

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

### **INTRODUCTION AND PURPOSE:**

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 North Carolina laws and regulations. Transportation Administration of Cleveland County (TACC) operates services on a deviated fixed route basis and complies with ADA requirements with respect to such services.

### **POLICY STATEMENT:**

It is the intent and policy of TACC 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 based on 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. Expedite the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status.
3. Safely 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 TACC equipment in the process.

### **Applicability:**

This policy applies to all TACC 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 four-wheeled devices, usable indoors, designed 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.

*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.

*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.

*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 tasks or tasks for people with disabilities.

**GENERAL GUIDANCE AND PROCEDURES FOR IMPLEMENTING POLICY**

**Recruitment and Employment:** As stated in the TACC personnel policy, TACC is an Equal Opportunity Employer and fully complies with ADA in its recruitment, hiring and continued employment practices.

**Facility and Vehicle Accessibility:** TACC administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and NC DOT. All vehicles purchased for demand-response 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 types of vehicles will be based upon rider needs.

For demand-response service, TACC will make all reasonable efforts to make an accessible vehicle available whenever requests are made. Should there be trip denials, they will be tracked for riders

with disabilities versus riders without disabilities to monitor whether trips are denied to individuals with disabilities because an accessible vehicle is not available.

**Maintenance of Accessible Features:**

Accessibility features on vehicles, including lifts, wheelchair security devices and public address systems, will be maintained in operative condition. TACC's preventive maintenance program provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the original equipment manufacturers. In addition, the lift must be cycled as part of the pre-trip inspection each day of operation and indicated on the daily inspection form.

Drivers are required to report lift failures as soon as possible in accordance with TACC Vehicle and Equipment Maintenance Policy and Procedure.

**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 TACC employee can operate the lift, secure the "wheelchair" on the lift and in the security 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:**

Except for the wheelchair security stations, the transit system does not require any passenger to sit in designated seating. However, this does not supersede TACC'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 at the request of the passenger. Drivers will leave their seat to assist a passenger when using the vehicle ramp, lift and/or security systems. Drivers will use accessibility-related equipment and features on their vehicles.

**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 shall 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 passenger is using, the driver will still try to safely secure the wheelchair. If the wheelchair cannot 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 will be denied service. Drivers must secure wheelchairs in the designated securement area only. Seat belts and shoulder harnesses are required for ALL passengers per state law and TACC policy.

**Non-Standard Mobility Devices:**

Mobility devices that are not wheelchairs will be accommodated to the extent that the ADA-compliant lift and security 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 if a seat is available. 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, TACC shall allow banned 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 passengers. The driver will only unsecure the 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 appropriate staff are trained to be proficient in the 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.

**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 based on disability will be promptly and objectively investigated and forwarded to the TACC Executive Director and NC DOT Public Transportation Division. 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 TACC executive Director. TACC will work with the individual to find an accommodation solution.

GUIDELINES AND PROCEDURES FOR IMPLEMENTING POLICY SPECIFIC TO  
DEVIATED FIXED ROUTE SERVICES

**Deviation Parameters:**

Upon request by a passenger with a disability, TACC will deviate up to <sup>3</sup>/<sub>4</sub> -mile from any established route.

**Deviation Request Procedures:**

Riders may request a route deviation by calling TACC at least 24 business hours before the desired trip. The passenger will be given a pick-up time and will be required to be at 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:**

Route deviation services will be provided on a curb-to-curb basis only. TACC drivers will assist riders with disabilities to board and disembark from vehicles and to secure their mobility devices. All TACC drivers will be proficiently trained in passenger assistance and sensitivity towards persons with disabilities.

**Fixed Stop Procedures:**

Riders can also access route deviation service without advanced request by boarding or alighting at one of the designated fixed stops.

**Fares:**

The one-way fare for riding the deviated fixed route service without requesting a deviation is \$1.25. One-way fare per deviation is \$2.50. If a deviation is requested for both boarding and alighting, this is considered two deviations. Fares are subject to change by the Board of Directors.

**Inoperative Lifts:**

Vehicles with inoperative lifts will be taken out of deviated fixed route 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.