

ADA Policy

Demand Responsive Service

Perry County Transportation
Americans with Disabilities Act of 1990 (ADA)
ADA Policy and Demand Response Service
Procedures

Date 11/30/2022

Introduction and Purpose:

This ADA 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 Ohio laws and regulations.

The Perry County Public Transit System operates within Perry County Ohio and can travel up to 100 miles from PCT and complies with ADA requirements with respect to such services.

Service Classifications:

The Perry County Transit service is offered to all members of the public, not just persons with disabilities, therefore the service is considered "demand response" and Perry County Transit is not required to provide ADA complementary paratransit service.

Policy Statement: It is the policy of Perry County Transit 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 the following goals. (Customize to system specific goals)

1. Provide safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. Expedite the safe and efficient boarding, securing, transporting and alighting of all passengers, regardless of mobility status.
3. Accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment.
4. Minimize potential damage to mobility aids and transit system equipment in the process.

Applicability: This policy applies to all transit system employees, and all employees providing service through a Service Provider (Contractor). This policy applies to services, facilities and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

Definitions:

Three or Four Wheeled Device (formerly common wheelchair): A mobility aid belonging to any class of three or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered.

Commuter Service: Vehicle is operated along a prescribed route according to a fixed schedule. Service is predominantly in one direction during peak periods, with limited stops, and routes of extended length, usually between the central business district and outlying suburbs. Or characterized by limited route structure, limited stops, and coordinated relationship to another mode of transportation.

Disability: An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. 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 three or four wheeled device as defined by ADA. These include but are not limited to canes, crutches, and walkers when used by a person with a mobility related disability.

Demand Response Service: A transportation service characterized by flexible routing and scheduling of relatively small vehicles to provide point-to-point transportation. These services usually require advance reservations and can be curb-to-curb or door-to-door. Can also be referred to as paratransit or dial-a-ride service.

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

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

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

General Guidance 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 Ohio. All vehicles purchased for commuter and deviated route service will be 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 Perry County Transit 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.

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 “common 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 currently occupied by

another passenger, the driver will ask that passenger to allow the person with a disability to use of 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.

Securement: Securement of the “common 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. Perry County Transit’s policy states drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the common wheelchair. If the tie-down system is not compatible for the common 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 common 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.

Perry County Transit will treat all riders equally. Seat belts and shoulder harnesses are recommended for passengers riding in the secured wheelchair station. Yet, not required unless required for all passengers.

Non-Standard Mobility Devices: Mobility devices that are not common 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. However, 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. The driver will only unsecure the "common wheelchair" and operate the lift to return the passenger to the ground level. The passenger and/or their guest, escort or attendant must maneuver the passenger mobility aid once it has completely exited the vehicle.

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 assist and treat individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

Announce Stops: All drivers and transit system staff will announce time point stops and where multiple routes are served operators will provide verbal, external route identification announcements. Operators will also announce all stops or specific stops if requested by the customer.

Rider Information- Alternative Formats: 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 by the Civil Rights coordinator. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment. (*Attachment A*)

Reasonable 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 Cheryl Boley at 740-342-35552 or [Cheryl Boley@jfs.ohio.gov](mailto:Cheryl.Boley@jfs.ohio.gov) The transit system will make every attempt to work with the individual to find an accommodation solution.

The rider will be assigned a pick-up time. Riders will be required to travel to the curb outside of their trip origin in time for their scheduled pick-up. Vehicles operating on route deviation service will be unable to wait for a passenger who is not at the designated stop on time.

Passenger Assistance: Demand Response services will be provided on a first come, first served basis. Perry County Transit drivers will assist riders with disabilities in boarding and disembarking from vehicles and in securing their mobility devices. All drivers who operate Perry County Transit services are proficiently trained in passenger assistance and sensitivity towards persons with disabilities.

Fares:

Perry County Transit follows a zone pay structure inside of Perry County. Riders must call in to obtain an exact fare. If a rider has an E7D application on file with Perry County Transit they will receive ½ price for all rides inside of the county.

Inoperative Lifts: Vehicles with inoperative lifts will be taken out of service as soon as possible and inoperative equipment will be replaced promptly with spare vehicle. The inoperative lift will be repaired before the vehicle returns to service. In the interim, Perry County Transit will provide demand-response transportation using a back-up vehicle..

Eligibility Certification: There is no eligibility certification process at Perry County Transit because the service is demand response and is open to the general public not just persons with disabilities. Elderly and Disabled passengers may file out the E&D application to receive reduced fares.

Attachment A: ADA Complaint Form

Title II of the Americans with Disabilities Act COMPLAINT FORM

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on page 3.

Complainant: Address:

City, State and Zip Code:

Telephone: Home: _____ Business: _____

Person Making the Complaint: (if other than the complainant)

Address:

City, State, and Zip Code:

Telephone: Home: _____ Business: _____

Department/Agency which you believe has discriminated: Name:

Address: County: City:

Telephone Number:

When did the event occur? Date:

Describe the event providing the name(s) where possible for the individuals who were involved (use space on page 3 if necessary):

Has the complaint been filed with the Ohio Department of Civil Rights or the Federal Department of Justice or any other Federal agency or court?

Yes_No__

If yes:

Agency or Court: Contact Person: Address:

City, State, and Zip Code: Telephone Number:

Date Filed:

Do you intend to file with another agency or court?

Yes_No__

Agency or Court:

Address:

Telephone Number:

Additional space for answers:

Signature:_____

Date: _____

Return to:

Cheryl Boley

5250 State Route 37 East

PO Box 311

740-342-3555

Cheryl.Boley@jfs.ohio.gov

Regulations 49 CFR Parts 27, 37 and 38

http://www.fta.dot.gov/12876_3906.html