

<p><i>Title:</i> <b>ADA Policy-Revision</b></p>	<p><i>Resolution:</i> <b>21-04: Revised ADA Policy</b></p>
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*Jefferson Transit Authority*

**ADA Policy**

Adopted January 14, 1992  
Revision April 20, 2021

## 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**

The fare per trip for eligible paratransit service users shall not exceed twice the fare that would be charged to an individual paying full fare for a trip of similar length at a similar time of day on fixed route services § 37.131(c).

Personal Care Attendants (PCAs) traveling with eligible paratransit users on fixed route or paratransit services shall not be charged fare. Companions, or guests, pay the same fare as the eligible individual they are accompanying. § 37.123 (f).

### **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 or riders with disabilities who do not use any type of assistive device or who may not have a visible or apparent disability are accommodated on the same basis as wheelchairs. Operators will honor riders request to use lifts or ramps, § 37.165(g).

- 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, 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 (PCA) or companion may accompany ADA paratransit eligible individuals.. A PCA is someone designated or employed specifically to help the eligible individual meet his or her personal needs. A companion or guest is an individual who accompanies an ADA paratransit eligible user but does not act in the capacity as their personal care attendant. To be viewed as “accompanying” an eligible rider, PCAs and companions must board and disembark at the same locations as eligible individuals.

Paratransit riders may be accompanied by one PCA at a time. Eligible paratransit riders are entitled to be accompanied by “at least one” companion in addition to a PCA. Additional

PCA's or companions riding on comparable paratransit services are accommodated if space is available, meaning that they do not displace other eligible riders 37.123(f)(2).

## **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)).

JTA vehicle operators will report lift malfunctions or failures to dispatch promptly. Operators will inform riders that are unable to board the vehicle due to a lift failure or malfunction that dispatch has been notified, when another accessible vehicle is scheduled to arrive, or inform them of an alternative transportation plan.

## **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)).

### **14. ADA Complaint Procedure**

Jefferson Transit's Mobility Coordinator is the primary contact for all ADA related comments and complaints. Current contact information for the Mobility Coordinator will be advertised to the public via the Jefferson Transit website, and customer service office locations

All methods and forms of contact for submitting an ADA related comment, request for information, or complaint shall be accessible and usable by all individuals. Riders can contact Jefferson Transit with requests for information, comments, or complaints regarding ADA in the following ways

1. **US Mail:** Riders can mail their feedback to the Jefferson Transit office at 63 Four Corners Road, Port Townsend, WA 98368.
2. **Voicemail:** Riders can contact Jefferson Transit at 360-385-4777 (or toll free at 800-371-0497.) This line is available 24 hours a day, seven days a week.
3. **E-mail:** Riders can contact the Mobility Coordinator by e-mail at [info@jeffersontransit.com](mailto:info@jeffersontransit.com).
4. **Fax:** Riders can send written feedback by fax to 360-385-2321.
5. **Language Line:** For riders who speak a language other than English, Jefferson Transit will utilize the services of Language Line to facilitate the call.
6. **Website:** Fill our *Customer Comment* form on Jefferson Transit's website at [www.jeffersontransit.com](http://www.jeffersontransit.com)

Individuals who submit an ADA related comment, complaint, or service suggestion to Jefferson Transit shall receive a response, provided they give legible contact information:

- Feedback sent via mail or fax will receive with a response within seven business days.
- E-mail, phone, or web originated messages will be returned within 72 hours

Jefferson Transit shall maintain a tracking system for all ADA related comments, complaints, or service suggestions submitted that provides a unique identification of each record and allows ready access to information on the status of the comment at any time. The Clerk of the Board shall maintain a record of all ADA complaints of noncompliance and documented responses, to be kept on file for one year. A summary of all complaints of noncompliance and documented responses shall be kept on file for six years.

### **Dial-A-Ride**

## 1. Dial- A Ride Service Area

JTA will provide comparable 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 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), paratransit service must be available during the same days and hours that fixed route service operates.)

## 3. Dial-A-Ride Eligibility & Appeals

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 are eligible for service when they have been certified to use JTA Dial-A-Ride

Eligibility for ADA paratransit services shall be determined under three different categories as defined by § 37.123:

- Unconditional: An individual is unable to use fixed route transit services under any circumstances and is thus eligible to make all trips using paratransit
- Conditional: An individual meets eligibility criteria with respect to some trips but not others, the individual shall be ADA paratransit eligible only for those trips for which he or she meets the criteria.
- Temporary: Individuals who experience a temporary loss of functional ability that prevents them from using fixed route service.

Factors of an individual’s eligibility for ADA Paratransit may change over time that could affect their ability to use fixed route transit service. These factors may include changes in the physical environment, changes in the accessibility of the fixed route system, or changes in riders’ functional abilities. Eligible riders will be required to recertify their eligibility every

three years. Riders will be sent a notification of their recertification requirement 90 days before their recertification date.

Paratransit applicants who are dissatisfied with the eligibility determination they receive from Jefferson Transit have the right to appeal the decision. Appeals must be filed in writing within 60 days of the denial of an individual's application. A review team consisting of the General Manager and one other staff member will review customer appeals.

JTA will determine an applicant's eligibility within 21 days of receiving a completed application or eligibility appeal. If the applicant/appellant 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**

JTA understands that because paratransit service requires trips to be scheduled in advance, riders may sometimes miss scheduled rides or forget to cancel rides they no longer need. JTA also understands that riders may sometimes miss scheduled trips or be unable to cancel trips in a timely way for reasons that are beyond their control. However, repeatedly missing scheduled trips [or failing to cancel trips in a timely way] can lead to suspension of service.

- **No-show:** A no-show occurs when a rider fails to appear to board the vehicle for a scheduled trip. This presumes the vehicle arrives at the scheduled pickup location within the pickup window and the driver waits at least 5 minutes.
- **Pickup Window:** The pickup window is defined as from 15 minutes before the scheduled pickup time to 15 minutes after the scheduled pickup time. Riders must be ready to board a vehicle that arrives within the pickup window. The driver will wait for a maximum of 5 minutes within the pickup window for the rider to appear.
- **Late Cancellation:** A late cancellation is defined as either: a cancellation made less than 2 Hours before the scheduled pickup time or as a cancellation made at the door or a refusal to board a vehicle that has arrived within the pickup window.

JTA does not count as no-shows or late cancellations any missed trips due to errors made by the agency or situations beyond a rider's control that prevent the rider from notifying us that the trip cannot be taken. When a rider is a no-show for one trip, all subsequent trips on that day remain on the schedule unless the rider specifically cancels the trips. To avoid multiple no-shows on the same day, riders are strongly encouraged to cancel any subsequent trips they no longer need that day.

In any 30-day continuous period, any customer who has scheduled trips and has been a no-show for at least 10% of those trips will receive a suspension notice. Customers will receive written notice of the violation, citing which trips were no-shows or late cancellations and the proposed date of suspension of service. No-shows or late cancellations must be disputed within ten business days after the date of the Notice of Suspension.

Suspensions are progressive and will be imposed as follows:

- **First level of violation** – 10% of scheduled trips are no-shows in a continuous 30-day period: 7 days of suspension
- **Second level of violation** – an additional 10% of scheduled trips are no-shows in a continuous 30-day period: 14 days suspension
- **Third level of violation** – an additional 10% of scheduled trips are no-shows in a continuous 30-day period: 21 days of suspension
- **Fourth level of violation** – an additional 10% of scheduled trips are no-shows in a continuous 30-day period: 28 days of suspension

If more than two years elapse between any two stages of violations, the progression of suspensions begins again at the first level.

All suspension notices include a copy of this policy, information on disputing no-shows or late cancellations, and how to appeal suspensions. **Suspensions begin on two weeks after the notification of suspension.** Riders have the right to file an appeal request. All suspension appeals follow JTA's appeal policy.

#### 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])

**Authorized By:**

  
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 Tammi Rubert, General Manager

4.28.21  
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 Date