

# **PARTA**

## **Americans with Disabilities Act (ADA) Policy**

Issued: March 1999  
1<sup>st</sup> Revision: June 2005  
2<sup>nd</sup> Revision: December 2014  
3<sup>rd</sup> Revision: January 2016  
4<sup>th</sup> Revision: April 2017  
5<sup>th</sup> Revision: October 2019  
6<sup>th</sup> Revision: April 2021

### **Public Fixed Route and Complementary Paratransit Services**

POLICY STATEMENT. Portage Area Regional Transportation Authority (*PARTA*) is a regional transit authority established under Ohio Revised Code Section 306.30 et seq. It is *PARTA*'s policy to comply with Department of Transportation (DOT) regulations implementing the Americans with Disabilities Act of 1990 (ADA) (49 CFR Parts 27, 37, and 38) in providing equal access to public transportation for individuals with disabilities. *PARTA* shall provide its public fixed route and complementary paratransit services in accordance with the terms adopted by the Board of Trustees in this policy document and procedures issued by the General Manager that are consistent with and necessary for the execution of this policy. The General Manager will monitor *PARTA*'s compliance with this policy and provide performance summaries on a monthly basis or as otherwise directed by the Board.

#### **I. PROVISION OF SERVICE**

##### **A. Equipment Specifications**

*PARTA* will ensure that fleet vehicles are readily accessible to and usable by individuals with disabilities in accordance with Part 38 design specifications and ensure that vehicle operators and other personnel make use of accessibility-related equipment or features. *PARTA*'s equipment will be capable of transporting wheelchairs that meet the definition of a wheelchair and can be accommodated on the vehicle.<sup>1</sup> *PARTA* will allow riders who use wheelchairs to board and ride accessible vehicles.<sup>2</sup> Agencies may only decline to transport

---

<sup>1</sup> A "wheelchair" is 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.

<sup>2</sup> A vehicle that complies with the base [Part 38](#) specifications will be able to accommodate, at a minimum, all occupied wheelchairs weighing up to 600 pounds and measuring 30 inches in width and 48 inches in length (formerly known as a "common wheelchair"). Vehicles that exceed the minimum Part 38 specifications (e.g., those that have lifts with design loads of 800 pounds and securement areas larger than 30 x 48 inches) will accommodate larger, heavier devices.

a wheelchair/occupant if doing so would be inconsistent with “legitimate safety requirements.”

## **B. Equipment Maintenance**

All access-related features, including lifts, ramps, securement systems, signage, and communications systems shall be maintained by *PARTA* in operating condition. As part of the pre/post trip inspections, *PARTA* staff will be required to test lifts and inspect securement systems and other access-related features. Vehicle operators will be required to report severe problems or malfunctions immediately to the dispatcher and/or maintenance coordinator.

If a lift malfunctions while in service, vehicle operators shall manually operate the lift until the vehicle can be serviced. Every effort will be made to repair lifts before the next day of service. If the vehicle cannot be repaired before the next service day, the vehicle may be placed back in operation if a spare is unavailable. Vehicles with inoperable lifts will be kept in service for no more than three (3) days.

## **C. Lift and Securement Use**

*PARTA* shall transport wheelchairs and their users whose devices meet the definition of a wheelchair and can be accommodated on the vehicle (e.g., they fit on the lift or ramp and in the securement area). *PARTA* will not deny service on the basis of problems with chair securement. An operator may deny transport if carrying the wheelchair and its occupant would be inconsistent with legitimate safety requirements, as when, for example, the wheelchair is so large it would block an aisle or would interfere with the safe evacuation of passengers in an emergency. *PARTA* personnel will assist the customer with use of the securement system and lift/ramp. Customers who cannot enter a vehicle using the stairs, but who do not use a wheelchair, shall be allowed to use the lift/ramp, upon request.

## **D. Accommodating Mobility Aids and Life Support Systems**

Customers will be allowed to travel on *PARTA* vehicles with service animals and with life support equipment (including respirators and portable oxygen), unless there is a violation of hazardous materials regulations. For the safety of all passengers, *PARTA* reserves the right to secure, or require the passenger to be in responsible control of, other mobility aids or devices, including but not limited to, walkers, Segways, oxygen tanks, strollers or carts.

## **E. Communications and Public Information**

*PARTA* will provide adequate telephone capacity, both voice and telecommunication display device (TDD), at reservation and administrative offices to enable customers to schedule service and obtain information. All printed material regarding use of *PARTA* to include general informational brochures, application forms, and bulletins will be made

available in accessible formats, such as large print. PARTA monitors its website and strives to maintain information in ADA-accessible formats. Requests for other information or formats will be accommodated by PARTA within a reasonable response time.

#### **F. Training**

PARTA 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.

#### **G. Reasonable Modification/Accommodation**

PARTA will make reasonable modifications/accommodations to policies, practices, and procedures to avoid discrimination and ensure that PARTA's service, programs, and facilities are accessible to individuals with disabilities. The concept of reasonable modification is to consider individuals with disabilities as individuals, not simply as members of a category. PARTA recognizes that its policies, practices, and procedures, while legitimate on their face, may have the effect of preventing nondiscriminatory access by some individuals with disabilities under some circumstances. As a result, PARTA will make individual exceptions to its general policies subject to several exceptions:

1. The modification/accommodation would cause a direct threat to the health or safety of others;
2. The modification/accommodation would fundamentally alter the nature of the service;
3. The modification/accommodation would not actually be necessary in order for the individual with a disability to access PARTA's service;
4. The modification/accommodation would result in an undue financial and administrative burden.

PARTA will designate a responsible employee to coordinate efforts to ensure PARTA's service, programs, and facilities are accessible to individuals with disabilities.

PARTA will adopt complaint procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints. The complaint procedures will include the process for filing a complaint, including the name, address, telephone number and email address of the employee responsible for receiving the complaint. PARTA will advertise the complaint procedures to the public; will ensure the procedures are accessible to and usable by individuals with disabilities; and will promptly

communicate PARTA's response to the complaint allegations, including the reasons for the response, to the complainant, in writing, to ensure documentation of the response.

## **II. FIXED ROUTE PROVISIONS**

In operating the fixed route system, PARTA shall address the following requirements:

**A. Announce Bus Stops.** Coach operators shall announce bus stops at major transfer points with other routes and major intersections/destination points. Stops will also be announced at the request of the passenger.

**B. Use of Lift.** Customers who use a lift will be permitted to disembark at any stop, and PARTA will make reasonable modifications in situations that present a barrier to disembarking, such as the lift cannot be deployed, the lift would be damaged if deployed, or temporary conditions preclude use.

**C. Priority Seating.** Priority seating for the elderly and disabled will be provided on each fixed route vehicle. Each vehicle shall contain sign(s) that indicate that seats in the front of the vehicle are priority seats for persons with disabilities and that other passengers should make such seats available to those who wish to use them.

## **III. COMPLEMENTARY PARATRANSIT SERVICE**

### **A. Eligibility**

PARTA will provide complementary paratransit service only to ADA paratransit eligible individuals as described in 49 CFR Part 37, §37.123 paragraph (e). As such, PARTA will establish a consistent process for determining ADA paratransit eligibility and may include an ADA Functional Assessment.

Any process for determining ADA paratransit eligibility established by PARTA shall include the elements described below:

1. All information and materials about the ADA eligibility process shall be made available in accessible formats upon request.
2. PARTA will pay for an ADA Functional Assessment, at a qualified center designated by PARTA, and will arrange transportation to and from the center for each applicant at no cost to the applicant.
3. If, by a date twenty-one (21) days following the submission of an application for eligibility, PARTA has not made a determination of eligibility, the applicant shall be treated as eligible and provided service until and unless PARTA denies the application.

4. PARTA's determination concerning eligibility shall be in writing. If the determination is that the individual is ineligible, the determination shall state the reason for the finding.
5. PARTA shall provide documentation to each eligible individual stating that he or she is "ADA Eligible." The documentation shall include the name of the eligible individual, PARTA's telephone number, an expiration date for eligibility, and any condition or limitations on the individual's eligibility including the use of a personal care attendant.
6. PARTA may require the re-certification of eligibility at reasonable intervals.
7. PARTA will establish an administrative appeals procedure through which individuals who are denied eligibility can obtain review of the denial. The procedure will include the following elements and will be consistent with the terms in Section IV, Eligibility Appeals Process.
  - a. The process shall include an opportunity to be heard and to present information and arguments, separation of functions (i.e., a decision by a person not involved with the initial decision to deny eligibility), and written notification of the decision and the reasons for it.
  - b. If PARTA does not make a decision within thirty (30) days of the completion of the appeals process, PARTA shall provide complementary paratransit service to the individual on a conditional basis from that time until and unless a decision to deny the appeal is issued.

## **B. Visitors**

PARTA shall make complementary paratransit service available to visitors (i.e., an individual with disabilities who does not reside in the jurisdiction(s) served by PARTA). All visitors who present documentation of ADA paratransit eligibility in the jurisdiction in which they reside, shall be treated by PARTA as eligible for complementary paratransit service. For visitors with disabilities who do not present such documentation, PARTA will require documentation of the individual's place of residence and, if the individual's disability is not apparent, of his or her disability. PARTA shall accept a certification by such individuals that they are unable to use fixed route transit. PARTA will make complementary paratransit service available to a visitor for any combination of twenty-one (21) days during any 365-day period beginning with the visitor's first use of the service during such 365-day period. PARTA may require that a visitor who wishes to ride beyond this period, apply for ADA eligibility.

### C. Service Criteria

1. Service Area. PARTA shall provide complementary paratransit service to origins and destinations extending  $\frac{3}{4}$  mile to either side of all fixed routes.
2. Response Time. PARTA shall provide “next day service.” Thus, PARTA will accommodate requests for service for a particular day made anytime during the preceding day. Requests for service will be taken during PARTA’s administrative office hours between 8 a.m. and 4 p.m., Monday through Friday. PARTA will not require a customer to schedule a trip to begin more than one (1) hour before or after the individual’s desired departure time.
3. Fares. The fare charged by PARTA for complementary paratransit service will be no more than twice the fare charged to an individual paying full fare for a comparable trip on the fixed route system. A personal care attendant traveling with a paratransit rider will not be charged a fare. PARTA may charge a fare higher than otherwise permitted to a social service agency or other organization for agency trips.

The current adult full fare on the fixed route system is \$1.00. As such, the fare for complementary paratransit service for ADA eligible individuals shall be no more than \$2.00.

4. Trip Purpose Restrictions. PARTA will not place any restrictions on the purpose or frequency of trip reservations. All trip requests will be accepted and handled on an equal basis.
5. Hours and Days of Service. PARTA will provide complementary paratransit service at the same hours and on the same days as the fixed routes are in operation.
6. Capacity Constraints. PARTA will not limit the availability of complementary paratransit service to eligible individuals by any of the following:
  - a. Policies that restrict the number of trips provided an individual;
  - b. Use of waiting lists for trip requests that cannot be accommodated; or
  - c. Any operational patterns or practices that significantly limit the availability of service, including substantial numbers of untimely pickups, trip denials, missed trips, or excessively long trips.

*PARTA* shall maintain a log of all trip denials. Though the regulations permit pickups to be scheduled up to one (1) hour before or after the requested time, trips scheduled beyond this time should be considered a “denial” and tracked accordingly.

Additionally, when one leg of a round trip cannot be accommodated, it will be recorded as two (2) denials.

**D. Subscription Service**

Subscription service will not absorb more than fifty (50) percent of the number of trips available at any given time of day, unless there is excess non-subscription capacity.

**IV. ELIGIBILITY APPEALS PROCESS**

The mission of the appeals process is to provide due process to any person who desires to appeal a decision on eligibility for ADA complementary paratransit service or reduced fare.

**Appeals Panel**

An appeals panel shall be established for the specific purpose of reviewing denials in ADA eligibility and/or fare reduction. This panel will be comprised of individuals representing persons with disabilities and consumers but will not include any individual involved with the initial denial decision.

**Appeals Process**

Appeals or complaints may be filed directly with the Federal Transit Administration (FTA), Region 5 Office, 200 West Adams Street, Suite 320, Chicago, IL 60606.

**Internal Appeals Process**

Appeals may take one of two directions. Persons may request either a review or hearing by the Appeals Panel. The following steps shall be followed by persons requesting a hearing or review by the Appeals Panel in responding to such requests:

**Step 1:**       **Letter of Intent to Appeal.** Within sixty (60) days of receipt of notification of a denial for a fare reduction, the individual may initiate the appeals process by submitting a written request to the Appeals Panel. While not required, it is recommended that this letter be sent via registered mail. The letter must provide the following information:

- Person’s name, address, and telephone number;

- Statement that either a review or hearing before the Appeals Panel is being requested;
- In the event that a hearing before the Appeals Panel is requested, state what necessary support is desired (i.e., representation by another individual);
- A statement concerning the basis upon which the appeal is being made; and
- Any other information or additional documentation which supports the individual's cause.

**Step 2: Initial Action by Appeals Panel.** Within seven (7) days of receipt of a letter of request for a review or hearing, the Appeals Panel will:

- a. Notify the General Manager, with a copy to the Chief Operations Officer, that a request for either a review or hearing before the Appeals Panel has been received. This notification will include additional and pertinent information as may enhance the expeditious resolution of the appeal.
- b. Notify the appealing party that the request for either a review or hearing before the Appeals Panel has been received. This letter shall state that a time, date, and location will be established for a review or hearing before the Appeals Panel, and that the requestor will be notified in the near future concerning the review or hearing.

**Step 3: Set Hearing Date.** Within fourteen (14) days of receipt of a customer's request for a review or hearing by the Appeals Panel, a meeting date for the Appeals Panel will be established and all appropriate parties will be notified of the date, time, and location of this meeting. The notification will state whether or not the meeting will be in the form of a review or hearing. Note that this step may be completed simultaneously with the preceding Step 2, at the discretion of the administrator of the Appeals Panel.

In setting the review or hearing date, the Appeals Panel will make every effort to hold the meeting or hearing within thirty (30) days of the date of receipt of the request and to reach a decision within the same thirty (30) day period. If the Appeals Panel does not make a decision within thirty (30) days, *PARTA* shall provide complementary paratransit service to the individual on a conditional basis until and unless a decision to deny the appeal is issued.



**Step 4:**       **Notification of Hearing Results.** Immediately upon reaching a decision concerning the appeal, all parties will be notified of the results. This notification will state the basis upon which the appeal was made, and the basis upon which the decision was rendered.