

ORANGE COUNTY TRANSIT SERVICES

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

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 Indiana laws and regulations.

Orange County Transit Services operates a demand response public transit system. Orange County Transit Services complies with ADA requirements with respect to such services.

SERVICE CLASSIFICATIONS:

Orange County Transit Services are offered to all members of the public, not just persons with disabilities, therefore the service is considered “demand response” and Orange County Transit Services is not required to provide ADA complementary paratransit service.

POLICY STATEMENT:

It is the policy of Orange County Transit Services 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:

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 Orange County Transit’s system employees. 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.

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.

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 disabilities.

GENERAL GUIDANCE AND PROCEDURES FOR IMPLEMENTING POLICY

Recruitment and Employment: As stated in Orange County Transit Services 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: Orange County Transit Services transportation and administrative offices and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and the State of Indiana.

Maintenance of Accessibility Features: Accessibility features on vehicles, including lifts, ramps, wheelchair securement devices, will be maintained in operative condition. The preventive maintenance program of Orange County Transit Services 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.

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

Eligibility Certification: There is no eligibility certification process at Orange County Transit Services because the service is demand response and is open to the general public not just persons with disabilities.

Rider Scheduling: When calling to request transit service, the rider will be assigned a pick-up time. Riders will be required to be ready and in their designated place of pick-up at their scheduled time.

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 and the driver 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 disembark 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 or in cases where a pandemic has caused additional seating designations)

Passenger Assistance: Orange County Transit Services Demand Response Services will be provided on a first come, first serve basis. Drivers will assist riders with disabilities in boarding and disembarking from vehicles including use of the vehicle ramp and/or lift and in securing their mobility devices. All drivers who operate Orange County Transit Services vehicles are proficiently trained in passenger assistance and sensitivity towards persons with disabilities, leaving their seat to make themselves available for assistance to persons with disabilities. 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. Orange County Transit Services 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 cannot be secured because of the wheelchair design, the passenger still has the right to ride in 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. In the situation, the driver will notify the passenger that “I can’t sure your mobility device safely. Do you want me to still transport?” The driver needs to notify and document the reason the passenger was unable to be secured properly and that the passenger agreed to transport (see Appendix for mobility Device Form). 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.

Orange County Transit Services will treat all riders equally. Seat belts and shoulder harnesses are required for passengers riding in the secured wheelchair station because it is FCC/Orange County Transit’s policy that all passengers are required to use a seatbelt/shoulder harness. (Note, however, that in some cases the use of seatbelts themselves may be more harmful to passengers with certain types of disabilities and/or medical reasons (i.e. port). The driver needs to notify dispatch and document the reason the passenger was unable to be secured properly (see Appendix for Mobility Device Form).

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, Orange County Transit Services 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.

Disembarking: It is the responsibility of the driver to determine that the location for passenger disembarking 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 assisting and treating individuals with disabilities with sensitivity.

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 Procedures

Orange County Transit Services has a process for investigating and tracking ADA related complaints. These procedures shall be posted on Orange County Transit Services website and will be provided to any individual where Orange County Transit Services has denied a request for accommodation or discriminated against any individual on the basis of disability. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Any person who believes she or he has an ADA related complaint can file that complaint by completing and submitting a Consolidate Civil Rights Complaint Form or an ADA Reasonable Modification Complaint Form (see Appendix). Orange County Transit Services investigates complaints received no more than 30 days after receipt. Orange County Transit Services will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, Orange County Transit Services may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Orange County Transit Services.

If Orange County Transit Services is not contacted by the complainant or does not receive the additional information within 30 business days, Orange County Transit Services may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After Orange County Transit Services investigates the complaint, a decision will be rendered in writing to the complainant. Orange County Transit Services will issue either a Letter of Closure or Letter of Finding.

- a. *Letter of Finding* – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Orange County Transit Services to address the complaint.
- b. *Letter of Closure* – This letter will explain why Orange County Transit Services has determined that the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of Orange County Transit Services, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision of Orange County Transit Services.

In the event of appeal, the complainant will be granted all due process, including the ability to be present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

Designated Employee

Orange County Transit Services shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Crystal Mattingly, Transportation Director
Orange County Transit Services
986 W. Hospital Road
P.O. Box 267
Paoli, IN 47454
(812) 723-4043
cmattingly@firstchancecenter.com

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 Orange County Transit Services, Crystal Mattingly, Transportation Director at (812) 723-4043 or cmattingly@firstchancecenter.com. The transit system will make every effort to work with the individual to find an accommodation solution.

Orange County Transit Services

Consolidated Civil Rights Complaint Form

Orange County Transit Services is responsible for ensuring proper implementation of several civil rights laws and programs, including Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990 (ADA), the Disadvantaged Business Enterprise (DBE) program, and the External Equal Employment Opportunity (EEO) program.

In the complaint investigation process, we analyze the complainant's allegations for possible deficiencies by our transit provider. If deficiencies are identified, they are presented to the transit provider and assistance is offered to correct the inadequacies within a predetermined timeframe.

Please mail or submit your completed form to:

Orange County Transit Services
Crystal Mattingly, Transportation Director
986 West Hospital Road
P.O. Box 267
Paoli, IN 47454

If you have questions about how to prepare a complaint, you may contact us at (888) 826-2920. More information about transit-related civil rights requirements may be found on the FTA's website at www.fta.dot.gov.

Note: Apart from the form, *on separate pages*, please describe your complaint. You should include specific details such as names, dates, times, route numbers, witnesses, and any other information that would assist us in our investigation of your allegations. Please also provide any other documentation that is relevant to this complaint, including any related correspondence from your transit provider.

Important: We cannot accept your complaint without a signature, so please sign on the last page of the form after printing out. DOUBLE CLICK EACH TEXT BOX TO ENTER TEXT.

Section I

I believe that I have been (or someone else has been) discriminated against based on:

- Race / Color / National Origin
- Disability
- Sex, Gender
- Other (specify)

I believe that a public transit provider has failed to comply with the following program requirements:

- Disadvantaged Business Enterprise
- Equal Employment Opportunity
- Title VI
- Americans with Disabilities Act (ADA)
- Other(specify)

Section II

Name:

Street Address:

City: State:

Zip Code:

Telephone Numbers:

Home:

Cell:

E-Mail Address:

Accessible format requirements:

Large Print

Not Applicable

Other

Section III

Are you filing this complaint on your own behalf?

Yes No

[If you answered "yes" to this question, go to Section IV.]

If not, please supply the name and relationship of the person for whom you are complaining:

Please explain why you have filed for a third party:

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party:

Yes No

Section IV

Have you previously filed a civil rights complaint with our agency?

Yes No

If yes, what was the date?

Have you filed this complaint with any of the following agencies?

Transit Provider

Department of Transportation

Department of Justice

Equal Employment Opportunity Commission

Other

If yes, please attach a copy of any response you received to your previous complaint.

Have you filed a lawsuit regarding this complaint?

Yes No

If yes, please provide the case number and attach any related material.

Section V

Name of public transit provider complaint is against and general details of complaint:

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Contact person

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Title

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Telephone number

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Section VI

May we release your identity and a copy of your complaint to the transit provider?

Yes No

Note: We may be unable to investigate your allegations without permission to release your identity and complaint.

Please sign here: _____

Date:

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Note: We cannot accept your complaint without a signature.