

POLICY 3.0 – COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

ARTICLE I: PURPOSE

Federal Transit Administration (FTA) grantees are required to comply with Title I and Title II of the Americans with Disabilities Act (ADA) of 1990 which states that no entity will discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of complementary paratransit service. Grand Valley Transit herein establishes its Policy to comply with the requirements of the ADA and its implementing regulations at 49 CFR Parts 27, 37 and 38.

ARTICLE II: BACKGROUND

The Grand Valley Regional Transportation Committee, henceforth referred to as "Grand Valley Transit" (GVT), must comply with the ADA requirements for non-discrimination in vehicle and facility accessibility, and other service requirements specified in the regulations. GVT will certify compliance in its Federal Transit Administration Annual List of Certifications and Assurances.

ARTICLE III: TRANSPORTATION FACILITY ACCESSIBILITY

GVT will construct any new facility to be used in providing designated public transportation services so that the facility is readily accessible to and usable by individuals with disabilities.

ARTICLE IV: ACQUISITION OF ACCESSIBLE VEHICLES

GVT will ensure that all vehicles procured or leased will be readily accessible to and usable by individuals with disabilities.

ARTICLE V: PARATRANSIT AS A COMPLEMENT TO FIXED-ROUTE SERVICE

Section 1 – Requirement for Comparable Complementary Paratransit Service

GVT shall provide paratransit service to individuals with disabilities that are comparable to the level of service provided to individuals without disabilities who use the fixed-route service.

Section 2 – ADA Paratransit Eligibility Standards

If an individual meets the eligibility criteria of this section with respect to some trips but not others, the individual will be deemed ADA paratransit eligible only for those trips for which he or she meets the criteria. This will be deemed conditional eligibility. Individuals may be ADA paratransit eligible on the basis of a permanent or temporary disability.

The following individuals will be considered ADA paratransit eligible:

- 1) Any individual with a disability who is unable, as the result of a physical or

mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the fixed-route system which is readily accessible to and usable by individuals with disabilities;

- 2) Any individual with a disability who has a specific impairment-related condition which prevents the individual from traveling to a boarding location or from a disembarking location of the fixed-route service.

Individuals accompanying an ADA paratransit eligible individual will be provided service as follows:

- 1) One other individual accompanying an ADA paratransit eligible individual will be provided service:
 - a) If the ADA paratransit eligible individual is traveling with a personal care attendant, GVT will provide service to one other individual in addition to the attendant who is accompanying the eligible individual;
 - b) A family member or friend is regarded as a person accompanying the eligible individual, and not as a personal care attendant, unless the family member or friend registered is acting in the capacity of a personal care attendant.
- 2) Additional individuals accompanying the ADA paratransit eligible individual will be provided service, provided that space is available for them and that transportation of the additional individuals will not result in a denial of service to other ADA paratransit eligible individuals
- 3) In order to be considered as "accompanying" the eligible individual for purposes of this Policy, the other individuals will have the same origin and destination as the eligible individual.

ARTICLE VI: ADA PARATRANSIT ELIGIBILITY PROCESS

Section 1 – Accessible Formats

All information about the eligibility process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility will be made available in accessible formats. If a request for a format not currently offered by GVT is made, GVT staff will work with local accessibility groups to produce the requested media.

Section 2 – Presumptive Eligibility

If, by a date 21 calendar days following submission of a complete application GVT staff has not made a determination of eligibility, the applicant will be treated as eligible and will be provided service until and unless GVT denies the application.

Section 3 – Determination in Writing

GVT's determination concerning eligibility will be in writing. If the determination is that the individual is ineligible, the determination will state the reason(s) for the finding.

Section 4 – Documentation of Eligibility

GVT will provide documentation to each eligible individual stating that he or she is "ADA Paratransit Eligible."

Section 5 – Re-certification Process

GVT may require re-certification of the eligibility of ADA paratransit eligible individuals at reasonable intervals, or as needed.

Section 6 – Administrative Appeal Process

GVT requires that an applicant file a written appeal within 60 calendar days of receipt of denial. Notification of denial will be in writing by the Transit Manager, and will be sent within 30 calendar days of determination by Certified Mail via the U.S. Postal Service.

GVT will provide an opportunity to be heard and to present information and arguments to an Appeals Committee within 30 calendar days of receipt of the appeal. The Appeals Committee is comprised of:

- 1) An individual appointed by Grand Valley Transit;
- 2) An individual appointed by the Regional Transportation Planning Office; and
- 3) An individual appointed by Center for Independence.

Written notification of the decision and reasons for the decision will be forwarded to the applicant by the Advisory Board Chairperson via Certified Mail.

GVT will not provide paratransit service to the individual pending the determination of an appeal. However, if GVT has not made a decision within 30 calendar days of the completion of the appeal process, GVT will provide paratransit service from that time until and unless a decision to deny the appeal is issued.

Section 7 – Suspension of Service/No-Show Policy

GVT will suspend the provision of service to ADA paratransit eligible individuals who establish a pattern or practice of missing scheduled trips. A "no-show" is defined as missing a scheduled trip or failing to cancel a scheduled trip within 2 hours of the scheduled pick-up time.

When a no-show occurs, the vehicle operator will notify the GVT dispatcher. The dispatcher will attempt to contact the individual by telephone, and a notation will be made on the individual's database card. If another no-show occurs within a 30 calendar day period, GVT will put the individual on six-month probation. GVT staff will mail a letter to the individual explaining that the individual's ADA paratransit eligibility has been placed on probation, and will attempt to identify ways to avoid further

sanctions.

If, during the probation period, the individual misses three more trips or 8% of monthly trips (whichever is greater), the individual will be notified by Registered Mail that their ADA paratransit eligibility has been suspended. Eligibility will be suspended for two weeks for the first violation, and for two months for second and subsequent violations.

If more than one year elapses between any two stages of violation, the progression of suspensions would start from the first step.

The suspension of service will become effective 7 calendar days from the date the Registered Mail letter of notification is sent in order to allow the individual to appeal the suspension.

The notification of suspension will include the specific reasons for the suspension. The notification will inform the individual of the right to appeal the suspension, and will explain the appeal process. If an appeal is requested, it will be scheduled for the Appeals Committee review within 30 calendar days of the request, and the suspension of service will be delayed until the appeal is heard. Notice of appeal, however, must be received within 5 working days of the receipt of the notice of suspension. Appeals will be heard by the same panel described above in **Article VI, Section 6**. If the no-shows are determined not to be the fault of the individual, service eligibility will be restored. Individuals will be notified by a letter sent by Registered Mail of the decision regarding the appeal within seven calendar days of the Appeals Committee meeting and this notification will state the new date on which the suspension, if up-held, will begin.

The individual requesting the appeal may bring other persons to represent him/her including a lawyer, independent living or rehabilitation counselor or other professional to testify on his/her behalf. A sign interpreter will be provided if requested, and an attempt will be made to provide language interpreters.

ARTICLE VII: COMPLEMENTARY PARATRANSIT SERVICE FOR VISITORS

GVT will make its ADA paratransit service available to visitors. A "visitor" is defined as an individual with disabilities who does not reside in the GVT service area and is in the area temporarily. GVT will treat as eligible for its complementary paratransit service all visitors who present documentation that they are ADA paratransit eligible in the jurisdiction in which they reside. Visitors who do not have documentation from another jurisdiction must show proof of residency and disability. GVT will accept a self-certification as proof of disability. GVT will provide ADA paratransit service to a visitor for a period of up to 21 calendar days over a year's period. For service beyond this period, a visitor must apply for eligibility from GVT as defined in **ARTICLE VI** of this Policy.

ARTICLE VIII: TYPE OF ADA PARATRANSIT SERVICE

GVT will provide origin to destination service. No GVT vehicle operator will enter a private residence or a public facility in order to provide this service. GVT vehicle operators will assist ADA paratransit eligible individuals in boarding and disembarking GVT vehicles, and will assist with their cargo (baggage, bags of groceries, etc.) that may be reasonably carried aboard by one person. GVT may require that individuals provide a personal care attendant where it is determined by GVT staff that one is necessary for continued service. It is not appropriate for GVT to establish an inflexible policy that refuses to provide service to eligible passengers beyond the curb in all circumstances. On an individual, case by case basis, GVT staff is obligated to provide an enhancement to services when it is needed and appropriate to meet the curb to destination service requirement.

ARTICLE IX: SERVICE CRITERIA FOR COMPLEMENTARY PARATRANSIT

Section 1 – Service Area

GVT will provide ADA paratransit service to and from any point within a 3/4 mile boundary from the fixed route system.

Section 2 – Response Time

GVT will schedule and provide paratransit service to any ADA paratransit eligible person at any requested time (while the fixed route system is in service) on a particular day in response to a request for service made the previous service day. Reservations will be taken by reservation agents from 8:00 a.m. to 5:00 p.m. on Monday through Friday, and by mechanical means on Saturday, Sunday and holidays from 8:00 a.m. until 5:00 p.m.

Trip requests made by mechanical means on Saturday, Sunday, and holidays for Monday service will result in a call-back from a reservation agent on Monday morning between 7:00am and 9:00am. If the reservation agent is unable to contact the individual(s) on Monday between the prescribed hours, no further attempts will be made on Monday to schedule the requested trip.

Section 3 – Subscription Service

Subscription service is the provision of repetitive trips over an extended period of time. GVT will allow ADA paratransit customers to schedule rides for up to a 12 month period. However, GVT will not schedule in a subscription context more than fifty percent of the possible/potential trips during any two hour window.

Section 4 – Fares

The fare for a trip charged to an ADA paratransit eligible user of the complementary paratransit service shall not exceed twice the fare that would be charged to an individual paying full fare (i.e., without regard to discounts) for a trip of similar length, at a similar time of day, on GVT's fixed route system.

- 1) In calculating the full fare that would be paid by an individual using the fixed route system, GVT may include transfer and premium charges applicable to a trip of similar length, at a similar time of day, on the fixed route system.
- 2) The fares for individuals accompanying ADA paratransit eligible individuals, who are provided service under Sec. 37.123 (f) of this part, shall be the same as for the ADA paratransit eligible individuals they are accompanying.
- 3) A personal care attendant shall not be charged for complementary paratransit service.
- 4) GVT may charge a fare higher than otherwise permitted by this paragraph to a social service agency or other organization for agency trips (i.e., trips guaranteed to the organization).

ARTICLE X: PROVISION OF SERVICE

Section 1 – Maintenance of Facilities

GVT will maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, elevators, signs and systems to facilitate communications with persons with impaired vision or hearing.

Accessibility features will be repaired promptly if they become damaged or inoperable. When an accessibility feature is out of order, GVT will take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature.

This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

Section 2 – Procedures to Ensure Lift Availability

GVT will ensure, through its adopted vehicle maintenance inspection program, that a system of regular and frequent maintenance checks of lifts be sufficient to determine if they are operable. GVT vehicle operators are required to contact dispatch immediately any failure of a lift to operate in service. Dispatch will then immediately contact the appropriate maintenance personnel.

When a lift is discovered to be inoperative, except as noted below; GVT will take that vehicle out of service immediately, and will replace it with a vehicle that has an operative lift. If no vehicle with an operative lift is available (and removing the vehicle with the inoperative lift would result in a reduction of transportation service), the vehicle with the inoperative lift may remain in service for a period not to exceed three service days.

In any case in which a vehicle is operating on a fixed-route with an inoperative lift, and the headway to the next accessible vehicle on the route exceeds 30 minutes, GVT will

provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work.

Section 3 – Lift and Securement Use

All wheelchairs and their users will be transported in GVT's vehicles if the lift and vehicle can physically and safely accommodate the wheelchair and occupant. GVT will not permit wheelchairs to be secured in places other than designated securement locations in the vehicle. As defined by the ADA, wheelchair means a mobility aid belonging to any class of three or more-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. All GVT vehicles, at a minimum, will be able to accommodate a wheelchair 30 inches in width by 48 inches in length and when occupied 600 pounds in weight.

GVT will require that all wheelchairs be secured in the vehicle by a GVT-provided secured system. If the wheelchair is not able to be secured, GVT will continue to transport the wheelchair and occupant. Lap belts are not required for wheelchair users on fixed-route buses.

Individuals with disabilities who do not use wheelchairs (including standees who use walkers, canes or braces or who otherwise have difficulty using steps) will be permitted to use the vehicle lift. GVT personnel will assist these standees in the safe use of the lift to enter the vehicle. GVT will permit both inboard and outboard facing of wheelchair and mobility aid users; however, GVT prefers that the user board the vehicle facing outward and will advise users of this preference.

Section 4 – Announcements on GVT Fixed-Route Vehicles

On its fixed-route service, GVT vehicle operators will announce on the vehicle's public announcement system the following:

- 1) Transfer points common to two or more buses or other conveyances;
- 2) Major intersections;
- 3) Major destination points; and
- 4) Intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location.
- 5) In addition, vehicle operators will announce specific points upon request.

Section 5 – Fixed-Route Vehicle Identification Mechanisms

GVT will procure or lease fixed-route vehicles that feature destination signs that meet the requirements of the ADA. Despite these signs, persons with visual impairments or other disabilities may have difficulty identifying the proper vehicle to enter. Where vehicles or other conveyances for more than one route serve the same stop, a GVT vehicle operator will attempt to make visual contact with prospective riders to determine if service is desired. If visual contact cannot be made, the vehicle operator will stop the bus and make verbal contact to inform the person(s) of route information

(that route's destination, other destinations served by that bus stop, etc.).

Section 6 – Service Animals

GVT will permit service animals to accompany individuals with disabilities in vehicles and facilities. In addition, animals that are being professionally trained as service animals are permitted in GVT vehicles and facilities. As defined by the ADA, service animals means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Section 7 – Use of Accessibility Features

GVT will ensure that vehicle operators and other personnel make use of accessibility-related equipment as required by the ADA. Willful failure to use these features, as needed, will result in disciplinary action up to and including termination.

Section 8 – Public Information/Communications

GVT will make available to individuals with disabilities adequate information concerning its transit services. This obligation includes making adequate communications capacity available, through accessible formats and technology, to enable users to obtain information and schedule service.

Section 9 – Lift Deployment at Any Designated Fixed-Route Bus Stop

GVT will not refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated bus stop, unless:

- 1) The lift cannot be deployed;
- 2) The lift will be damaged if it is deployed; or
- 3) Temporary conditions at the bus stop, not under control of GVT, preclude the safe use of the bus stop by all passengers.

It will be the responsibility of operations personnel to inform GVT staff (dispatchers, supervisory staff and/or maintenance staff) of problems at bus stops so that appropriate remedies may be undertaken.

Section 10 – Service to Persons Using Respirators or Portable Oxygen

GVT will not prohibit an individual with a disability from traveling with a respirator or portable oxygen supply, consistent with applicable Department of Transportation rules on the transportation of hazardous materials (49 CFR subtitle B, chapter 1, subchapter C).

Section 11 – Adequate Scheduled Time for Fixed-Route Vehicle Boarding and Disembarking

GVT will ensure that adequate time is provided in its fixed-route schedule to allow

individuals with disabilities to safely complete boarding or disembarking from the vehicle. GVT Service Committee will periodically review on-time performance data and/or passenger complaints to determine if schedule adjustments are warranted.

Section 12 – Training Requirements

GVT will ensure that its personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely. Personnel will be trained to properly assist and treat passengers with disabilities in a respectful and courteous manner, with appropriate attention to the difference among individuals with disabilities.