

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Jefferson Transit Authority
Resolution No. 20-04
Adopting an Amended ADA Policy

A RESOLUTION of the Board of Directors of the Jefferson County Public Transportation Benefit Area, hereinafter called the "Authority," to adopt an Amended Americans with Disabilities Act (ADA) Policy

WHEREAS, the Authority is responsible for setting Policy for Jefferson Transit Authority (JTA); and

WHEREAS, the adopted policy in regards to JTA's ADA and paratransit services and procedures adhere to ADA guidelines provided by the Federal Transit Association (FTA) and Washington State Department of Transportation (WSDOT); and

WHEREAS, JTA wishes to amend and update the current ADA Policy as new laws have come into effect since the last ADA policy revision on June 21, 2011, including reasonable modification of policy, direct threat, and updates in mobility device definitions.

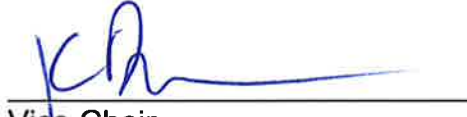
NOW, THEREFORE, BE IT RESOLVED; the Authority does hereby adopt the amended ADA Policy dated December 17, 2019, as set forth in "Exhibit A" which is attached to this Resolution.

CERTIFICATION

The undersigned duly qualified Clerk of the Board, acting on behalf of the Jefferson County Public Transportation Benefit Area, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Jefferson Transit Authority Board held on February 18, 2020.



Chair



Vice Chair



Member



Member



Member

Attest:



Clerk of the Board

<i>Title:</i> ADA Policy-Revision	<i>Resolution:</i> 20-04: Revised ADA Policy
<i>Author:</i> Miranda Nash, Mobility Coordinator	<i>Revision Date:</i> 12/17/19



Jefferson Transit Authority

ADA Policy

Adopted January 14, 1992

ADA Policy

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990; the ADA prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.

Subsections (§) quoted within Jefferson Transit Authority's (JTA) ADA Policy are from Federal Transit Administration's (FTA) Office of the Secretary of Transportation document titled Code of Federal Regulations (C.F.R) Title 49 Transportation, sections (ADA) Part 37, Part 37 Appendixes (Pt. App.) and Part 38 "Transportation Services for Individuals with Disabilities"

References to JTA SOP refer to JTA's Standard Operating Procedures.

1. Fares

Refer to *JTA Fare Policy*.

2. Mobility Devices

JTA's fleet is lift equipped. Accommodating a person in a wheelchair or power scooter on a JTA vehicle requires the mobility device meet the following Federal Transit Administration guidelines:

- A wheelchair is defined in § 37.3 as "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." Transit agencies may decline to carry a wheelchair/occupant if the combined weight exceeds that of the lift specifications or if carriage of the wheelchair is demonstrated to be inconsistent with "legitimate safety requirements."
- People whose mobility impairments require the use of canes, crutches, and walkers are accommodated on the same basis as wheelchairs.
- Segway or similar electrically motorized personal transportation devices are allowed on JTA when used as a mobility device by a person with a disability. The passenger may board with the device but may not use the device as a seat when aboard a JTA vehicle.
- Equipment must be in good working order, with batteries charged, tires inflated, brakes working, footrests attached, and all parts secure.

3. Portable Oxygen Use

Individuals with disabilities who use portable oxygen devices are allowed to travel with respirators and properly secured portable oxygen supplies (§ 37.167(h)). Oxygen supplies must not obstruct the aisle.

4. Securement

Drivers will secure mobility devices facing forward in one of the securement positions on the vehicle. Drivers will assist passengers with securement systems, ramps, and seatbelts. However, drivers cannot assist riders using power chairs or scooters with the operation of their equipment (*JTA SOP #TO-602*).

5. Stop Announcements

JTA shall announce stops on fixed route services as follows:

- The entity shall announce at least at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location (§ 37.167(b)).

The entity shall announce any stop on request of an individual with a disability (§ 37.167(b)). (*JTA SOP #TO-304*)

6. Service Animals / Personal Care Attendants/Companions

JTA shall permit service animals to accompany individuals with disabilities in vehicles and facilities (§ 37.167(d)). Refer to *JTA Policy on Animals on Transit Vehicles*. Owners are responsible for any damage caused by the animal.

A personal care attendant is someone designated or employed specifically to help the eligible individual meet his or her personal needs. Personal care attendants ride free.

§ Section 37.131(c) (3)

Companions are charged the same fare as the eligible individual they are accompanying.

§ 37.123 (f)

7. Maintenance of Lifts or Ramps

If a lift or ramp failure occurs on a JTA vehicle operating on a fixed route, and the time of the next accessible vehicle on the route exceeds 30 minutes, JTA shall promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work (§ 37.163(f)).

8. Priority Seating / Securement Areas

JTA vehicles have signage indicating priority seating at the front of the vehicles and mobility device securement areas designated as reserved seats for persons with disabilities. § 38.27(a).

9. Suspension of Service

Refer to *JTA Code of Conduct/Exclusion Policy*.

10. Notification of Policy

JTA will post the ADA policy on its website.

11. Direct Threat

JTA will determine direct threat in compliance with FTA- Appendix D § 37.3. JTA may refuse to transport individuals who pose a significant risk to the health or safety of others, on a case by case basis, based on reasonable judgement, current medical knowledge, and objective evidence to establish the nature, duration, and severity of the risk, the probability that potential injury will occur, and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

12. Reasonable Modification

JTA will provide reasonable modification of JTA policy, practices, and procedures upon request to ensure transportation services are accessible to persons with disabilities when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to their services, subject to the limitations of § 37.169(c)(1)–(3). Reasonable modification means that “the nature of an individual’s disability cannot preclude a public transportation entity from providing full access to the entity’s service unless some exception applies.”

13. Accessible Information

JTA will make communications and information available using accessible formats and technology to obtain information about transportation services. (§ 37.167(f)).

Dial-A-Ride

1. Dial- A Ride Service Area

JTA will provide comparable complementary paratransit service in compliance with FTA-Subpart F-§ 37.121, “each public entity operating a fixed route system shall provide paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system. Requirements for complementary paratransit do not apply to commuter bus, commuter rail, or intercity rail systems.”

2. Dial- A-Ride Hours

JTA Dial-A-Ride will operate the same hours as JTA's fixed route system. (Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.131(e), complementary paratransit service must be available during the same days and hours that fixed route service operates.)

3. Dial-A-Ride Eligibility

JTA Dial-A-Ride eligibility process is based on: FTA-Subpart F-§ 37.125 ADA Paratransit Eligibility: Process and FTA Pt.37.App. 37.123 ADA Paratransit Eligibility Standards.

“Disability alone does not determine paratransit eligibility; the decision is based on the applicant's functional ability to use the fixed route bus and is not a medical decision. The Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations in Appendix D to 49 C.F.R. Section 37.125 explain: The substantive eligibility process is not aimed at making a medical or diagnostic determination. While evaluation by a physician (or professionals in rehabilitation or other relevant fields) may be used as part of the process, a diagnosis of a disability is not dispositive. What is needed is a determination of whether, as a practical matter, the individual can use fixed route transit in his or her own circumstances.”

- Individuals may be ADA paratransit eligible on the basis of a permanent or temporary disability. (Sec. 37.123c)
- Individuals are eligible for service when they have been certified to use JTA Dial-A-Ride

JTA will determine an applicant's eligibility within 21 days of receiving a completed application. If the applicant does not receive an answer within 21 days, the applicant shall be treated as eligible and provided services until eligibility is determined (§ 37.125(c)).

4. Dial-A-Ride Trip Cancellations and No Shows

The definition of a No-Show is an inability to find a passenger at the specific pick-up location or a passenger refusal of the trip at the door. Riders who schedule Dial-A-Ride or Deviated Fixed Route service trips and repeatedly no-show or have excessive late cancellations, may be suspended from both services. If a rider No-Shows 3 or more Dial-A-Ride or Deviated Fixed Route trips in a thirty day period, they may be suspended from JTA for a minimum of 1 week. The 2nd suspension will be for a 2 week period, the 3rd suspension will be for a 3 week period, and so on. Each suspension increases by 7 days within a twelve month period.

5. Dial-A-Ride Visitor Certification

Visitors are eligible for 21 days of service in a 365-day period beginning on the first day the service is used by the visitor. For additional days of service, the individual is expected to register under JTA eligibility procedures. For individuals who reside outside the JTA service jurisdictions, JTA shall certify an individual with a disability as a visitor when providing documentation of residence and a statement that because of their disability they are unable to access the fixed route. (§ 37.121 of [Part 37])

6. Dial-A-Ride Appeals Process

JTA's Dial-A-Ride Application outlines the Dial-A-Ride eligibility appeals process.

Authorized By:



Tammi Rubert, General Manager

2.26.2020

Date