

POLICY 118: Americans with Disabilities Act (ADA) Passenger Compliance

Cancels:
See Also:

Approved by: Board of Directors

POL-118: Americans with Disabilities Act (ADA) Passenger Compliance

This policy applies to the Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. The ADA is civil rights legislation which requires, among other things, that persons with disabilities receive transportation services equal to those available on the fixed route service.

It is the policy of Lewis Public Transportation Benefit Area to comply with all federal and state laws ensuring readily accessible and usable service to individuals with disabilities to the maximum extent possible. (49. CFR 37.105). Furthermore, it is the company policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

1. General Provisions

a. Lewis Public Transportation Benefit Area will notify the public of the ADA policy

- i. Notification to the public will be placed on its website www.twintransit.org and in the printed riders guide

b. Lewis Public Transportation Benefit Area May Establish Priority Seating

- i. Upon request, vehicle operators shall ask – but not require – ambulatory passengers to relinquish priority seating at the front of the vehicle to seniors and persons with disabilities.
- ii. Operators are not required to enforce the priority seating designation beyond making such a request.

c. Requests for modifications of Lewis Public Transportation Benefit Area policies, practices, or procedures to accommodate an

individual with a disability may be made either in advance or at the time of the transportation service.

- i. Lewis Public Transportation Benefit Area is best able to address and accommodate customers, when they make their requests directly to Lewis Public Transportation Benefit Area prior to their trip.

d. Use of Portable Oxygen

- i. Individuals with disabilities who use portable oxygen devices are allowed to travel with respirators and properly secured portable oxygen supplies (49 CFR 37.167(h)). Oxygen supplies must not obstruct the aisle.

e. Lewis Public Transportation Benefit Area vehicles can accommodate passengers or their mobility devices that meet the following minimum standards:

- i. A wheelchair belonging to any class of three or more wheels, usable indoors, designed or modified for and use by individuals with mobility impairments, whether manually operated or powered.
- ii. Walkers must be collapsible and stored between seats or in the vehicle's trunk.
- iii. Equipment must be in an operable condition that does not require the assistance of the Vehicle Operator.
- iv. Wheelchair lifts are to be used only for passengers riding in wheelchairs or for standees who cannot navigate the steps of the vehicle. A PCA may accompany a standee on a lift (refer to Section 3(h)).
- v. When occupying a lift or securement area, it is recommended that passengers apply the brakes on their mobility devices; however, they are not required to do so. With power chairs or scooters, it is recommended that the power switch be turned to the "off" position but it is not mandatory.

f. Lewis Public Transportation Benefit Area secures wheelchairs

- i. Vehicle Operators are expected to use front and rear securement straps (tie-downs) to secure mobility devices using a four-point securement method according to PRO-306A: Securing a Mobility Device.
- ii. Operators will secure mobility devices at the strongest parts of the device (i.e. base frame or seat frame).
- iii. Operators should refrain from assisting passengers using power chairs or scooters with the operation of their equipment.
- iv. Lewis Public Transportation Benefit Area will not refuse to transport someone whose mobility device cannot be satisfactorily secured provided that mobility device fits within the definition described in Section 1(e). (49 CFR 37.165)

g. Operator Assistance during Boarding's and Alighting's

- i. Operators shall position the vehicle to make boarding and alighting as easy as possible for all passengers, minimize the slope of the ramp, and use the kneeling option as needed. Operators are expected to provide reasonable assistance to passengers as necessary or upon request.

h. Maintenance of Vehicle Ramps or Lifts

- i. Operators, as part of the pre-trip inspection process, will test the lift or ramp on their assigned vehicle before each day of service.
- ii. The breakdown or malfunction of accessibility equipment will be reported immediately to dispatch.
- iii. A vehicle with an inoperable lift or ramp must be removed from service as soon as possible and cannot be returned to service until repaired. (49.CFR 37.163)

i. Traveling with a Service Animal

- i. A declared service animal, defined as any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, will be permitted to accompany a passenger on the vehicle.
- ii. The animal must be on a leash or in a container, remain under control of the owner, and behave appropriately. Service animals that are unruly, disturbing or aggressive are subject to dismissal from the vehicle at the discretion of the vehicle operator.
- iii. The animal must remain at the feet or on the lap of the passenger and may not sit on a vehicle seat.
- iv. The animal must not be aggressive toward people or other animals. (49 CFR 37.167(d))

j. Lewis Public Transportation Benefit Area may deny service based on Direct Threat

- i. Lewis Public Transportation Benefit Area follows RCW 9.91.025, Unlawful Transit Conduct, when evaluating denial of service.
- ii. If a person is violent, seriously disruptive, or engaging in illegal conduct Lewis Public Transportation Benefit Area may, consistent with established procedures for all riders, refuse to carry the passenger.
- iii. A person who poses a significant risk to others may be excluded from service if reasonable modifications to the public accommodation's policies, practices, or procedures will not eliminate that risk. (49CFR 37.5 App. D/ 29 CFR 36.208)
- iv. Behaviors that may cause immediate exclusion from the system include:
 - 1. Destruction of public property (the vehicle, and/or its

furnishings)

2. Doing violence to others or to oneself
3. Behavior that is seriously unruly, seriously disruptive, threatening, or frightening to others
4. Behavior that interferes with the safe operation of the vehicle
5. Violations of service animal policy by failing to control one's service animal
6. Violations of operating rules governing the provision of transportation system-wide
7. Engaging in illegal conduct.
8. Other conduct judged by Lewis Public Transportation Benefit Area to represent an actual or potential threat to the health, safety or wellbeing of oneself, the operator, other passengers, and/or transit personnel.

v. Periods of Exclusion

1. Day Suspension: Day Suspensions are used in the event inappropriate or unacceptable behavior is demonstrated.
 - Operators have the discretion to administer a day suspension
 - Day Suspensions have potential to move to a temporary suspension or criminal trespass after management review.
2. Criminal Trespass: Criminal trespass occurs with severe behavior and events.
 - Criminal trespasses are considered indefinite and permanent.
 - Criminal trespasses are subject to Lewis Public Transportation Benefit Area management discretion.
3. Temporary Suspension: Temporary suspensions are administered as an alternative to criminal trespass and is based on severity.
 - Suspensions are subject to Lewis Public Transportation Benefit Area management discretion.
 - Lewis Public Transportation Benefit Area management has the authority to select a period of 30, 60, 90, or 180 days, depending on the severity of the issue.
 - Suspension end dates are established on the last day of the month. For example, if suspended on Nov 5th for 30 days, a passenger could utilize service again on December 1st.
 - If a passengers receives 3 temporary suspensions

in the course of a 12 month period, they will be trespassed indefinitely.

- vi. Passengers who are excluded from the system due to a direct threat have the ability to request an administrative appeal by contacting Lewis Public Transportation Benefit Area at 360-330-2072.

k. Lewis Public Transportation Benefit Area counts all denials for service

- i. One denial of a multi-legged trip will count as a denial for each leg of the trip

2. Fixed Route Specific

a. Bus Stops at major intersections, transfer points, and destination points will be announced on fixed route buses. Operators will announce other stops upon request. (49 CFR 37.167 (a-c))

b. Reserved Areas for Wheelchair Securement

- i. Mobility device securement areas on fixed route buses are reserved.
- ii. Passengers using mobility aids shall be boarded if the securement areas are not otherwise occupied by a mobility device, regardless of the number of passengers on the vehicle.
- iii. Operators are required to ask non-mobility device passengers sitting in the securement areas to move to other available seats or to stand if needed for the securement of a mobility device.

3. LIFTT Specific

a. Lewis Public Transportation Benefit Area will make available LIFTT service to passengers unable to use the fixed route due to a mobility limitation.

- i. Lewis Public Transportation Benefit Area LIFTT service operates the same hours and days as Lewis Public Transportation Benefit Area's fixed route service.

Note: Lewis Public Transportation Benefit Area uses a combination of LIFTT reservations and fixed-route deviations to meet demand for eligible trips.

b. Eligibility: Lewis Public Transportation Benefit Area will strictly observe the standards contained in 49 CFR 37.123(e) in determining eligibility for complementary LIFTT service.

- i. Passengers meeting one or more of the following criteria are considered eligible for ADA LIFTT service:
 - 1. A person who is unable to board, ride or exit any vehicle independently on the fixed route system.
 - 2. A person who has an impairment-related condition that prevents getting to or leaving a bus stop.

c. Application: Eligible passengers seeking ADA LIFTT service must apply to Lewis Public Transportation Benefit Area for approval (FOR-306A).

- i. Lewis Public Transportation Benefit Area will render a decision to the applicant within 21 days of receiving the completed application.
- ii. Applications are considered complete when:
 - The applicant questionnaire and informed consent are complete and signed
 - The professional verification portion of the application is completed and signed
 - The in-person interview is concluded (if necessary)
- iii. *In-Person Interview:* All applicants may be interviewed by Lewis Public Transportation Benefit Area staff as part of the application process.
 - Lewis Public Transportation Benefit Area will schedule a no-charge visit to the Lewis Public Transportation Benefit Area office to conduct the Interview.
 - Applicants who cancel or no-show their free trip more than two times will be required to pay applicable fare to travel to the interview location.

d. Determination

- i. Applicants for ADA LIFTT service must demonstrate their inability to utilize the fixed route system prior to being granted approval.
- ii. Prior to approval, prospective ADA LIFTT passengers will be required to obtain verification from a licensed medical service provider to validate the mobility related claims.
- iii. Lewis Public Transportation Benefit Area may seek supplemental information from an applicant's healthcare provider to determine appropriate eligibility.
- iv. Temporary approval to use ADA LIFTT service will be granted to applicants that have not received a determination of eligibility within 21 days after completing the application process.

e. Denial and Appeal:

- i. Applicants considered ineligible for ADA LIFTT service will be notified in writing. Denial letters must cite the specific reason for denial (49 CFR 37.125(d)) and will be sent to applicants within 21 days of receiving the completed application.
- ii. Applicants who are denied eligibility to ADA LIFTT may appeal the decision within 60 days of receiving notice of their denial. Lewis Public Transportation Benefit Area will comply with 49 CFR 37.125(g) when administering appeals of denied LIFTT eligibility.
 1. *Full-functional Assessment:* Denied passengers who are appealing Lewis Public Transportation Benefit Area's decision may be required to submit to a full-functional assessment as part of the appeals process.
 2. *Appeals Hearing:* Appeals will be heard by a panel, to include the Lewis Public Transportation Benefit Area General Manager and not less than two other panelists who did not participate in the denial decision. Lewis Public Transportation Benefit Area staff who determined the original denial may attend and participate in the appeal hearing but will not be eligible to sit as a panelist or vote on the appeal. Decisions made by the Panel are considered final and are not subject to further appeal.
 3. *Applicant Participation:* Denied applicants are encouraged to attend the appeals hearing and may invite observers or advocates to the hearing to provide relevant testimony regarding the applicant's mobility or cognitive abilities.
 4. *Temporary Eligibility:* Applicants who are not considered eligible will not be allowed use of ADA LIFTT during the appeals process, however, previously approved passengers who are appealing a change in eligibility category will be allowed to remain in their existing eligibility category until the appeals process is complete.
 5. *Panel Decision:* The panel considering the appeal will render a decision within 30 days of receiving the notice of appeal. Passengers will be considered temporarily eligible for LIFTT service if a decision has not been made within the 30 day period.

f. Approval for ADA LIFTT service will be granted for 3 years

- i. Eligibility Categories: Applicants approved for ADA LIFTT service will be notified in writing. Approved passengers will receive a letter that declares the passenger's eligibility category and offers instructions on how to use the LIFTT system. Eligibility categories are as follows:
 1. Unconditional Eligibility: Passengers granted unconditional eligibility will be permitted to use ADA LIFTT service for any trip located within the LIFTT service area (see POL-108 Service Development).
 2. Conditional Eligibility: Passengers granted conditional eligibility will be permitted to use ADA LIFTT service only for those trips that cannot be made using Lewis Public Transportation Benefit Area fixed route bus service.
 3. Transitional Eligibility: Passengers granted transitional eligibility will be permitted temporary use of ADA LIFTT service according to the recommendations of their medical care provider(s). Transitional eligibility will not exceed two (2) years in duration. Passengers with transitional eligibility will receive 45 days' notice of the expiration of their eligibility.
 4. Visitor Eligibility: Visitor eligibility is granted to passengers who are visiting from another community who have been deemed eligible in their home system. Visitor eligibility must not exceed 21 days in a calendar year. Passengers whose visit exceeds 21 days will be required to apply to Lewis Public Transportation Benefit Area for ADA LIFTT approval.
- ii. Level of Service Designation: All approved passengers will be given a Level of Service designation which identifies the basis for Operator assistance. Unless otherwise declared, all passengers will be assumed *curb-to-curb*. The three Levels of Service categories are as follows:
 1. *Curb-to-Curb*: Passengers who are capable and expected to meet the ADA LIFTT vehicle at the curb near the main entrance of the scheduled location
 2. *Door-to-Door*: Passengers who require Operator assistance traveling between the main entrance and the Lewis Public Transportation Benefit Area vehicle.

3. *Hand-to-Hand*: Passengers who require Operator assistance traveling between the main entrance and the Lewis Public Transportation Benefit Area vehicle; passengers designated hand-to-hand must not be left alone or dropped off at a location that does not have a receiving caregiver.

g. Recertification: All passengers must participate in a re-certification process every 36 months to remain eligible for LIFTT service.

- i. Passengers who fail to recertify will forfeit eligibility and must re-apply with Lewis Public Transportation Benefit Area to regain access to ADA LIFTT.
- ii. Lewis Public Transportation Benefit Area will notify existing passengers, in writing, of the need to recertify for ADA LIFTT service; notices will be mailed to passengers not less than 60 days prior to the expiration of their existing eligibility.

h. Traveling with a Personal Care Attendant (PCA) or Companion

- i. A Personal Care Attendant (PCA) may ride with a LIFTT eligible passenger at no charge.
- ii. A PCA is someone who travels with, and helps, a rider who is not able to travel or perform other tasks alone.
- iii. A PCA is not expected to assist with the transportation or securement process unless transportation is one of the reasons the PCA is accompanying the passenger.
- iv. Passengers requiring the assistance of a PCA must provide their own if one is needed.

i. Operator Assistance during Boarding's and Alighting's

- i. LIFTT Operators are expected to accompany passengers to/from the threshold of the door as necessary. Passengers with disabilities will be allowed adequate time to board and alight the vehicle.

4. Lewis Public Transportation Benefit Area Provides Complaint Procedure

- i. Lewis Public Transportation Benefit Area is committed to providing safe, reliable, and accessible transportation options for the community. Lewis Public Transportation Benefit Area has established a Customer Complaint Policy (POL-105) and customers wishing to file a complaint and/or obtain a copy of the Customer Complaint Policy may contact Rebecca Towner at (360) 623-1981 or hr@twintransit.org, or in person at Lewis Public

Transportation Benefit Area's administration office located at 212 E Locust Street, Centralia, WA 98531.

- ii. Customers may file a signed, written complaint up to thirty (30) days from the date the complainant became aware of the incident.