

# **Americans With Disabilities Act Policy**

*For*

*Contracting Agency Name  
Transit System Name*

Approved By: \_\_\_\_\_

Accepted Date: \_\_\_\_\_

Revised: \_\_\_\_\_

Revised: \_\_\_\_\_

## I. Goal

It is the goal of *Transit System Name*, through its (demand response) rural public transit service, to design, implement and maintain an efficient and effective transportation system for persons with disabilities. *Transit System Name* works to ensure nondiscriminatory transportation in support of the Federal Transit Administration's mission to enhance the social and economic quality of life for all Americans.

## II. Policy

It is the policy of *Transit System Name* to abide by all provisions of the Americans With Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973 and US Department of Transportation (DOT) implementation regulation found at 49 CFR Parts 27, 37 and 38 as amended, in the delivery of transit services that are open to the public and prohibits discrimination on the basis of disability and sets specific requirements that transit agencies must follow.

## III. ADA Requirements

### Equivalent Service

*Transit System's Name* provides demand response rural public transportation and provides equivalent service to individuals with disabilities that are consistent with DOT ADA 49 CFR Part 37.77. This transportation will be provided in the most integrated setting appropriate to the needs of the individual and will be equivalent to the service provided other individuals with respect to:

Response time;

Fares;

Geographic area of service;

Hours and days of service;

Restrictions or priorities based on trip purpose;

Availability of information and reservations capability;

Any constraints on capacity or availability;

## **General Service Requirements**

### **a. Training**

*Transit System Name* shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the differences among individuals with disabilities.

### **b. Service Animals**

*Note: Policies regarding animals other than service animals described below should be addressed by the individual transit system.*

The *Transit System Name* shall permit service animals to accompany individuals with disabilities in vehicles and facilities. Under the Americans with Disabilities Act of 1990, a service animal is defined as “any guide dog, signal dog, or other animal that is individually trained to do work or perform tasks for an individual with a disability, including, but not limited to, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. 49CFR37.3

Control of the service animal is the responsibility of the animals’ partner. Any animal out of control will not be transported. If an animal’s behavior creates a hazard or direct threat, the accountability for damages or injuries shall remain with the person responsible for the animal.

Service animals should sit or lie on the floor. Animals should not occupy a passenger seat, and should not block the passenger aisle.

### **c. Transporting of Wheelchairs**

*Transit Agency Name* will accommodate mobility devices. Three or more wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered, will be accommodated 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. Mobility devices will not be transported if they are inconsistent with legitimate safety requirements.

**d. Wheelchair Securement**

Section 38.23(d) of the DOT's ADA regulation requires all ADA compliant vehicles to have a two-part securement system: One to secure the wheelchair and mobility aids. For each wheelchair or mobility aid securement device provided, a passenger seat belt and shoulder harness, complying with all applicable provisions of Title 49 Part 571, shall also be provided for use by wheelchair or mobility aid users. Such seat belts and shoulder harnesses shall not be used in lieu of a device, which secures the wheelchair or mobility aid itself.

The securement system shall limit the movement of an occupied wheelchair or mobility aid to no more than 2 inches in any direction under normal vehicle operating conditions. 49CFR 38(d)(5)

It is recommended that power chairs and scooters be turned to the "OFF" position once on the lift platform and while the lift is in operation.

All wheelchairs and mobility aids must be secured to the floor of the vehicle using the securement equipment.

**e. Lift Deployment**

Passengers will be permitted to use a lift or ramp to board or disembark from a vehicle at any designated stop, unless the lift or ramp cannot be deployed, the lift or ramp will be damaged if it is deployed, or temporary conditions preclude the safe use of the stop by all passengers. Standees should stand in the center of the platform facing the direction of travel. If capable, the passenger should hold both handrails when on the platform.

**IV. Passenger Responsibilities**

- a. All passengers must be able to sit in a bus seat or wheelchair in order to be transported.
- b. All passengers on the vehicle are required to wear seat belts to include lap and shoulder belts. Therefore, persons in wheelchairs will also be required to be secured. Persons who, for medical reasons, are unable to wear a safety belt may request exemptions. To apply for this exemption, the person must submit a written application to the Commissioner of the Oklahoma Department of Public Safety requesting an exemption, including written verification from their physician attesting to the need for the exemption. If the request is approved, a

special notation will be placed on the person's driver license to indicate the exemption from the safety belt law.

- c. ***Transit System Name*** will deny service to any individual who engages in violent, illegal conduct.
- d. If a passenger's physical condition or conduct is hazardous, or whose behavior is seriously disruptive and/or a direct threat to others, service will be denied.
- e. The passenger will be notified of his/her right to appeal the denial of service and ***Transit System Name*** will hear the appeal as soon as reasonably possible.

## V. **Driver Responsibilities**

- a. Drivers are responsible for loading and unloading passengers.
- b. Drivers are not permitted to enter a passenger's home under any circumstance.
- c. Drivers are not permitted to maneuver a wheelchair up or down more than one step. This rule is provided for the safety of the passenger and the driver.
- d. Drivers are not permitted to lift passengers.
- e. Drivers will help passengers take lightweight items off the vehicle and set them on the curb. If additional assistance is required, this assistance may be rendered on a case-by-case basis.

## VI. **Personal Care Attendants and Companions**

- a. Personal Care Attendants (PCA's) are not required. If a PCA accompanies a passenger, the PCA will ride free of charge.
- b. A companion (e.g., friend or family member) is not considered a personal care attendant unless the passenger regularly makes use of a personal care attendant and the companion is actually acting in that capacity.
- c. During the reservation process, an individual must indicate whether he/she will be traveling with a personal care attendant. If someone does not indicate the use of an attendant, then any individual accompanying him/her would be regarded as a companion.

**VII. Effective Communication**

- a. *Transit System Name* is committed to providing information about its services, policies and procedures to the public in accessible formats for persons with disabilities.
- b. *Transit System Name* shall provide a TTY number (or make use of an operator-assisted RELAY service) so that persons with hearing or speech impairments may communicate with and receive information from *Transit System Name* staff.

**VIII. Public Involvement**

- a. *Transit System Name* will provide on-going mechanisms in accessible formats to involve the public in decisions regarding its accessible services, proposed service changes, proposed fare increases, policies and procedures, and other similar topics.