counties of Maui, Kauai, and Hawaii on January 21, 1992. A copy of the transmittal letter to the Department of Transportation is included as Attachment 1. A similar letter was sent to the other agencies and to the counties. The Department of Transportation, the commission, the council, the City and County of Honolulu, and the counties of Kauai and Hawaii submitted written responses which are included as Attachments 2 through 7 respectively. The Department of Health and the County of Maui did not respond.

The Department of Transportation states that the study accurately identifies transportation services available for persons with disabilities. It agrees that recommendations to clarify the state's responsibilities for supporting and appropriating resources for these services would help the counties meet the requirements of the Americans with Disabilities Act.

The City and County of Honolulu supports our recommendation to increase the state's financial commitment while leaving operations with the counties and providers. Honolulu favors having an existing state agency, such as the Commission on Persons with Disabilities, review the county transportation plans, make appropriate funding recommendations, and monitor and assist the efforts of the counties. Honolulu also notes that it recently submitted to the federal government a paratransit plan that complies with the Americans with Disabilities Act.

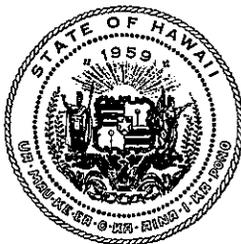
The County of Kauai agrees that the State should clarify its role and support the counties financially; the county's role is to plan and implement services. Kauai favors having each county develop a transportation plan at the grassroots level to be reviewed and funded by the State. Also, Kauai suggests that the local committees could be appointed by the mayor and attached to the State Department of Transportation in order to influence state policy.

The County of Hawaii reviewed our report but did not comment on our recommendations.

The Commission on Persons with Disabilities agrees with us that the Legislature should delineate the State's responsibility. The State's role should be to establish an overarching policy and provide financial support for the counties, with the counties planning and implementing services. The Commission did not fully endorse our report feeling that more details are needed.

The State Planning Council on Developmental Disabilities favors a state policy that (1) says persons with disabilities should have access to transportation services comparable to access by persons without disabilities, and (2) goes beyond the ADA to develop and coordinate transportation services in those areas where there are no services. The Council supports our recommendation that the Legislature appropriate resources to the counties. The Council suggests establishing a special transportation commission, attached to the Commission on Persons with Disabilities, to compile information, establish policies, and coordinate services. The counties would plan and implement services.

STATE OF HAWAII
OFFICE OF THE AUDITOR
465 S. King Street, Room 500
Honolulu, Hawaii 96813



(808) 548-2450
FAX: (808) 548-2693

New numbers as of 12-01-91
(808) 587-0800
FAX: (808) 587-0830

January 21, 1992

C O P Y

The Honorable Rex Johnson
Director of Transportation
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

Dear Mr. Johnson:

Enclosed are two copies, numbered 6 through 7, of our draft report, *Study of Transportation Services for Persons with Disabilities*. We ask that you telephone us by Friday, January 24, 1992, on whether you intend to comment on our recommendations. If you wish your comments to be included in the report, please submit them no later than Friday, January 31, 1992.

Copies of our report have been transmitted to Dr. John Lewin, Director of the Department of Health; the State Commission on Persons with Disabilities; the State Planning Council on Developmental Disabilities; the mayor of the City and County of Honolulu; and the mayors of the counties of Hawaii, Maui, and Kauai. The Governor and presiding officers of the two houses of the Legislature have also been provided copies of this draft report.

Since this report is not in final form and changes may be made to it, access to the report should be restricted to those assisting you in preparing your response. Public release of the report will be made solely by our office and only after the report is published in its final form.

Sincerely,

Marion M. Higa
Acting Auditor

Enclosures

ATTACHMENT 2

JOHN WAIHEE
GOVERNOR



REX D. JOHNSON
DIRECTOR

DEPUTY DIRECTORS
JOYCE T. OMINI
AL PANG
JEANNE K. SCHULTZ
CALVIN M. TSUDA

**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION**

869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 5, 1992

IN REPLY REFER TO:

HWY-P
2.0629

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OFF. OF THE AUDITOR
STATE OF HAWAII

Ms. Marion M. Higa
Acting Auditor
State of Hawaii
Office of the Auditor
465 South King Street
Honolulu, Hawaii 96813

Dear Ms. Higa:

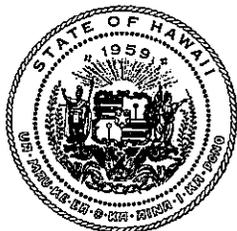
Thank you for permitting us to review your draft report regarding a study of transportation services for persons with disabilities. We find that the report accurately identifies the transportation services available for persons with disabilities in Hawaii. In order for the State of Hawaii to conform with the requirements of the Americans with Disabilities Act of 1990, we agree that persons with disabilities should have better access to transportation services.

The State Department of Transportation has administered the Federal Transit Administration (FTA) funds for the last ten years. The federal funds are allocated to various nonprofit agencies to purchase vehicles to transport persons with disabilities and elderly persons. The nonprofits' share is 20% of the purchase price. These agencies utilize the vehicles to transport their clients to work, school, medical appointments and social outings.

We feel that the recommendations to clarify the State's responsibilities for supporting transportation services for persons with disabilities and for the State to appropriate resources to the counties for transportation of persons with disabilities will help meet the requirements of the Americans with Disabilities Act.

Sincerely,

JR Rex D. Johnson
Director of Transportation



COMMISSION ON PERSONS WITH DISABILITIES

Five Waterfront Plaza, Suite 210, 500 Ala Moana Blvd., Honolulu, HI 96813, Ph. ~~548-7606 (V/TDD)~~
~~548-7795 (FAX)~~
 586-8121 (V/TDD)
 586-8129 (FAX)

February 5, 1992

Ms. Marion M. Higa
 Acting Auditor
 Office of the Auditor
 465 South King Street
 Room 500
 Honolulu, HI 96813

RECEIVED
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 OFC. OF THE AUDITOR
 STATE OF HAWAII

Dear Ms. Higa,

The Commission on Persons with Disabilities wishes to express its concern regarding the draft proposal, "Study of Transportation Services for Persons with Disabilities." It is our regret that the study does not afford additional insight or solutions to the immense problem of the lack of transportation services for persons with disabilities.

The Commission agrees with the conclusions of the report stating that the Legislature should formulate a policy statement delineating the State's responsibility in providing transportation services to persons with disabilities. It should be the State's role to establish an overarching policy on transportation services to persons with disabilities and to provide financial support for such services to the counties. The role of the counties would be to plan and implement these transportation services because of their knowledge and experience at the local level. The State should increase its financial commitment and leave operations to the counties. If the counties are to improve their services and to meet their Americans with Disabilities Act (ADA) requirements, they will need the resources only the State can provide.

However, we find no substance or guidance as to how to implement such a conclusion, nor idea as to the possible cost implications.

The report states these funding alternatives:

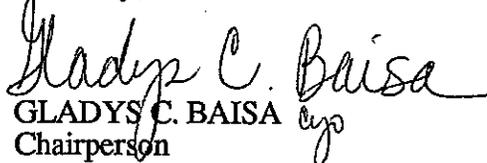
1. The Legislature should review these county plans and fund the counties directly.
2. Create by statute a new State policymaking and coordinating body such as a special transportation commission administratively attached to the Department of Transportation.
3. Use the available experience and technical expertise of an already existing State agency, for example, the Commission on Persons with Disabilities. The Commission could assist the Legislature by reviewing the county transportation plans, making appropriate funding recommendations, and monitoring, and assisting the efforts of the counties.

The report does not provide an analysis of the suggested alternatives in regard to the feasibility of their respective implementation. Alternative No. 1 calls for the Legislature to review the county plans and fund them directly. No mention is made about the estimated costs to the State if the Legislature decides to fund the counties, nor is there a plan for such funding. Thus, it would appear that this alternative would leave funding decisions to the outcomes of haggling during each legislative session. Alternative No. 2 calls for the creation of a new government agency. Again, costs to the State for funding the counties is not mentioned. Even the costs of setting-up and administering such a body are not mentioned, nor are estimates of the number of personnel that will be needed. Thus, with an increasing strain on the State budget, such information is necessary for making any sound decisions. Also significant is the issue of home-rule versus centralization. Would the counties subject themselves to increased State scrutiny? The State-County relationship needs to be spelled out here. Alternative No. 3 calls for an existing agency such as the Commission on Persons with Disabilities to assist the Legislature in administering a program that will require more attention than the Commission can currently afford to pay. If an agency such as the Commission were to assume such responsibilities, more staff would definitely be required. But again, no estimated number of additional personnel is mentioned in the report.

In summary, although the report's recommendations are not objectionable, there is so little substance and the methods of fulfilling them are so vague that a serious Commission endorsement is not possible. The Commission on Persons with Disabilities cannot recommend/select any of the funding alternatives in the absence of cost data. However, we can state that the option of using an existing State agency for funding is more appropriate than creating a new entity. If the Commission is to be designated, it must have additional staff resources, particularly if funding is to be funnelled through its office.

Should you have any questions, please do not hesitate to contact Ms. Francine Wai Lee, Executive Director of the Commission at 586-8121.

Sincerely,


GLADYS C. BAISA
Chairperson



STATE OF HAWAII
 STATE PLANNING COUNCIL
 ON DEVELOPMENTAL DISABILITIES
 FIVE WATERFRONT PLAZA
 500 ALA MOANA BOULEVARD, SUITE 200
 HONOLULU, HAWAII 96813
 TELEPHONE: 548-8482

January 31, 1992

RECEIVED
 JAN 31 1 53 PM '92
 OFC. OF THE AUDITOR
 STATE OF HAWAII

Ms. Marion M. Higa
 State of Hawaii
 Office of the Auditor
 465 S. King Street, Room 500
 Honolulu, Hawaii 96813

Dear Ms. Higa:

The State Planning Council on Developmental Disabilities appreciates the opportunity to respond to the "Study of Transportation Services for Persons with Disabilities." The Council has the responsibility to plan for and set priorities for services to persons with developmental disabilities. Transportation is a state priority area for the Council and is a significant part of the 1992-1994 Hawaii State Plan for Services for People with Developmental Disabilities. Council members were emphatic that efforts in this area be a primary priority. The overall goal for the Council in transportation is to "Promote and support the availability of affordable, accessible and timely transportation services for people with developmental disabilities in both urban and rural areas throughout the state."

We reviewed the draft and offer the following comments:

1. The first objective was to "Identify the transportation services available for persons with disabilities in Hawaii." (Objectives of the Study, p.1). We were disappointed that in fulfilling this objective you were not more specific as to the extent of services and whether they meet needs. Regarding services of private agencies in the City and County of Honolulu, you say, "Generally, the transportation services are somewhat limited.", (p. 6), and later ("Supporting the county role," p. 13) refer to the view of "some users and providers" that existing services are often "inadequate, even non-existent." The lack of specificity as to where

inadequacies lay, for whom, and where there are no services, unfortunately hampers efforts to correct the problem. Without this information clearly stated, the Legislature may see no reason to increase State funding.

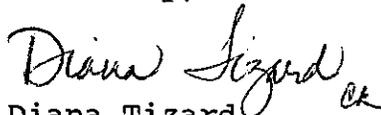
2. We are pleased that you made so clear the fact that there is no united State policy in the area of transportation services for people with disabilities and that the various policies that do exist lack cohesion. However, our understanding is that part of your charge (as specified in SCR 37, 1, 1991) is "to provide recommendations on policy changes to improve services and ensure compliance with federal law." (Underlining ours). It appears (p. 17) that recommendations for policy changes have not been made, rather it is left to the State. It is stated (Creating an Appropriate State Role, p. 12) "We believe that the State's role is to establish an overarching policy for transportation services for the disabled....." However, there are no recommendations regarding who in the State should take the lead, whom they should consult, and what you recommend as a part of the policies that need to be in place. This was a charge and an opportunity to make strong recommendations for improving and developing critically needed services; the report does not do this.
3. We concur that more resources are needed and that county plans would be useful. However, there must be a State policy to guide these plans. We suggest State policy--**at a minimum**--should be that persons with disabilities have access to transportation services comparable to access available to people without disabilities. This is required by the Americans with Disabilities Act of 1990 (ADA). Furthermore, we believe the policy should go beyond ADA requirements to develop and provide transportation services in a coordinated manner in those areas where there are no services. People with disabilities often do not have or cannot use private vehicles and thus cannot "make-do." They will continue to stay at home and out of the mainstream of life without transportation. The State must make a commitment and provide the leadership and resources to see that all its citizens have access to opportunities for learning, work, recreation, and all the other activities that most of its citizens enjoy.

Ms. Marion M. Higa
Page 3
January 31, 1992

4. In regard to Options for Implementation (p. 14), we support a combination of the second and third options. That is, using the Florida model, establish a special transportation commission to compile information, establish policies, and coordinate services, but have it administratively attached to the Commission on Persons with Disabilities. The counties' role, as you recommend on p. 12, would be to plan and implement the transportation services.
5. In regard to the description of the Human Services Functional Plan (Functional Plans, p. 10), which proposes a grouping of facilities as a possibility, we urge caution. Care must be taken to ensure that this kind of strategy does not lead to segregated enclaves of people in housing, work, recreational and other facilities. The grouping of facilities and services to the general population can be useful, but not the grouping or segregating of people.
6. The Council strongly supports the second recommendation (p. 17) for the Legislature to appropriate resources to the counties to improve transportation services to people with disabilities. We recommend clarifying that the State should fund not only capital expenses, as it has been doing, but also operational expenses. We further recommend that appropriations be made to develop transportation services where they do not now exist.
7. We urge "people first" language throughout the document, for example, "people with disabilities" rather than "disabled people."
8. Finally, the Council recommends that policy development at all stages should include people with different kinds of disabilities.

Thank you for your work on this report and the opportunity to comment on the draft.

Sincerely,

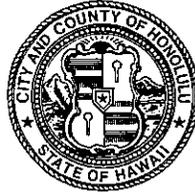


Diana Tizard
Executive Director

DCT/JM:stk

HONOLULU PUBLIC TRANSIT AUTHORITY
CITY AND COUNTY OF HONOLULU

HONOLULU MUNICIPAL BUILDING
650 SOUTH KING STREET
HONOLULU, HAWAII 96813



FRANK F. FASI
MAYOR

February 3, 1992

140-92

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EXECUTIVE DIRECTOR

Ms. Marion M. Higa
Acting Auditor
Office of the Auditor
State of Hawaii
465 South King Street, Room 500
Honolulu, Hawaii 96813

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OFC. OF THE AUDITOR
STATE OF HAWAII

Dear Ms. Higa:

Subject: Draft Report on Study of Transportation
Services for Persons with Disabilities

This is in response to your letter dated January 21, 1992 regarding the above subject matter which was referred by Mayor Fasi for direct reply by the Honolulu Public Transit Authority (HPTA).

The following are our comments to the draft report:

- 1. Page 6. TheHandi-Van.

Please revise the paragraph to indicate that currently TheHandi-Van service operates 6:00 a.m. to 11:00 p.m. on weekdays except holidays and 9:00 a.m. to 11:00 p.m. on weekends and holidays.

- 2. Page 13. Supporting the County role.

The HPTA supports the report's findings: "The State, we believe, could increase its financial commitment while leaving operations with the counties and private providers."

For many years, the City and County of Honolulu has submitted bills to the Legislature requesting State reimbursement of the TheHandi-Van cost attributable to the service provided to State sponsored programs. For example, in 1984, in response to Senate Resolution No. 123, the

Ms. Marion M. Higa
February 3, 1992
Page Two

Department of Social Services and Housing (now Department of Human Services) conducted a study for sharing the cost of providing Handi-Van special transit service for the handicapped. In particular, the study researched the transportation of disabled persons to and from State operated programs on Oahu and developed proposals for determining a fair and equitable distribution of costs of providing transit services for clients of State sponsored programs for the disabled. The study found that, in Fiscal Year 1984, 204,800 disabled clients of State sponsored programs used TheHandi-Van service. (That year, TheHandi-Van carried a total of 370,600 rides.) The study concluded with the following alternative solutions:

- (1) A grant in aid relating to transportation services for State clients to the City and County.
- (2) A continuing general State subsidy to offset operating and maintenance costs of providing transit services to clients of State sponsored programs to the City and County.
- (3) Expansion of the Department of Accounting and General Services specialized transportation program to accommodate all participants of State sponsored programs.
- (4) No action to alter the current situation due to the unresolved legal issue of charging a differential rate to State supported clients.

Our recent projects show that over 50 percent of our Handi-Van riders are participants in State sponsored programs. Based on the above, it is estimated that the State share for the current fiscal year would amount to about \$3 million.

3. Page 14. Options for implementation.

The HPTA supports the draft report's third alternative: "...to use the available experience and technical expertise of an already existing State agency, for example, the State Commission of Persons with Disabilities. The Commission could assist the Legislature by reviewing the County transportation plans, making appropriate funding recommendations, and monitoring and assisting the efforts of the counties."

Ms. Marion M. Higa
February 3, 1992
Page Three

The Commission on Persons with Disabilities is an excellent choice to do the necessary review, recommendation, and monitoring because that agency has already been involved with many of the transit programs of the City and County of Honolulu. The Commission should be given the opportunity to operate any program before an additional policymaking body is created.

4. Page 15. Americans with Disabilities Act (ADA)

The City and County of Honolulu recently completed and submitted to the Federal Transit Administration, formerly known as the Urban Mass Transportation Administration, for review and approval a complementary paratransit plan in compliance with the ADA.

5. Page 17. Recommendations.

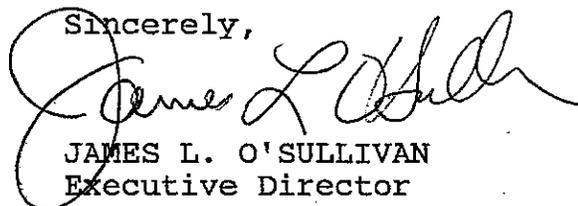
The HPTA agrees that additional resources are necessary to meet the transportation needs of the disabled residents of Hawaii. Our Handi-Van service could certainly use additional resources to meet all of the demand.

The HPTA recommends that the Legislature not limit its financial assistance to the counties to only paratransit services but to include regular fixed route bus services. The ADA requires, in addition to complementary paratransit service, that all newly purchased buses for fixed route service be wheelchair lift or ramp equipped. ADA also requires, besides operator training, passenger training in the use of the wheelchair lift or ramp. Many of the riders currently using TheHandi-Van service are capable of using TheBus provided they are given adequate training in using of TheBus. Together with the above, there will be other cost items such as improvement to the bus stop/sidewalk areas, need for new signs, and so forth.

If there are any questions, please call Mark Kaneshiro at 523-4336.

Thank you for the opportunity to review and comment on your draft report on the Study of Transportation Services for Persons with Disabilities.

Sincerely,



JAMES L. O'SULLIVAN
Executive Director

JoAnn A. Yukimura
Mayor

Gwen S. Hamabata
Administrative Assistant



4396 Rice Street, Suite 101
Lihue, Hawaii 96766

(808) 245-3385
FAX: (808) 246-4620

OFFICE OF THE MAYOR

January 30, 1992

Marion M. Higa
Acting Auditor
State of Hawaii
465 S. King Street, Room 500
Honolulu, HI 96813

RECEIVED
FEB 3 11 25 AM '92
OFC. OF THE AUDITOR
STATE OF HAWAII

Dear Mr. Higa:

Thank you for the opportunity to review and provide input to your draft report, Study of Transportation Services for Persons with Disabilities. I requested that the Mayor's Advisory Committee on Persons with Disabilities review the draft and their comments are attached.

I concur with my committee's assessment of the need to have the Counties involved in the planning process and to have the local input be incorporated in the decision-making process.

Thank you again for including us in this review process.

Sincerely,


JoAnn A. Yukimura
Mayor

**MAYOR'S ADVISORY COMMITTEE
FOR PEOPLE WITH DISABILITIES**

Memo

Date: January 29, 1992
To: Mayor *John* Yukimura
From: Suzanne *Kashiwada*, Chairperson
Subject: Study of Transportation Services for Persons with Disabilities

The MACPD reviewed the transportation study yesterday and wish to offer the following comments which are presented in relation to the four objectives of the study:

1. Identification of transportation services.

While we are cognizant of the limits of the resolution asking for the study, we believe that the school transportation system ought to have been included. This may be a key piece for smaller rural areas like Kauai to develop a coordinated transportation system that uses all resources whether private or public.

2. Analysis of current policies.

We agreed that all relevant federal, state and county laws, policies, administrative rules, plans and contracts were identified and examined.

3. Assessment of these policies to assure compliance with ADA.

We concur that a statewide policy regarding transportation is needed and that State and County roles need to be clarified. The study implies that the State's role is to establish such a policy and to provide financial support to the counties for transportation services, and that the County's role is to plan and implement services. We fully agree with these general roles and recommend that input and feedback from the counties and consumers be an integral part in developing the policy.

4. Recommendations to clarify and strengthen transportation policies.

Three alternatives were suggested for implementation. We'd like to offer a fourth which combines the strengths of the original three options. Each county should be required to develop its own transportation plan to be reviewed and funded by the State. The process of developing that plan ought to be at the grassroots level (which is why we oppose the creation of another centralized commission). Key to developing that plan would be local transportation committees that are consumer oriented and include persons with various disabilities, advocacy groups, representatives of consumer groups or agencies, and public and private transportation providers. Existing resources need to be utilized as consultants and/or facilitators (i.e. Commission on Persons with

Disabilities).

The other concern was that of effectiveness and positive action. What assurance does the counties have that monies will be made available or that the recommendations of the counties will be followed up on by the state? It seems that the county and state need to establish clear roles and procedures in order to coordinate interagency efforts and to followup. One suggestion that the Office of the Auditor may want to consider is having the members of the local committees be appointed by the Mayor and attached to the Department of Transportation for staff support and to influence state policy making decisions. Intergovernmental memos of agreement should also be explored. We felt that issues such as liability needs to be dealt with at the state level.

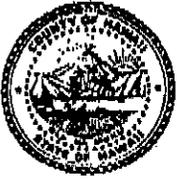
Other comments: Many of us were involved in a transportation committee some years back to address the transportation needs of people with disabilities. The lessons learned from our experiences are reflected in our comments. Local consumer oriented groups would best know what needs to be done and if the advisory group included key players, implementation would be much smoother. The problem with local committees is that we have no real political clout with the state. For example, we identified liability as the major barrier to a coordinated transportation system involving private and public providers and reported that to the State Developmental Disabilities Council. Nothing was done. Local committees need to be attached to a state entity that has power of funding and/or legislation.

Also, the county paratransit plan required by ADA by 1/26/92 has not been done and according to Ellie Lloyd, all the neighbor island counties are asking for an extension. This Committee would like to be involved in the planning process.

Lorraine R. Inouye
Mayor

Barry T. Mizuno
Managing Director

David Fuertes
Deputy Managing Director



Office of the Mayor

County of Hawaii • 25 Aupuni Street, Rm. 213 • Hilo, Hawaii 96720 • (808) 961-8211 • Fax (808) 961-6553

February 5, 1992

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FEB 5 3 03 PM '92

OFF. OF THE AUDITOR
STATE OF HAWAII

Ms. Marion M. Higa
Acting Auditor
Office of the Auditor
State of Hawaii
465 S. King Street, Room 500
Honolulu, HI 96813

Dear Ms. Higa:

Thank you for your letter of January 21, 1992, which included copies of your draft report, Study of Transportation Services for Persons with Disabilities.

We have reviewed both copies, numbered 16 through 17, and concur with your recommendations. The following are updated information on Hawaii County's role of transportation services for persons with disabilities, either directly or through private providers.

On page 7 of both copies, H. M. Black, whose company is Express Employment, replaces Laupahoehoe Transportation Company in operating the remaining routes. Also, the County now provides the liability insurance instead of the contractors, who still provide the drivers.

These are the only changes to be included in your report.

Aloha,

[Handwritten Signature]
Lorraine R. Inouye
Mayor

