

Community in Motion

ADA Transportation Service and Contractor Requirements

POLICY INTRODUCTION

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. The ADA is civil rights legislation which requires that persons with disabilities receive transportation services equal to those available on the fixed route service.

It is the policy of Community in Motion that, when viewed in their entirety, services, programs, facilities, and communications provided by Community in Motion, directly or by a contracted service provider, are readily accessible and usable to individuals with disabilities to the maximum extent possible. 49. CFR 37.105

The health and safety of clients is the first priority for Community in Motion and all service providers. Community in Motion will notify the public of its ADA policy on its website and in its program brochures. Community in Motion's complete ADA policy will be made available upon request.

Transportation services provided directly by Community in Motion are free.

1. Holiday Closures

Our offices will be closed on the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and the Day after Thanksgiving, Christmas Eve and Christmas Day. **Non-Emergency Medical Transportation call center will remain open on Christmas Eve.**

When Community in Motion's call center is closed, Medicaid recipients can receive recorded instructions for accessing urgent after-hours medical transportation services by calling 360-694-9997 within Clark County, or 1-800-752-9422 Option 2 from outside Clark County.

Individuals accessing non-Medicaid transportation services may call 360-694-6577.

2. Approved Equipment

We can accommodate your mobility device on a Community in Motion contracted vehicle that meets the following minimum standards:

- Segway (two-wheeled, gyroscopically stabilized, battery-powered personal transportation device).
- FTA Circular 4701.1, Section 37.3 defines a wheelchair 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.
- Passengers must be transported as long as the lift and vehicle can physically accommodate them, unless doing so is inconsistent with legitimate safety requirements.
- Walkers must be securely stored.

- Persons with mobility disabilities may use devices other than wheelchairs to assist with locomotion. Canes, crutches, and walkers, for example, are often used by people whose mobility disabilities do not require use of a wheelchair. These devices must be accommodated on the same basis as wheelchairs. (49 CFR 37.3 Appendix D)
- Community in Motion is not required to accommodate devices not primarily designed for use by individuals with mobility impairments. This includes items such as shopping carts, bicycles, and skateboards. In addition, Community in Motion is not required to permit other types of assistive devices to be used in ways that depart from or exceed their intended uses. For example, Community in Motion is not required to permit riders who use walkers with built-in seats to ride in securement areas while seated on their walkers, meaning Community in Motion can require individuals to transfer to a vehicle seat.
- It is important to note that the definition of a wheelchair does not require specific elements or equipment such as front rigging (footplates or leg rests), wheel locks or brakes, push handles, or positioning belts or harnesses. The perceived condition of a passenger's mobility device is not a reason for denial of service.

3. Mobility Device Brakes/ Securement

Riders will be transported provided the lift or ramp, and the vehicle can physically accommodate them unless doing so is inconsistent with legitimate safety requirements (e.g., the combined weight of the wheelchair and occupant exceeds that of the lift specifications. Additionally, Community in Motion can accommodate mobility devices that meet the following minimum standards:

- Wheelchair means a mobility aid belonging to any class of three or more wheels, usable indoors, designed or modified for and use by individuals with mobility impairments, whether manually operated or powered.
- Walkers must be collapsible and able to be stored between seats or in the vehicle's trunk.

When occupying a lift or securement area, we recommend that riders apply the brakes on their mobility devices, but they are not required to do so. With power chairs or scooters, we recommend that the power switch be turned to the "off" position. Again, this is not mandatory.

All riders must wear seat belts. Drivers will use front and rear tie-downs to secure mobility devices. Drivers will secure mobility devices at the strongest parts of the device; however, the rider can indicate the most optimal tie-down spot. Drivers will secure mobility devices facing the front of the vehicle. Drivers will assist passengers with securement systems, ramps, and seatbelts; however, drivers cannot help riders using power chairs or scooters with the operation of their equipment. Community in Motion cannot refuse to transport someone whose mobility device cannot be satisfactorily restrained if the mobility device fits within the definition described in Section 3. (49 CFR 37.165) Drivers will refuse to transport if riders will not allow their mobility device to be properly secured prior to transport. For safety reasons, operators may request that passengers transfer to a bus seat if using a scooter as a mobility device.

4. Portable Oxygen Use

Individuals with disabilities who use portable oxygen devices are allowed to travel with respirators and properly secured portable oxygen supplies. Oxygen supplies must not obstruct the aisle. (49 CFR 37.167(h)). Portable tank should be of the appropriate size and design to be loaded and secured on a transport vehicle.

5. Stop Announcements

Contract Transportation Providers will announce stops upon request. (49 CFR 37.167)

6. Personal Care Attendants

A Personal Care Attendant (PCA) may ride with clients. A PCA is someone who travels with, and helps a rider who is not able to travel alone. Clients must provide their own PCA if one is needed. Clients are required to notify the call center staff when scheduling their trip, if they will have a PCA with them, this will guarantee a place for the PCA to ride with the client. Contracted Transportation Providers may add a charge for transporting Personal Care Attendants; however, this cost will not be passed on to the client.

7. Service Animals

A service animal is any guide dog, signal dog, or other animal individually trained or in training to work or perform tasks for an individual with a disability. Service animals are to remain under control of the owner and service animals and service animals in training must behave appropriately. In order to ride with Community in Motion Transportation Services:

- The service animal must be leashed, tethered or harnessed, unless these devices interfere with the service animals work or the persons disability prevents use of these devices.
- Animals must remain under control of the owner, and behave appropriately.
- Birds, reptiles, amphibians, rodents, and cats must be kept in an enclosed kennel/container.
- The animal must remain at your feet or on your lap. It may not sit on a vehicle seat.
- The animal must not be aggressive toward people or other animals.

8. Boarding Assistance

Operators shall position the vehicle to make boarding and de-boarding as easy as possible for everyone, minimize the slope of the ramp, and use the kneeling option if available. Driver shall provide assistance to passengers upon request. Passengers shall be allowed adequate time to board and disembark the vehicle.

9. Maintenance of Lifts or Ramps

Bus and/or vehicle operators must test the lift or ramp during the pre-trip inspection. Breakdown of accessibility equipment must be reported immediately to dispatch.

Demand response vehicles with an inoperable lift/ramp may remain in service for the remainder of the day in which the lift was discovered to be inoperative if Community in Motion can assign riders requiring this accessibility equipment to another vehicle. If no spare vehicle is available to take the

place of the vehicle with the inoperable lift/ramp and taking the vehicle out of service will prevent Community in Motion from providing service, the vehicle may be returned to service temporarily (no more than three days from the date on which the lift was discovered to be inoperable). (49.CFR 37.163)

10. Priority/Reserved Seating

Upon request, bus and/or vehicle operators shall ask – but not require – passengers to yield priority seating at the front of the bus to seniors and persons with disabilities. Drivers are not required to enforce the priority seating designation beyond making such a request. Mobility device securement areas on buses and/or vehicles are reserved.

11. Reasonable Accommodation

Community in Motion, as a public entity that provides public transportation, shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, or to provide program accessibility to our services.

Reasonable accommodations will be denied if: (1) granting the request would fundamentally alter the nature of the entity's services, programs, or activities; (2) granting the request would create a direct threat to the health or safety of others; (3) without the requested modification, the individual with a disability is able to fully use the entity's services, programs, or activities for their intended purpose.

Community in Motion process for reasonable modification to policies and practices includes:

- Providing information in an accessible format on how to make a reasonable modification request on Community in Motion's website and print material.
- Supporting requests for modifications to be made and determined in advance, for example during trip screening process, customer service inquiries, or through Community in Motion's Customer Comment/Complaint Process.
- Asking the client what modification, they need in order to use the service.
- Identifying the appropriate contracted transportation service provider to meet the modification requested. In case of unplanned modification requested at time of transport for which the contractor cannot provide the modification, they will immediately contact Community in Motion.

12. Denial/Suspension of Service

With the exception of Non-Emergency Medical Transportation/Medicaid Clients, a rider's privileges may be suspended for any of the following infractions. Notice including the reason for suspension of service must be provided to Community in Motion before implementing.

- Smoking or carrying a lit pipe, cigar, or cigarette (unless in a designated smoking area).
- Defacing or damaging the vehicle.
- Consuming alcoholic beverages or in possession of alcoholic beverages.
- Loud, raucous, unruly, harmful, or harassing behavior.

- Engaging in other conduct that is inconsistent with the intended purpose of the transit facility, station, or vehicle. (RCW 9.91.025)

Suspensions may be enforced for up to 30 days at a time. During a suspension the rider has the ability to appeal in writing. The designated staff person will review all of the documentation received from the rider as well as the documentation provided by the supervisor/manager in evaluating the suspension decision and may request to meet with the rider to gather and/or clarify information prior to deciding about whether to uphold the suspension. The rider will receive a written response regarding the decision within 10 business days of receipt of the appeal. The written response will be sent to the rider's address of record by certified mail.

Address an appeal letter to:

Community in Motion
C/O Suspension Appeal
312 SE Stonemill Drive, Suite 115
Vancouver, WA 98684

13. Passenger Code of Conduct

Community in Motion is committed to providing safe, reliable, and accessible transportation options for the community. Community in Motion has established a Passenger Code of Conduct Policy. Customers may obtain a copy of the Passenger Code of Conduct Policy via the website at www.communityinmotion.org, or by contacting Community in Motion call center at (360) 694-9997, or by mail at 312 SE Stonemill Drive, Suite 115, Vancouver, WA 98684.

14. Notification of ADA Policy

Community in Motion will notify the public of its ADA policy on its website and in its program brochures. Community in Motion's complete ADA policy will be made available upon request.

15. Complaint Policy

Community in Motion is committed to providing safe, reliable, and accessible transportation options for the community. Community in Motion has established a customer complaint process. Customers wishing to file a complaint and/or obtain a copy of the Civil Rights Complaint Form can do so via the website at www.communityinmotion.org, or by contacting Community in Motion call center at (360) 694-9997, or by mail at 312 SE Stonemill Drive, Suite 115, Vancouver, WA 98684. Complaints may also be sent to our Ombudsman by emailing the completed form to comments@communityinmotion.org. Complaints are tracked independently from other Civil Rights and general complaints and submitted to WSDOT. Responses are provided from the designated employee in writing within 14 business days after receipt of complaint.

16. Direct Threat

Community in Motion will not permit an individual to participate in or benefit from the services, programs, or activities when that individual poses a direct threat to the health or safety of others. In determining whether an individual poses a direct threat to the health or safety of others, a public

entity must make an individualized assessment, based on reasonable judgment, that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk, the probability that the potential injury will actually occur, and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

Before refusing service, Community in Motion will make reasonable attempts to resolve issues with riders or, if appropriate, caregivers or guardians. Often, local disability organizations may be helpful in resolving issues so that individuals do not lose access to vital transportation services. Incidents or incidents leading to service denial will be documented substantiating how such an incident rises to the level of seriously disruptive or a direct threat, for example. When possible, Community in Motion will provide the rider with a written warning before denying service.

However, refusal to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other people is not a reason for refusal.