



## American with Disabilities Act Policy

**Table of Contents**

Policy Statement ..... 3

Training..... 3

Public Information and Marketing..... 3

Accessible Formats ..... 3

Stop Announcements ..... 3

Companions/Personal Care Attendants..... 4

ADA Paratransit Service..... 4

Visitors ..... 4

No Show Policy and Procedure ..... 5

Respirators or Portable Oxygen ..... 5

Service Animals ..... 5

Ramps and Steps ..... 5

Seat Belt ..... 6

Priority Seating and Standee..... 6

Securement Devices Procedure..... 6

    Lift and Securement Use..... 6

    Lift Deployment..... 7

    Lift Preventative Maintenance Policy..... 7

Accessibility Features ..... 7

Mobility Device ..... 7

Trip Denials or Missed Trips ..... 7

ADA Reasonable Modification..... 7

    Eligibility ..... 8

    Documentation of Eligibility ..... 8

    Determine Eligibility ..... 8

    Notice of Initial Determination..... 9

    Processing Time/Presumptive Eligibility ..... 9

    Administrative Appeal Process..... 9

    The Appeal Hearing..... 10

Observing Privacy Rights ..... 10

Re-certification of ADA Eligibility ..... 11

Circumstances Under, which Service Can be conditioned ..... 11

Circumstances Under Which Service Can Be Refused ..... 12

## **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 its programs, services, benefits and activities.

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

## **Public Information and Marketing**

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, materials necessary to apply for eligibility, and notices and determinations concerning eligibility will be made available in accessible formats.” JCMTD makes available to individuals with disabilities information concerning transportation services upon request. This 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 Centers. You can also request additional translations. Technology such as TTY and email is available.

## **Stop Announcements**

No matter what mode of service you are providing you should always take special care with your customers who have difficulties with vision and other disabilities by announcing transfer stops, major intersections, destination points and arrival locations. We always want to be helpful and provide good customer service to all our customers.

This is a requirement for all urban or rural services.

Drivers must announce all transfer locations, major intersections, destination points, and other intervals along the route sufficient to permit passengers with vision or other disabilities to be oriented to their location. In addition, the driver is required to announce any stop upon request of a passenger with a disability. The announcement will be made by the driver. These announcements must be loud enough to be heard by passengers and they must be clearly understandable.

Example: *“This is Bus 30, now departing Carbondale Walmart, with service to JCMTD Base, Schnucks, Township, and points in between.”*

### **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 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.

### **ADA Paratransit Service**

JCMTD's ADA paratransit service is a door-to-door transportation service available to persons with disabilities who are unable to use fixed route bus services. ADA paratransit service is by reservation only, and all reservations must be made at least one day prior to service by calling your local JCMTD Operation Center at 618.549.0304. JCMTD's ADA paratransit service is available anytime regular bus service is in operation.

### **Visitors**

JCMTD provides service to ADA eligible individuals who travel to areas outside of the region in which they live. If these individuals have been certified as "ADA Paratransit eligible" by a public provider, that certification must be honored, and the host transit agency must provide up to 21 days of Paratransit service. If individuals have not been certified as eligible by another public JCMTD but claim that they are ADA Paratransit eligible, they are entitled to "presumptive eligibility" and must be provided with 21 days of service. Individuals who are not certified by another transit provider and who claim presumptive eligibility can be requested to provide certain documentation such as their place of residence and the nature of their disability.

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.

Visitors who require more than 21 days of service within the period of time established can be required to apply for local eligibility.

Finally, the level of service provided to visitors is the same as that provided to local ADA Paratransit eligible 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 eligible 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. JCMTD 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 JCMTD'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 JCMTD 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. JCMTD 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.

### **Seat Belt**

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 seat belt 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 seat belt.

### **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 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 refuse 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 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 aid 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.

## **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, if 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.

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 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, ext: 306

Email: [director@jcmttd.com](mailto:director@jcmttd.com)

Mail: JCMTD, Director, ADA Compliance  
602 East 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.

### **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 will be assessed through the eligibility process to ensure safe operations at their residence and provide certified access to paratransit services when they visit other areas not served by JCMTD. Persons will be interviewed and may be required to provide documentation to help determine use of eligibility. 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 certification 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 for eligibility. Applications are dated upon receipt. Decisions made throughout the review process (the completeness of the application, the need for more information, reasons for determinations, requests for appeals, etc.) are recorded.

### **Documentation of Eligibility**

If an applicant is determined to be eligible, documentation of eligibility must be provided. This documentation specifically states that the person is "ADA Paratransit Eligible".

### **Determine Eligibility**

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 to determine eligibility.
3. When the customer is approved, transportation will be scheduled.
4. A person may be required to provide documentation to help determine eligibility for transportation.



5. JCMTD will mail a letter to the customer confirming or denying transportation to the customer.

### **Notice of Initial Determination**

Applicants must be notified in writing of the initial determination of eligibility. If the determination is that the person is not eligible, the written notification must state the reasons for the finding.

The notification of ineligibility must be specific. Information provided in the application or obtained in the review process must be related to the eligibility criteria (the categories of eligibility) and to the review process, which JCMTD has designed.

### **Processing Time/Presumptive Eligibility**

Applicants are to be granted presumptive eligibility if ADA determination of eligibility has not been made within 21 calendar days of the submission of a completed application. Service must be provided, and the applicant presumed to be eligible, until and unless the determination is complete, and the person is found to be ineligible.

An application is complete once the person has provided all of the information required. Subsequent investigations or requests for additional information by JCMTD would be considered part of the review process and within the 21-day timetable. For example, if an application process requires that individual complete a form which includes the name of a professional who can be contacted for further information, the application would be considered "complete" once the requested information and professional contact were indicated. Follow-ups by the public JCMTD in getting additional professional verification and information would be part of the 21-day review process.

"Once JCMTD has certified someone as eligible, the individual's eligibility takes on the coloration of a property right. (This is not merely a theoretical statement. If one depends on transportation, one has been found eligible for to get to a job, and the eligibility is removed, one may lose the job. The same can be said for access to medical care or other important services.) Consequently, before eligibility may be removed 'for cause' under this provision, JCMTD must provide administrative due process to the individual."

### **Administrative Appeal Process**

An administrative appeal process is available to any individual who is determined to be ineligible for transportation service, has a ADA related complaint or has been denied a modification. Because the provision of ADA transit service is a civil right, the denial of eligibility or modification is a serious matter.

The appeal process is available not only to individuals who are determined ineligible in all situations, but also to persons who are deemed conditionally eligible. Limiting eligibility is in fact denying eligibility for certain trips.

- Individuals are permitted to request an appeal within 60 days of the initial eligibility 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 eligibility determination 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 eligibility 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 eligibility policy and the nature of the ADA transit eligibility
4. A summary of the initial determination findings.
5. The claimant or representative will be provided the opportunity to provide additional information or dispute the initial determination findings.
6. The hearing officer or panel members will have an opportunity to ask the claimant or her representative questions.
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 eligibility 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 eligibility certification 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 eligibility 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.

Information regarding a person's functional ability to use fixed route service, derived from the determination process can, however, be shared with other transit providers. 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.

### **Re-certification of ADA Eligibility**

JCMTD suggests that individuals reapply for ADA transit eligibility should their individual circumstances or conditions at their residence change. While a person's disability may be permanent, other factors, which go into the determination of eligibility, may change. For example, improved technologies and/or operating procedures may be introduced

### **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 is 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 tend 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 Paratransit 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.