



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 Americans with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation (U.S. DOT) regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and applicable state laws and regulations. Clarion County Transportation operates shared ride services on a demand-response basis and complies with ADA requirements with respect to such services.

Policy Statement: It is the policy of Clarion County Transportation to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA regulations prevail. 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. accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

Applicability: This policy applies to all transit system employees, services, facilities, and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

Definitions

Alighting: Descending from or getting out of a train, bus, or other form of transport.

Curb-to-curb: Type of demand-response service that picks up and discharges passengers at the curb or driveway in front of their home or destination. The driver does not assist the passenger along walks or steps to the door.

Demand-response: Services which are available only upon advance reservation by the passenger.

Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Mobility Device: A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

Securement Area or Station: A designated location for riders using wheelchairs, equipped with a securement system.

Securement Device, Equipment or System: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Service Animal: Any guide dog, signal dog, or other animal that has been 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.

Wheelchair: A mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

General Guidance and Procedures for Implementing Policy

Recruitment and Employment: As stated in the transit system's personnel policies, the agency is an Equal Opportunity Employer (EOE) 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 requirements of the State of Pennsylvania. If state requirements do not meet federal requirements, the federal ADA regulations prevail. 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 for individuals with disabilities as for individuals without disabilities. The transit system will conduct an analysis of service equivalency prior to the acquisition of any inaccessible vehicles for demand-responsive service.

Vehicle and Route Assignment: All but one demand-response vehicles operated by Clarion County Transportation are accessible and persons with disabilities, including wheelchair users, can board any vehicle. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs.

Maintenance of Accessible Features: Accessibility features on vehicles, including lifts, ramps, wheelchair securement devices, and public address systems, will be maintained in operative condition. The preventive maintenance program of Clarion County Transportation 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.

Inoperative Lifts and Ramps: Drivers are required to report lift or ramp failures immediately. Vehicles with inoperative lifts will be removed from service and replaced with an accessible vehicle until the inoperative lift is repaired. For vehicles equipped with ramps, it may be possible to continue in service as long as the ramp can be and is deployed manually when necessary. If an inoperative ramp cannot be, or is not, deployed manually, the transit agency will apply the policy for a vehicle with an inoperative lift.

Wheelchair Accommodation: All accessible vehicles meet or exceed the requirements of 49 CFR Part 38. Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If a vehicle lift/ramp and securement area can accommodate a wheelchair or other mobility device, Clarion County Transportation will transport the device and its user.

An individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle lift/ramp, will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair. However, transit agency personnel are not required **OR** permitted to operate a passenger's wheelchair. The individual may travel with another individual who can assist with operating the unoccupied wheelchair to maneuver it on and off the lift/ramp.

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 and waiting for passengers to be seated before moving the vehicle. Only a properly trained transit system employee can operate the lift or ramp and secure the wheelchair in the securement station. Passengers may board facing toward or away from the vehicle.

Wheelchair Securement: Clarion County Transportation requires that all wheelchairs be secured. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. 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 may be denied service.

Securement of wheelchairs is the responsibility of the driver. Drivers are trained in the proper operation of all securement equipment based on the equipment manufacturer's specifications. Drivers will listen to and respect riders' instructions on how to secure their equipment. Drivers cannot be expected to be familiar with every wheelchair type that may come aboard, and securement attachment points may differ by wheelchair manufacturer. The rider may be in the best position to instruct the driver on how to properly secure their mobility device.

If the securement system is not compatible with the wheelchair the passenger is using, the driver will still 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 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. The wheelchair is not allowed to block the aisle.

Seat belts and shoulder harnesses are required for ALL passengers. Seat belts will never be used instead of independent securement of the passenger's wheelchair.

In cases where an individual using a wheelchair attempts to board and requires use of a securement location that is currently occupied by another passenger that is not using a wheelchair, the driver will ask that passenger to allow the individual using a wheelchair to use the securement position.

Driver Assistance: Drivers will make themselves available to assist individuals with disabilities and will assist upon request of the passenger. Drivers will assist a passenger with using the vehicle ramp, lift, and/or securement systems using the accessibility-related equipment and features on their vehicles.

Use of Lift or Ramp by Individuals with Disabilities Not Using a Mobility Device: The driver will deploy the lift or ramp for an individual with a disability who is not using a mobility device to board or alight the vehicle upon request.

Accommodation of Other Mobility Devices: Mobility devices that are not wheelchairs, but which are primarily designed for use by individuals with mobility impairments, will be accommodated to the extent that the ADA-compliant lift or ramp 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.

Transfer to Fixed Seating: All passengers using wheelchairs have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, wheelchair users to transfer to fixed seating. No waivers are allowed to be required.

Accommodation of Portable Oxygen: Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. DOT rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C. The portable oxygen or other medical equipment must be secured while being transported and must be of a size that can be safely and reasonably accommodated in the vehicle. Under no

circumstances will the driver handle, attach, or provide any service to the equipment. If using portable oxygen, passengers should be sure to have enough for the scheduled duration of the trip and for any delays.

Priority Seating: With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating.

Priority seating for seniors and individuals with disabilities is to be designated by permanent signage in each vehicle. In cases where an individual with a disability requests use of priority seating that is currently occupied by another passenger, the driver will ask that passenger to move to allow the individual with a disability use of the priority seating. In cases where a wheelchair user requires the use of a securement location, the driver will ask any passenger, including other passengers with disabilities, to vacate the securement location.

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 direct threat to the health or safety of other passengers may be restricted from riding. The passenger is responsible for any damage caused by the animal. Drivers cannot deny service to a person accompanied by a service animal based on another individual's allergies. The animal must remain at the passenger's feet or on their lap. The driver is not required to take control of a leash or harness of the service animal.

Alighting: It is the responsibility of the driver to determine that the location for passenger alighting is safe. Only the driver will unsecure the wheelchair and operate the lift or ramp to return the passenger to the ground level.

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 and respectfully assisting and treating individuals with disabilities with sensitivity.

Rider Information: All printed informational materials will be made available in accessible formats upon request, for example, large print for individuals with low vision or audio for blind individuals, 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 Transportation Administrative Officer. Clarion County Transportation will promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant. The response will be documented. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment. Documentation of each complaint will be kept on file for six years. [See Appendix A]

Reasonable Modification of Policy: If a passenger with a disability requires modification of any of Clarion County Transportation's policies and practices to accommodate their disability to use the service, the passenger may request such a modification by contacting Clarion County Transportation's general manager at (814) 226-7012 or filing a written request. [See Appendix B] The transit system will work with the individual to find an acceptable accommodation solution.

Where a request for modification cannot practicably be made and determined in advance, operating personnel will decide whether the modification should be provided at the time of the request. Operating personnel may consult with management before deciding to grant or deny the request.

Requests for modification of policies and practices may be denied only on one or more of the following grounds:

- Granting the request would fundamentally alter the nature of Clarion County Transportation's services, programs, or activities.

- Granting the request would create a direct threat to the health or safety of others.
- Without the requested modification, the individual with a disability can fully use Clarion County Transportation's services, programs, or activities for their intended purpose.

If Clarion County Transportation denies a request for a reasonable modification, the agency shall take, to the maximum extent possible, other actions that would not result in a direct threat or fundamental alteration of service to ensure that the individual with a disability receives the services or benefit provided by Clarion County Transportation. The requestor has the right to protest by filing an appeal. [See Appendix C]

Guidelines for Implementing Policy Specific to Demand-response Services

Service in the Most Integrated Setting: Clarion County Transportation demand-response transportation service is a shared-ride service. It is the policy of Clarion County Transportation to provide service for individuals with disabilities in the most integrated setting appropriate to the needs of the individual, including providing service to individuals with disabilities on the same vehicles and together with all other riders.

Service Characteristics: All but one demand-response vehicles operated by Clarion County Transportation are accessible and persons with disabilities, including wheelchair users, can board any vehicle and receive service with the same characteristics as riders without disabilities.

Passenger Assistance: Demand-response services will be provided on a curb-to-curb basis. Clarion County Transportation drivers will assist riders with disabilities in boarding and alighting from vehicles and in securing wheelchairs. All drivers who operate Clarion County Transportation services will be proficiently trained in passenger assistance and sensitivity towards persons with disabilities.

The staff of the Clarion County Transportation will not lift a passenger, leave a vehicle unattended or out of visual observation for a lengthy time, enter a rider's home, care for service animals, operate a power wheelchair, provide personal care attendant (PCA) service, or take actions that would be clearly unsafe. If more extensive assistance is needed by the individual than Clarion County Transportation can provide as provider of public transportation, the individual will be responsible for arranging for personal assistance. Staff of Clarion County Transportation will work with the individual and/or their caregiver/social worker to clarify parameters of the assistance that can be provided by the driver and formally document this in a letter sent to the individual.

[Appendix A]**Complaint and Investigation Procedure**

1. Complaints must be filed within 180 days after
 - a. the date of alleged occurrence, or
 - b. the date when the alleged discrimination became known to the Complainant, or
 - c. the date of the latest occurrence if there has been a continuing course of conduct.
2. Complaints must be in writing, complete, and signed by the complainant or representative. If the complaint cannot be submitted in writing, the complainant should contact the Civil Rights Coordinator, who will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for revision, if necessary, and signature.
3. The complete form must include
 - a. The complainant's contact information: full name; postal address; phone number.
 - b. The basis of the complaint (e.g., disability).
 - c. The names of specific persons and respondents (e.g., agencies/organization) alleged to have discriminated.
 - d. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity of CCT.
 - e. The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.
 - f. Date of complaint.
4. If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 15 days to submit the required information. Failure to reply may be considered good cause for a determination of no investigative merit.
5. A case may be administratively closed if the complainant no longer wishes to pursue the complaint.
6. The Civil Rights Coordinator will review complaints to determine if our office has jurisdiction. We will provide a written acknowledgment to the Complainant within 10 business days of receipt of the complaint. The acknowledgment will state whether the complaint will be investigated by our office or forwarded to the appropriate state or federal agency.
7. If the complaint is within CCT's jurisdiction, CCT has 60 days to complete an investigation. After which, the investigator will issue one of two letters:
 - a. Closure Letter – summarizes the allegations and states that there was a not a Title VI violation and that the case will be closed.
 - b. Letter of Finding – summarizes the allegations and the interviews regarding the alleged incident(s) and explains whether any disciplinary action, additional training of staff member(s) involved, or other action will occur.
8. If desired, the complainant may appeal the decision 60 days after the date of the letter.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

CCT will maintain a log of all discrimination complaints received for a period of six years.

Clarion County Transportation ADA* and Title VI** Complaint Form

Section I				
Name:				
Address:				
Primary Telephone:			Alternate Telephone:	
Email:				
Accessible Format Requirements:	Large Print []	TDD []	Audio Tape []	Other []

Section II		
Are you filing this complaint on your own behalf? If 'Yes' go to Section III. Yes [] No []		
Name and your relationship to the person for whom you are complaining:		
Please explain why you are filing for a third party?		
Confirm you have obtained permission to file on behalf of an aggrieved third party. Yes [] No []		

Section III
<p>I believe the discrimination I experienced was based on (check all that apply):</p> <p style="text-align: center;"> Disability* [] Race** [] Color** [] National Origin** [] </p> <p>Date(s) of alleged discrimination (Month, Day, Year): _____</p> <p>Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you, if known, as well as names and contact information of any witnesses. <i>Space continues on the back of this form.</i></p>

Section III continued**Section IV**

Have you previously filed an ADA or Title VI complaint with this agency? Yes No

Section V

Have you filed this complaint with any other government agency or court? Yes No

If yes, check all that apply:

Federal Agency State Agency Local Agency Federal Court State Court

Please provide contact information for the agency or court where the complaint was filed:

Name: _____ Title: _____

Agency: _____

Address: _____

Telephone: _____ Date Filed: _____

Section VI

Name of agency complaint is against _____

Contact person: _____	Title: _____
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You may attach any written materials or other information that you think is relevant to your complaint.

Signature and Date are required

Submit form to:

Civil Rights Coordinator, Clarion County Transportation, 214 S. 7th Avenue, Clarion, PA 16214

Section III continued

You may attach any written materials or other information that you think is relevant to your request.

Signature and Date are required

Submit form to:

General Manager, Clarion County Transportation, 338 Amsler Avenue, Suite 1, Shippenville, PA 16254

Questions can be directed to our office at (814) 226-7012 or SRaybuck@mtm-inc.net

[Appendix C]



Americans with Disabilities Act of 1990 Reasonable Modification Denial Appeal Form

Under the provisions of the Americans with Disabilities Act of 1990 (ADA) you have the right to appeal any determination stating you are **not eligible** for an ADA Reasonable Modification.

If you wish to make an appeal, please fill out the following information. You may designate an advocate in this manner if you wish. If you would like to schedule a hearing, your advocate or other representative may make a presentation at that time.

Name: _____

Address: _____ Phone: _____

City: _____ State: _____ Zip: _____

Designated Advocate: _____ Advocate's Phone: _____

Please CHECK ONE of the following:

_____ I choose to appeal in person. If you choose to appeal in person, you will be contacted by Clarion County Transportation to schedule an appeal meeting. You must be available to attend the meeting at a mutually agreed-upon date and time. Please bring all supporting documentation to the appeal meeting. Be specific with the dates you are appealing.

_____ I choose to appeal in writing. If you choose to appeal in writing, please submit this Appeal Form and a letter specifically stating why you believe that the denial decision was made in error. Be specific with the dates you are appealing. Please include all supporting documentation with your appeal.

You may submit written material regarding your request for a Reasonable Modification and functional ability to use transit services as part of this appeal. Please note that any written material will become part of the record of this request and will not be returned.

Based on the above statement (and supported by any material submitted) I hereby appeal the determination of Clarion County Transportation denying an ADA Reasonable Modification. I understand that my request will be reviewed, at which time I will be notified of the results of the determination.

Signature: _____ Date: _____

Incomplete forms will not be processed. Please return completed form(s) to:

Clarion County Transportation Administration
214 South 7th Avenue
Clarion, PA 16214