



**There is still time to Register for the Annual Meeting & Awards Luncheon: June 22 at Indian Hill Country Club, Newington**  
*Luncheon Registration Form, Sponsorship Form & Excellence in Transportation Award Form available on our website [www.cact.info](http://www.cact.info) under CACT Calendar At a Glance, front page left*

## June 2016 Newsletter

Issue 6

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*A United Voice for Public  
Transportation in Connecticut*



### Understanding ADA Workshop

Paul J. Larrousse, Director of the National Transit Institute in the Edward J. Bloustein School of Planning and Public Policy at Rutgers University presented an overview of ADA regulations at the *Understanding ADA* workshop held on April 20<sup>th</sup> at Greater Hartford Transit District. "I've been dealing with the ADA for years in it's various forms..." said Paul, "ADA laws have been around for 26 years and only amended once in 2008." Paul stressed the need to "document, document, document all situations."

### Advanced Mobility Device Securement Skills Development Workshop

There are still a few spots left for the workshop which is being held on., Jun. 6 & Tues. Jun. 7, 2016, 8:30 -4:30 am at Greater New Haven Transit District, 1014 Sherman Ave., Hamden. To register please email Executive Director Mary Tomolonius at [mary.cact@yahoo.com](mailto:mary.cact@yahoo.com).

### Transit Roundtable held in Clinton



On May 18<sup>th</sup>, CACT and Transit for CT sponsored the latest in their series of Transit Roundtables at the Clinton Town Hall. Karen Burnaska welcomed everyone. First Selectman Bruce Farmer gave the opening remarks noting "Clinton has various transportation options available including 9 Town Transit, Shoreline East and the train station" although they need more transportation options for an aging population and medical appointments.

Gerry Dyar, Middlesex Chamber of Commerce, Transportation Committee Chairman noted his life long interest in transit which led him to be on various study committees as well becoming a 10-year advocate for the Westbrook Train Station. "Transit drives economic development," he noted and "accessible mass transit is important for large businesses." Gerry said he was very disappointed by the legislatures inability to move the lockbox amendment so the public could vote on it in November.

Estuary Transit District Executive Director Joe Comerford said his ridership has doubled in the past 7 years. The district connects to 4 bus systems all for \$1.50 and serves 4 Shoreline East stations. Kennedy Center Senior Mobility Trainer Valerie Rienk said that travel training as been in business since 1991 and is a free service. Participants learn to travel, learn schedules, manage their time, their money, transit rules and what to do in an emergency.

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## CACT Golf Tournament in September



The Annual CACT Golf Tournament will take place on September 20 at Blue Fox Run Golf Course in Avon, CT. So mark your calendars. This year will be bigger and better with more prizes, etc. So mark your calendar!



## CACT Golf Scholarship

The CACT *Golf Scholarship* will be presented at the Annual Meeting in June. Established in 2016, a \$500 scholarship will be awarded to a CACT member or family member, who enrolls in a transit related course, and demonstrates the desire to use his or her talents to enhance their career interest in the transportation industry. Applications will be blindly reviewed by the CACT Executive Board and the award will be presented at our Annual Meeting on June 22, 2016. The applications are available at [www.cact.info](http://www.cact.info) or you can contact Mary Tomolonius at [mary.cact@yahoo.com](mailto:mary.cact@yahoo.com) for an application.

## Calendar

- **Mon. & Tues, Jun. 6 & 7, 2016, 8:30 am-4:30 pm, *Advanced Mobility Device Securement Workshop***, Greater New Haven Transit District, 1014 Sherman Ave., Hamden
- **Sun. June 12, 2016, 8:00 am – 2:00 pm, *2016 Connecticut Statewide Transit Roadeo***, Buckland Commuter Park & Ride lot in Manchester
- **Wed., June 22, 2016, 11:30 am – 1:30 pm, (registration 11:30, program starts at 12 noon) *Annual Meeting & Awards Luncheon***, Indian Hill Country Club, 1 Golf Rd, Newington
- **Tues., Sept. 20, 2016, 9:00 am (registration 8:30 am), *CACT Annual Golf Tournament***, Blue Fox Run Golf Course, 65 Nod Rd., Avon

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## Transit Roundtable

Estuary Council of Seniors Executive Director Paul Doyle noted his agency has 3 paid staff members, 4 vehicles along with a mostly volunteer staff. “There is a growing need for chemo/radiation and dialysis transportation” he noted. Presently he is working with veterans to get them to veteran centers in Newington and Farmington. RiverCOG Executive Director Sam Gold said “businesses need to think about how workers are going to get to the business before building their facility.” The 9 state COG’s responsibilities include regional planning, transportation planning, assist transit agencies, towns and funding sources.

Shannon Laun from CFE said that New York City has the lowest carbon foot print because it is densely populated. The Governor’s Council on Climate Change reports that transportation accounts for 40% of carbon emissions. Shannon noted the need to invest in low or zero carbon emissions, implement policies to reduce driving, encourage shared use of vehicles and switch to cleaner fuels. “I envision a future where people can work where they live” she noted.

“This is an exciting time to be in public transportation” said CONDOT Public Transportation Bureau Chief Richard Andreski, “sometimes you have to look back and remember when you didn’t have iPhone, uber, lift, etc.” and it was a not-connected world to a connected world. The future is headed towards accessible transportation with millennials looking to settle in urban areas instead of the suburbs. The transit projects were set in motion by Tip O’Neil and Congress but it’s important to build the transit projects now or the state won’t be ready for the economic development of the future.

The audience asked panelists questions about funding, the ramifications of cuts to DOT by the legislature this year, connecting suburbs and future technology.

Many thanks to the Town of Clinton for the use of their hall, our panelists and to Estuary Transit District for providing the refreshments.

## Statewide Transportation Study

This spring, the Connecticut Department of Transportation and UCONN’s Connecticut Transportation Institute are conducting the Connecticut Statewide Transportation Study. The study asks about residents’ daily travel activity to better understand transportation needs in our State. Your input is very important as it will help plan better public transportation infrastructure in Connecticut. If you receive an invitation in the mail, please visit: <https://cttransportationstudy.org> or call the toll free number: 844-872-2562 to participate. To learn more about the study or to volunteer to participate, please visit <https://cttransportationstudy.org>.”

*-submitted by CONNDOT*



## Annual Bus Rodeo

The 2016 Connecticut Statewide Transit Rodeo will be held Sunday, June 12th from 8:00 AM to 2:00 PM at the Buckland Commuter Park & Ride lot in Manchester.

Visit the [www.crrtap.org](http://www.crrtap.org) site to see the Bus Rodeo Toolkit Video (<http://nationalrtp.org/roadeo/BusRodeo-Basics-Video>) for tips and pointers. This is a great resource for volunteers, judges, and competitors.



## Developments under the ADA

### Have Implications for Transit Agencies

Recent cases under the Americans with Disabilities Act and Rehabilitation Act may have consequences for transit agencies large and small. These decisions have considered when and whether driving is an essential job function for a particular position as well as when a particular job function is an essential duty for purposes of determining job qualification and reasonable accommodation requirements under the statutes.

Determining when a function is an essential duty of a job is necessary to assess whether an individual is qualified for the job and whether an employer is required to reasonably accommodate a disability. The courts focus most on the job description, the amount of time spent performing the function, the consequences of not requiring the individual holding the position to perform it, and the union contract, if any. In public transit, federal safety and other regulations also play a role. Though often mentioned, the employer's judgment usually isn't a determining factor.

Courts haven't required that a function be performed a majority of the time in order to be considered essential. In one recent case, the court said that administrative duties which were performed only 15-30% of the time still could be considered essential for a medical facility administrator. *Stern v. St. Anthony's Health Ctr.*, 788 F.3d 276 (7<sup>th</sup> Cir. 2015). The court noted the situation might well have been different if the functions were performed only 5% of the time. In another recent case, a court found that front desk receptionist duties could be considered essential functions where the employee had to perform those duties at least 2 hours every day. *Abram v. Fulton Cty. Gov't*, 598 F.Appx. 672 (11<sup>th</sup> Cir. 2015).

The limited number of other employees available to perform a function traditionally has been an important factor in determining whether it will be considered essential. Small transit districts may find it difficult to transfer functions simply because there is no one else available to do them. Where a CDL is a requirement for a maintenance position, for example, and an individual is disqualified due to a disability, consideration should be given to whether the duties requiring the CDL could be reasonably delegated to others.

Though the EEOC seems to have taken a position that attendance, shifts, and overtime aren't actual job duties and therefore can't technically be considered "essential functions," the courts continue to conclude that regular, reliable, predictable attendance (which might include attending to one's duties at home), is an essential job function.

Compliance with the disability laws requires an analysis of many factors. The "answer" will differ from workplace to workplace and even from one job position to another within the same workplace. The key is to engage in the process and not make snap judgments about what is essential to a particular job and what kind of accommodation may be reasonable.

-Submitted by Attorney Loraine Cortese-Costa