

# Jackson County Mass Transit District

## ADA Policy

### Policy Statement

The Americans with Disabilities Act (Title II) states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in programs, services or activities sponsored by a public entity.” At Jackson County Mass Transit District (JCMTD), we are committed to complying with the requirements of Title II of the ADA in all of its programs, services, benefits and activities.

JCMTD provides safe and efficient deviated route and point deviated transportation to the communities we serve. JCMTD provides door –to-door service for the frail, elderly, and persons with disabilities. Door-to-door means that drivers assist passengers from their homes and assist them back to the door in a safe and polite manor. All able-bodied passengers are given curb-to-curb service meaning they are picked up in front of their homes and delivered in front of their destinations unless door-to-door service is requested.

### Training

JCMTD provides training to its personnel for the safe operation of vehicles, adaptive equipment, sensitivity and proper treatment of the frail, elderly, persons with disabilities, and the ADA regulations.

### Public Information and Marketing

We communicate to the community by providing route information, brochures, and in presentations that explain how our services meet ADA requirements. Including the accessibility of JCMTD transportation, how a person can apply for transportation services and be determined eligible for paratransit service if required. Policy and related forms are posted and available at all JCMTD offices as well as the JCMTD website. ADA information will be made available at all public hearings and listening sessions.

### Accessible Formats

“All information about the process of requesting transportation and notices concerning the use of JCMTD services will be made available in accessible formats.”

JCMTD makes this information available to individuals with disabilities upon request. The information is made available through accessible formats and technology to enable users to obtain information and schedule service. The information in large print, audio braille, English and Spanish. Brochures are available, at our Operations office. You can also request additional translations. Technology such as TTY and email is available.

### Companions/Personal Care Attendants

Transit service also must be provided to a personal care attendant (PCA) traveling with an eligible rider. In addition to a personal care attendant, the regulations require that service be provided to one companion accompanying an eligible rider. Other persons accompanying the rider are to be accommodated on a "space available" basis. Persons are considered to be accompanying the eligible rider if they are picked up and dropped off at the same locations as the eligible rider. Companions must be charged the same fare as the eligible rider and PCA's must ride free.

### Visitors

JCMTD provides service to all ADA individuals who travel to areas outside of the region in which they live. These individuals have been certified as "ADA Para transit eligible by a public provider and are perceived as presumptively eligible. There are no special requirements or eligibility requirements

Individuals are only considered "visitors" if they reside outside of the transit provider's jurisdiction. The "jurisdiction" means the total area within which the provider is authorized to operate.

Finally, the level of service provided to visitors is the same as that provided to local individuals who would be traveling in the same area. This means that there can be no difference in the area within which visitors can travel, the times that they can travel, the fares charged, or any of the other service criteria established in the regulations. Visitors are to be treated exactly like local customers.

### No Show Policy and Procedure

Jackson County Mass Transit District understands that customers may sometimes miss scheduled JCMTD or forget to cancel JCMTD they no longer need. Jackson County Mass Transit District also understands that customers may sometimes miss scheduled trips or be unable to cancel trips in a timely manner for reasons that are beyond their control. However repeatedly missing scheduled trips or failing to cancel trips in a timely manner can lead to suspension of service. The following defines Jackson County Mass Transit District's no-show policy:

The regulations permit transit providers to suspend transit service to those persons who establish a "pattern or practice" of missing scheduled JCMTD ("no-show"). Service can be suspended for a "reasonable period of time". Allowances must be made for missed trips that are beyond the control of the individual. JCMTD makes every effort to work with passengers to understand their situation and avoid administrative action. If a passenger no-shows scheduled reservations 3 times in a 30 day period a JCMTD supervisor will mail a letter indicating the number of no shows for the previous month. It will outline the Jackson County Mass Transit District No Show Policy explaining that

failure to notify the transportation office prior to the service date to cancel transportation is considered a No Show. It will also indicate that after written notification if an individual receives 3 no shows in the subsequent 30 day period their transportation may be subject to cancellation and they may be required to pay a fare for the No Show trips. The supervisor will send the letter first class mail with a return receipt.

After the second month if there is no change in the passenger's behavior then they would be subject to suspension from service up to 30 days. JCMTD administration would determine penalties such as fare collection and/or length of suspension. Notification of this step must be sent by first class and certified mail.

Before service can be suspended for cause under this provision, individuals must be provided with an opportunity to appeal the proposed suspension.

#### Respirators or Portable Oxygen

These types of devices are allowed on JCMTD vehicles and will ensure adequate time for individuals with disabilities to board or disembark a vehicle.

#### Service Animals

JCMTD will permit service animals to accompany individuals with disabilities in vehicles and facilities.

#### Ramps and Steps

For safety reasons, drivers are not required to load a passenger in a mobility device if access to their home involves maneuvering the passenger more than one step, unless the home is equipped with a ramp for easy mobility device access. If members of the passenger's family are available to transfer the passenger from their home to the vehicle, then the step limitation will not apply. Drivers are not required to transfer passengers from their home to the vehicle if the ramp is determined to be unsafe for normal maneuvers.

#### Seatbelt

It is the policy of JCMTD that passengers sitting in the front seat should wear the seat belt. This may include a person using a mobility device for transportation seating. When a passenger seated in a front seat including a person using a mobility device for transportation does not want to use the seatbelt the driver will record that the passenger does not want to wear the seat belt and request the passenger sign the trip sheet or an alternative form documenting that he/she did not want to wear the seatbelt.

## Priority Seating and Standee

Priority seating is reserved in all transit vehicles for passengers with disabilities who prefer to utilize that seating. In buses, the priority seating is located in the front of the vehicle. Priority seating areas are designated with appropriate signage.

Generally, passengers who have a disability cannot be required to use these priority seating areas if they prefer to sit elsewhere. However, if the priority seating area on the bus is also the securement location used for tying down mobility devices, passengers using mobility devices may not occupy the aisle on the bus and are required to keep their mobility device within that designated securement location.

If priority seating areas are occupied by passengers who do not have a disability and a passenger with a disability who needs priority seating boards the bus the driver is required to ask the passenger occupying the priority seats to move or stand. In most cases standee situations are not required or a preferred way of transportation. Special arrangements should not be made to the route. The standee option should be given to the passenger if the route will continue at less than fifty-five (55) miles per hour.

The ADA does not require the driver to go any further than asking. If a person who does not have a disability refuses to move from the priority seating, drivers are not required to force them to move.

If the non-disabled passenger refuses to move from the priority seating the driver will contact dispatch/supervisor and a bus will be dispatched to pick up the customer with a disability.

# Securement Devices Procedure

## Lift and Securement Use

Public and private entities providing transportation service must have a securement system for mobility devices. JCMTD will ask that mobility device users should permit their mobility device to be secured but may not deny service on the grounds that a mobility device cannot be secured. JCMTD will not require a mobility device user to transfer to another seat. Staff must provide assistance upon request or as necessary with lifts, ramps and securement systems. JCMTD will permit individuals with disabilities who do not use mobility devices to use the vehicle's lifts or ramp.

## Lift Deployment

JCMTD will not refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions preclude the safe use of the stop by all passengers.

## Lift Preventative Maintenance Policy

Daily inspections are completed during the driver's pre-trip inspection and recorded on a checklist. Vehicles are not put into service without properly operating lift equipment.

## Accessibility Features

Vehicle operators and other personnel must make use of required accessibility-related equipment and features (tie-downs that should be used to secure a mobility device on the vehicle). When a passenger does not want to use the accessibility-related equipment the driver will record that the passenger does not want to use the equipment. The passenger will be asked to sign a form indicating that he or she did not want to use the equipment provided.

## Common Mobility Device

Wheeled devices for the carriage of a single individual, normally used as an assistive device for individuals who may have mobility challenges.

With respect to the size and weight of the mobility device, JCMTD will transport a mobility device and its user, as long as the lift can accommodate the size and weight of the mobility device, its user and there is space for the mobility device on the vehicle. However, JCMTD is not required to carry a mobility device if in fact the lift or vehicle is unable to accommodate the mobility device and its user, consistent with legitimate safety requirements. every

Segway or other power Driven Mobility Devices (OMPD) JCMTD will accept such devices as long as the mobility device can be transported safely. If the passenger cannot be safely secured on the device with approved securements the passenger may be required to transfer to a seat or wave liability.

## Trip Denials or Missed Trips

Denial Definition - a trip denial depends on the mode of service the passenger is requesting.

Same day services – is when a passenger cannot be scheduled within one hour prior to the requested time.

Twenty – four or more hours in advance notice type services – same as above, unless the customer is offered and accepts reasonable modification.

All denials are recorded by JCMTD

## ADA Reasonable Modification

JCMTD may allow the reasonable modification of its policies to accommodate the special needs of persons with disabilities in order to allow them to fully utilize our services as required by 49 CFR Part 37.5(i.3). Whenever possible a request for a reasonable modification or accommodation shall be filed/requested in advance by contacting us:

Phone: 618-549-0304

Email: [operations@jcmt.com](mailto:operations@jcmt.com)

Mail: JCMTD, COO, ADA Compliance  
602 E College Street Carbondale, IL 62901

Requests for reasonable modifications or accommodations will not be approved if the request would: fundamentally alter the nature of the service, program, or activity; create a direct threat to the health or safety of others; result in an undue financial and administrative burden; or the individual would still be able to fully use the services provided by JCMTD without the modification. Individuals with disabilities may file complaints regarding reasonable modification or accommodation below by completing the online form or by contacting JCMTD Operations at the number above, for Relay Illinois dial 711.

## Eligibility

Persons using JCMTD for transportation services are generally considered presumptively eligible for ADA transportation services. JCMTD services however are delivered across urban and rural areas where there may not be appropriate amenities such as sidewalks and ramps. New passengers requesting access to services who assert a disability or use of a mobility device may be assessed through a process to insure safe operations at their residence. Persons will be interviewed and a JCMTD supervisor may inspect pick up locations if the interview indicates any conditions that may affect safe operations.

JCMTD provides and maintains adequate records of service requests, reviews completed forms, notification provided, and any appeals requested and prepared to demonstrate that regulatory requirements were met in the handling of each request. Service request are dated upon receipt. Decisions made throughout the review process (the completeness of the service request, the need for more information, requests for appeals, etc.) are recorded.

## New Customers

1. New customers are to call the transportation office to schedule transportation.
2. Dispatch will conduct the interview and complete the customer's information form. A supervisor may ask additional operating safety questions and inspect the requested home or pick up address.
3. When the customer is approved, transportation will be scheduled.

### Administrative Appeal Process

An administrative appeal process is available to any individual who may have an ADA related complaint or has been denied a modification. Because the provision of ADA transit service is a civil right, the denial of service or modification is a serious matter.

The appeal process is available to all individuals.

- Individuals are permitted to request an appeal within 60 days of the initial service or modification decision, hearings will be held within 10 business days of filing unless more time is requested by individual requesting the hearing;
- Individuals have an opportunity to be heard in person and to present additional information and arguments regarding their disability and ability to use the service;
- There will be a "separation of function" between those involved in the initial service eligibility and those selected to hear appeals;
- Applicants are notified of appeal decisions in writing, or in accessible format if requested, and the notification will state the reasons for the decision if service is still denied;
- If a decision on the appeal is not made within 30 days of the completion of the process, individuals must be considered "presumptively eligible" and must be provided transit service until and unless a decision to deny the appeal is issued. Transit service does not have to be provided, however, during other phases of the appeal.

### The Appeal Hearing

- (1) an introduction of panel members
- (2) In an appeal process the claimant will be provided documentation of the appeal process.
- (3) The claimant will be provided documentation of JCMTD service policy and the nature of the ADA transit service.

- (4) a summary of the initial service findings.
- (5) The claimant or representative will be provided the opportunity to provide additional information or dispute the initial service findings.
- (6) The hearing officer or panel members will have an opportunity to ask the claimant or her representative questions; and
- (7) the restatement of policy concerning a decision on the appeal so that the claimant clearly understands what will happen following the hearing.

If there is a conflict of interest with a claimant or his/her representative or there is a personal relationship with a person on JCMTD panel and/or decision maker the conflicted party will be asked to recuse themselves from the process. In any instance that this is not possible or such request would be considered a hardship for the claimant, the conflict will be documented in the record and acknowledged by all parties.

Finally, because ADA transit services can become the subject of a civil rights complaint and ultimately be reviewed by the courts, it is important that there be documentation of the proceedings. It is not required or necessary to have hearings transcribed, but documentation will be complete enough to capture the essential issues raised and note that the established process was followed.

#### Observing Privacy Rights

The medical information that may be gathered as part of the ADA service process will not be shared with any other party. This would include specific diagnosis provided by professionals and information about the nature of disabilities provided by the applicant. Access to customer files is limited to trained personnel and those with access to these files are required to observe HIPPA and to respect the privacy of applicants.

Other entities may call to obtain more detailed information about a person's ability to travel if that person has requested service in another area as a visitor.

#### Circumstances Under, which Service Can be conditioned

In certain circumstances, it may be possible to mitigate the effects of a person's conduct by requiring that they meet certain conditions (e.g., use the service with an attendant). While the regulation does not allow transit agencies to require attendants' in other cases, such a condition of use are permitted, if the rider would otherwise be refused service. In other words, transit providers may place conditions on the use of service if they otherwise would have the right to refuse service.

For example, a rider with mental or developmental issues may have a tendency to move around the transit vehicle and accost other passengers. The behavior may be able to be controlled by the presence of an attendant. Because such conduct would be seriously

disruptive to the service, the transit provider would have the right to refuse service. They could also, therefore, require that the person travel with an attendant.

"If JCMTD proposes to impose sanctions on someone, it must first notify the individual in writing (using accessible formats where necessary). The notice must specify the basis of the, proposed action (e.g., Mr. Smith scheduled trips for 8 a.m. on May 15, 2 p.m. on June 3, 9 a.m. on June 21, and 9:20 p.m. on July 10, and on each occasion the vehicle appeared at the scheduled time and Mr. Smith was nowhere to be found) and set forth the proposed sanction (e.g., Mr. Smith would not receive service for 15 days).

If the individual disagrees with the finding JCMTD would provide the individuals an opportunity to be heard as well as to present written and oral information and arguments through the appeal process. All relevant JCMTD records and personnel would be made available to the individual, and other persons could testify. It is likely that, in many cases, an important factual issue would be whether a missed trip was the responsibility of the provider or the passenger, and the testimony of other persons and the provider's records or personnel are likely to be relevant in deciding this issue. While the hearing is intended to be informal, the individual could bring a representative (e.g., someone from an advocacy organization, an attorney). The individual may waive the hearing and proceed on the basis of written presentations. If the individual does not respond to the notice within a reasonable time, JCMTD may make, in effect, a default finding and impose sanctions. If there is a hearing, and the individual needs transit service to attend the hearing, JCMTD must provide it and provide interpreters if needed

JCMTD must notify the individual in writing about the decision, the reasons for it, and the sanctions imposed, if any. Again, this information would be made available in accessible formats.

Finally, it is important to note that service will continue to be provided by JCMTD throughout the process. The transit provider cannot suspend service while any part of the appeal process is pending.

### Circumstances Under Which Service Can Be Refused

Public entities can refuse to provide fixed route or Para transit service to persons with disabilities if they engage in "violent, seriously disruptive, or illegal conduct. " This may include a person who assaults a driver or another passenger, who smokes or drinks on the vehicle in violation of established laws, or who engages in conduct that is so severe that the delivery of service is seriously disrupted.

Conduct which is related to a person's disability and which annoys or offends is not to be considered "seriously disruptive". The interpretive appendix to the regulation uses the example of a person with Tourette's syndrome who may make involuntary profane statements. Such behavior would not be grounds to refuse service. Similarly, service cannot be refused based on an unfounded fear of a particular disability. For example, a person with I-UV disease cannot be refused service because drivers or passengers are

afraid of being near and being exposed to the condition. On the other hand, a person who refuses to use a seat belt and has a habit of not staying seated during transport could distract the driver and seriously disrupt service. Refusing service or requiring that the individual ride with an attendant might be appropriate in such a case. Similarly, customers are responsible for the behavior of service animals. Service can be refused or conditioned if a service animal is seriously disruptive.

In determining what constitutes "seriously disruptive" or "violent" behavior, JCMTD will rely on local ordinances, established laws and standards that define unacceptable public behavior.

Accurate and correct information about various disabilities and medical conditions is vital to ensuring that passengers are not subjected to discrimination. For example, it may be necessary to determine if a passenger's disability causes annoying behavior or if (s)he is prone to violence.