

Americans with Disabilities Act Policy

Introduction

The Americans with Disabilities Act of 1990 is a civil rights law that guarantees people with disabilities an equal opportunity to take part in our society. Transportation services are key to that participation. It is the goal of the LINX Transit Program, through its rural public transit service, to design, implement and maintain an efficient and effective transportation system for all, including persons with disabilities. The LINX Transit Program works to ensure nondiscriminatory transportation in support of the Federal Transit Administration's mission to enhance the social and economic quality of life for all Americans.

It is the policy of *LINX Transit Program* to comply with all provisions of the Americans With Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973 and US Department of Transportation (DOT) implementation regulation found at 49 CFR Parts 27, 37 and 38 as amended, in the delivery of transit services that are open to the public and prohibits discrimination on the basis of disability and sets specific requirements that transit agencies must follow. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

This policy applies to all LINX Transit Program employees, services, facilities and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

Definitions:

Direct Threat: A significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, procedures, or by the provision of auxiliary aids or services.

Disability: 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. These include but are not limited to canes, crutches, walkers and "segways" when used by a person with a mobility related disability.

Securement Equipment: A two-part stabilization system consisting of a four-point system for securing the wheelchair and a three-point belt and shoulder harness for securing the wheelchair passenger.

Securement Station: Space specifically designed to secure and stabilize wheelchairs.

Service Animal: An animal that is individually trained to perform a task or tasks for people with disabilities.

Wheelchair: Wheelchair means 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.

Equivalent Service

The LINX Transit Program provides equivalent service to individuals with disabilities, that is consistent with DOT ADA 49 CFR Part 37.77. Transportation will be provided in the most integrated setting appropriate to the needs of the individual and will be equivalent to the service provided other individuals with respect to:

- Response time;
- Fares;
- Geographic area of service;
- Hours and days of service;
- Restrictions or priorities based on trip purpose;
- Availability of information and reservations capability;
- Any constraints on capacity or availability;

Training

The LINX Transit Program shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the differences among individuals with disabilities.

All drivers must be proficient in using the ADA equipment in their vehicle. ADA service is required during regular service hours, regular service area, and in accordance with ADA regulations.

Recruitment and Employment

As stated in the City of Lebanon and LINX Transit Program personnel policies, the agency is an Equal Opportunity Employer and fully complies with ADA in its recruitment, hiring, and continued employment practices.

Service Animals

The LINX Transit Program shall permit service animals to accompany individuals with disabilities in vehicles and facilities. Under the Americans with Disabilities Act of 1990, a service animal is defined as *“any guide dog, signal dog, or other animal that is individually trained to do work or perform tasks for an individual with a disability, including, but not limited to, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items”*. (49CFR37.3)

Control of the service animal is the responsibility of the animals' partner. If an animal's behavior creates a hazard or direct threat, the accountability for damages or injuries shall remain with the person responsible for the animal. Any animal which is not under the passenger's control or which becomes a threat to other passengers may be restricted from riding.

Service animals should sit or lie on the floor. Animals should not occupy a passenger seat and should not block the passenger aisle.

Transporting of Wheelchairs

The LINX Transit Program will accommodate mobility devices. Three or more wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered, will be accommodated as long as the lift can accommodate the size and weight of the wheelchair and its user and there is space for the wheelchair on the vehicle. Mobility devices will not be transported if they are inconsistent with legitimate safety requirements.

The LINX Transit Program shall require wheelchairs to ride only in designated securement locations in the vehicle, where such locations exist.

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.

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 all passengers and other vehicles.

With the exception of the wheelchair securement stations, the *LINX Transit Program* does not require any passenger to sit in designated seating. However, this does not supersede the *LINX Transit Program'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.

Wheelchair Securement

Section 38.23(d) of the DOT's ADA regulation requires all ADA compliant vehicles to have a two-part securement system: One to secure the mobility device and a seatbelt and shoulder harness for the wheelchair user (such seat belts and shoulder harnesses shall not be used in lieu of a device which secures the wheelchair or mobility aid itself.)

The securement system shall limit the movement of an occupied wheelchair or mobility aid to no more than 2 inches in any direction under normal vehicle operating conditions.

(49CFR 38(d)(5)) It is recommended that power chairs and scooters be turned to the "OFF" position once on the lift platform and while the lift is in operation.

All wheelchairs must be secured to the floor of the vehicle using the securement equipment.

**See Operations Policy/Procedures for detailed information on protocol for loading/unloading persons in a wheelchair.*

Lift Deployment

Passengers will be permitted to use a lift or ramp to board or disembark from a vehicle at any designated stop, unless the lift or ramp cannot be deployed, the lift or ramp will be damaged if it is deployed, or temporary conditions preclude the safe use of the stop by all passengers. A person who is not using a wheelchair or other seated mobility aid may use the lift to board or alight the vehicle upon request. Standees should stand in the center of the platform facing the direction of travel. If capable, the passenger should hold both handrails when on the platform.

Passenger Responsibilities

- Passengers should be able to get on and off the bus and sit in a bus seat or wheelchair for transportation.
- All passengers on the vehicle are required to wear seat belts to include lap and shoulder belts. Therefore, persons in wheelchairs will also be required to be secured. Persons who, for medical reasons, are unable to wear a safety belt may be exempt with written verification from their physician.
- LINX Transit will deny service to any individual who engages in violent, illegal conduct.
- If a passenger's physical condition or conduct is hazardous, or whose behavior is seriously disruptive and/or a direct threat to others, service will be denied.
- The passenger will be notified of his/her right to appeal the denial of service and LINX Transit Program will hear the appeal as soon as reasonably possible.

**See Reasonable Modification Policy and Operations Policy/Procedures for detailed information.*

Driver Responsibilities

- Drivers are responsible for loading and unloading passengers using the lift.
- Drivers are not permitted to enter a passenger's home under any circumstance.
- Drivers are not permitted to maneuver a wheelchair up or down more than one step. This rule is provided for the safety of the passenger and the driver.
- Drivers are not permitted to lift passengers from their chair or seat.
- Drivers will help passengers take lightweight items off the vehicle.

See Reasonable Modification Request Policy/Procedures for more detailed information.

Personal Care Attendants and Companions

Personal Care Attendants (PCA's) are not required, but will ride free of charge if a rider needs assistance.

A companion (e.g., friend or family member) is not considered a personal care attendant unless the eligible individual regularly makes use of a personal care attendant and the companion is actually acting in that capacity.

During the reservation process, an individual must indicate whether he/she will be traveling with a personal care attendant. If someone does not indicate the use of an attendant, then any individual accompanying him/her would be regarded as a companion.

Facility and Vehicle Accessibility:

The *LINX Transit Program* administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38. Vehicles purchased for non-fixed-route service will be accessible; non-accessible vehicles will only be acquired, if permitted by the grantor agency, and the *LINX Transit Program* viewed in its entirety, provides the same level of service to disabled persons as non-disabled persons.

Maintenance of Accessible Features

Accessibility features on vehicles, including lifts and wheelchair securement devices, will be maintained in operative condition. This includes providing preventive maintenance on lifts as recommended by the equipment manufacturers, cycling the lift as part of each pre-trip inspection*, taking vehicles with inoperative lifts out of service, and repairing inoperative equipment promptly. Drivers are required to report lift failures as soon as possible.

**See Bus Maintenance Program for more detailed preventative maintenance information.*

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.

**See Operations Policy/Procedures for more detailed information.*

Accessible Communication

The LINX Transit Program is committed to providing information about its services, policies and procedures to the public in accessible formats for persons with disabilities. All printed informational materials are made available in accessible formats upon request (ie. large print for persons with low vision or audio for blind persons, as well as accessible electronic formats).

The LINX Transit Program shall provide a TTY number (or make use of an operator assisted RELAY service) so that persons with hearing or speech impairments may communicate with and receive information from the LINX Transit Program staff.

Drivers on the deviated fixed-route will make on-board stops and deviation announcements sufficient to permit individuals with visual impairment or other disabilities to be oriented to their location.

Public Involvement

The LINX Transit Program will provide on-going mechanisms in accessible formats to involve the public in decisions regarding its accessible services, proposed service changes, proposed fare increases, policies and procedures, and other similar topics.

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 LINX Transit Program Director, at 541-258-4222. The LINX Transit Program will work with the individual to find an accommodation.

**See Reasonable Modification Policy for more detailed information.*

LINX Transit ADA Complaint Process

LINX Transit has a standard process for investigating all complaints. Members of the public may file a signed, written complaint up to one hundred eighty (180) days from the date of alleged discrimination. Full procedures for filing a complaint and LINX Transit's procedures for investigating complaints can be obtained at the Lebanon Senior Center/LINX Transit Office or on the website, at www.ci.lebanon.or.us. They are also in this document, as **Attachment A**. At a minimum, the complaint shall include the following information:

- Name, mailing address, and how to contact complainant (i.e., telephone number, e-mail address, etc.)
- How, when, where, and why complainant alleges she/he was discriminated against. Include the location and names and contact information of any witnesses.
- Other significant information.
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The complaint may be filed in writing and sent to the following address:

LINX Transit - Director
80 Tangent Street
Lebanon, OR 97355
by Phone: 541-258-4222
By Facsimile: 541-258-4956

The ADA complaint form can be found as **Attachment B**.

Attachment A

Discrimination Complaint Procedure

1. Any person who believes he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973, or the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the LINX Transit Program. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the LINX Transit Director for review and action.
2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:
 - a) The date of alleged act of discrimination; or
 - b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the LINX Transit Program may extend the time for filing or waive the time limit in the interest of justice, as long as the LINX Transit Program specifies in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth, as fully as possible, the facts and circumstances surrounding the alleged discrimination. In the event a person makes a verbal complaint of discrimination to an officer or employee of the LINX Transit Program, the person shall be interviewed by the LINX Transit Director. If necessary, the LINX Transit Director will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to Lebanon Transportation Program's investigative procedures.
4. Within 10 days, the LINX Transit Director will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as the Oregon Department of Transportation (ODOT) and U.S. Department of Transportation (USDOT).
5. The LINX Transit Director will advise ODOT and/or USDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to ODOT and/or USDOT:
 - a) Name, address, and phone number of the complainant.
 - b) Name(s) and address (es) of alleged discriminating official(s).

- c) Basis of complaint (i.e., race, color or national origin)
 - d) Date of alleged discriminatory act(s).
 - e) Date complaint received by the recipient.
 - f) A statement of the complaint.
 - g) Other agencies (local, state, or Federal) where the complaint has been filed.
 - h) An explanation of the actions Lebanon Transportation Program has taken or proposed to resolve the issue in the complaint.
6. Within 60 days, the LINX Transit Director will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the Lebanon City Manager. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
7. Within 90 days of receipt of the complaint, the LINX Transit Director will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with ODOT, or USDOT, if they are dissatisfied with the final decision rendered by the LINX Transit Program. The LINX Transit Director will also provide ODOT and/or USDOT with a copy of this decision and summary of findings upon completion of the investigation.
8. Contact information for the state and federal Title VI administrative jurisdiction is as follows:

ODOT Public Transit Division
555 13th Street NE
Salem, OR 97301
503-986-4305
503-986-4189 fax

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

Attachment B

LINX Transit ADA Complaint Form

Section I:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____

Email: _____

Accessible Format Requirements? Large Print Audio Tape TDD

Other: _____

Section II:

Are you filing this complaint on your own behalf? Yes* No

** If you answered yes to this question, please go to Section III*

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

Please explain why you 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 III:

Date and time of alleged discrimination: _____

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all person(s) who were involved, including the name and contact

information of the person(s) who discriminated against you (if known). List name(s) and contact information of any witnesses. If more space is needed, please use the back of this form. _____

Section IV:

Have you previously filed a complaint with this agency? _____ Yes _____ No

Section V:

Have you filed this complaint with any Federal, State, or local agency, or with any Federal or State court? _____ Yes _____ No

If yes, please check all that apply:

_____ Federal Agency _____
_____ Federal Court _____
_____ State Agency _____
_____ State Court _____
_____ Local Agency _____

Please provide information about a contact person at the agency or court where the complaint was filed:

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Section VI:

Name of agency complaint is against: _____

Contact Person: _____

Title: _____

Telephone Number: _____

Please attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below:

Signature _____
Date

Please submit this form in person at the address below, mail or email this form to:

LINX Transit Program
c/o Kindra Oliver, Director
80 Tangent Street
Lebanon, OR 97355

Kindra.Oliver@LebanonOregon.gov