

Americans with Disabilities Act of 1990 (ADA) Policy and Procedures Date: March 3, 2019

Purpose: This policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the American with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and applicable North Carolina laws and regulations. All services operated by the ARHS-ICPTA are operated on a non-fixed route basis and the system complies with ADA requirements with respect to such services.

Policy: It is the policy of ARHS-ICPTA to comply with all the legal requirements of Federal and State laws and regulations as they pertain to individuals with disabilities. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

Goals: Service is provided in a manner that meets these goals to:

1. provide individual, dignified services to all persons including individuals with disabilities.
2. expedite the safe and efficient boarding, securing, transporting and alighting of all passengers, regardless of mobility status.
3. accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment.
4. Minimize potential damage to mobility aids and ICPTA's equipment in the process

Applicability: This policy applies to all transit system employees, services, facilities and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

Definitions:

1. *Wheelchair:* A mobility aid belonging to any class of three or more-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. The aid must not exceed 30 inches wide and 48 inches long measured 2 inches above the ground and does not weigh more than 600 pounds occupied. (*Section 37.3 of the DOT's regulations implementing ADA; 49 CFR Parts 27, 37, and 38*).
2. *Disability:* With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. [Title 49; Part 37; §37.3](#)

3. *Person with a disability*: Any person who
 - a. has a physical or mental impairment that substantially limits one or more major life activities,
 - b. has a record of such an impairment, or
 - c. is regarded as having such an impairment. (49 CFR Parts 27.5)
4. *Mobility Aid/Non-Wheelchair Mobility Device*: A device used by a person with a mobility impairment to assist him/her in with mobility but does not meet the requirements of a "Wheelchair"; this includes but is not limited to canes, crutches, rollators and walkers when used by a person with a mobility related impairment. However, DOT has not adopted DOJ's regulations concerning the use of Other Powered Mobility Devices, which includes Segways.
5. *Securement Equipment*: A two-part stabilization system used for securing "wheelchairs" and other mobility devices against uncontrolled movement during transportation.
6. *Securement Station*: Space specifically designed to the stabilization of "wheelchairs" and other mobility devices on a public transport.
7. *Service animal*: Any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Recruitment and Employment: As stated in the Authority's Personnel Policies, Volume 1; Section(s) 101.4 & 101.5; ARHS-ICPTA is an Equal Opportunity Employer and fully complies with the American's with Disabilities Act of 1990 in its recruitment, hiring and continued employment practices.

Facility and Vehicle Design: ICPTA's administrative facility and all vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37, and 38, and NCDOT/PTF. Records shall be maintained describing the lift and securement equipment on each ICPTA vehicle.

Vehicle/Route Assignment: The assignment of particular types of vehicles will be based upon the needs of the ridership. However, in the interest of preparedness, standard operating procedure shall be to station accessible vehicles 1st on routes that operate on a daily basis and have the potential for accessibility needs on any given day; 2nd routes that have a history of higher accessibility needs; 3rd all other routes. In the event that a request is received for accessible service on a route which currently does not have an accessible vehicle, the Authority shall make an accessible vehicle available for all requests received within the constraints of the its Service Policy and make all reasonable effort to arrange an accessible vehicle. In the event that accessibility is needed by a passenger who has not informed ICPTA in advance of this need, accessibility will be provided only if space is not prescheduled for another passenger. Any and all request for a specific vehicle and/or driver shall be denied.

Boarding: It is the responsibility of the transportation operator (T.O.) to determine the safest location for passenger boarding based upon the terrain and individual needs upon arrival at the pickup location. The passenger and/or their guest, escort, or attendant must maneuver the passenger and mobility aid to the vehicle. Only a properly trained ICPTA employee/ T.O.

can operate the lift, secure the “wheelchair” on the lift and in the securement station. The guest, escort or attendant may not accompany the impaired passenger on the lift; if this type of assistance is needed it must be done by the T.O., however the combined weight of the passenger, wheelchair, and T.O. must not exceed the maximum lift capacity of the vehicle’s equipment, which must be a minimum of 600 pounds.

T.O.s must make themselves available for assistance to any individual upon the request of passenger; that assistance does not include lifting the passenger or any heavy items in their possession.

Priority Seating: With the exception of wheelchair securement stations; ICPTA does not require any passenger to sit in designated seating based upon his/her impairment. However, this does not supersede the Authority’s right to require any passenger who has caused a disruption in the safe travel of other passengers and/or T.O. to be required to sit in a specific area of the vehicle as a condition of transportation. Passengers using wheelchairs are not permitted to ride in a wheelchair outside of the securement area.

Securement: Securement of mobility devices, other than hand held (example: cane, crutch) while onboard an Authority vehicle is the responsibility of the T.O. T.O.s shall be provided training on the proper operation of all securement equipment based upon manufacture’s specifications and shall received random evaluations of knowledge and retaining at least annually. Hand held aids are the responsibility of the individual; however, it must be secured in a manner which does not interfere with the safe operation of the vehicle and the transport of other passengers.

Transfer to Fixed Seating: All passengers using seated mobility devices have the option of transferring to fixed seating once properly loaded onto the vehicle; unless the fixed seating is needed for another passenger. T.O.s may recommend to, but never require, conforming mobility aids, designed or modified for to transfer to fixed seating. Occupied or not, the T.O. must secure the mobility device prior to moving the vehicle. In addition, ICPTA shall not permit other types of assistive devices to be used in ways that depart from or exceed their intended uses. For example, riders who use walkers with built-in seats are not permitted to ride in securement areas while seated on their walkers, meaning ICPTA shall require these individuals to transfer to a vehicle seat.

At any time that a T.O. has the professional opinion that it may be unsafe for a passenger to remain seated in their personally owned conforming mobility device during transport but the passenger makes the decision to remain in the device; the T.O. must inform the passenger of their opinion and that they will be transported as they requested at their own risk.

Service Animals: In compliance with 49 CFR Part 37.167 the ICPTA allows properly trained service animals to accompany passengers with a disability. The T.O. may not ask for proof of the qualifications of the animal; however any animal with behavior out of the normal behavior associated with service animals (aggressive, ill mannered, grooms itself, etc.) or who becomes a threat to other passengers, the T.O. must notify dispatch immediately and the animal may be restricted from riding Authority vehicles.

Alighting: It is the responsible of the T.O. to determine the safest location for passenger alighting based upon the terrain and individual needs upon arrival at the location. The T.O. only must unsecure the “common wheelchair” and operate the lift to return the passenger to ground level. The passenger and/or their guest, escort, or attendant must maneuver the passenger and mobility aid once it has completely exited the vehicle and its equipment. T.O. are not required to lift, carry or operate the mobility device off the vehicle.

Use of Accessibility Devices by Persons Not Using a Mobility Aid: A person(s) who is not using a mobility aid but having an impairment that interferes with boarding and/or alighting may use the lift upon request.

Replacement Vehicles: In case of equipment failure of the lift/ramp or securement devices on a route, a replacement vehicle with a functioning lift/ramp must be made available to the next passenger of the route known to need assistance by exchanging the vehicle or re-assigning the passenger(s) to a vehicle with a functioning lift/ramp. In the event that such an equipped vehicle is not available in the fleet, the vehicle with the inoperable lift/ramp may remain in service up to three days, then it must be taken out of service until repairs are main.

Complaints: Any individual who feels that their rights, in accordance with Americans with Disabilities Act of 1990 as amended; have been violated may file a complaint by calling, writing or visiting our administrative offices as PO Box 189, Elizabeth City, NC 27907 (252) 338-4480. The employee receiving the complaint shall complete a Opportunities for Improvement Form and immediately forward it to ICPTA Management. Management shall complete a thorough investigation and make all reasonable attempts at resolution within 10 business days of receiving the form and documentation will be kept following ICPTA’s Title VI Policy.

Albemarle Regional Health Services d/b/a Inter-County Public Transportation Authority

ADA DISCRIMINATION COMPLAINT FORM

Any person who believes that he/she has been subjected to discrimination based upon disability may file a written complaint with Albemarle Regional Health Services d/b/a Inter-County Public Transportation Authority, within 180 days after the discrimination occurred.

Last Name:		First Name:		Male
				Female
Mailing Address:			City	State
				Zip
Home Telephone:	Work Telephone:	E-mail Address		

Identify the Category of Discrimination:

DISABILITY

**NOTE: Title VI bases are race, color, national origin. All other bases are found in the "Nondiscrimination Assurance" of the FTA Certifications & Assurances.*

Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.

Names of individuals responsible for the discriminatory action(s):

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. **(Attach additional page(s), if necessary).**

The law prohibits intimidation or **retaliation** against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).

Name

Address

Telephone

1. _____
2. _____
3. _____
4. _____

ADA DISCRIMINATION COMPLAINT FORM

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

NC Department of Transportation _____
Federal Transit Administration _____
US Department of Transportation _____
US Department of Justice _____
Federal or State Court _____
Other _____

Have you discussed the complaint with any ARHS-ICPTA representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, are you seeking for the alleged discrimination.

****WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

COMPLAINANT'S SIGNATURE

DATE

MAIL COMPLAINT FORM TO:

ARHS-ICPTA
Attention: Herb Mullen, Title VI Coordinator
PO Box 189
Elizabeth City, NC 27907
252-338-4480

FOR OFFICE USE ONLY

Date Complaint Received: _____

Processed by: _____

Case #: _____

Referred to: NCDOT FTA Date Referred: _____