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Charles County VanGo Public Transit Services

Americans with Disabilities Act of 1990 (ADA) Policy and Procedures
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INTRODUCTION

Purpose: This policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the American with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and applicable Maryland laws and regulations. The Charles County VanGO Public Transit System operates services on a fixed route basis, with complementary paratransit provided to those individuals who are unable to ride fixed-route due to a disability. The Charles County VanGO Public Transit System complies with ADA requirements with respect to such services.

POLICY STATEMENT

It is the policy of Charles County's VanGO Public Transit System to comply with all the legal requirements of Federal and State laws and regulations as they pertain to individuals with disabilities. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

Goals: Service is provided in a manner that meets these goals to:

1. provide safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. ensure that eligible individuals who are unable to board, ride or disembark from the fixed-route service are provided complementary paratransit that is comparable in service availability and quality to the fixed route service.
3. expedite the safe and efficient boarding, securing, transporting and alighting of all passengers, regardless of mobility status.
4. accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

Applicability: This policy applies to all transit system employees, services, facilities and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

Definitions:

Wheelchair: a mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

Disability: A physical or mental impairment that substantially limits one or more major life activities.

Fixed Route Service: Vehicle is operated along a prescribed route according to a fixed schedule.

Mobility Aid/Non Wheelchair Mobility Device: A device used by a person with a mobility impairment to assist with mobility but does not meet the requirements of a wheelchair as defined by ADA. These

include but are not limited to canes, crutches, walkers and "segways" when used by a person with a mobility related disability.

Route Deviation Service: A system that permits user-initiated deviations from routes or schedules. Sometimes referred to as deviated fixed route or flexible route service.

Securement Equipment: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Securement Station: Space specifically designed to secure and stabilize wheelchairs on transit vehicles.

Service Animal: An animal that is individually trained to perform a task or tasks for people with disabilities.

GENERAL GUIDELINES AND PROCEDURES FOR IMPLEMENTING POLICY

Recruitment and Employment: As stated in the transit systems personnel policies, the agency is an Equal Opportunity Employer and fully complies with ADA in its recruitment, hiring and continued employment practices.

Facility and Vehicle Accessibility: The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and the State of Maryland. All vehicles purchased for fixed-route and deviated fixed-route service will be accessible. Vehicles purchased for demand-response service will only be non-accessible to the extent that the demand-response system, when viewed in its entirety, provides the same level of service to disabled persons as non-disabled persons.

Vehicle and Route Assignment: To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. All vehicles assigned to fixed routes and deviated fixed routes will be accessible.

For general demand-response service outside the ADA Complementary Paratransit described below, the transit system will make all reasonable efforts to make an accessible vehicle available whenever requests are made. Trip denials will be tracked by disability to monitor whether trips are disproportionately denied to individuals with disabilities because an accessible vehicle is not available. Should this be found to be the case, inaccessible vehicles will be replaced with accessible vehicles until the demand-response system, when viewed in its entirety, is accessible.

Maintenance of Accessible Features: Accessibility features on vehicles, including lifts, wheelchair securement devices and public address systems, will be maintained in operative condition. The preventive maintenance program of the Charles County VanGO Public Transit System provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection.

Drivers are required to report lift failures as soon as possible. Vehicles with inoperative lifts will be replaced as soon as possible. Additional fixed-route policies related to inoperative lifts are discussed under "Policies Specific to Fixed Route Service."

Wheelchair Accommodation: Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space for the wheelchair on the vehicle. If a vehicle lift/ramp and securement area can accommodate a mobility device, Charles County's VanGO Public Transit System will transport the device (and its user).

Boarding: Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary to accommodate slower passengers and waiting for passengers to be seated before moving the vehicle. It is the responsibility of the driver to determine the safest location for passenger boarding based on conditions and individual needs upon arrival at the pick-up site. The passenger and/or

their guest, escort or attendant will maneuver the passenger and mobility aid to the vehicle. Only a properly trained transit system employee can operate the lift, secure the wheelchair on the lift and in the securement station.

Use of Accessibility Devices by Persons with Disabilities Not Using a Wheelchair: A person with a disability who is not using a wheelchair or other seated mobility aid may use the lift to board or alight the vehicle upon request.

Priority Seating: With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating. However, this does not supersede the transit system's right to require any passenger who has caused a disruption in the safe travel of other passengers and/or driver to be required to sit in a specific area of the vehicle as a condition of transportation.

Priority seating for people with disabilities is designated by permanent signage in each vehicle. In cases where a person with a disability requests use of priority seating that is currently occupied by another passenger, the driver will ask that passenger to allow the person with a disability to use the seat.

Driver Assistance: Drivers will make themselves available for assistance to persons with disabilities and will assist upon request of the passenger. Drivers will leave their seat to assist a passenger with using the vehicle ramp, lift and/or securement systems. Drivers will use the accessibility-related equipment and features on their vehicles as described in these policies.

Securement: Securement of the wheelchair class of mobility devices is the responsibility of the driver and drivers will be trained in the proper operation of all securement equipment based on manufacturer specifications. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. If the tie-down system is not compatible for the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair can not be secured because of the wheelchair design, the passenger still has the right to ride the vehicle. Drivers cannot deny a passenger a ride based on the inability to secure the wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service. Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area.

Seat belts are required for ALL passengers riding on paratransit vehicles.

Non-Standard Mobility Devices: Mobility devices that are not wheelchairs will be accommodated to the extent that the ADA-compliant lift and securement areas can safely do so. However, these devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

Accommodation of Portable Oxygen: Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. Department of Transportation rules on the transportation of hazardous materials.

Transfer to Fixed Seating: All passengers using seated mobility devices have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, users of seated mobility devices to transfer to fixed seating.

Service Animals: In compliance with 49 CFR Part 37, the transit system allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal, but may ask what tasks the animal has been trained to perform. However, any animal which is not under the passenger's control or which becomes a threat to other passengers may be restricted from riding.

Alighting: It is the responsibility of the driver to determine that the location for passenger alighting is safe. For fixed route, the driver will allow a passenger who uses the lift to disembark at any stop, unless the lift cannot be deployed, the lift will be damaged if deployed, or conditions at the stop would present unsafe conditions for all passengers. Only the driver will unsecure the wheelchair, secure it on the lift and operate the lift to return the passenger to the ground level.

Staff Training: All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly assisting and treating individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

Rider Information: All printed informational materials are made available in accessible formats upon request, for example, large print for persons with low vision or audio for blind persons, as well as accessible electronic formats.

Complaint Procedure: All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to the Chief of Transportation and Community Programs. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment.

Modification of Policy: If a passenger requires modification of any of these policies to accommodate their disability, they may request such a modification by contacting the Charles County Department of Community Services. The transit system will work with the individual to find an accommodation solution.

GUIDELINES AND PROCEDURES FOR IMPLEMENTING POLICY SPECIFIC TO FIXED ROUTE SERVICES

Inoperative Lifts: Vehicles with inoperative lifts must be taken out of fixed route service as soon as possible (no later than the beginning of the vehicle's next service day) and inoperative equipment

will be replaced promptly with spare vehicle. The inoperative lift will be repaired before the vehicle returns to service.

If there is no spare vehicle available to take the place of a vehicle with an inoperable lift on a route, the vehicle with the inoperable lift may be kept in service for no more than three days. In such cases, complementary paratransit will be provided to individuals with disabilities who are unable to use the vehicle because its lift does not work.

Route Identification to Passengers Waiting at Shared Stops: Where vehicles for more than one route serve the same stop, each driver will stop and announce their route to passengers waiting at the stop. These stops have been listed for each route and the lists are provided to drivers during training

Route Orientation Announcements: Fixed route drivers will announce the following stops to passengers on board the vehicle (using the vehicle's public address system on larger vehicles if such is available): 1) transfer points with other routes, 2) major intersections or destination points, 3) sufficient intervals along a route to orient a passenger with a visual disability to his or her location, and 4) any stop requested by a passenger with a disability. Stops that fall into the first three categories are listed for each route and provided to drivers during training.

Bus Stop Accessibility: When establishing new bus stops, it is the policy of the Charles County VanGO Public Transit System to select locations that are accessible to riders using mobility devices, either at the stop location, or close by if the actual stop is not accessible to a wheelchair user. When installing improvements at existing bus stops, the improvements will be made accessible in accordance with Americans with Disabilities Act Accessibility Guidelines of the U.S. Access Board. In the event that a particular stop is not accessible, the transit system will provide complementary paratransit to any persons unable to use the fixed route system because that stop is inaccessible. If a person with a disability requests that an existing stop be made accessible, the Charles County VanGO Public Transit System will work with the jurisdiction which is responsible for the street and sidewalk (if applicable) to include accessibility improvements to the stop within the jurisdiction's ADA transition plan for sidewalks.

ADA Complementary Paratransit: Individuals who are unable to use the fixed route service because of a disability will be provided demand-response service that is comparable to the fixed route service in service availability and quality. The policies for ADA Complementary Paratransit are provided in the next section.

GUIDELINES AND PROCEDURES FOR IMPLEMENTNG POLICY SPECIFIC TO ADA COMPLEMENTARY PARATRANSIT SERVICES

Introduction: The Charles County VanGO Public Transit System provides ADA Complementary Paratransit services for individuals who are unable to use the fixed route service because of a disability. This is demand-response service that is equivalent to the fixed route service in terms of service characteristics as described under 49 CFR Part 37, Subpart F.

Eligibility Determination Process: To be eligible to use the ADA Paratransit service, local residents and long-term visitors must complete an ADA paratransit eligibility determination process. Eligible individuals will receive documentation of ADA paratransit eligibility, which can be used in other areas.

Eligibility Criteria

The certification process strictly limits ADA paratransit eligibility to the regulatory definition of eligibility. Only those persons who meet the regulatory definition will be given documentation indicating that they are "ADA Paratransit Eligible". A person will be considered eligible for complementary paratransit if:

- The person is unable, as the result of a physical or mental impairment, and without assistance of another individual to board, ride, or disembark from any vehicle on the system, which is readily accessible to and usable by individuals with disabilities. All riders who are using wheelchairs are to be accommodated by the paratransit system.

- The person with a disability is capable of using the system with the assistance of a wheelchair lift but the route they want to use is not 100% ADA accessible.

- The person with a disability has a specific impairment-related condition, which prevents such individual from traveling to a fixed route boarding location or from a disembarking location.

Temporary eligibility for ADA paratransit service will be allowed for those with a disability that is only temporary in nature. Temporary eligibility is established during the certification process.

In addition, if individuals who are determined to be ADA paratransit eligible can use fixed route service under certain conditions (for example, trips for which they have been trained to navigate or under variable conditions that affect an individual's disability), the eligibility will be considered "Conditional" and documentation which they are given will indicate the limitations/condition of their eligibility.

Application Form

A copy of the application form used for Charles County's VanGO Public Transit System's ADA paratransit and specialized service is provided at the end of this section. *(Attach)* Large print, audio, electronic, and other accessible formats are available upon request.

Review Process and Time Frame

Upon receipt of a completed application, the Charles County VanGO Public Transit System will review the application and determine the individual's eligibility within 21 days of receipt (normally within seven days). This responsibility has been assigned to the Transportation Development Administrator.

Notification of Eligibility

Each applicant will be notified in writing by mail of his or her status within 21 days of submitting a properly completed application. If determined eligible, this letter will serve as temporary eligibility documentation as described below. The procedures for using ADA paratransit will also be mailed with this letter in a format useable by the individual (such as large print, audiotape).

Those persons determined to be ineligible will be informed as to why their application was rejected and provided instructions on how they can appeal the decision (described below). This information will also be mailed with this letter in a format useable by the individual.

Documentation

The Charles County VanGO Public Transit System will provide certified individuals with documentation that can be used as identification for reciprocal service in other areas of the state or in other communities in the United States that are required to provide ADA complementary paratransit service. This documentation will include the following information:

- Name of eligible individual
- Name of certifying transit provider - Charles County VanGO Public Transit System
- Telephone number of the Charles County Transportation Development Administrator
- Whether or not the rider requires use of a lift or ramp
- Expiration date
- Any conditions or limitations on eligibility
- Whether person is authorized to travel with a PCA
- Information on the appeal process if the individual is denied eligibility or has conditions placed on eligibility.

Term of Eligibility

Once determined eligible, a person maintains eligibility for two (2) years. Recertification is required every two (2) years. Persons given temporary eligibility remain eligible for the duration of time of the temporary disability, as determined through the certification process and indicated in the documentation that is to be provided to the applicant.

Appeals Process

The appeals process will be explained to all applicants who are rejected or permitted only partial (conditional or temporary) service. The applicant has 60 days to file a written appeal with, or if unable, a verbal appeal. An in person appeal hearing is scheduled, and conducted, chaired by the Charles County Safety Officer. The findings and decision of the Charles County Safety Officer are final. If a decision is not reached within 30 days, the applicant will be presumed eligible until a decision has been reached. The ADA regulations require that the person who makes a determination on an appeal must not be involved in the initial determination of the individual's eligibility.

ADA Paratransit Service for Visitors

ADA paratransit eligible individuals visiting from other localities outside of Charles County will also be served when eligible trips are requested. The visiting individual's local certification will be honored by the Charles County VanGO. If a visitor does not have ADA certification from another jurisdiction, but makes a claim of eligibility, that claim will be honored as required by the ADA. However, in such cases, the Charles County VanGO Public Transit System reserves the right to require proof that the individual is not a resident of the county, and if the individual has a disability which is not apparent. If the visitor is planning on staying in the Charles County area more than 21 days, he or she needs to formally apply for eligibility certification.

Personal Care Attendants

The Charles County VanGO Public Transit System will provide paratransit service for a personal care attendant (PCA) traveling with the eligible rider. The need to travel with a PCA will be determined as part of the eligibility determination process. It is important to note that the PCA may not directly be needed for transportation, but may be needed at the individual's trip destination (for example, to assist with grocery shopping) and thus need for a PCA will not be limited to those individuals who require assistance in traveling. Also, an individual who is certified as needing a PCA cannot be denied service if they chose to travel without a PCA.

Service Characteristics and Operating Policies

Geographic Service Area

ADA paratransit is provided within a three-quarter mile radius corridor surrounding each fixed-route, plus relatively small areas enclosed by fixed routes.

Days and Hours of Service

ADA paratransit is provided within the same days and hours as the fixed-route services.

Fares

The one-way trip charge for ADA paratransit is $1.00 or $2.00 for an all day pass, based on the current fixed route fare. The fare charged for ADA paratransit will not exceed twice the regular general public cash fare for the equivalent trip on the fixed-route service. In the event that the regular public cash fare is increased the transit system may increase the paratransit fare accordingly.

If the eligible individual is certified as needing to travel with a PCA, the PCA will not be charged a fare for ADA paratransit.

Trip Purpose

ADA paratransit is provided for trips of any purpose; no priorities are placed on specific types of trips.

Trip Scheduling and Response Time

Reservations are accepted for ADA paratransit trip reservations with one-day advance notice, until regular close-of-business hours for trips to be provided at any time the next day. Riders may schedule trips by calling the Charles County VanGO Public Transit System Operations office Monday through Saturday from 5:30 a.m. to 5:00 p.m. For trips on Monday, reservations on Sunday are accepted by leaving a message on the Dispatch voice mail.

Maximum hold times for riders scheduling transportation are not expected to exceed five minutes. Manual phone logs are maintained by intake clerks and paratransit dispatchers to monitor call volume and wait time. See Attachment 1.

Service Capacity and Scheduling Flexibility

As required, the Charles County VanGO Public Transit System will provide adequate capacity to meet all demand for eligible ADA paratransit trips. In some cases it may be necessary to make use of the one-hour window of scheduling flexibility allowed by law (that is, a trip requested for 11:00 a.m. may be scheduled as early as 10:00 a.m. or as late as 12:00 noon).

In order to meet the ADA requirement for ensuring adequate capacity, the Charles County VanGO Public Transit System will monitor the following indicators of capacity to ensure that no patterns or practices of capacity constraints are found:

- **On-time performance** – Charles County VanGO Public Transit System defines on-time performance as within 30 minutes of the pickup window and on time for the destination, for at least 95% of all trips. The System will try to ensure that all trips are on-time but because of the realities of operating conditions (e.g., poor weather, road construction), 100 percent of trips will not be on-time. Should on-time performance fall below 90 percent, actions will be taken to address and improve trip timeliness. See Attachment 2, On Time Performance Report that is used to track on time performance.
- **Trip denials and missed trips** – Since ADA prohibits substantial numbers of denied or missed trips, the Charles County VanGO Public Transit System plans to meet all requests for ADA paratransit service based on expected demand and to avoid any missed trips. There may be insignificant number of trips that may be denied due to unforeseen conditions. There may also be an insignificant number of missed trips, defined as a trip where the vehicle arrives late and the rider either is no longer there or declines the trip due to lateness, because of the realities of operating conditions. These will be monitored to ensure compliance with ADA. See Attachment 3, Paratransit Trip Denial Log.
- **Trips with excessive lengths** – Since the ADA prohibits substantial numbers of trips with excessive lengths (also called travel time or ride time), Charles County VanGO Public Transit System monitors travel times on ADA paratransit to ensure comparability to the same or comparable trip if taken on fixed route. See Attachment 4, Funding Source Productivity Report that tracks average trip length and time.

Subscription Trips

As permitted by the ADA regulations, Charles County VanGO Public Transit System provides a portion of its ADA paratransit trips on a subscription basis (also called standing orders). Unlike other ADA paratransit trips, trip priorities and waiting lists for subscription trip may be established. As such, subscription service is only provided for senior center and dialysis center trips, operated by several dedicated buses. Since the Charles County VanGO Public Transit System does not have capacity constraints, there are no restrictions on the percentage of trips that will be provided as subscription trips.

Companions

An ADA paratransit rider is permitted to travel with a companion (and more than one on a space-available basis). Companion passengers pay the same fare as ADA riders. The eligible rider shall reserve space for the companion(s) when the rider reserves his or her own ride. Any companions traveling with the eligible individual must share the same trip origin and destination as the eligible individual.

Curb-to-Curb Service and Passenger Assistance

ADA paratransit services will be provided on a door to door basis. The Charles County VanGO Public Transit System drivers will assist ADA paratransit riders to and from the entrance to their home or complex, to and from the entrance of a destination, with boarding and disembarking from vehicles and in securing their mobility devices. All drivers who operate ADA paratransit services will be proficiently trained in passenger assistance and sensitivity towards persons with disabilities.

Riders will be required to travel to the entrance outside of their trip origin in time for their scheduled pick-up. Drivers are not permitted to enter a household or place of business to provide assistance.

Under no circumstances will staff of the Charles County VanGO Public Transit System provide weight-bearing assistance, leave a vehicle unattended with passengers on board, enter a rider's home, or take actions that would be clearly unsafe. If more extensive assistance is needed by the individual than the Charles County VanGO Public Transit System can provide as provider of public transportation, the individual will be responsible for arranging for personal assistance. The ADA coordinator will work with the individual and/or their caregiver/social worker to clarify parameters of the assistance provided by the driver and formally document this in a letter sent to the individual.

No Show Policy

No shows and same day cancellations are expensive and may deprive others of transportation opportunities. Accordingly, penalties are established for passengers who develop a pattern of no shows or same day cancellations.

- First instance of a no show or same day cancellation, a letter is sent detailing the cost implications of their actions and advises that this could result in loss of specialized services;
- Second instance of a no show or same day cancellation, another letter is sent, referencing the first letter and advises that another instance will result in a 30-day suspension of service;
- Upon the third instance of a no show or same day cancellation, a 30-day suspension of service goes into effect. For 30 days from the third infraction, no additional service appointments are scheduled, and any existing scheduled service is cancelled;
- After a 30 day suspension the passenger will start over and another series of three no shows would be required before additional sanctions would be levied;
- For purposes of implementing any sanctions, a no show with a corresponding return trip cancellation will count as one instance.